

- (v) G.S.R. 1470 published in Gazette of India dated the 28th September, 1965. [Placed in Library. See No. LT-5033A/65].
- (vi) G.S.R. 1479 published in Gazette of India dated the 9th October, 1965.
- (vii) G.S.R. 1497 published in Gazette of India dated the 1st October, 1965.
- (viii) G.S.R. 1498 published in Gazette of India dated the 1st October, 1965. [Placed in Library. See No. LT-5033/65].
- (ix) S.O. 3183 published in Gazette of India dated the 16th October, 1965. [Placed in Library. See No. LT-5032/65].
- (x) G.S.R. 1580 published in Gazette of India dated the 27th October, 1965. [Placed in Library. See No. LT-5043/65].
- (3) a copy each of the following Notifications issued under sub-rule (1) of rule 8 of the Central Excise Rules, 1944:—
- (i) G.S.R. 1495 published in Gazette of India dated the 1st October, 1965. [Placed in Library. See No. LT-5039/65].
- (ii) G.S.R. 1496 published in Gazette of India dated the 1st October, 1965. [Placed in Library. See No. LT-5041/65].
- (4) a copy of Notification No. G.S.R. 1391 published in Gazette of India dated the 16th September, 1965, under sub-section (5) of section 77 of the Finance Act, 1965. [Placed in Library. See No. LT-5039/65].
- (5) a copy of Notification No. G.S.R. 1335 published in Gazette of India dated the 11th September, 1965, under sub-section (4) of section 280ZE of the Income-tax Act, 1961. [Placed in Library. See No. LT-5041/65].
- (6) a copy of Notification No. G.S.R. 1376 published in Gazette of India dated the 18th September, 1965, making certain further amendment to the Central Sales Tax (Registration and Turn-over) Rules, 1957, under sub-section (2) of section 13 of the Central Sales Tax Act, 1956. [Placed in Library. See No. LT-5044/65].

12.08 hrs.

DEMANDS FOR SUPPLEMENTARY GRANTS (GENERAL)—1965-66.

**The Minister of Planning (Shri B. R. Bhagat):** Sir, I beg to present a Statement showing Supplementary Demands for Grants in respect of Budget (General) for 1965-66.

12.09 hrs.

RESOLUTION RE: CONTINUANCE OF PROCLAMATION IN RESPECT OF KERALA—contd.

**Mr. Speaker:** The House will now take up further discussion of the following Resolution moved by Shri Jai Sukh Lal Hathi on the 3rd November, 1965:—

"That this House approves the continuance in force of the Proclamation dated 24th March, 1965 in respect of Kerala issued under article 356 of the Constitution by the Vice-President, discharging the functions of the President, for a further period of six months with effect from 11th November, 1965."

Shri Hathi might continue his speech.

An hon. Member: How many hours have been allotted for this?

Mr. Speaker: The Business Advisory Committee would hold its meeting at 12.30 and hon. Members who are there are requested to attend. We will take a decision there as to what time is to be allotted, but the time recommended by Government is 7 hours 30 minutes.

डा० राम मनोहर लोहिया (फर्रुखाबाद) : मेरा एक व्यवस्था का प्रश्न है ।

अध्यक्ष महोदय : किस विषय पर ?

डा० राम मनोहर लोहिया : स्वयं प्रस्ताव और ध्यानाकर्षण प्रस्ताव पर । राजस्थान में जो जमीनें पाकिस्तान ने ले ली हैं,

अध्यक्ष महोदय : उस को इस वक़्त तो नहीं उठाया जा सकता ।

डा० राम मनोहर लोहिया : मैं आप से केवल एक निवेदन करना चाहता हूँ कि हम लोग यहाँ क्यों इकट्ठे होते हैं जो सरकार की घस हलती . . . . . (Interruptions)

अध्यक्ष महोदय : जननायक सदस्य इस तरह इसका नहीं उठा सकते । वह जो मामला उठाना चाहते हैं, उसके बारे में वह मुझे लिखें । अगर मैं उनको इजाजत दूँगा तभी वह उस को उठा सकते हैं ।

डा० राम मनोहर लोहिया : मैं लिख चुका हूँ ।

अध्यक्ष महोदय : लिखना ही काफी नहीं है । अगर मैं उनको इजाजत दूँगा तभी वह उठा सकते हैं ।

डा० राम मनोहर लोहिया : आपने पहले उनका छोड़ रखा था, फिर रद्द किया ।

अध्यक्ष महोदय : मैं फिर उसको देख लेता हूँ ।

डा० राम मनोहर लोहिया : फिर देखिए जरूर ।

अध्यक्ष महोदय : मैं उसको देखूँगा । लेकिन यह जरूरी नहीं है कि मैं जननायक सदस्य की बात को मंजूर कर दूँ ।

The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi): Mr. Speaker, Sir, yesterday I was dealing with the report of the Governor of Kerala and I stated that in making the study and considering the question basically the Governor, naturally, had this approach that under the Constitution the State Government should run through the popular institution, namely, an elected Assembly and a popular Ministry. When, however a situation arises in which the government of a State cannot be carried on in accordance with the provisions of the Constitution, the President has the right to assume the functions of government. The President's rule is not a substitute for a popular government and the duration of the President's rule should, therefore, be kept at the minimum. This was the basic approach of the Governor in examining this question. He, therefore, had discussions with publicmen, active politicians and others in Kerala. He specially invited the leaders of the political parties—Shri E.M.S. Namboodiripad; Shri K. M. George; Shri Chandrasekharan of the Samyukta Socialist Party; the Leader of the Muslim League, Shri Ahmad Kurikkal; Shri Achutha Menon of the Right Communist Party; Shri K. C. Abraham of the Kerala Pradesh Congress Committee—for discussion on the question of holding fresh elections for the Assembly at the expiration of six months from the date of ratification of the President's Proclamation by the Parliament.

The question whether any single political party in the State had a chance to win sufficient seats to form a ministry, according to the Governor, could be easily disposed of because not a single party claimed during the discussions that any single party could form an absolute majority.

The next question which was considered was whether there had been a shift or there was likely to be a shift in the alliance of the political parties. Shri Nambudiripad said that he had met Shri Rajeshwar Prasad Rao and Adhikari of the PSP . . . .

**Shri Surendranath Dwivedy (Kendrapara):** There is no PSP.

**Shri Hathil:** I am sorry, the SSP. During the course of a general talk they appeared of the view that if elections were held in normal times, they would be prepared to discuss with the Left Communists and that Shri Nambudiripad was hopeful....

**Shri Vasudevan Nair (Ambalapuzha):** The Governor should know elementary things. There are no such leaders of PSP, SSP.

**Shri Hathil:** He asserted that the three together could form a majority. He said that in the last mid-term election the Left Communists had secured 40 seats, the SSP 13 seats, Right Communists 3 seats and Independents supported by Left Communists 5 seats, making a total of 61 seats. But conditions in Kerala have since changed. Although the Left Communists had secured 40 seats, the present assessment is that they might fail even to get 40 seats if a general election were held.

**Shri Hari Vishnu Kamath (Hoshangabad):** How can you say that?

**Shri Hathil:** The next question was whether there was any possibility of

any party coming together and forming a majority. What I am narrating is the report of the Governor which I have already laid on the Table of the House and in the Governor's assessment it was not possible even for one or two parties' combination that they would get a majority.

**Shri Hari Vishnu Kamath:** Wrong assessment

**Shri Hathil:** For example, if the Muslim League, the Kerala Congress and the Kerala Pradesh Congress form a combination, it may be possible that they may be able to get a majority of seats; but the differences between the Kerala Congress and the Kerala Pradesh Congress Committee are such that it would take time before they are evened out and there is no possibility of their coming together.....(Interruption).

**Shri Surendranath Dwivedy:** Is the Governor to judge that?

**Shri Hathil:** That is the position today.

**Shri Vasudevan Nair:** He is on slippery grounds.

**Mr. Speaker:** The hon. Minister must be heard and then answered and hon. Members shall have their say afterwards.

**Shri Hathil:** I understand the anxiety of the Opposition also. I myself have said that the President's rule is not a permanent measure. It has to be limited to the shortest possible duration. But what I am saying is there in the report which I have already laid on the Table of the House, and I am only quoting from it and narrating what the Governor has reported.

Then the question is whether today the Left Communist Party could even secure the same number of seats as it had secured at the last general elections. We all know the statements

[Shri Hathi]

made by the leaders of the Left Communist Party, especially Shri Namboodiripad on the present condition or situation in the country; his statements have really not only been not welcomed but even resented to by many people not only in Kerala but outside. Therefore, the conclusion to which the Governor has arrived in his judgment is that at present there is no possibility of any single party forming a majority, and that there is not even a possibility of other parties coming together and forming a suitable majority to form a government.

Then, the question was this. Of course, the Governor had examined the question from both ways. Even apart from this, he had asked the leaders of the various parties whether the elections should be held at this stage. Except Shri Namboodiripad, all the other parties with more or less unanimity said that they would not insist on a general election at this stage; except Shri Namboodiripad who said that he would be in favour of a general election, the other parties said that they would not insist on a general election. Shri George had filed a writ petition, but he said that looking to the present condition of emergency he would not insist on a general election. The Muslim League leader had definitely said that elections would disturb communal harmony and therefore, he was not for any general election now. So, these are the two basic questions. One was the assessment as to whether it was possible to form a stable Ministry with any party getting a majority. The second was whether it would be desirable to have a general election at this stage. Except Shri Namboodiripad, almost all the parties, with more or less unanimity, have agreed that if the general elections are not held they would have no objection. Some leaders like those of the Muslim League and the Congress said that elections need not be held now because they might disturb communal harmony.

12.18 hrs.

[DR. SAROJINI MAHISHI in the chair]

From both these points of view, the Governor has come to this conclusion that it would not be proper to have a general election. Therefore, according to his assessment the present Proclamation which is due to expire should be continued for a further period of six months. But when the period is extended, it only means that the responsibility of the Central Government will also be in a way greater, because it means that the Central Government will be responsible for the administration of Kerala.

Last time, when the House approved of this resolution, we had a committee, and I may inform the House that we have expanded the scope of this committee. It was done at the suggestion of some senior Members like Shri Ranga and others. At that time, this committee was not only to deal with the legislative business relating to Kerala but it had also to deal with, or discuss and advise the Government, on various other problems. This Committee was meant to expedite the implementation of the scheme sanctioned in the Plan so that bottlenecks and difficulties could be overcome at the highest level. At that time I had also stated that this Committee had been constituted in the Government's anxiety that Kerala's development should not suffer on any account.

The House is aware that this Committee has discussed various problems of Kerala like encouragement to inland fish farming, dealing with the epidemic cholera in the State, development of irrigation and power projects, construction of railway lines, acquisition of private forests in Malabar, problems connected with the Cochin Shipyard, provision for landing facilities, encroachment on forest lands. All these questions were discussed.

The third meeting of the Committee was held on August 12-13, 1965. Members of the Committee who were present know that the Deputy Chairman of the Planning Commission gave the views of the Commission regarding the scope of the Fourth Five Year Plan in relation to Kerala. The first session was devoted entirely to a discussion pertaining to Kerala and suggestions for the development of the State ranging from development of fisheries to anti-sea erosion works and encouragement to tourism. The Committee was able to discuss almost all the problems of development of Kerala with great advantage. Members of the Committee raised discussions on other miscellaneous points like the Water Transport Corporation.

They also discussed at length the remaining problems of Kerala. In future, this would be done.

Affairs of the Water Transport Corporation, eviction of people from government lands, liberalisation of conditions of detention of security detenus, exclusion of certain books from school libraries, conditions of service of language teachers, expediting of irrigation and power projects—these were some of the important problems discussed. Although there has not been a state legislature, the association of the representatives of Kerala has been very close and effective. The Committee had also the benefit of the support and co-operation of Members of Parliament, many of whom did not represent Kerala. It was thus a miniature form of parliament where almost all questions were discussed.

**Shri Hari Vishnu Kamath:** Mockery.

**Shri Hathi:** Mr. Kamath was not there.

**Shri Hari Vishnu Kamath:** I do not want to be there.

**Shri Hathi:** Other Members were there. They know how thoroughly we discussed the problems.

**Shri Hari Vishnu Kamath:** I am happy to be here.

**Shri Hathi:** You can go on interrupting, as is your habit. But if you were on the Committee, you would have seen that it had done really good work and that there we consider all problems thoroughly.

**Shri Hari Vishnu Kamath:** God save me from you.

**Shri Hathi:** Because you were not there, it was not possible for you to appreciate the work of the Committee.

**Shri Hari Vishnu Kamath:** I have learnt about it from them; they have told me.

**Shri Hathi:** Let us not go on talking like this.

**Mr. Chairman:** No interruptions please.

**Shri Hathi:** Therefore, we feel that although a popular government is not there in Kerala, the representatives of the people have ample opportunity of raising questions and discussing important problems and developments in this Committee. The Cabinet Committee has been giving close attention to the various problems pertaining to Kerala. An indication of the effectiveness of the meeting of the Cabinet Committee on Kerala can be got from the fact that as a result of their deliberations in their first meeting, an additional allotment of Rs. 5.63 crores for 1965-66 was decided upon. This is in addition to the plan expenditure for the year. As disclosed in the meeting of the consultative Committee on Kerala legislation, officials of the Planning Commission and the Finance Commission recently made a tour of the State. Various schemes and projects, particularly those relating to irrigation, power, agriculture, forest, fisheries were examined. Many new schemes are already under consideration for speedy development of Kerala while the implementation of those on hand is going on at an accelerated pace.

[Shri Hathi]

Thus during the period, we have tried to see that for lack of an elected legislature, the welfare of the people of Kerala or the development projects have not suffered. Although these committees exist, it is with great reluctance that we have to extend President's rule. It would not have been extended had we been satisfied that it was possible in Kerala to have a stable Government, that any party could have a majority which could form a stable Government. In the absence of that, it becomes my duty .....

**Shri Hari Vishnu Kamath:** Painful duty.

**Shri Hathi:** .....to move for this extension before the House. I move.

**Mr. Chairman:** Resolution moved.

"That this House approves the continuance in force of the Proclamation dated 24th March, 1965 in respect of Kerala issued under article 356 of the Constitution by the Vice-President, discharging the functions of the President, for a further period of six months with effect from 11th November, 1965."

**Shri Ranga (Chittoor):** I rise to express the disapproval of our party of this resolution moved by my hon. friend Shri Hathi.

I do not claim that our party hopes to gain a majority or become one of the big minority parties in that State, but nevertheless we are represented there.

12.27 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The first time Government came forward with this kind of infamous proposal, our party was not there at all. The second time, we happen to be there. On both occasions we objected to this procedure by the Government.

Why is it we are so much opposed to this procedure? It is because of our affection for democracy, of our loyalty to the democratic rights of the people, and of our determination to see that even by these so-called name-sake constitutional means or procedures this ruling party, headed by this ruling Government, is not allowed to destroy the very roots of Indian democracy, by this kind of a resolution, by this kind of a political trickery.

We have come to this conclusion because we found it necessary to prevent the Government from playing this game. Only this morning the papers contain the views of the ex-Attorney General, Shri Setalvad. Though he is no longer in its employ, I am sure even this Government would recognise the fact that he is one of the great legal luminaries in our country. He has come to the definite conclusion that this Government is trying to perpetrate what he calls constitutional dictatorship.

Why is it that the Government is so very keen on taking advantage of the two suggestions made by the Governor there? His first suggestion is that none of the parties is capable of even entertaining the hope of gaining an absolute majority in that State. His second suggestion is that there is an emergency. I am sure the Government is not very serious about this idea of the emergency. If it is, its President would not have entertained the idea of asking the whole country to go to elections even during this emergency in order to capitalise on whatever prestige they seem to have come upon, thanks to the bravery and sacrifices of our defence forces in the recent struggle. But they thought about it very seriously in their highest party meetings and then they came to the conclusion that it would not be worthwhile, for the time-being, to moot this idea of having general elections during this Emergency. It is not because it is an Emergency and, therefore it would

be immoral for them to think of it but it is because it is not advisable for them to go into it. So, the argument that they should have this continuation of the President's rule in Kerala because of Emergency does not hold water.

Then, there is another argument that no party hopes to become a majority party there. What does this show? It only shows the continuous failure of the Congress in that State, the bankruptcy of their state-manship and the continuing dissatisfaction of the people with their Government, with their party and its leadership. It is a confession. I am glad they have come before this House to make this confession. I hope it will not be long for them to make a confession in regard to several other States also where Chief Ministers are making such a mess of not only public affairs and bringing their party into disrepute but also bringing democracy as a whole into disrepute. Is it really necessary that we should hang on to the conception that there should be somehow or other a party with a clear majority over all other parties in order to assure the people a democratic regime. It is high time that we give some thought to this.

On the last occasion I had appealed to the House to give consideration to this problem and I had then offered a solution. When I had made that suggestion, my hon. friend Mr. Hathi was good enough to say that they would try to study the working of the Swiss Parliamentary System under which no one political party is expected to get an overwhelming majority in order to form a Ministry, almost all the political parties which are functioning there are given the opportunity of working together in the shape of a Committee of ministers and, in that way, they provide the Government for the country. Now, I do not know whether he has taken the trouble to ask the constitutional pundits that they have at their disposal to make any study in re-

gard to this matter. This question is exercising the minds of all democrats all over the world, more especially those in the developing countries. On their behalf, one socialist democrat, Prof. Arthur Lewis has contributed a very useful and scholarly article called "Beyond African Dictatorship"—the crisis of the One-Party State—to the magazine *Encounter* in its August, 1965 issue. He says:

"The surest way to kill the idea of democracy in a plural society. . . ."

Now, ours is a plural society in which even today many people find it necessary to organise themselves on the basis of their own community, whether it is religion or caste. We have got such political parties based either openly on religious affiliations like the Muslim League or not so openly but nevertheless based upon one predominant religious group. We have such parties in our country and, as everyone knows, there is the caste system in our country. The caste system is making its inroads, its own imprint, upon the character and activity of even the ruling party, not to speak of the other political parties. Therefore, if any society is a plural society, Indian society is a plural society. Let us see what he says:

"The surest way to kill the idea of democracy in a plural society is to adopt the Anglo-American electoral system of first-past-the-post . . . ."

That is, whoever gets one more vote gets the majority and, therefore, he has the right to form the Government. Indeed, sometimes they are equally balanced and they draw a lot and whoever is fortunate to draw the lot becomes the majority. That is the Anglo-American system. That system, according to him may be suitable to a class-wise society where you have all the 'haves' on the one side and all the 'non-haves' on the

[Shri Ranga].

other and they fight it out between themselves. Then, he says:

"But if you belong to a minority in a new state, and are being asked to accept parliamentary democracy, you can hardly build much faith in the system if you win 30 per cent of the votes and get only 20 per cent of the seats, or even no seats at all . . . ."

Indeed, in India, here is the ruling party which got only 44 per cent of the votes in the country but then there are 72 per cent of the seats. How can you expect the people to have any kind of faith in this sort of democracy? That is one of the reasons why it is high time for us to begin to make experiments with the system which is different from the Anglo-American party system. That is a reason why I have suggested, as a result of the studies that I have made, that we might possibly try and make some experiments with the adaptation of the Swiss system according to our own conditions.

Shri Hathi: That should be for the whole country.

Shri Ranga: I would like to quote one more sentence from him. He says that the difference between a single party and a free coalition is to be resolved—these are my words—only through either proportional representation or by an all-party coalition. I quote him:

"The single-party imprisons those who oppose or criticise its policy, whereas a free coalition respects the rule of law and the right of free criticism, leaving individual and parties free to oppose if they so desire."

Sir, after I have so prominently drawn the attention of this House as well as the country to the need for making experiments with the Swiss system of Government, several persons in our country have bestowed

some thought to it. Mr. P. Kodanda Rao, a well-known member of the Servants of India Society and a sound thinker of social and political matters contributed a letter to the editor of the *Hindustan Times* on 28th July, 1965 in which he gave three quotations. Firstly, Lord Dicey says that the Swiss Council is described as a "Board of Directors appointed to manage the concerns of the Confederation in accordance with the wishes of the Federal Assembly." Then, he says that according to Prof. R. C. Ghose of Calcutta University, the Swiss Government was remarkably free from bitter party rivalry—as we find it now during this Emergency over this Indo-Pak crisis—or monopoly of power—this Government is enjoying it—gave no opportunity or temptation for a political party to distribute patronage or spoils to keep itself in power,—this ruling party has become such an expert in it—and offered little scope for professionalism or demagoguery in politics and was highly efficient and businesslike.

There is a third quotation from Mr. Christopher Hughes. He says,

"...the Swiss Government was noted for its stability, cleanliness, swiftness and moderation which were virtues essential for ordered freedom in which Switzerland led the world. In Switzerland politics is business and not the sport of political parties...."

I want my hon. friend and his Government to begin to give serious thought to this. Their own Governor has stated some of the facts. Surely, no one can say that the Congress has not made a serious effort in order to get a majority. It did gain once. It lost it. Then, it tried to gain majority by going into a coalition and it lost it also by betraying that coalition. Then, the other party, the communist party, gained a majority in coalition with some other



party and that was thrown out of power. Thereafter, the Congress made yet another heroic effort and they failed again. The ruling party is very well known for its expertness in seducing people, fellow members and politicians also. We need not go into all those details now. Anyhow, the Congress Party has made repeated efforts to gain a majority. It has failed. It has got all the funds. It has got the prestige of the Union Government and all the other State Governments that they have been controlling. They have got the prestige that has come to them as an unearned income as a result of all the sacrifices that millions and millions of us all over India have made during the struggle for freedom. With all these things they have failed repeatedly. Then there is the Communist Party with all the advantages they also have been enjoying, the international brain trust, their literature and the prestige that they have been trading over their sisterhood or brotherhood—with Soviet Russia and at that time with China also. All these things they have had. Then they had excellent leaders also. I must say, and their topmost leader happened to be one of my colleagues years ago. Later on, another leader of their party was the Leader of the Opposition here. With all these things they too failed repeatedly.

Which other party can possibly hope to be fortunate than these two such strongly entrenched political parties? Therefore, they have come to the conclusion that no political party is capable of achieving a majority. Then, what will be the consequences? Does my hon. friend and the Government here want us to believe that we must allow the people of Kerala to remain there until they are samjhood, until they are disciplined, until they are beaten to pulp to such an extent that they will return into power only their own ruling party? That seems to be the only political game behind this whole thing. It is worse than an angry father's attitude

towards his son who is past his adolescence and wishes to have his own freedom. Therefore, they want to oppress those people in this way.

I am not prepared to say that the Congress Party is offering satyagraha against the voters or the people in order to force those people to yield to their demand that the Congress Party should be returned in a majority, because satyagraha is a word which deserves a better treatment than the behaviour of the ruling party. But surely the ruling party cannot hope that we should agree with it that the role that they are playing is democratic.

In Kerala they are afraid of the Left Communists. They are afraid that the Left Communists might possibly get a majority either by themselves or in coalition with the Right Communists, the SSP, the PSP and some other groups. Why? Because the Left Communists are unpatriotic today. I am prepared to agree with them in regard to that, that the attitude of the Left Communists in regard to China, the biggest political enemy of our country today, is so unpatriotic that I am not prepared to envisage with any sense of equanimity the possibility of the Left Communists forming a government there. The most honourable thing under those circumstances was to declare the Left Communist Party as an illegal party and place it beyond the pale of the Constitution as well as your law, and then make it impossible for those people to function there as a political party. Thereafter you should have given an opportunity to all other political parties, all other democratic parties, to play their role, educate them, win them over and come back again to the legislature in the strength that the people want them to be represented in the legislature. Why is it that the Government of India is not prepared to play such a straightforward role? I do not know. It passes my comprehension, because I consider my hon. friend, Shri Nanda, to be as straightforward a public man as any

[Shri Ranga]

on of us. Therefore, I would have expected him to pursue such a straightforward policy. What devil has taken possession of him, I do not know . . . .

**Shri Hari Vishnu Kamath:** Sada-char.

**Shri Ranga:** . . . . that he should continue to commit these blunders, these political blunders.

**Shri Hathi:** They say, you have done it.

**Shri Ranga:** He committed a first class political blunder not only towards this country but also towards his own ruling party at the time of the last general elections by putting the Left Communist leaders in jail just on the eve of the elections without declaring their party as illegal and thus made it impossible for those people in the State to come to a proper decision.

Now, Sir, even supposing I want them to hold an election on that basis, without the Left Communists at the polls, it is clear from the Governor's testimony here that none of the political parties is likely to get a majority. Is that any reason why we should not have a democratic regime there? Is it not time enough, at least now if not then, for the Governor to allow all those people to come together and give them an opportunity, such of them as are prepared to work together, to form a coalition government if not an all-party government?

They would say it may not be possible to reach any sensible decisions because they are all at sixes and sevens, their policies are all at variance with each other so seriously and so on. If that is so, how was it possible for my hon. friend to have claimed, as he did this morning, that when all the representatives of all political parties in this House were brought

together in that Kerala Advisory Committee that Committee was able to do such good work and that Committee was able to reach unanimous decisions?

**Shri Hathi:** I am glad you admit that. This is for Shri Kamath's knowledge.

**Shri Ranga:** That Committee did do good work. My hon. friend here does not know because he was not a Member of that Committee.

**Shri Vasudevan Nair:** Many decisions are still on paper, they have not been implemented.

**Shri Ranga:** I am coming to that. The decisions have to be implemented by that Government. It is for the Committee to take them to task for failing to implement those decisions. So far as its decisions are concerned almost all decisions were reached unanimously—all credit, certainly, to both the Ministers, Shri Nanda as well as Shri Hathi. But it redounds to the credit of the Members of the Committee also. We all belong to all political parties. Nevertheless, when it came to brass-tacks, in regard to improvement and development of fisheries, improvement of ports, development of road traffic as well as railway traffic, improvement of the food situation there, increase of rations to the ordinary folk there during the Onam festival and so many other detailed questions affecting the day-to-day life of the people there, it was possible for us to come to unanimous decisions. Why should it not be, by the same token, possible for a Government of all political parties democratically and freely elected by the people of Kerala to be able to run the administration which would be even more efficient, more satisfactory, more free from red-tape than this Governor's raj is supposed to have become?

**Shri Hari Vishnu Kamath:** President's raj.

**Shri Ranga:** It is Governor's raj—it is only for courtesy sake that they call it the President's raj. Indeed, the very success of the working of that Committee and the small meed of satisfaction that the Governor's raj or the President's raj is supposed to have given to the people go to strengthen my plea that this Government should be prepared to make an experiment, at least in this State, with another system, with the Swiss system.

I begin to wonder why this Government is so very unwilling to make this experiment. My fear is that it might be because if this system were to be experimented with and if it were to prove a greater success than what has been the experience of our people with the Congress regimes in all these various States, possibly the electorate in other States also might like to have a similar system, a similar government and, therefore, they might refuse to vote, they might take courage in both their hands and refuse to give again the support that they have been giving to the ruling party, and in that way force the ruling party into a minority and make it obligatory for the Congress Party also to welcome the suggestion that I am making, welcome the experiment that I am suggesting. There might be another reason also. They might be genuinely afraid of the Communists coming into power. Are they so genuine in their opposition to the Communist Party? I do not think so. If they had been genuine in their opposition to the Communist Party, they would not be flirting with the Communist Party in the manner they have been flirting now directly and indirectly. Secondly, they would not be very keen of stealing their political clothes, periodically and by instalments and wearing them themselves. They claim that they are better socialists than the Communists themselves. Therefore, I do not think they are afraid of the Communist

Party. On the other hand, what they are afraid of is that the Communist Party might possibly become the ruling party and put them into the shade. The pre-eminent ambition on their part, the pre-eminent passion on their part is to remain in power, through hook or crook; it does not matter how.

**Shri Hari Vishnu Kamath:** More the crook.

**Shri Ranga:** Whatever it is. Now, are they afraid of the Swatantra Party coming into power? No fear. Are they afraid of the Socialist Party coming into power? No fear, because they are themselves Socialists and the Socialists are put into the shade and they are expected to cool their heels. Therefore, they are afraid of only one thing, any chance of losing power, and that is why they are hanging on to power.

Now, it might be said, after all they are not in power in Kerala. But who else is in power, except your minions in Kerala today? Who is this Governor? Do we not know who this Governor is? Do we not know how anxious he was not to leave this House and not to leave UP politics and the role that he was playing, noble or ignoble, in UP politics? And yet why did he agree to go? Is it a secret to any of us? He was agreeable to go only when Governor's raj or President's raj was decided upon. Therefore, it is the Congress Party in disguise which is ruling in Kerala in spite of the repeated refusals of the people there, in that State, to be ruled and dominated by the Congress Party. And, mind you, today the Congress Party is in a more favourable position in Kerala than it was when its own leader, Shri Shankar, was the Chief Minister because Shri Shankar was functioning at least as Congress Party Chief Minister and so people could take him to task. But today the Congress is not being taken to task; the poor Governor is being taken to task. Even the Govern-

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nor cannot be taken to task because he hides behind the clothes of the President himself and nobody can say a word against the President. My hon. friend, Shri Nanda provides a big barrage of his own political integrity against any kind of criticism there.

Therefore, this Government stands self-condemned for the manner in which it is trying to destroy Indian democracy. It is wrong on the part of this Government to ask this House to extend President's rule for another six months. Now, how can we be sure that it is going to be only for another six months? How often are they going to play this joke on this people and play this trick on the Constitution? I am not quite sure whether the Constitution would allow them to extend it for further periods.

**Shri Hathi Vishnu Kamath:** For three years.

**Shri Ranga:** Are they going to do it for three years? Let them take us into confidence and let them tell us what their real aim is. Do they want to destroy democracy?

Therefore, first of all I would advise them not to proceed with this resolution. Of course, they are going to get it passed with the help of friends who have no other go but to say "Aye" because of their position. If they do it, let them also take this warning that next time they should not come before this House with a resolution like this but, on the other hand, be prepared to adopt the suggestion that I have made, the suggestion of an all parties government, more or less on the Swiss model, but adapted to our social and economic conditions.

**Shri H. N. Mukerjee** (Calcutta Central): Mr. Deputy-Speaker, Sir, I have listened to the charming and wide-ranging speech of my friend to my right and I am glad I can follow in his wake in so far as I wish to stress more strongly, if I may, our

disapproval of the Resolution which our friend, Shri Hathi, has presented to the House. Our friend specialises in a studied moderation of manner and it draws admiration from our side on account of being unprovocative. But, even so, in spite of those qualities which may be responsible for Shri Nanda having handed over the baby to him rather than keeping it to himself, we are unable to accept the arguments which he has put forward.

It is a cruel shame as far as political life in India is concerned that Kerala continues to be the running sore in Indian politics. And that has happened on account of no fault of the people, no failing in that particular region. This happened because, as Professor Ranga pointed out, the ruling party has an overriding fear that its monopoly of power might be disturbed even to the very small extent of a non-Congress Government being formed in the South Western corner of our country. To that extent, the monopoly of power, of privilege and of patronage is going to be vitiated and Congress cannot conceivably stomach that idea. That is the only reason why they have been behaving in the way they are.

It is not possible for this country, for instance, to forget what happened in 1959 when the ruling party and its highest echelons had a plan conceived in rancour and executed in filth against the Communist Party Government in Kerala, and that was an operation of political and constitutional impropriety which, when the parliamentary history of this country comes to be written, will continue to stink to high heavens. That being the background to the Congress leadership's idea in regard to things, it is not at all surprising that Shri Hathi wants us to approve of the continuance of President's rule in Kerala.

13 hrs.

Shri Hathi told us yesterday when he began his speech—I made a note

of it—that Government regretted its decision because the Government was wedded to democracy. I am sure Shri Hathi, Shri Nanda and others, very worthy gentlemen, they are wedded to democracy, truth, non-violence, *sadachar* and God knows what other things. But, like many wedded couples, they very often live apart. At least they are living very much apart from democracy, if they are wedded to democracy. He said that he was wedded to democracy, the Government was wedded to democracy and he was very sorry to continue President's rule in Kerala and all that kind of thing. I take him for his word. I ask him if you are serious about that then, surely, the only positive implication of your statement is that Government would have been happy to lift President's rule even in the present condition, emergency or no emergency and if the report was different Government would have been happy to take a different decision, to have elections in Kerala. I take it that is his point of view. From that point of view I want to look at this report. It is a most peculiar document. We have had the pleasure of seeing the Governor of Kerala functioning here with us on this side as well as on that. We were accustomed to his pontifications which sometimes were very attractive when made on the floor of the Parliament, but they sound particularly peurile when they are in a document of this sort—a report which is presented to the Government of India. In this report what we find is inaccuracies, carelessness in regard to formulations, and their predilections for political astrology. I was very astonished; I thought that at least there was one tenant in Raj Bhavan elsewhere in this country who had a passion for astrology; I like him very much as an individual, but this predilection for astrology seems to be a sort of contagious element in the character of people who have been shunted off to gubernatorial positions in this country. He indulges in political astrology on the basis of facts and formulations which

are inaccurate and which have implications which nobody can accept. I notice in this document, which we have been supplied with, such patent inaccuracies as that the Governor is purported to have met two leaders of the PSP. He said that this was a printing error for SSP. But, as a matter of fact, Shri Rajeshwar Prasad Rao and Shri Adhikari are two gentlemen who are connected neither with the PSP, nor with the SSP, but with the Communist Party of India. And from what is said here, I have a suspicion—I cannot say more than that because I do not know what is in the mind of Mr. Jain—that this kind of thing could not have been communicated to Mr. Jain by Shri Rajeshwar Rao and Shri Adhikari. But here is an official document presented by the Governor of Kerala which makes mistakes about individuals and their political party affiliations and we are supposed to be taking a decision on the basis of a document which is brizzling with this kind of inaccuracy which, in a District Court, would make the judge tear into pieces the kind of document here. This is the way in which the Parliament is treated because the Government thought it fit to pass on this egregiously inaccurate document to Members of Parliament and take a decision on the basis of whatever is stated there. Over and over again all sorts of things are said in a very pontificating manner.

Here is a Governor who is sitting in judgement as to what exactly is likely to happen if the people of Kerala go to polls. Here is a Governor reporting on what the leaders of different parties are supposed to have told him. He goes on referring to parties also in an official document—not in a speech in Parliament where sometimes we take liberties; we are bound to because we talk extempore. In an official document he refers to political parties in his own way—the right Communist Party, the left Communist Party and so on and so forth. Who the devil are these

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parties we never know. Right and left might be ethical designations; they will be correct or will not be correct; that is a different matter. But as far as the political life of this country is concerned, there is such a body—I think Mr. Hathi is very well aware of its existence—called the Election Commission. The Election Commission refers to certain political groupings in a certain language and I protest very strongly—this is the only forum where we can do it with any effect—against the description of functioning political parties in the country by the use of words which may be common currency in the political market place but which has nothing whatever to do with the propriety of official documentation. It should be referred to as the Communist Party of India, as the Marxist Communist Party of India; otherwise, in a document of this sort, it makes no sense whatever; it makes mistakes in regard to facts, in regard to political affiliation of gentlemen who are mentioned by names and in regard to the manner in which references to functioning political parties should be made in this country.

Then I am told on Mr. Jain's authority that the Leader of the Communist Party of India in Kerala had told him that there had been no shift in the stand of his Party and there had been no talk about his Party's alliance with the Marxist communists. Mr. Jain goes on to say:

"In the circumstances one cannot say that the SSP and the Right Communists would join with the Marxist Communists in immediate elections."

Then he adds:

"Even if all the three parties combine, it is evident that they could not win a majority of seats."

He has no business to say that even if all the three Parties combine, they would fail to win a majority of seats. Even on the basis of his own

figures, this is not a statement which anybody in his senses can accept. But I shall say this. I was one of those who happened to go to Kerala to participate in the election campaign when elections were held recently. I know it for a fact and I say it that the position of the Communist Party of India was, and continues to be, that we are ready and willing at any point of time to give our support to the Marxist Communists if they are in a position to form the Government and I am sure that, in the present day conditions, the Communist Party of India and the Marxist Communists would be more than ready and willing to come to an understanding in order to see that defeat is administered to the ruling Party whose conduct in Kerala has been so egregious. Therefore, this kind of ejaculation, this kind of indulgence in one's own particular political predilection, this tendency to prognosticate in regard to what is likely to happen or not likely to happen is so much an evidence of political illiteracy, the idea that they want to stick to power and, therefore, any kind of so-called documentation would be enough to cover all their sins. This is a sort of thing which, I am sure, this country would not tolerate. Mr. Jain's report goes further to say:

"The general opinion in the State is that, if the elections are held now, the results would be much the same as they were in the mid-term elections. Shri R. Sankar, the last Chief Minister, shares that view. I fully endorse the view."

We are much obliged for his having fully endorsed the view that the general opinion in the State is that, if the elections are held now, the results would be much the same as they were in the mid-term elections. What happens after that? On the last occasion the Government went so far as to desist from calling the elected members to come together, to sit down together, to talk to each other,

and find out if they could form a Ministry or not. They did not even get the members to come and sit together. They are elected members. That body was not properly formed. I am sorry that, in the conditions prevailing in the country today, they were not public-spirited enough to go to the Supreme Court with the assistance of our esteemed friends like S. N. C. Chatterji who would have offered their assistance ungrudgingly as they have so often done. We did not have people to go to the Supreme Court and find out if the Government's conduct was correct in refusing to call the members to meet together. Something happened, unthinkable in Parliamentary politics.

I happen to have made some little study of the constitutional matters a long time ago and I just fail to understand why this kind of impropriety is perpetrated with utterest impunity. Only because the Government in this country have tremendous authority in so far as voting strength in this House is concerned, this sort of impropriety passes muster, but truly this cannot continue.

Then it comes down to this that only because of the Emergency that Government had not been able to hold the elections. I had asked Mr. Hathi before. The Government said that they were sorry to have to come to this decision. It came to this decision because the Governor's report made it absolutely clear that no stable Government could be formed and, therefore, that was the overriding reason why they did not withdraw the President's rule. If that is so, do not please, for heaven's sake talk about Emergency. You told the leaders of political parties that the Emergency was going on and, therefore, we should not have elections and all that. Naturally, people could say: we want elections. I know my party said: we want elections, we are ready for elections. I am sure most of the other parties said the same thing. If you tell us that you are so terribly preoc-

cupied with emergent activities on account of the danger after danger looming large on the country's horizon, do not turn round and call us traitors and say: you people are shouting for elections when there is the emergency. Please, for God's sake, come forward and say openly that the emergency is such that we could not have any election; that is the one reason we are not having election, do not take shelter behind prevarications and things which are not true. Is it *sadachar*? It is indecency and political mendacity. It is something which is in line with the kind of activity which has gone on in Kerala ever since the communist party ceased to be the cinderella of Indian politics and became a contender for power with the Congress Party in this country. That is the position. It is exactly that which Mr. Ranga had referred to with great justification and it becomes very relevant. I am also very happy to see that Mr. Sitalvad the former Attorney-General who is the leader of the bar unofficially, he is still the leader of the Indian Bar Association, I think the president of that association, says and I am quoting some of his words from the *Statesman's* report which I think I can more or less presume to be correct. He said:—

"The executive has taken advantage of the Chinese Aggression to constitute itself into what may be called a constitutional dictatorship."

He called upon lawyers and all enlightened and liberty loving citizens including I am sure my friend Mr. Nanda and Mr. Hathi, to raise their voices with the utmost vigour against this 'enveloping emergency' which has meant the negation of the fundamental and constitutional right of the citizen. He says that the Defence of India Act and the rules made under it were conceded to be invalid by the Attorney-General of India before the Supreme Court and the same laws are being used to imprison and detain hundreds of citizens and notwithstanding their admitted invalidity

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these void laws continue to disfigure the statute book of our democratic republic and are being widely used for the ordinary functions of the government like preventing traders from hoarding commodities or preventing threatened strikes. That is something to which Mr. Ranga would add more cogency. But here is a very eminent jurist who holds no particular brief for socialism or non-socialism but takes an academic and juristic constitutional point of view and he says that government under cover of the Chinese aggression and things of that description have started in this country an enveloping emergency and on that ground deprive the citizens the elementary rights to democracy and decency. That is the crux of the matter. That is why as long as the government is not in a position to put its cards on the table in a more plain and honest fashion we cannot possibly accept this point of view.

Prof. Ranga said: you have a brute majority in the House which can steam-roll all kinds of opposition. But after all if ethics is somewhere prevalent in the world, if factual information is something to which we have to give some attention, the point that we are making deserve some kind of consideration.

Shri Hathi offered some consolation to the people of Kerala, the long suffering people of Kerala. So many of us have been to that part of the country. To go to that part is something like falling in love with that part of the country because it is such a beautiful part of our wonderful land. But we see that part of the country suffering egregiously, not on account of the failings of the people who reside there but on account of the ambitions and selfish propensities of those who are the ruling authorities in our country today. Mr. Hathi was condescending enough to offer some comfort, some consolation that Kerala is being looked after by a miniature parliament and he thought

by presenting a few bouquets to the Members of Parliament from the different parties including my own who were functioning on whatever the body is called, I do not know how he thought that by offering a few bouquets he could get us round and that kind of thing. Miniature parliaments are not enough. We may, in self-criticism, say that even the functioning of a full size Parliament is not always neither admirable nor efficient. As I said, I say it in self-criticism. A Miniature parliament is not something which would satisfy the people of Kerala. Good government is no substitute for self-government; miniature parliaments are no substitutes for full-scale parliaments. Therefore Kerala, like every region of our country has a right to its own elected legislature, a right of which it is being consistently and continuously deprived on account of the addiction to power which has developed in the minds and hearts of the ruling party in this country. That is why on any objective, political or ethical or any other this kind of thing should not be tolerated and Parliament should not, morally speaking, be asked to approve of the kind of thing which is being continuously enforced there.

**Shri Kappen (Muvattupuzha):** Mr. Deputy-Speaker, Sir, much has been said here about the continuance of the President's rule in Kerala. It was said that it was the stifling of democracy it was against democratic principles, to continue President's rule. The two hon. Members who pleaded for elections belong to two parties. Prof. Ranga's party was able to secure one seat and that too, not by the candidate admitting that he was a Swatantra Party candidate but by saying that he was Kerala Congress. Prof. Mukerjee's party was able to secure three seats in the legislature in the last elections. I am sure that when they ask for elections this time, they were not really speaking from the bottom of their heart; they would excuse me if I repeat that they were only paying lip service to the



cause of elections. The arguments advanced were the same arguments which had been advanced last time when the Proclamation was discussed and approved here and I need not reply to them. Prof. Ranga repeated the Swiss model and said that because there was a committee working and takes unanimous decisions, it was possible that an all party government can successfully work in Kerala. We have tried all this. We have tried to put into power a minority party and supported it in order to have a stable government. We have tried a combined coalition government with PSP, Muslim League and the Congress. That also failed. There is no experiment which we have not tried. Now, Prof. Ranga wants us to try again the Swiss experiment. I am sure that it is going to fail. Kerala should not be made an arena for experiments in politics. The hon. Minister while moving this resolution said that the people of Kerala were happy or rather felt some relief when the President took over the administration. In my humble opinion it is a challenge to the intelligence of the people of that State. (An Hon. Member: What is a challenge? That statement?) Yes, that statement. Did they actually welcome the President's rule? They accepted the President's rule as an inevitable, unavoidable, evil from which there was no escape. But in one sense, the hon. Minister is correct. In fact, in that sense the people of Kerala felt some relief, because they hoped that since the Central Government is coming into direct contact with the administration of Kerala, the Centre would find some solutions for the burning problems of that State. The President's rule was there not for six months but for full one year, even though an election took place during the period. What has happened to the hopes of the people? They have found their hopes have been dupes. Immediately after the President's assuming the administration of this State, there was acute food scarcity in the State. Many people went

without a morsel of food for days. Finally, we introduced informal rationing: six ounces of rice and six ounces of wheat. In spite of the fact that the prices of foodgrains were soaring up, and there was acute scarcity, the offtake of wheat was found to be only 50 per cent of what was supplied, showing that the people of Kerala could not eat wheat. Ever since, there has been a hue and cry and repeated appeals for increasing the rice content of the ration and the Government turned a deaf ear for a long time.

Now, what is the present position? It is true that the Government has not reduced the rate of ration, but it has accepted a subtle expedient by which the supply is reduced. The Government ordered that the old ration cards are to be renewed and new ones must be got. There are thousands of people in that State who are entitled to get a ration card and who go without one. It is a grueling, painful sight to see long queues before the Government offices for getting ration cards. It was only the day before yesterday that the newspapers in Kerala published a photograph of thousands of people—young and old, deaf, blind, palsied, the poor labourers, everybody—standing in the queue for getting a ration card.

**Shri Hari Vishnu Kamath:** That is President's rule!

**Shri Kappen:** Another factor is, they have cut the rations now, on a certain assumed calculation of the production of foodgrains. They have cut the rations for months, and many people who are really entitled to get ration cards are going without rations. And then there are the abominable check-posts. Even the bus of the Members of the Central Public Accounts Committee who have been travelling through Kerala recently was stopped and examined by the police.

**Shri Maniyangadan (Kottayam):** Should they be exempted?

**Shri Kappen:** I do not think they should be exempted. And then there is the question of levy, procurement, which helps only to enrich the coffers of the officers concerned. What is the price paid to the producer for the grain he surrenders to the Government? It is an unremunerative price. It is below the cost price. Therefore, it is no wonder that the producer tries to evade measuring the levy to the Government. I am sure, if this procurement at this price is to continue, no sensible farmer will produce more than what he requires for his own consumption. Is this the way we are going to produce more food? Therefore, the problem of food is still there as it was before. Probably, it is more acute, than before.

There were methods by which food could have been increased in that State and the food situation could have been eased. It is a fact that without detriment to the cultivation of valuable cash crops bringing valuable foreign exchange, it is not possible in that State to extend the area of cultivation of foodcrops. It is a fact that every inch of land that is available is cultivated there; nothing is laid fallow; nothing lays waste. Land utilisation is the maximum in Kerala. It is 47.8 per cent in Kerala while it is only 37 per cent in the whole of India. Therefore, there is very little likelihood or scope for extending the cultivation of foodcrops there, considering the national interests. If we say that on national interests it should be extended, it will affect the cultivation of cash crops which bring in valuable foreign exchange. It appears that there is a feeling in some quarters that because Kerala is producing only 50 per cent of its food requirements, it needs consume only much less than those States which produce more. The attitude of some surplus States seems to be that they are giving some charity to Kerala. In 1957-58, Kerala earned 12 per cent of the entire foreign exchange earnings of India. And it is reported that in 1964-65, Kerala earned 19 per cent of the total foreign exchange

earnings of India, though its area is only 1.2 per cent of the total area of India. You must remember that this foreign exchange of Kerala has gone to the building up of the great national projects like the Hirakud project and other big projects of our country. If the foreign exchange we have earned has gone to the building up of these projects, we have a right to demand that the benefits also must come to us. Therefore, it is not a question of charity of anybody in respect of giving us food.

Alternative food should have been produced in Kerala and the best means of producing alternative food is by attempting to produce more fish, that is, by improving or developing the fisheries there. Fisheries have a very important role in the economy of Kerala. Their rising importance lies in three factors: firstly, Kerala is the leading State in India in the matter of landing of fish. Kerala has earned 37 per cent of the total fish landing in India.

**Shri Sham Lal Saraf (Jammu and Kashmir):** Deepsea fishing?

**Shri Kappen:** Both deep-sea and coastal fishing. In a State like Kerala which is deficit in food, more and more consumption of fish would have helped in reducing the consumption of other food materials. Four-fifths of the population of Kerala are regular fish-eaters. Therefore, greater attention should have been paid to the development of fisheries. There is much scope for offshore fishing. It is still remaining unexploited. By investing Rs. 75 lakhs and purchasing 15 trawlers, it is calculated that the present production would be increased by 80,000 tons, which would bring in a revenue of Rs. 2.24 crores. If 1600 mechanised boats could be put into operation, the present production could be increased by 100 per cent more, which would have meant not only foreign exchange, but also larger quantity of food for the people. Fish is rich in protein and it can supplement tapioca which is deficient

in protein. Tapioca, rice and fish will be a balanced diet. During this one year, what has been done? Very little.

There are other problems like unemployment. The Kerala Governor told me the other day in a private conversation that 34 per cent of the working population are unemployed, either totally or partly. Did the people really get the relief they expected that the Centre would give to them by solving these burning problems? During this one year, has the government been able to reduce unemployment by 1 per cent? We have not been able to do anything in that direction.

We are really anxious as to what we are going to get in the fourth plan. It is said that the Planning Commission, the National Development Council and the Central Government have decided that the amount that will be given to each State will depend upon the resources the State can find. It would be matched with the resources that the State can find. That means further taxation. All through the 17 years, whether it was the PSP, the Communist or the Congress which was in power, what the people got was only taxation. Now, we are asked to raise resources. We have already got four types of taxes on land. Middle-class and lower middle-class people have been forced to sell their land to pay the taxes. So, we cannot raise the resources unless the Centre generously comes to our aid. Therefore, we are really anxious to know what is going to happen about the fourth plan. It is the misfortune of this State that whenever a plan is being formulated, there is no popular government there. The officers who come here are not really able to argue forcibly for the State's proper share. We would like to get some assurance from the minister as to what we are going to get in the fourth plan. In the first plan, the investment in Kerala in the public sector was Rs. 0-0000. In the second

plan, we got 0-79 crores. In the third plan, we were promised many things, one of which was the phytochemical industry in Neri Mangalam. But after the Kerala Government invested Rs. 19 lakhs in acquiring land and getting so many things done, finally the Centre said, we cannot go on with this. Today the government has to keep an army there to prevent trespassers occupying that land.

In 1942-43, there was acute food shortage in Kerala. The then Kerala Government exhorted the people to cultivate the forest areas. They were told, "Between this rock and that rock, you are given 5 acres of land". It so happened that between the two rocks, there were 15 acres of land. The agriculturist could not measure it. He cultivated all the 15 acres and developed it into a beautiful garden. Today the government says, you are a trespasser on 10 acres of land; get out. This is a human problem. A person who has spent his life on it fighting against wild elephants, malaria, etc. and cultivated it bringing foreign exchange to the country is being told to get out. Is it human to tell him, "We are going to give you 1 acre of land and Rs. 100"? These people should be given adequate compensation. These people are today producing large quantities of foodgrains, tapioca and other things. Government is now intending to evict 4000 families or roughly 20,000 people taking the average family to consist of 5 members. We will lose what they are producing—10 lakh paras of paddy, 30 lakh tons of tapioca, etc. Not only that; how are we to feed those 20,000 mouths? In one high school alone in that place, there are 3000 children studying. How can you provide schools for them immediately? These are matters which government will kindly consider and see that proper compensation is paid to them before they are evicted. If that land is necessary for the projects, they must be evicted, but without proper compensation

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being paid, no eviction should take place.

**Shri Maniyangadan:** Sir, it is really unhappy for me to support the motion before the House, not because the President's rule is creating troubles in Kerala, but as stated in the report of the Governor, this sort of government is no substitute for a popular government. For a year we are experimenting with this. Unfortunately, there is no escape from this and the arguments put forward by the two able professors were not able to convince me that still it is time for abrogating the President's rule. It has necessarily to be extended. As the Home Minister stated in his opening remarks, the present extension for six months need not necessarily last for the whole of the six months. Elections could be held when the time is appropriate for that. I do not want to go into the political issues involved in this and which have been thrashed out here. But I want to repudiate one thing. Both the professors stated that it is due to the anxiety of the Congress to cling to power that this Presidential Rule is being extended. They even went to the extent of saying that the elections are being postponed to see that the Congress would capture the majority. I strongly repudiate this. After the last mid-term elections the Congress did not get a sufficient majority to form a government. But there were other parties and groups in the State which promised to support the Congress if the Congress Party was prepared to form the Government. The Kerala Congress-Muslim League alliance promised that they would support the Congress if the Congress was prepared to form the Government or, in the alternative, allow them to form the government, if the Congress was prepared to support them. They were even prepared to come to an alliance with this party to form a government. But the Congress stood by its principle and said that so long as the Congress was not able to win

a majority there they were not prepared to form a government. Therefore, it is not due to any anxiety to come into power that this President's Rule has been imposed there nor is it the reason for extending the period now by six months more.

As my hon. friend, Shri Kappen, stated, it is unfortunate that when so many pressing problems are facing the State, very serious problems peculiar to that State alone which could be dealt with successfully only by a popular government, we are not having a popular government. But, as I submitted, it is not the fault of the Central Government. It is not the fault of the Union Government nor is it the fault of the present Governor, Shri A. P. Jain. Things have taken that shape due to so many factors.

The Governor has stated, as one of the reasons for extending this President's Rule for six months, that it may not be possible to form a stable government there. He has said it taking into consideration the past history. But that is not the only reason. There is the emergency. The present emergency due to the attack by Pakistan arose only in August last. Is Professor Mukerjee or Professor Ranga, I most humbly ask, repudiating that there is no emergency now? As stated in the report, except Shri E. M. S. Namboodiripad who has compared our Prime Minister to Hitler and said that we must give up the lands now occupied by China and Pakistan and come to a settlement, there is nobody in the State of Kerala and, I believe, in the whole of India who says that there is no emergency.

**Shri Mohammed Koya** (Kozhikode): What about Shri Kamaraj who suggested elections this year?

**Shri Maniyangadan:** Shri Kamaraj did not suggest elections at this particular moment. I do not know. I am

not pleading for Shri Kamaraj or his view.

**Shri S. M. Banerjee (Kanpur):** You must have respect for Shri Kamaraj, otherwise you will not get the ticket next time.

**Shri Maniyangadan:** I am speaking about Kerala. If it is about general elections throughout India in the proper atmosphere, that is a different thing. So many suggestions come from so many people. The question is this. The Muslim League Leader went and represented to the Governor of Kerala. Is Shri Koya repudiating that? I do not know his views on this.

**Shri Mohammed Koya:** I am not in the habit of refuting facts.

**Shri Maniyangadan:** The Muslim League leader went to the Governor and said that in the present emergency no elections should be held.

**Shri Mohammed Koya:** We still hold that view.

**Shri Maniyangadan:** Then I do not know what he is driving at. Whatever it may be, I do not want to argue with him. His leader says that there is emergency. What I submit is that in the present emergency there is no question of any elections in a State. Even bye-elections have been postponed because of this emergency. There is an emergency and nobody can dispute that.

There is another reason given by the Governor, and that is that there is no possibility for a stable government being formed by either one single party or a combination of parties. The historical fact is like that. Nobody can cent per cent correctly prophesy what the result of the elections would be. It is true that in the last elections the Marxist Communists got some of the seats with the support of the Muslim League. There was an alliance between the Muslim League and the Marxist Communists in the elections. The

leader of the Muslim League has stated to the Governor that they will have no further trek with the Marxist Communists. If that be so, well, the chances are that the Marxist Communists are not going to get even that number of seats that they got in the last elections. What are the chances of that party along with the SSP and the Right Communists represented by Professor Mukerjee who now says that for the purpose of throwing the Congress out of power they will join the Marxists? As I submitted, I do not want to go into the political issues. Whatever they may be, the chances are like that. That is what the Governor has submitted in his report. Well, we have got only a summary of the report before us. We do not know what the full text is. Of course, there are certain discrepancies in this, and it may be that in summarising they have arisen. Whatever that may be, the fact remains that in the emergency there is no possibility of any elections and we have to wait for better times to hold elections and until then this bitter pill has to be swallowed by the people of Kerala.

The hon. Minister referred to the functioning of the Consultative Committee and he said that it is functioning well. I do admit that it is functioning well. Professor Ranga was all praise for the Consultative Committee and its functioning. But I have to bring to the notice of this House that though the Consultative Committee has taken various decisions, those decisions have not been implemented. My hon. friend, Shri Kappen referred to the food situation. At one of the meetings it was unanimously decided that the rice content of the ration should be raised to eight ounces. But it still remains on the paper. What they have done is that the wheat content has been reduced. We have no complaint about that. But the rice content still remains the same. I do not want to go into the question of levy and other things because about them

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reference has already been made. I only want to bring to the notice of this House that the food situation in Kerala is so very acute that some action must be taken. It is a period of emergency and the people are suffering. I cannot say how long they will suffer silently. In the name of emergency the people are actually suffering. There are families which go without any food at all. They say that there is an open market. That is only in name. The food situation is very serious in Kerala.

In this connection, Sir, I may refer to what the Prime Minister said yesterday or some two days back. It was reported in the papers. He said that the people of India must share everything. He said that if it is a question of fasting we must all fast and if it is a question of plenty and feasting we must all enjoy. But what is happening in India. There are certain surplus States which have undertaken to supply rice to the Union Government for being distributed in deficit States. My information is that those States have not yet honoured their commitments. In surplus States there is plenty whereas in deficit States like Kerala there is scarcity and starvation. This is a thing which must be put an end to. In the name of emergency, as I said, the people of Kerala are starving. They are silently suffering, but this must be put an end to, because I do not think this sort of silence will continue for long.

The Minister also referred to the discussion regarding railways. We wanted a discussion but no discussion has yet taken place. I hope it will take place. Actually, in the Consultative Committee we represented so many things and so many decisions were taken. But if the Government is pleased to implement them they will implement them. That is the position now. That must change. I request that the consultative committee must meet more frequently also.

There was a similar suggestion in regard to new industries also. Another important thing is in regard to the setting up of a thermal plant. In Kerala there are certain power projects, but there are only a few industries; we have always been crying for more and more industries, but the few industries which have started there have to stop functioning because of want of power. We have to depend completely on the vagaries of monsoon for power. We have been crying for the last few years that a thermal plant should be installed in Kerala so that this kind of state of affairs may not recur. Last year, it was during summer that there was a power cut, but this year, during winter also, there is a power cut. That is the present position. So, we plead that there must be a thermal plant there. It has been reported recently in the papers that some expert committee or somebody in the Planning Commission had found that there was no necessity for a thermal plant there. That means that even the existing industries in Kerala will die out, and no industries will be able to take shape there because of the power shortage. In the consultative committee also, this question of the thermal plant was raised, and I believe Government were completely convinced of the necessity of that. But this is what is actually happening. Though the consultative committee is functioning, and we are allowed to discuss matters and bring in various matters and take decisions after discussion, we are sorry to find that those decisions are not being implemented. As my hon. friend Shri H. N. Mukerjee has stated, though we can call it a miniature Parliament, yet it has no rights and duties. I would request that it must be given some rights, and the decisions taken therein must be implemented by Government. Then only there is some meaning for this committee. Otherwise, this committee would

have no meaning. I would request also, as I have already done, that the consultative committee should meet more often than before.

**Shri N. C. Chatterjee (Burdwan):** May I seek your permission to speak sitting?

**Mr. Deputy-Speaker:** Yes.

**Shri N. C. Chatterjee:** I want to place before the House the real issue involved. Are we justified in continuing what I submit is an outrage on the Indian Constitution? I say that the imposition of President's rule is not in conformity with our Constitution. Under what article did we impose this President's rule? We did so under article 356. How does that article read? It reads thus:

"If the President on receipt of a report from the Governor of a State or otherwise is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation—

(a) assume to himself all or any of the functions of the Government of the State...."

and the various other powers which are enumerated there can also be assumed by him. The condition precedent to the invocation of this power, as Mr. Basu in his learned treatise on the Constitution has clearly put, is that you must be satisfied not subjectively but objectively that the Government of the State cannot be carried on in accordance with the provisions of the Constitution. I submit that this condition precedent is clearly lacking in this case. How can this House say and how can this Parliament declare that the government of the State of Kerala cannot be carried on in accordance with the provisions of this Constitution? I shall give you one after the other the precedents in India when this constitutional power

was invoked. For the first time it was invoked when a particular Ministry resigned and it was impossible to have any alternative Ministry. In June, 1951, Dr. Gopichand Bhargava's Ministry resigned in Punjab, and on the 20th June, 1951, the first Proclamation was signed by Dr. Rajendra Prasad under this article. Why? He did so because the Governor had reported and it was perfectly clear also that Dr. Gopichand Bhargava's Ministry could not continue and no other Ministry could be formed. Therefore, the condition precedent is that there must be a Ministry which is unable to continue and it should resign or should be dismissed and no other Ministry can be formed; that is to say, the legislature must be there and the legislature must meet, and the leaders of the legislature must be consulted, and then you must come to the definite conclusion that the government cannot be carried on according to the tenets of parliamentary democracy embodied in the Constitution.

For the second time, this happened when the Prakasam Ministry was defeated on the 15th November, 1954, and on the 23rd March, 1955, the President signed a Proclamation under this article, and he did so because there was no other alternative government possible after Mr. Prakasam resigned.

For the third time, it happened in Travancore-Cochin on the 23rd March, 1956 when the Ministry resigned and no other Ministry could be formed until Shri Nambudiripad was appointed the Chief Minister on the 5th April, 1957. Next time, on the 31st July, 1959, the Nambudiripad Government was dismissed and the President issued a Proclamation dissolving the legislature. We know that it was a debated question whether that was justified or not.

The last instance which I remember Shri Basu records in his treatise

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is that on 25th January, 1961, when Dr. Hare Krushna Mahatab's Coalition Ministry composed of the Congress and the Ganatantra Parishad resigned and no other Ministry could be formed. Therefore, in every case, there was a political breakdown; a Ministry was functioning, and the Ministry resigned or was defeated and no other Ministry could be formed. Here, there is a peculiar case. No Ministry was allowed to be formed. This fundamental point should not be ignored. You did not allow the legislature to meet. You did not allow the single largest party leader to try to form a coalition. The charge is that this is a fraud on the Constitution. You did not allow the normal machinery of government to function. How can you say that the government of the State of Kerala cannot be carried on according to the provisions of the Constitution when you do not allow the government to be formed at all? How can you say that the government cannot be carried on according to the parliamentary democratic methods when you do not allow the legislature to meet? How can you say that article 356 can be invoked and the President can arrogate to himself this arbitrary and extraordinary power when you do not allow the leader of the largest party to enter into negotiations and to form a coalition?

I repudiate Shri A. P. Jain's fundamental thesis which is clearly wrong. I have been studying the British Constitution from my college days, and with the little knowledge that I have of the British Constitution, I declare that his fundamental thesis is wholly wrong. His main thesis probably is that you must have a stable government with an absolute majority or with a definite majority in order to have a parliamentary government. There is nothing of the kind. When I was a student in London and Oxford, I remember I used to go to the British House of

Commons times without number. Lloyd George was ruling then; he was a Colossus; he thundered and ruled the British Empire through the British Parliament, but he had not a majority; it was a coalition government. Am I to understand then that if a man can form a coalition government in England, when he has not got the absolute majority but a substantial number of people in the House, if he can get together some other support from some other group, such a thing cannot be done here? Do you not remember that when Ramsay Macdonald was the Prime Minister of England, he had a minority and he had a coalition? Do you not remember that even Winston Churchill could not at times command complete majority and absolute majority? If the doctrine which Shri A. P. Jain pronounces is correct, then even Mr. Wilson cannot be the Prime Minister of England today. He has not got an absolute majority in the sense that he can be completely sure that if all the Opposition Parties unite, he can defeat them at any moment?

I am told by my hon friends that there was a PSP Minority Ministry also in Kerala, supported by some other groups and that functioned for some time. That was not illegal and that was in accordance with the provisions of our Constitution. The precedents of the invocation of this power under article 356 conclusively demonstrate that this power can be invoked only when you can demonstrate objectively that a government was functioning and that government has gone out of office and no other government can be formed; it is only in that atmosphere and in that context that the President can assume this power. What is Shri Jain, the Governor, saying? He has assumed, as some leaders have told him so, that if the elections are held, no party will be returned which will have a stable majority. First, I do



not know if political leaders are in a position to make this kind of forecast and the Governor should swallow it. We know that they will not vote, the people will vote, the electorate will vote. After all, we are declaring through our Prime Minister, through our President, that we are fighting Pakistan on principle, it is a fight between democracy and dictatorship, a fight between parliamentary democracy and military dictatorship. If that is true, is this the way you should govern? Is this the way you deprive the people of an important State of the benefit of parliamentary democracy? When the leader of the largest single party, Shri Nambudiripad, said, 'Give me a chance; call the legislature and let them have a chance of forming a ministry', you should have given him the chance, and then if he had failed, then you could say that the attempt had failed and then you could invoke this provision of the Constitution.

14 hrs.

I submit with confidence that the condition precedent, the condition essential under our Constitution, for the invocation of this extraordinary power, is lacking here, and that is why I say this is an outrage on the Constitution.

What is Shri Jain saying?

"The general opinion in the State is that if the elections are held, now, the results would be much the same as they were in the mid-term elections".

That is what Shri Sankar has told him, and he accepts fully that view! A good deal of criticism has been made. I do not want to attribute deliberate mala fides to the Governor or to anybody. But is this the way the Governor should report? Should he not read the Indian Constitution? Should he not report that these are the grounds on which I say that no government can function in Kerala? I submit this is wholly wrong.

Shri M. C. Setalvad's name has been taken by two hon. Members, Shri Ranga and Shri Mukerjee. Shri Setalvad is not only the leader of my Bar, the Supreme Court Bar—he is the chairman of the Supreme Court Bar—but he is also the President of the All India Bar Association. I had the privilege to represent the Indian Bar Association at the last Commonwealth Conference in Sydney, Australia, and I know in what respect Shri Setalvad was held as a jurist of international repute. He has nothing to do with party politics. What is he saying? I am sorry that my friends have not got his complete article. His article has appeared in the Indian Advocate published two days ago. I have got a copy of it in my hand. What is he saying?

"What is more reprehensible"—kindly note the words of this jurist—

"is the use of arbitrary and extensive powers obtained by the executive in the name of emergency not for the real purpose of the emergency, but for the ordinary purposes of government".

This is a very strong indictment. I am afraid it is perfectly justified. Arbitrary and extensive powers have been assumed by Government not really for the defence of India, not really for meeting the emergency, not for fighting the Chinese aggression, but for party purposes and partisan interests, for the purpose of furthering the interests of their own clique and their own hegemony.

Then he says:

"In substance, I declare that the executive has been advantage of the Chinese aggression to constitute itself into a constitutional dictatorship".

This is, again, a very strong indictment, but I am afraid it is fully justifi-

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fed. The Government should realise that a man who has got no political ambitions or political interest or party interest, no axe to grind for himself, is making this charge. In his next sentence, Shri Setalvad has declared:

"This Government is using its dictatorial powers in the discharge of ordinary functions of government like preventing traders from hoarding commodities or preventing strikes and so on".

This is being used for these purposes and he says it is a parody of the emergency. That is why he speaks of an enveloping emergency, a progressive emergency utilising the emergency for these purposes which was not contemplated by the emergency provisions.

Who says that you must have a party with a complete majority as a condition for the working of parliamentary democracy? If you lay down such a condition, then parliamentary democracy would have stopped. I am not much in favour of the Swiss system of council government. I myself have studied it; I have seen its working in Switzerland whenever I had been there and I know that it is not always feasible. Whether you like the Swiss system or not, if you are even committed to the British system of parliamentary democracy, I submit it is not essential that you must have a completely victorious party with an absolute majority to form a government.

I am, therefore, pointing out that the main condition is lacking, that the condition precedent is absent. Therefore, it is unconstitutional exercise of power and it would be much better that you take the risk of having an election.

What is it that all the leaders say? I cannot understand them. I do not like all the statements which Shri Nambudiripad has made recently, some of them have added to our trouble. But what I am pointing out

is that if this is what all the other leaders are saying, there is something wrong with the Kerala leaders. They are saying—I do not know whether it is true or not; I take it that Shri Jain will not consciously make a report which is untrue—they are saying that in the emergency there shall be no election. What is this emergency?

**Shri Warrior (Trichur):** This is only a summary of the Governor's report. Perhaps it is not complete. It may contain many things.

**Shri N. C. Chatterjee:** If this emergency means the technical emergency which was promulgated in India in 1962 as a result of the Proclamation of the President under art. 352, then it is a continuing emergency, a never-ending emergency. Am I to understand that during this period there shall be no election in India? Then my own election in 1963 was illegal. All the elections held after 1962, after the Presidential Proclamation, were illegal. It cannot be so. It must be the Pakistan conflict, it must be the temporary accentuation of that. But this is trotted out as an excuse. The people of Kerala are crying. They in Kerala are dying due to shortage of food. Three million people died in my province of Bengal during the Bengal famine.

**Shri Hari Vishnu Kamath:** Man-made famine.

**Shri N. C. Chatterjee:** That was a government-made, man-made famine; it was engineered by the British imperialists for their own purpose, for paralysing and crippling the forces which stood up for revolution and liberation of India from British bondage.

What is it that you have got under parliamentary democracy?

It means government by the exercise of the free will of free people. Then we will have the satisfaction that at least we are governing ourselves through our own elected men; then we will have the satisfaction of tak-

ling the people's problems by the democratic method. But if you have President's rule with the Governor, God knows what his wonderful consultative committee can do. Even if you have such a committee, they will not be able to tackle the people's problems. They may pass resolutions and pass them on to Kerala.

I was President of the Kerala Police Commission. I was there for a long time. After Shri Nambudiripad was dismissed, I thought I would also be dismissed—I was happy to be—but then the late Shri Jawaharlal Nehru wrote to me, 'You should continue'. I continued and finished my work and submitted a report. It has been jettisoned and pigeon-holed. Nothing has been done.

I am not thinking of that. What I am thinking of is this, that no shedding of tears for the hungry, famished people of Kerala will do. Let them have their own popular government. Let them then suffer, for then they will know that in spite of their own people, they are suffering; they will know that they will do their best to assuage hunger and to tackle the problems in the proper way which would be appreciated by the people.

**Shri Dinen Bhattacharya** (Serampore): Just now, one of the eminent jurists of the Indian Bar, Shri N. C. Chatterjee, has amply proved how this action of the President in continuing Presidential rule in Kerala constitutes not only a clear violation of the Constitution itself but is rather a fraud and a mockery of the democracy. So, on behalf of my party, I emphatically oppose this resolution. It is only because the ruling party wants to keep itself in power through President's rule, which is nothing but Congress rule, that this resolution has been brought extending Governor's rule in Kerala. If the Congress Party had any sense of propriety, if they had any sense of political morality, they would not have come forward with this resolution for the

second time extending the autocratic rule of the Governor.

The Congress Party talks of democracy, but I charge them with being the destroyers of democracy. They are butchering democracy in our country. They did so in Kerala on the last occasion when President's proclamation was made. Shri Ranga has stated that Kerala is the most enlightened State in India where 90 per cent of the people are literate. Such a State has been degraded to the position of autocratic rule by the Congress.

Criticism has been made here of the report of the Governor placed on the Table. I may say that it is a distortion of facts. It has been pointed out by Prof. Mukerjee that the facts stated in it by Mr. Jain are not true. Moreover, I do not know why the full report has not been placed on the Table, but only a summary of it. From this it is not clear actually what the other party leaders stated before him regarding the prospects of an immediate election. About our party leader, Shri E. M. S. Nambudiripad, you may say anything, but he is still the leader of the party which holds the majority in Kerala, the biggest political party in Kerala.

**Shri Raghunath Singh** (Varanasi): And he failed to rule Kerala.

**Shri Dinen Bhattacharya**: He will rule if opportunity is given to him.

**Shri Raghunath Singh**: He will never seven times he failed to rule.

**Shri Dinen Bhattacharya**: You may slander, you may say anything, but it is a fact that the Kerala people want the leadership of E. M. S. Nambudiripad along with other left party leaders.

Many speakers have asked what authority the Governor has got to ask the political leaders whether they would get a majority if a fresh election is held now. How can it be

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predicted? Before the mid-term election, beginning from Shri Nanda, so many Congress leaders, like astrologers, proclaimed that the Communist Party (Marxist-Leninist) would be doomed, that they had no future in Kerala. But what happened in the election? That party came out with a majority, in spite of so much slander against them, in spite of the fact that a large number of them were in detention and were not allowed even to make propaganda for their election, which was the practice in previous days. When Shri Nehru was there, detenus who were contesting elections were allowed to come out and take part in the election propaganda, but this time, during Nandaji's rule, sada-chari rule, Kerala detenus were deprived of this privilege, I do not know why.

However, this gentleman, Mr. A. P. Jain, who has been trained in U.P. politics, is very clever. He has drafted the report very cleverly, to create more disruption among the left leaders in Kerala, because he got training from U.P., which is now your sore point.

**Shri Raghunath Singh:** That shows the intelligence of U.P.

**Shri Dinen Bhattacharya:** That shows their intelligence, but the people know what is what. The U.P. people repudiated him, he has been thrown out and he has been given that political bait of governorship there.

**An hon. Member:** He was defeated by Shri Yash Pal Singh who is here.

**Shri Raghunath Singh:** The South accepted him, that is why he was there.

**Shri Gauri Shankar Kakkar (Fatehpur):** But the U.P. people repudiated him all right.

**Mr. Deputy-Speaker:** Order, order.

**Shri Dinen Bhattacharya:** I must state that it is sheer political dishonesty and misuse of power. This is

a trick to bluff and befool the people throughout India. If the Government had the minimum respect for parliamentary democracy, they would have come forward with the real state of affairs in Kerala along with the full report of the Governor. I do not know how they can explain coming out with this summary of the report. However, this is the tactics of the Governor who has been sent there simply to rehabilitate the defeated Congress Party; this is a trick, and it is most unfortunate that the Government is indulging in this sort of trickery. I do not find any justification for it.

The Government says that it is only for six months, but I am afraid that this thing will continue, because within the last six months the Congress Party could not improve their position, and in future also they will not be able to improve their position in Kerala. They will lose more and more so long as Governor's rule continues there.

The Congress Party Members who spoke did not oppose the resolution, but what did they say in the course of their speeches? They said that even after this one year's Governor's rule the Kerala people did not get adequate help from the Centre as expected by them. They said that 80 per cent of the working population was unemployed. In regard to food, they said the situation was worse there.

Something has been said about the consultative committee. I say that it is an affront to the people of Kerala. This consultative committee has got no power, and it is not a fact that all the political parties are represented there. My party which is the biggest party in Kerala, is not represented there. Our party leader, Shri Gopalan, has been illegally kept in detention in spite of the fact that he has come forward with a statement after the Pakistani onslaught on our country that they want to serve the people, that they must be released and allowed to play their role. In spite of this, neither Shri Gopalan nor

other M.Ps detained in Kerala have been released. I do not know how the Government can explain this sort of thing.

I must mention in this connection how actually the Governor is also not ruling there. Simply, it is the bureaucrats' rule; bureaucratic persons are ruling there. Two persons are there on the Consultative Committee. The Members from Kerala will corroborate what I say. Whatever decision you may take, actually who will implement it? Those two bureaucrats; they will do it. You may decide on eight ounces of rice. They will never do it, they will do at their own sweet will. You may take the ultimate decisions, but they will never be implemented, because ultimately the bureaucrats are the rulers of Kerala now. Even Mr. Hathi or Mr. Nanda has no power there. That is the real fact. So it is no good saying that we have given the Kerala people the opportunity to have their say through this Consultative Committee. I do not know how Government will explain this position that the Communist Party—(Marxist-Leninist), has no representation there. Other parties have been taken, non-Kerala M.Ps. have been taken there, but our party has not been taken. Why, may I ask the Home Ministry, Mr. Nanda and Mr. Hath? *Interruption*). Don't interrupt me

Then, certain absurd things are taking place. I have heard from Mr. E. M. S. Namboodripad that he was taken on the State Defence Committee. He was a member there. Again, in Trivandrum, in spite of the request of Shri E. M. S. Namboodripad that somebody from my party should be taken into the Trivandrum Defence Committee, it was seen that in the same committee Shri E. M. S. Namboodripad's name was again there. I do not know why this is taking place.

And then, with regard to the detenus of Kerala who are now under

detention under the order of the Central Government, what is their condition in jail? It was definitely assured by the Governor that liberal treatment would be meted out to the detenus in Kerala. But nothing of that kind has been done. Take, for example, a very simple thing. Near-about 140 or 142 persons are inside jail as detenus. Only 54 have been given family allowances, and that also Rs. 50, Rs. 55 or Rs. 60. Nowadays how can a detenu's family manage itself with that fifty or fifty-five rupees?

In this connection I must say that whenever any question of release from any State comes, the State authority says that it is the Central Government which has to decide. And whenever the jail conditions are brought before them, when we say that there should be uniform jail systems throughout the country, even then the Central Government could not bring that sort of rules or uniform regulations for the detenus in all the jails in all the provinces. That is why the condition in the jail differs so much from one State to another.

Then, with regard to paroles, it was assumed that they would be liberally given to the detenus in case of their family members being ill or for some other urgent reason. But it has been seen that this assurance has not been honoured by the existing authority in Kerala. Neither has anything been done from the Centre for these detenus.

Then, I have heard, it has been reported to me that during the Shankar Ministry a committee was formed to see and report on the books that are undesirable but that are still kept in the schools and colleges. That committee gave its report some time back and they selected two hundred books. I have heard that even Tolstoy's book and the book of Shri Pottekkatt, who is a Member of this House, are also included in it. And they have been kept out of the

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schools. Subsequently when there was an agitation, this order was suspended. But still the books were not replaced in the school libraries.

So, where will the people go? If there were a Kerala Government, government by the Kerala people, then they could have approached that Government to see to this thing. Now the Governor is there, and his Secretaries are the real rulers. In spite of all sorts of agitations, nothing is done. And the clearest example is the one regarding the replacement of the books which were withdrawn from the school libraries.

Then, there is the condition of the handloom weavers. I have heard that the conditions of the handloom weavers have become precarious. Neither are they getting markets nor are they getting yarn up to their requirements. As for the conditions of the other workers, there is no real conciliation machinery. In other States it is there, and there is the Minister. The trade unions can go and approach, and conciliate and settle. The workers are getting frustrated. Days after days there are disputes, but no machinery is there to look into them.

In this way, in all respects, politically the people of the State have been deprived of their right to have their own government in spite of the fact that there was an election and the leftist parties—the Communist Party (M.L.), the S.S.P. and other parties—wanted to combine and form a government. A government would have been possible. But that was not allowed. And now again that Proclamation is being extended by the Government on the plea of a report submitted by the Governor, Shri A. P. Jain, a report which is distorted and which is not true in all respects, that there is no immediate possibility of an election. So, the people of Kerala will go on suffering so long as this attitude is maintained by the Government of India.

For these reasons, Sir, I strongly protest against this sort of behaviour by the Congress towards the Kerala people, and I strongly oppose the resolution that has been brought forward by Shri G. L. Nanda.

Shri G. N. Dixit (Etawah): Mr. Deputy-Speaker, I rise to support this resolution not because it has been moved by the party to which I belong but because I feel that this truly represents the will of the people of Kerala, and also because I feel this is in the good of the people of Kerala. Knowing as I do, being a member of the Kerala Committee, and knowing the facts, whatever I am stating I am stating as I feel; and I will presently show to the House what is the basis of this feeling.

But before I make submissions in this specific regard I would like to meet the question raised by my hon. friend Shri N. C. Chatterjee. He was making an argument under article 356 and reading the first paragraph of that article. Any arguments flowing from it could have very well been advanced at the time the Presidential Proclamation was considered by this House, because that was the stage when under article 356 the Presidential rule was first imposed in this State, and not today. And therefore that argument was entirely irrelevant so far as the present stage is concerned. Because under article 356, "if the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation" etc. is in clause (1). So, that was the stage. Parliament had accepted that Proclamation. What is now applicable is the proviso to sub-clause (4). That has not been mentioned by the great jurist. Article 356 (4) reads as follows:

"A Proclamation so approved shall, unless revoked, cease to

operate on the expiration of a period of six months from the date of the passing of the second of the resolutions approving the Proclamation under clause (3):

Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall unless revoked, continue in force for a further period of six months from the date on which under this clause it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years."

This is what is under consideration. This august House has got the power to continue the Proclamation which was issued earlier. Our hon. friend Mr. Chatterjee is a great jurist and a senior advocate of the country. All the same he is a politician and when a lawyer is in politics, he is tempted to use his knowledge for politics and leave aside law and great learning.

**Shri Gauri Shankar Kakkar:** What about you?

**Shri G. N. Dixit:** It is for my friend to read the article and say whether I am putting the right interpretation or my friend Mr. Chatterjee has put in the right interpretation. . . . (Interruption.) I made this observation not about Mr. Chatterjee. I was going further. Some hon. Members relied upon certain statements made by the greatest lawyer of the country, Mr. Setalvad. He is the President of the Bar Association of India and the Supreme Court Bar Association. I have the honour to belong to both these. He is the greatest jurist in the country; he is an elderly person and a man of excellent character. But in matters of politics, I feel that I am far senior and far ahead of him and I find he often commits mistakes in political matters. I will give only one instance. In political matters, I

will not go by what he says. When it is a question of law, I will go by him. About eight years ago, the Law Commission submitted a report and Mr. Setalvad was the chairman of that Commission. That report was considered by the Supreme Court Bar Association and Mr. Setalvad did not attend that meeting because he was the chairman of the Law Commission which submitted that report and the Vice-President, Mr. Chatterjee presided. That report was a censure of the Home Minister and the Law Minister of the Government as it said that the appointments of the High Court Judges had been done wrongly and so on and so forth and the approval of that report by the Supreme Court Bar Association would have meant the condemnation of both the ministers of the government. Obviously members of the bar association who belonged to the Congress party opposed and we argued that the report at one point condemned the Home Minister and the Law Minister as having appointed third rate judges and on the other hand recommended that any of the senior advocates of the country or any of the judges can be appointed by the Home Minister to be the Chief Justice of India. This was absolutely contradictory and this argument was appreciated by the association and that resolution had to be deferred and that report was never passed by that association. So, when it is a matter of politics, see what the politicians have to say, do not see what the jurist has to say. In matters of law their views may have to be respected, or in personal matters but not in matters of politics. They have not got more experience in matters of politics than the members of this House.

Let me know refer to what Prof. Ranga and Prof. Mukerjee said. Shri Ranga is on the consultative committee while Shri Mukerjee is not there. Shri Mukerjee feels that it is an outrage on democracy. He is a democrat but he represents here a party which does not stand for democracy.

[Shri G. N. Dixit]

As a true Marxist he should not concern himself so much with democracy as they all believe that there should be the dictatorship of the proletariat. It does not behave that party, it does not lie in the mouth of that party which does not believe in democracy to talk of democracy and charge us, we who believe in democracy that we are not democratic. Whatever is being done is what should be done in a democracy. What more do you want? Our constitution itself has provided for such contingencies. It is this august House and the other august House that had approved of the Proclamation. There is no dictatorship in Kerala. There is a consultative committee and everyone there is member of Parliament, elected by the people. Every elected Member of Parliament from Kerala is there. Are not these members of Parliament democratically elected? Are they not the true representatives of the people of Kerala? The others are also represented there, of course in a lesser number. I happen to be one of those persons whom this august House has called upon to serve in that body. I may inform the House that whatever proposals came from the Members of this committee, the Minister of State and the Home Minister were quick to approve. No member of that body had any grouse. This is a democratic principle. For instance, it had been urged in that committee that there should be a bigger quota of rice and the Home Minister was the first man to accept it. . . . (An Hon. Member: So, the people got that rice?) No, I was coming to that in the next sentence. It was a unanimous decision. It is not the Home Minister who controls rice; it is the Food Ministry. In spite of all pressure that the Home Ministry could bring on the Food Ministry, the Food Minister taking a whole and composite view of the country's needs as a whole found that he could increase rice quota only by a little more; some more rice was given. But the quantum of increase was not as

we had suggested because, the Food Minister said that he could not do it. The Home Minister went a step further. He requested Shri Subramaniam to be present before the committee; he came and discussed with the committee; we pressed him hard, but anyway we could not succeed; therefore, you cannot say you could succeed, if you had today State government there. If the State legislature were functioning there, if State government were there, even then, for this quota they would have come to the Food Minister. By themselves they could not pass some resolutions and get some quota. What difference did it make so far as the democratic method is concerned? You have a regularly represented consultative committee.

I have referred to the Home Minister. May I now refer to the Governor also? I have received letters from Kerala and I have seen and met the people there. I do not talk of the politicians now, but so far as the people are concerned, they are enamoured of the Governor. The Governor has taken immense pain for their betterment. They feel their good is being safeguarded by the present Governor and the present administration.

**Shri Mohammed Koya:** Then, why don't you have Governor's rule all over India?

**Shri G. N. Dixit:** That is a different matter. I will come to that later. But let us place on record the good work done by the Governor. If a man does commendable work, we must appreciate and comment his work. He has done commendable work.

**Shri Mohammed Koya:** Good government is no substitute for self-government.

**Shri G. N. Dixit:** Yes; that is true; I will come to that later. I was only



saying that there are circumstances like this, and in those circumstances, you have half-democracy there; not full democracy, because the consultative committee is there. At that committee, the Home Minister is also represented. The Home Minister represents the whole country. We have faith in him and in the Governor. Why? Of course, one might say that in the United States of America the system is slightly different. Our system is of a different sort. Here, the President stays for five years; there, the President rules for four years and the Governors of States rule for four years. There is that difference. You may say that Shri Jain was not directly elected, and that he was only a Member of Parliament. But he is also a democrat. He was democratically elected to Parliament. Of course, I do not proceed further with that analogy; I leave that point aside. I say that there are special conditions in Kerala and in those special conditions, the good of the people demands and the will of the people is that the present set-up should continue until the next general elections. My submission is that the general elections are going to be held after one year. If you hold one election eight months before, and thus unnecessarily agitate the mind of the whole country on the general election, what is the good that will come out of it? You have to do it at one stage, and have an election, once, throughout the country, and then you find a consensus of opinion throughout the country. The people are fed up with the elections occurring day after day. The elections disturb the good working of the administration of a country; the development plans are also hampered. Therefore, you must have, and let us have an election at one time. I say this Parliament must give another extension and must have the elections in Kerala at the time of the next general elections.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri G. N. Dixit: I will take just five minutes more, Sir, with your permission. I now wish to refer to the points made by Prof. Ranga, and about the problems of Kerala. So far as Kerala is concerned, I must say this. My views about Kerala were different, when I was listening to the speeches made by Members from Kerala here. Having known little of Kerala myself, I have changed my views, and Shri Ranga knows very well about the change in my views. What is the present position in Kerala? I think Kerala is suffering on account of an overflow of politicians. It is only after Kerala that my State follows next. I do not say that Kerala is the only State. My State follows next. They are ahead of us also. What is the present position in Kerala? I tell you that the people there are very literate and are educated. You will find in every State, the people of Kerala coming in and serving in various capacities. Go to any State; go to Uttar Pradesh. You will find one thousand health visitors coming from Kerala and being employed there. Go to Madhya Pradesh; you will find people from Kerala there. People from Kerala are serving all over India. In the city of Delhi, you will find them employed. They are educated people, hard-working people. Nature's bounties are as good in Kerala as anywhere else in this country. I like Kerala as much as Kashmir. But Kerala leads in one respect, apart from the natural scenes and scenery; it has got immense products of value. Just as my hon. friend said, 19 per cent of our foreign exchange earnings comes from Kerala.

With all this, what is the problem of Kerala? The problem is, on account of vast education, there is unemployment; the land is limited; the population is large; the food produced is less; cash crops are more. The result is that, though Kerala is an asset to the country's economy, it has to function as a special case along with other parts of the country. By itself it cannot stand. It must be supported.

[Shri G. N. Dixit]

wherever it lacks; it must give the rest of the country such things as she has got in greater quantities. The difficulty is this. When I was coming by train, a friend of mine told me that he was drawing Rs 1,200 a month in the Government of India somewhere. He said, "I am sending Rs. 800 to my son and my son and the other members of my family have nothing to do; they have some land; some coconuts are there; everything is produced in my land. What do they do? I used to get up at five in the morning. They get up at seven. By eight they are ready; they go to the coffee shop. Similarly, people like them get money from outside; they all go to the coffee shop. One is a Congressman and he gets a Congress paper and reads it; another man is a communist and he gets a communist paper and he reads it. So, in the coffee house they gather and discuss. Therefore, the real point is, you must give these people something to do; let them not talk in the coffee house in the morning. Let them talk politics, if they like, in the evening after day's work". This was said to me by a man who has nothing to do with politics. (Interruption). I am only plating certain facts; it is for the hon. Member to use them for the good of Kerala or not. So, the problem there is that there are too many politicians in Kerala. You must put the people there to work. This is the time when you must put them all to work. Then the problem of Kerala will resolve. (Interruption). It is said that communism breeds in a place where there is poverty. It has proved entirely wrong in Kerala. In Kerala you will find that communism finds a place where there is laziness, where the people have nothing to do; where the people are unemployed; those who have got money have no work. Therefore, communism spreads there. So, I submit that you have to put everybody there to work. That is the problem, and the President's rule for one year is the best thing to do for Kerala and Governor Jain is the right man to put them to work.

**Shri Mohammed Koya:** Mr. Deputy-Speaker, Sir, I am surprised to hear the speech of my predecessor Shri Dixit who has not cared to study the problem of Kerala; the land problem of Kerala, the density of population; its lack of employment and the problem of unemployment or under-employment. He simply saw the beauty of Kerala, the Nature's bounties of Kerala and said that it is a State of plenty.

Now, like the hon. Governor of Kerala, let me also proceed "on the assumption that the Constitution contemplates that the State Government should be run through the popular institutions"—not through the consultative committee—namely, "an elected assembly and a popular Ministry". In this hurriedly prepared note by the Governor, I wish to underline one sentence: "President's rule is not a permanent substitute for a popular ministry." President's rule, in the Governor's opinion and in my opinion too, should be kept at the minimum. But the Governor is doubtful, and so are many leaders, whether a stable government can be formed if fresh elections are ordered. Since the last eight months, the situation has not changed. Then, what is the guarantee that it will be changed even in 1967? If the Governor gives a similar report even in 1967, then also, does it mean that the people of Kerala will not have a representative, popular government of some form for years to come? This is a matter which deserves serious consideration. You cannot ignore an enlightened educated State like Kerala in such a manner. It is here that the suggestion of Prof. Ranga becomes relevant. I have not got the Swiss Constitution with me and I have not studied it in detail. But is it not time for us to consider this possibility of forming some alternate form of government if no party gets a majority? The fathers of the Constitution did not envisage this because the people of Kerala

are educated, they do not follow blindly any political party; they think. This may happen in other States also when the people become more educated, where we may have to declare Governor's rule, consultative committees and so on. Of course, we have to pass this resolution, because the Constitution demands it. But the Government of India should think whether some alternate forms of Government also can be practicable in such a situation, instead of having President's rule for years together.

The hon. member who preceded me referred to the consultative committees. It is a fact that in the consultative committees, many members from outside Kerala are sympathetic to our problems. They have studied and tried to understand our problems. Formerly many members of this House could not pronounce the name of my State correctly. They pronounced it Kerala the Hindi word for bittergourd. Now they have taken some interest. But is the consultative committee a substitute for popular government? What power has the committee got? They just meet like in a club and give some advice. I have to express my disappointment over the implementation of the unanimous recommendations of the consultative committee; many of them are still on paper.

I still feel that the Central Government was a little hasty in dissolving the last Assembly. This is a matter before the court and I do not dilate upon it. It is a peculiarity of Kerala that there we have got ex-MLA's who have not seen the Assembly Chamber. Have you seen it anywhere else in the world under any Constitution? Members of the Assembly who were elected could not go to Trivandrum and take their oath. This is a peculiarity of Kerala alone.

Anyhow, at least for the time being we have to reconcile ourselves to the President's rule, as we have no other way out. But this Governor's rule should not be an excuse for neglecting

the burning problems of the problem State. I want this Parliament to understand the pitiable position under which we are put. We have no Cabinet for our State and there is no representation for our State in the Central Cabinet which is directly ruling us. We have a Governor from U.P. Mr. Jain, an adviser from Madras Mr. Raghavachari and a Chief Secretary from Orissa Shri Patnaik. It is, of course, very good for national integration and emotional unification. But when the question of food comes, we do not find any national integration. We are not getting as much food as in Madras, Punjab or U.P. We had informal rationing, formal rationing and what not. But I can prove to every member that rice ration we are getting lasts only for 3 days in the week. After the levy and various actions taken by the government, it is very difficult to get a little rice even in the black market. What shall we do?

The Governor will be guided by bureaucracy as Mr. Dinen Bhattacharya said, sometimes he is misguided by the local Congress leaders also. All the committees formed recently including a religious body like the Wakf Board are dominated by Congressmen who were rejected by the people at the polls. When the Wakf Board was formed, a party which got 12 seats in the Assembly election was given only one seat in the Board while the KPCC and its sympathisers dominated it. None of the ex-MLAs were taken. None of the Ulemas were taken, even though there is a specific provision in the Act Wakfs Act that they must be represented. I do not want to say anything more on this as the matter has been taken to the court by the people concerned. I do not know who advised the Governor in this matter, but I am afraid he was not advised properly. The Congressmen are creating the impression that President's rule is Congress rule, even though the good-intentioned Governor is trying to resist this.

There are a lot of political and administrative problems in the State.

[Shri Mohammed Koya]

The Governor was trying to associate public opinion of all shades with the administration through the food committee, the agricultural committee, defence committee and the like. But still there are many other spheres where he did not and could not seek this cooperation. So, I would suggest the formation of an all-party consultative committee for the State to be formed by the Governor to advise him on day-to-day administrative matters. He must also give proper representation to all the parties in various popular committees. Since there is no popular elected government, more popular committees in the form of advisory committees should be formed, so that all the political parties and all shades of public opinion can contribute their share of advice on administrative matters.

Then there is the very important question of Rajya Sabha elections. Even now we could not fill up the vacancy caused by the death of a Congressman. Next year three members are retiring. If something could not be done to extend the term of the retiring members at least till the next elections by amending the Constitution, our representation in that House also will cease and the consultative committee also will be poorer to that extent. This is a serious problem which the fathers of the Constitution might not have foreseen.

Now I have to say a few words about the arrests made during the emergency. Even people who have been working in active cooperation with the government in support of the defence measures during the current Pakistani aggression have been arrested and detained. Number of Muslim League workers who were strictly carrying out the Muslim League policy of whole-hearted cooperation in the war effort find themselves in detention. For that matter, a number of Muslim League workers also in other States like Madras, Mysore, Bombay and other parts of

the country have been arrested. In Kerala, the Governor ought to know the unreserved and enthusiastic cooperation which the Muslim League and its workers have been rendering to the motherland and its government during the emergency. But yet a number of our workers still continue in jail. It transpires that these persons are arrested on the report of the members of the ruling party based on their prejudice and antagonism against these men belonging to another party. Even personal animosities and rivalries are reported to have had a part in these arrests and a court is reported to have remarked that personal considerations could not be eschewed! Even where the court bailed out a person, he has been arrested the next day under the Preventive Detention Act. All these strongly indicate personal prejudices and animosity. The people could not legitimately agitate about this for want of a local representative government and because of the emergency. The present authorities in charge of the President's rule must pay very serious consideration to these facts. One important fact that has to be remembered in this connection is that while people of all the parties are concentrating their attention upon the war efforts, such ill-advised and unnecessary activities of the police detract the attention of the people and create a kind of emotional sense of insecurity in the minds of the people which is not good to the supremely important unity of purpose that must be strengthened at such a critical juncture.

15 hrs.

Sir, the previous speakers have spoken about educated unemployment, lack of industries, the problem of food etc. As far as industries are concerned, there is nobody to argue for our State except the members of the Consultative Committee and this Parliament. This Parliament must take a sympathetic attitude towards that State for many reasons. One reason is that we are really suffering for want of employment opportuni-

ties. We used to send our people all over the world to get employment. We used to send our people to Malaya, Burma, Ceylon and other places. The doors of those countries are closed now and people are coming back in hundreds and thousands and adding to the hundreds and thousands of people, who are in the category of unemployed in the State every year. Secondly, because of the fact that we were neglected in the First and the Second Plans in the matter of central industries and because of the peculiar position in which we are put due to our high educated unemployment, I hope the Central Government will show some special consideration to Kerala at least this time.

What is the position now? The scheme for the ship-building yard which travelled at snails speed during the First, Second and Third Plan periods is still on paper. The scheme for phyto chemicals has at last vanished now. And, as Shri Maniyangadan pointed out, the small industries that we have got are suffering due to shortage of electricity. My information is that a 25 per cent cut in electricity has already been imposed on the Malabar side of Kerala. Because of the troubles and difficulties that the textile and handloom industries are facing many people have been thrown out of employment. Even the little amount of industries that we are having are fast disappearing. Therefore, this problem must be considered seriously and sympathetically.

Another important matter which I have to point out is the neglect of the Malabar side of Kerala which was formerly with the Madras State. The people of the Malabar side of Kerala have no representation or there is no Assembly. So long it has been a neglected part of the Madras State, Travancore and Cochin have advanced very much in the matter of education and other things. When Kerala is considered as a whole only the average is taken into consideration. When the question of education is considered it is said that Kerala has reached a

stage when there is nothing more to be done with the result that Malabar suffers. In the matter of railways, after independence the people of Malabar did not get even a single inch of railway line. Whatever the British did is there and nothing more has been added. After 18 years of independence this is our grievance. I hope the hon. Railway Minister, the Minister of Industries and other Ministers will be persuaded by the hon. Minister of Home Affairs or the Home Ministry, which has fortunately or unfortunately become our rulers now, to pay more heed to the backwardness of Malabar.

**Shri P. R. Chakraverti (Dhanbad):** Sir, at the outset I would like to say that the distinct personality of Kerala has its own enigma which creates confusion when we get to appreciate their difficulties as well as their local situation. Shri Chatterjee has raised some basic questions. Professor Mukerjee and Professor Ranga have also touched on certain aspects which practically persuaded the Government to come forward with this small summary which has been presented to us, suggesting the continuance of the present regime.

At the beginning, I would rather say that Kerala with its clime and climate, with its contour and texture, with the people's mood and motivations, the entire facets of the national life of this State have got definite character which is not as clearly represented in other States of the country. A state with 14,500 square miles, with 19 million population and 4000 square miles of which is reserved forests naturally has got the greatest density of population. The people are most literate intelligent and sharply conscious of their rights and obligations so much so when we had to attend a meeting after midnight, 15000 to 25000 people were sitting at 2.00 a.m. It is only in Kerala when the Congress banner was raised to 80 feet the Communist banner of Shri Warrior's party was raised to 82 feet and we had again to lift up our banner to 85 feet. This is the State which we have to discuss here. It is

[Shri P. R. Chakraverti]

not so easy, as put by the great jurist-cum-politician, to compare it with Uttar Pradesh. It is something more. It has got its problems. We have to study deep into these problems. The people are enormously intelligent. When I went to New York I found one Mr. Menon. I asked him: "From which State do you come?" He said: "I come from the State where menongitis prevails"—that is the State from where Krishna Menon, Gopala Menon, KPS and others come. They are politically conscious. Politics can bring to the fore certain aspects. Can we demean the importance of the same now?

What happened is this. Shri Ranga is not here. He happened to be one of our friends on this side before he did Hara Kiri. He spoke about democracy. When this question of election was posed before the country, the people also were kept in detention. We know how in 1946 we won the elections. We swept the polls with hands down because we were detenus. The moment we came out, 19 years earlier the general elections, we ransacked every position. How? Because we had the fragrance and odour of detention, round about us. We had the halo because we had been kept under detention without any trial. Naturally, when these people who are Marxist Communists were kept in prison, while their leader was parading the streets with all sorts of propaganda in the State the outcome was fonomable to them. The whole propaganda machine was there, but a better machine was switched on by Shri Nanda and Hathi by keeping them in detention. Their photos were presented to the people. Photos of those young, ardent and charming personalities, photos of the boys and girls looking helplessly for their fathers held in custody, were presented and that roused the politically conscious people. When these photos were circulated, considerable votes went to the people who were in detention and, as a result Shri Mukerjee's party got only three seats. It is not that the Communist Party had lost all its strength, but because

of that glamour which was touched off by Shri Nanda and Hathi. It was because of their magnanimity, because of their liberal mindedness, because of their strong adherence to democratic principles which they wanted to expound even at a risk, Shri Warrior faded out while Shri Nambiar came forward. Therefore, you have to consider this. Once you put a man in detention, the picture of the victimised hero is placed before the country and the people vote for him.

What did the Congress do? We should not forget that chapter. When Shri Kamaraj went there the people who seceded from the Congress came forward. Members of the "People's Congress", the "Janata Congress" or the "Kerala Congress", whatever you may call them, came to the President of the Indian National Congress. But the President of the Indian National Congress said: "No, you have transgressed the discipline of the party, you have flagrantly violated the principles of the Congress and we are not going to accommodate you". Was it not said for upholding the democratic principles? Could we not have tagged them on, all of them together? Then do you know what would have been the strength of the Congress Party in the Assembly. But because of their differences the President of the Indian National Congress said that he was not going to accommodate them. It was a lesson to them for the way in which they behaved. Is it not an instance of upholding the democratic principles? If anybody has done anything strongly advocating the cause of democracy to which the Congress Party is wedded, it is Nandaji, Shri Kamaraj and the Prime Minister of India. Indeed the Congress went out of power. The Congress did not cling to power. I have traveled the whole of this problematic State from village to village. For your information, I may say that I met 52 Ex-Ministers there. Since there is a matriarchal society there and the ladies who gave me the best coffee suggested to me in whispering tones,

Look here, Mr. John must get the chance, Mr. Thomas must get the chance, and so on, and every lady was coming forward to recommend her husband to be the Chief Minister of the State. And I met 52 of them, each of them clamouring for the Chief Ministership. And why not? Each of them is equally equipped with the potentialities of the administrators to carry on the responsibilities, and so naturally they wanted to have a say in the government. We have to consider such a State with this type of people who are emotionally charged. When we analyse the entire social structure of the State and the type of people that it contains, naturally we come across difficulties, and we have to grapple with those difficulties.

If for that purpose the Congress Party came forward and said 'We have accepted principles, and whether we are here or we got into the wilderness, whether we are in power or we are thrown out of power, we stand by these principles, is it not advancing the cause of democracy?'

Today, we find the jurists-cum-politicians coming forward with the enunciation of the constitutional provisions which were introduced long long ago in this regard. Here is a provision which is an essential 'must'. The Constitution must make provision for certain contingencies? And what is that contingency? The contingency is that in the context of the present order of things which obtain in the country, in the political situation that prevails in this State, it is not possible to form a Ministry with a stable majority. It is not that a particular party should have an absolute majority. Nobody says so. It was the Congress which supported the PSP Government with a strength four times that of the PSP, and the leader of the PSP accepted it at that time. But we stood by certain principles.

Again, it was the Congress which had elected my hon. friend Shri Moham-mad Koya as the Speaker of the Kerala Assembly where they had got

12 seats by our support. We selected this gentleman to be the Speaker of that Assembly because we wanted to give everybody a chance provided he would stick to certain principles which are of permanent value.

**Shri Wartor:** Distributing leaves.

**Shri P. R. Chakraverti:** If the Marxist Communist Party of India today can stand together and advocate certain principles, nobody can step in between them. The Congress has its own picture placed before the country; the image of the State is also there; and then, the different programmes of the parties are all placed before the country. So, all these things are factors which demand consideration. But because of the distinctions that they drew amongst themselves, and because of certain ideological differences that were there, the whole thing has happened like this. It is true that the Communists have their own strength, but that strength has been divided. In the face of this divided strength, what is the contingency that has arisen? The contingency is well known. The President had to take power after considering all aspects of the matter. When the elections to the Kerala Assembly were held, after the results were all considered in detail, when the so-called rebel Congress people came up to the Congress Party offering their fullest co-operation and tried to cut themselves off from their old associations, still, the Congress Party said 'No, we are not in a mood to accept you today in forming the Ministry'; so, the Ministry could not be formed. Naturally, the President of the Indian Republic had to take power.

Once he has taken that power, the provision in the Constitution is that within six months, this factor has to be brought up before us again, so that we could consider whether things have improved and whether there is again a possibility of any Ministry being formed or whether the president's rule should continue.

[Sari P. R. Chakraverti]

Shri A. P. Jain has been discussed here. He is a soldier. He had been elected from Tumkur, in Mysore State, and when the Prime Minister asked him, he said 'When the orders come I must go', and so he went as a soldier. It is not as if he was enamoured of this gubernatorial position in the southernmost State of India. But because he is a soldier and he has promised to work out the democratic principles, he has been selected. He has gone there as a disciplined soldier of the Congress Party which is wedded to democracy and it is because of that that he has agreed to hold that office. The Congress Party not only proclaims before the world that it stands for democracy but it has also practised it; when the Congress could easily come into power, by departing from the accepted principles; it did not. It went out of power. Today, the Congress is not making any attempt at forming any coalition because of that reason. But suppose the circumstances change, and suppose there is a situation which is brought about by the change of the moods and psychologies and motivations of the other people also, then the Congress may accept the responsibility. And why should it not? But that does not mean that thereby the Congress is justifying this slogan raised by opposition that the Congress is transgressing the fundamental principles of democracy and that there is an outrage of the Constitution. As a student of the Constitution, I also claim to know something about it, though I do not practise in the Supreme Court. I have studied the Constitutions of the world, and I can say that, in every Constitution of the world there is a provision that in an emergency, in extraordinary circumstances, the central government or some other agency, set up under its aegis, should take charge so that the people should not be denied the privileges and amenities and other things which follow from the democratic system of government.

My hon. friends who spoke earlier spoke about the consultative committee. When Shri Kappen was speaking

about it, I was wondering whether he was really supporting it or opposing it. He was out-herding the Herods on the other side, because he knows the practical difficulties and he feels them every day, because he comes in contact with the people, and naturally he wanted to point out those difficulties to this august House. When Shri Warrior and Shri Kappen share the same difficulties, then naturally they are equally competent to urge those points. My hon. friend Shri Mohammed Koya could not go ahead of Shri Kappen in pointing out the difficulties. Indeed, those difficulties are there and they have to be taken into account. Naturally, when those difficulties are put forward from all sides, then the Government have to consider it.

In the consultative committee, other Members were also taken in to see that justice was done, and attempts are being made to solve the difficulties. Shri Hathi is there, and Shri Nanda is also present there at the committee meeting. They are there to give guidance and see how the elected representatives of the people feel. The elected representatives of India sit there on that committee including representatives from other States; for instance, I understand, my hon. friend Shri Kashinath Pande is there, then Shri S. C. Samanta is there, and then Shri G. N. Dixit is there and so on; all these important luminaries of the country are sitting there. And why not?

This factor should be taken into account that it is an emergency; it is a period of six months for which these difficulties have to be faced; there is a plausible condition which has been incorporated in the Constitution and that is now tried to be translated into practice. It by no means violates the fundamental provisions of the Constitution, nor is there any question of an outrage or an encroachment on the fundamental principles of democracy; if it is worked out in that context.



**श्री बड़े (वारंगल) :** उपाध्यक्ष महोदय, हाउस के नाम जो रेजिडेंट कूल केरल में 6 महीने श्री गंडा का प्रस्ताव आया है मैं उसका धारा विरोध करता हूँ। जब पहले हाउस के सामने यह केरला पर प्रेसिडेंट के रूप में प्रस्ताव आया था तब भी मैंने उसका विरोध किया था और आज भी जब उसी 6 महीने के लिए बढ़ाने का प्रस्ताव आया है तब भी मैं अपनी पार्टी की तरफ से उसका विरोध करता हूँ। मैं इसका विरोध इस वास्ते नहीं करता हूँ कि बूँकि यह कांग्रेस पार्टी द्वारा लाया गया है श्री जनसंघ कांग्रेस के विरोध में है प्रार्थना मैं इसका विरोध इस विना पर करता हूँ कि यह कान्टाट्रूगन को भावना के विपरीत है। विधान में कूल यही प्रावधान है कि यदि ऐसी परिस्थिति कहीं उत्पन्न हो जाय और वहाँ एक संकटकालीन परिस्थिति उत्पन्न हो जाय तब वहाँ रेजिडेंट का रूप लागू होगा। वह 6 महीने के लिए लागू हुआ था। जब इस का पहले प्रस्ताव आया था तब वहाँ पर इस का किरोने कहा था कि यह फाउ प्रोन कान्टाट्रूगन है। शक्तिमान यह कहा था कि यह राजकार्यव्यवस्था है। किरीने यह कहा था कि यह प्रजातंत्र का हत्या है। मैं कहता हूँ कि प्रजा भी यः शक्ति शब्द लागू होने है। यह दरप्रधान में राजतंत्र का हत्या है। यह कार्य केवल राजतंत्र का शक्ति मारने वाले कांग्रेस शासन का है कि यह 6 महीने वहाँ केरल में राष्ट्रपति शासन लागू करने के बाद फिर उसका और बढ़ाने के वास्ते यह कह दे कि वहाँ का परिस्थिति में कुछ सुधार हुआ नहीं है। मैं उतरना हूँ कि जब इस कांग्रेसी शासन ने पहले डेराकेरी के विद्वान्त और प्रजातन्त्री तत्व का विद्वान्त मान्य किया था तब उसने शायद यह बात कि उसका ही प्रशासन राज्य रहेगा और शासन करने का उनको एक समर पट्टा मिला हुआ है . . . . .

**एक भारतीय सभ्य :** ऐसा कमी नहीं सोचा।

**श्री बड़े :** देखने में यह आया है कि शासक वर्ग द्वारा कांग्रेस पार्टी को विजयी कराने के वास्ते तीन डबल्यू का प्रयोग करने हैं। एनेक्शनस जॉनने के लिये तीन डबल्यू, वाईन, बल्थ एंड योर्मन का वह प्रयोग करते हैं। यह चॉइस मैंने तैनों ग्राम चुनावों के समय देखी है। सन् 1952, 1957 और 1962 तीनों ग्राम चुनावों में मैंने देखा कि उन्होंने जैसे भी हो सके एंडी से चोटी तक का जोर लगाया। जब वह विजयी होते नहीं दिखाई देते हैं तब कांग्रेस वाले जातिवाद का मामला शुरू कर देते हैं। जब जातिवाद से काम नहीं चलता है तो पैसा ले आते हैं और पैसे से भी जब काम नहीं बनता तो शराब का प्रयोग करते हैं। यह सब बाने होने के बाद भी जब वह जीतते नहीं है तब चिढ़ते हैं और चिढ़ने का परिणाम यह होता है कि वहाँ पर जितने भी कांग्रेसी जनसंघ की तरफ से काम करने वाले यह लोग होते हैं वह फिर कम्यूगल हो जाते हैं। उनका कहते हैं कि वे सांप्रदायिक लोग हैं और उन पर फिर मुकदमे चलते हैं। अभी चुनावों में 22 मुकदमे हमारे कार्यकर्ताओं के खिलाफ दायर किये गये जो कि मैंने लड़ कर उन्हें ठुड़ाया है। ऐसा इस वास्ते किया गया कि वे जनसंघ को विजयी बना कर ले आये। इतना ही नहीं जो व्यापारी हमका मदद करते हैं उनका लाईमेंट, परिमिट्स और कंटा नहीं देते हैं और उन्हें प्रभावित किया जाता है। यह सब पाप कांग्रेस शासन में चल रहा है। केरला में यह चॉइस साफ देखने का मिनी कि जैसे भी हो सके कांग्रेसी शासन अन्य किसी विरोधी पार्टी को वहाँ पर शासनारूढ़ नहीं देखना चाहता था और इसी का यह परिणाम रहा कि केरल में नवको गिरफ्तार का चिंता था। गिरफ्तारिया इस डर से हो कि कहीं कम्यूनिस्ट शासन नहीं जाये, कहीं जनसंघ चुन कर न जायें और कहीं प्रजा समाप्रवादी लोग चुन कर न जायें। लोकिकन बनवृजन जो एक डेराकेरी में होना चाहिए वह भी यह

## [श्री बड़े]

होता कि जो भी चुनावों में विजयी होगा उसी की मिनिसट्री बननी चाहिए। लेकिन जब कांग्रेस शासन ने यह देखा कि केरल में कम्युनिस्ट शासन हो जायेगा, इन का जो रावण-राज्य—गाम-राज्य नहीं—चलना है, उसके स्थान पर कोई दूसरा राज्य हो जायेगा, तो उसने वहाँ पर राष्ट्रपति का शासन लागू कर दिया। यद्यपि केरल में एक कोलीशन मिनिसट्री कायम हो सकती थी, लेकिन कांग्रेस पार्टी की इच्छा यह थी कि वहाँ पर कोई दूसरी मिनिसट्री नहीं बननी चाहिये।

माननीय सदस्य श्री रंगा, ने कहा है कि वहाँ पर स्विस फार्म आफ गवर्नमेंट होना चाहिये। मैं उस का विरोध करता हूँ। कुछ बातों में स्विस फार्म आफ गवर्नमेंट अच्छा होगा, लेकिन कास्टीयेशन की कितारों में उस के डिफेक्ट्स भी दिए गए हैं। चूँकि भारत में हम ने प्रजातन्त्र प्रणाली अपनाई हुई है, इसलिए यहाँ पर डेमोक्रेटिक फार्म आफ गवर्नमेंट होनी चाहिए और उस के अनुसार मंजूरिटी पार्टी का शासन होना चाहिए। अगर किसी पार्टी की मंजूरिटी नहीं होती है तो या तो बंबारा चुनाव होना चाहिए और या कोलीशन गवर्नमेंट बननी चाहिए। इंग्लैंड में वर्तमान सत्तारूढ़ दल को केवल दो सदस्यों का बहुमत प्राप्त था, फिर भी उस को मिनिसट्री फार्म करने दी गई। इंग्लैंड के लोग किस प्रकार की बातों से डरते नहीं हैं। वे डेमोक्रेसी पर विश्वास करते हैं और चुनावों के साजिकल कान्क्लूजनस को फालो करते हैं।

श्री ए० पी० जैन को यहाँ से केरल इसलिए भेजा गया कि वे अच्छा रूल करेंगे। मैं समझता हूँ कि वह अच्छा रूल करेंगे, लेकिन हम यह बात मानने के लिए तैयार नहीं हैं कि ह्वाटवर डि फार्म आफ गवर्नमेंट, व्हैट गवर्नमेंट इज बेस्ट, विच फ्ल्स बेस्ट अगर डिक्टेटरीशिप लागू कर दी जाये, तो अच्छा डिक्टेटर होने पर अच्छा रूल होगा

और खराब डिक्टेटर होने पर खराब रूल होगा। इस लिए किसी एक व्यक्ति के द्वारा अच्छा या बुरा रूल करने का प्रश्न नहीं है। प्रश्न यह है कि केरल में डेमोक्रेटिक गवर्नमेंट होनी चाहिए और वहाँ पर राष्ट्रपति का शासन लागू नहीं किया जाना चाहिए।

हमारे यहाँ एक कहावत है कि बूढ़ी के मरने का डर नहीं है, बल्कि डर यह है कि काल ने घर देख लिया। हम लोगों को केरल में राष्ट्रपति के शासन होने का उतना दुख नहीं है, क्योंकि जनसंघ प्रो-वाइनीज कम्युनिस्टों के शासन के विरुद्ध है और हम उस का विरोध करते हैं और अगर उन के बारे में कोई कार्यवाही की गई और विधि निर्माण किया गया, तो उस में कोई हर्जा नहीं है, लेकिन हमें डर इस बात का है कि अगर कल को मध्य प्रदेश में जनसंघ मंजूरिटी बन गई, तो कांग्रेस शासन मध्य प्रदेश में भी राष्ट्रपति का शासन लागू कर देगा। इसी तरह अगर प्रजा सोशलिस्ट पार्टी या सोशलिस्ट पार्टी किसी स्टेट में बहुमत में चूना गई, तो वहाँ भी यही हालत होगी—नन्दा जी कहेंगे कि वहाँ पर परिस्थिति बिगड़ गई है, कांग्रेस दल के लोगों को नींद नहीं आयेगी वे भाँचेंगे कि वहाँ पर क्या उपाय करना चाहिए और कोई कारण बता कर—कांग्रेस शासन कागजों पर बड़ा अच्छा कारण बताने में बहुत होशियार हैं कहेंगे कि वहाँ पर राष्ट्रपति का शासन लागू करना चाहिए।

प्रश्न यह है कि वर्तमान परिस्थिति में क्या करना चाहिए। आज स्थिति यह है कि पाकिस्तान ने भारत पर हमला किया हुआ है। इस वक्त देश के सामने विकट परिस्थिति है। इसलिये आज सारे देश का लक्ष्य देश के डिफेंस पर केन्द्रित होना चाहिए। आज पार्टियों का सवाल नहीं है। आज सब पार्टियों और जनता का ध्यान देश की रक्षा पर केन्द्रित होना चाहिए। जब तक यह स्थिति जारी

रहती है, भारत और पाकिस्तान की लड़ाई जारी रहती है, तब तक केवल छः महीने के लिए ही नहीं, उस से आगे भी केरल में राष्ट्र-पति का शासन रखा जा सकता है ।

कांग्रेस के प्रेजीडेंट, श्री कामराज ने, जिन को लोग यमराज भी कहते हैं और दूसरी बातें भी कहते हैं, पिछले दिनों कहा कि देश में चुनाव होने चाहिए । जिस समय भारत और पाकिस्तान के बीच लड़ाई हो रही थी, देश अपनी रक्षा के लिए लड़ रहा था, भारत की विजय-वाहिनी सेना पाकिस्तान में आगे बढ़ रही थी, उस वक्त भी कामराज ने देश में चुनाव करने का सुझाव दिया । इस का अर्थ यह है कि कांग्रेस शासन देश की होली कर के अपनी रोटियां सेंकना चाहता है ।

15.25 hrs.

(Dr. SAROJINI MAHISHY in the Chair)

जब जनता ने श्री कामराज की यह बात सुनी, तो उस को बड़ा शोभ हृद्य । गांव गांव में लोगों ने सोचा कि क्या कांग्रेस पागल हो गई है, क्या उस को देश के हित का कुछ भी ध्यान नहीं है, क्या उस के सामने केवल अपनी छटौटी का ही हित है ।

जहां तक हमारे दिल का प्रश्न है, हम समझते हैं कि केरल में राष्ट्रपति के शासन को बढ़ाए जाने के बारे में जो प्रस्ताव आया है, इस केवल इसलिए उस का समर्थन करते हैं कि इस वक्त देश पर संकट है, हिन्दुस्तान और पाकिस्तान की लड़ाई चल रही है और इसलिये छद्म वचन, चुनाव करना ठीक नहीं है । अगर इस समय केरल में चुनाव किया जायेगा, तो वहां पर सब पार्टियां अपने अपने झंडे लगायेंगी, आपस में गाली गलौच होगी, जनता का ध्यान अपने देश की रक्षा पर केन्द्रित न होकर पार्टियों और चुनावों की तरफ चला जायेगा, जिससे इशमन फायदा उठायेगा । केवल इसी कारण से हम इस प्रस्ताव का समर्थन करते हैं कि वर्तमान परिस्थिति में चुनाव करना ठीक नहीं

है और इस लिए केरल में राष्ट्रपति के शासन की अवधि बढ़ा दी जाये ।

केरल के सम्बन्ध में जो यूनियन कैबिनेट कमेटी एपॉयंट की गई है, वह प्रच्छा काम कर रही है । श्री ए० पी० जैन ने भी वहां की जनता के प्रतिनिधियों को बुला कर और उन से विचार-विनिमय करने की जो प्रथा बनाई है, वह ठीक है । हमारे पास जो लैटर्ज आते हैं, उन से मालूम होता है कि वह व्यवस्था ठीक तरह से चल रही है ।

अन्त में मैं यह कहना चाहता हूं कि मैं इस प्रस्ताव का केवल इस लिए समर्थन करता हूं कि इस संकट-कालीन परिस्थिति में चुनाव नहीं किये जाने चाहिए । मूलतः हमारा इस से विरोध है ।

Mr. Chairman: Shri Khadiikar.

श्री हुकम चन्द कच्छाय : (देवास)  
सभापति महोदय, हाउस में गणपूर्ति नहीं है ।

Mr. Chairman: The bell is being rung. Now there is quorum. Shri Khadiikar.

Shri Khadiikar (Khed): Madam Chairman, about six months back, this House had an opportunity to discuss this matter. Unfortunately, it has come before the House for a second time. On the earlier occasion, when the question of the President's Proclamation was debated, I had made it very clear and questioned the propriety of the measure, as many on this side also felt that this provision in the Constitution should not be resorted to unless Government was compelled to take action under the enabling provision. This argument, I am told, has been advanced again by my hon. friend Shri N.C. Chatterjee. He has questioned the constitutional propriety. Shri Mukerjee has alleged that the Congress want to have monopoly of the power, and therefore they are trying to evade elections under some pretext or other. Shri Ranga would like to test public opinion before coming to

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a decision. But, on this occasion, unfortunately, all these arguments, in my view, are beside the point, because the situation has radically altered, and when we are debating the Proclamation on this occasion, we will have to apply our minds, search our hearts, to see whether at this juncture, when we are engaged in a war with Pakistan, we can afford to divide a State or the country in party warfare which would be unleashed if elections take place. This is the main question, and unless any one here is prepared to take this risk, to my mind . . . . .

Shri Alvares (Panjim): That is not what the Governor has stated.

Shri Khadilkar: I am coming to that, to the assessment of the situation given by the Governor of Kerala which has become the problem State of the Indian Union. I am not going to by-pass this issue.

But this question will have to be asked by everyone, though his conscience might be a little uneasy about the constitutional propriety of this measure. I know that on this side also many people questioned this, whether the Congress was right or wrong, whether there was any alternative or not, whether all avenues were exhausted, were searched and found impossible or impracticable. All these things were said. But now, when stalwarts from the Opposition come forward and say, brushing aside the assessment of the Governor, that we should go to the people or order elections and unleash party warfare in Kerala, are they serious about the Indian situation?

In my State, Maharashtra, the question of municipal elections was raised. They were about to take place. I would like to inform the House that the Government did not take any initiative, but the Opposition, including PSP, Communists and other parties, approached the Gov-

ernment and said that it would be incongruous if municipal elections were ordered at this moment, and they suggested that it might be postponed for the time being. That was said by the Opposition there, because I think they were conscious of the present emergency as it is.

The nature of the present emergency is totally different from the emergency after the attack by the Chinese. We must bear this in mind. There, a small skirmish took place, the Chinese withdrew and they declared a unilateral ceasefire, and we were in a sort of shock for the time being. But today, the situation in India, because of this war with Pakistan, has qualitatively changed. It is not a superficial thing. It has gone very deep. The whole atmosphere has altered, and a new assessment of the whole situation is called for.

The situation has changed in two directions. Firstly, we were, unfortunately, harbouring certain misconceptions about Pakistani strength, and we were always fearing that Pakistan, well equipped with arms from America, would be able to give us a blow. That sort of complex had developed. But now, the myth of Pakistan's superiority on the battle front has once and for all been shattered. It will have a major effect on the Indian situation.

Secondly, for the first time, in spite of all differences in the country, all people, all parties, all sections of opinion, have stood like one man and are prepared to support the Government. At the time of Pakistani aggression, my hon. friend Shri Mukerjee never questioned the Prime Minister about monopoly of power in directing this war, but gave his support. So, is it not illogical to argue in this fashion on this occasion?

Perhaps he would like to satisfy Kerala opinion. At least the major forces in Kerala are not represented here, because most of them from the

left side are in jail. The revisionist communists, if I were to know that current description of the section, to distinguish them from the Marxist communists, are sitting here, but the two forces are there. They are the major forces, and ultimately the question of constitutional government in Kerala will have to be discussed and settled by the Congress and the Communists who are inside jail, the Marxist communists. I am talking on the basis of the results of the last elections.

Unfortunately, the Congress Party, after the emergency, have not shed the divisive and rigid attitude and have not come closer. From the report it is clear that the dissident Congressmen have not seen the wisdom of maintaining unity and coming back to the Congress fold. Nor has the Communist Party, a major force in that State, seen the light, realised that the time has come when, in the light of the changing world situation, it will have to apply its mind afresh to the objective realities present in the country, and, instead of dividing, instead of carrying on this internecine warfare, in the interests of democracy and progress of the country, should come closer. There are no signs of it unfortunately. There is one symptom now discernible from the latest statement of Shri Namboodripad that he is trying to give a second thought, I am very happy, to the whole situation and applying his mind afresh to the Indian national problem vis-a-vis Pakistan, vis-a-vis China and the internal situation. I hope he will take courage and also come round to the view that in the changed context of the world situation, it is necessary for him and his party to change. The so-called Afro-Asian solidarity has been shattered all round. Formerly, the communist movement used to present a picture of unity, united thought, a projection that has been shattered all over the world, and the appeal of that thought has been blunted considerably, because I consider communism as a philosophy has an appeal and is a

force to be reckoned with. But unfortunately, those sitting on the left side here do not see that in Kerala today or tomorrow they will have to face this problem.

It is not a question of appealing to the Central Government, because, as I said, constitutionally I was not satisfied, but then when the ruling party finds itself incapable of evolving a majority under the Constitution that can carry on the government, what else is there? Unwittingly they have been compelled, whether they like it or not, to take recourse to the measure that they had taken on the last occasion. We debated it thoroughly then.

This is a very good summary of the Governor's report. Our old friend, Shri A. P. Jain, who happens to be the Governor, is a good democrat, a man who has come from the movement itself. I do not for a minute imagine that he would like to find excuses to continue the present state of affairs. From this, as I said earlier, the same picture emerges, the same rigid attitudes are there between the Marxist and non-Marxist communists, the Congress and the dissidents. There are other small forces like PSP, SSP etc. I do not know their real fundamental philosophical and organisational approach is to Indian politics and the Indian situation in the present context. So long as these rigid attitudes continue in Kerala, even after six months, again the Home Minister, whether he likes it or not, will have to come forward with such a measure, as there is no solution in sight. When community-wise there is a rigid attitude, when party-wise there is a rigid attitude, and there is no sign of a major force coming up or emerging out of the struggle for power, in such a situation, under the given Constitution, no democracy, parliamentary functioning, is possible.

Shri Ranga suggested, and last time I had also suggested, that if

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election after election we find in Kerala that no solution within the framework of the present Constitution, with a majority ruling, is possible, what is to be done. I said that some other way should be found out, so that a constitutional government would be installed in power. But is this the time? Can we do it? Can we afford to do it now? Will our attention not be diverted? Will not the forces that have gathered unitedly to meet the challenge from Pakistan be weakened?

These are the issues. And therefore I thought that on this occasion Members from the opposition and on the Congress side will see that under the given situation, when we have to face this emergency, there is no question of questioning the propriety of this measure, because there is no alternative.

Madam, we are debating Kerala question. After six months I am certain that again we will have to take it up. Perhaps the whole matter might be solved at the time of the general election. I say "perhaps", because with the present rigid attitudes I do not think a common consensus and understanding for a majority, which is the basis of a parliamentary democracy, would be ever evolved in that State. This is rather gloomy prospect, as I see it.

One thing we must bear in mind. It is the most literate State in this country. The people are virile, the people are active to the issues. Though they are poor and there is vast unemployment, industry has not developed, and agriculture cannot provide employment, nor is there self-sufficiency of food. In such a state of affairs, when they are not having a popularly-elected government, I would plead with the Home Minister that he should see that they get justice on these counts. Because, at the present juncture, at the Centre all the States of our Union try to

pull their weight in some direction or the other. Kerala not being represented in that sense, it is the responsibility of the Home Minister and the Home Ministry to see that they get adequate, a little generous, measure regarding all these things at the present juncture.

Madam, as I said, I do not want to look the question in the narrow surrounding of Kerala only. If in the Indian Union this state of affairs continues in any State, the constitutional pandits will have to give a second thought and they will have to consider. When we framed the Constitution on the pattern of the British model we had visualized a certain situation. If that situation is not obtained in this country, I would plead with the Home Minister that a little advance thinking is called for. If the same development takes place next time, if after the next election the same forces emerge, then he will have to find a measure of evolving some consensus and forming a government. I do not want Kerala to be deprived of a popular government. I am absolutely unhappy about it. Whatever the position there, of the left or the right—I am not worried about it—but in no State should the Indian Union have for a considerable period a government which is not elected and is not functioning as an elected government, because that would be a failure of the Constitution to that extent. And it is socially and otherwise a failure, because in the long run it will have a long-range effect.

One word more and I will finish. Today in all these South-East Asian including India, we are faced with a new problem. That also the Kerala people must keep in mind. Mr. M. N. Roy once said after taking a survey of this region that in this region the basic force will be nationalism, but that nationalism will be painted red. If this basic understanding of the situation in the Asiatic world is taken

into account by those who want to worship at the shrine of British democracy based on a certain social pattern, we will have to give second thoughts to it. And therefore while applying our mind to Kerala, endorsing the proposal that has been brought forward, and trusting the Home Minister—though he has admitted that he is a disillusioned socialist—but I am certain that he is a radical democrat at that at least; he is not disillusioned about democracy in this country. And therefore we must entrust to him this task of looking after their welfare and trying to see that the popular opinion, people's mind, is properly gauged and that the government is carried on through the Governor in a manner as if there is a popular government there.

With these few observations I conclude.

Shri Hari Vishnu Kamath: Chairman Madam....

बो हुकम चन्द्र कछबाय : हाउस में  
गणति नहीं है ।

Mr. Chairman: The Bell is being run. Now there is quorum. The hon. Member may speak now.

Shri Hari Vishnu Kamath: Thank you, Madam.

Chairman Madam, it is a matter for gratification that the speeches of all hon. friends who have spoken earlier, including my hon. friend Shri Khadilkar who tried to show off his ideological facade, and my hon. friend Shri Kappen whose speech could have done credit to the opposition benches and who but for his label would have been mistaken for a member of the opposition, all the speeches have been an indictment of the President's rule in Kerala. I am sorry to say that the Minister and the Government have been isolated in this House already.

Shri Hathl: Is it?

1598 (A) LSD—7.

Shri Hari Vishnu Kamath: And I am sorry to say that a senior Member like Shri Khadilkar has shown himself in his true colours today by aligning himself or, shall I say, by echoing Chinese parlance and Chinese nomenclature and referring to the right communists as the revisionist communists. If you listen in, Madam, to Peking Radio nowadays you will hear every night references to "U.S. imperialists, Soviet modern revisionists, and Indian reactionaries".

An hon. Member: Do you listen to it?

Shri Hari Vishnu Kamath: I believe Shri Khadilkar will not include himself among "Indian reactionaries" when he refers to himself!

Be that as it may, I am sorry to say that the Governor's report, which is before the House and on the basis of which the motion has been made, is a sorry document. It is a flimsy reed, if not a broken reed. And the motion made by the Minister of State is proof enough that even today the formulation of policies and implementation of decisions by the Government are still bedevilled by unprincipled expediency and partisan interest. They have not yet got over, even in this emergency, the anxiety, they have for their own party and the concern that they have for their party's welfare. And before I proceed to the other points of the Minister's speech I would like to dispose of the Governor's report.

The Governor, I will not go to the length of saying—knowing him so well as we do—I will not say that he has shown himself as being unworthy of the high office he holds. I will not say that he has not done justice to the high office he holds, but I do say with all respect to him that he has not been a shining exemplar of gubernatorial competence. The report before the House is so careless, so slipshod (As Hon. Members: What is left now); it bristles with inconsistencies, solecisms and blunders—not mere mistakes as my friend prof. Mukerjee said. He

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has been here long enough; he has been a minister for umpteen years and he has been a member for more than umpteen years. He refers to the mid-term elections. It was not a mid-term election for Kerala. It has been an election after a full term. It may be mid-term with reference to Parliament's term, but not for Kerala. Throughout this report, he refers to 'mid-term elections'. And behind the lines and between the lines, I can also see a sneaking sympathy for a Congress victory at the polls, for a Congress Party victory. The Constitution does not prescribe that a Governor should resign party membership and I believe this Governor, in line with the other Governors also, is at heart still a Congress Party Governor.... (An hon. Member: He is a Governor, not a Congress Party Governor). A Congress Member could say so. The report in the last but one para says that Shri K. M. George the Congress Party leader, not the Kerala Congress but the National Congress Party leader, opposed immediate elections—there is an important 'but' here—but said that his party would be prepared to face elections whenever the government decided to hold them. But—unfortunately again there is another 'but'—the Governor thought, as Prof. Mukerjee said, as a political astrologer, the Congress Party would not be able to get a majority of seats in the elections if they are held now. Shri Chatterjee has made the point very cogently, precisely and succinctly, that the Constitution nowhere lays down that the Council of Ministers should have a majority of their party behind them. Here is article 163 for the States and the corresponding article for the Centre. It is nowhere laid down that the Chief Minister and his Ministers should have behind them a majority of Members belonging to their party. It has been amply proved even in Kerala itself. The party to which I have the honour to belong ran a government there quite a long time without an absolute majority, with a membership of 19 seats only

in that legislature. Therefore, it is late in the day for the Minister to come forward before the House and plead that because elections would not result in a viable majority for any party, it should not be held. The real reason is—the cat is out of the bag—and it would have been enough to tell the House, that there is an emergency before the country and therefore, in the name of emergency which serves as a dark and thick blanket to cloak their sins and crimes of omission and commission, in the name of this emergency they want to postpone every election, even municipal elections, and panchayat elections. In Maharashtra the State Government have postponed elections for the municipalities for the next two years till after the next general elections. So also in Madhya Pradesh, the panchayat elections have been postponed indefinitely. Therefore, government must come forward and say definitely: are they or are they not going to hold elections after six months in Kerala? Are they or are they not going to hold the next general elections in India in 1967 if the emergency continues? Let us know. I think this will go down in Indian history as an emergency Parliament! The emergency was proclaimed in October, 1962 and it continued through 1963, 1964 and 1965 and it is getting into 1966. And it may become, God forbid, the Long Parliament in Indian history. Let them tell us whether it will become a Long Parliament and what the position will be in 1967.

Now, therefore, the report of the Governor of which there is only a summary before us, is a hopeless document. I am sorry that the Government has taken a decision on the basis of this report which is not worth the paper on which it is written. The Governor has defamed my party. (In interruption).

**Shri Mohammed Koya:** He has only enrolled some members in your party!



**Shri Hari Vishnu Kamath:** Not merely enrolled; he says that Mr. Adhikari....

**Mr. Chairman:** He need not try to answer all the interruptions raised by hon. Members.

**Shri Hari Vishnu Kamath:** I am temperamentally so made that I enjoy those interruptions; I am not opposing them. Now, the Governor has defamed my party by saying that Shri Adhikari and Shri Rajeshwar Prasad Rao belong to my party. This is the first thing. Secondly, he says that the PSP leaders said that they would in the normal course be prepared for an electoral alliance with the left communists, the Marxist communists. This is a libel, defamation and a slander on my party. It is true that the Governor cannot be brought to book, I wish he could be brought to book under the law, and I do not know whether it is possible; I feel that the question of investigating the possibility of bringing a Governor to book may be gone into by eminent lawyers including yourself. (*Interruption*). Now, Shri Nambudiripad is the leader of the Marxist communists. I hope Prof. Mukerjee will excuse me for saying 'left communists': because I should not use the words "left and right". Shri Nambudiripad is an estimable gentleman. I know him well. He is a good friend and a man of integrity and honesty. But we are here only concerned with politics, and his politics as a leader of a party. Therefore, I am very unhappy and sad, nay I am angry with the statement that he recently made with regard to so-called Azad Kashmir and Aksai Chin. I hope that he will yet see reason, see wiser counsel; I do not know why he has taken a different line.

**Shri Khadilkar:** There is a similar remark Shri Ranga has made regarding Kashmir I believe. (*Interruption*).

**Shri Hari Vishnu Kamath:** The time has now come, today, when the de-

feastist policy of Shri Nambudiripad, that we should write off Aksai Chin, write off Azad Kashmir, should go; the time has come now, when we all are in a mood, in a spirit of unity and determination, to ask, demand, in the United Nations and outside, that there shall be self-determination in Tibet. Tibet should be entitled, the people of Tibet should be entitled, to self-determination. That is the first demand. The second demand should be, not write off Aksai Chin; but the demand should be the true liberation of Tibet from Chinese imperialism. That is the demand that we, the Indian nation, should make today and not, as Shri Nambudiripad says, write off Aksai Chin and write off Azad Kashmir. If similar policies had been adopted, pursued, by the European nations in the 1930s and 1940s in respect of Hitler, would there have been a free Europe today? Mao's China is to Asia, in the 1960s and 1970s, what Hitler's Germany was to Europe in the 1930s and 1940s. I think self-determination for Tibet, liberation of Tibet should be the guiding line, a truly nationalist line, a truly socialist line, and not the so-called Khadilkar line in respect of our policies.

**An hon. Member:** Come to Kerala now. (*Interruption*).

**Shri Hari Vishnu Kamath:** I am glad that one of the Cabinet Ministers at least, the Education Minister, has voiced the feelings and the thoughts of many millions of Indian people, and he suggested a policy which my party propounded many years ago. The acceptance by the Indian Government, by the Nehru Government, of Chinese suzerainty over Tibet was the first blunder which has led to the conflict with China, which brought China to our doorstep, and all these peace-pedlars, peace-mongers brought war to our very doors. Therefore, it is high time—as suggested by the Minister of Education, which has not been contradicted so far, and no other Minister has spoken against it—that this policy of accepting Chinese suzer-

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ainty over Tibet was repudiated. After all, it is a feudal concept.

**An hon. Member:** Come to Kerala now.

**Shri Hari Vishnu Kamath:** It is all intimately bound up with this. To drive the point home that the Governor has defamed my party I had to enter into these details.

16 hrs.

The minister said that they are wedded to democracy, to which reference has already been made. I would only say that the wedding is now on the rocks, they are fast heading for a divorce in Kerala. I hope the divorce is not coming very soon. I hope, as Mr. Mukerjee said, it has been only a judicial or judicious separation, and not permanent divorce.

In the last session, I raised certain points when the Kerala budget was on the anvil. The Finance Minister brushed aside all the observations I had made, saying that he was not competent to answer them and that he would consult his colleague and get the answers laid on the Table or answer them later. Now here comes the Home Minister. Behold the man. I hope he will answer those points which I had raised last session. The Home Minister had classified the left communist detenus as deserving detenus and undeserving detenus. I wish to know on what exactly is the categorisation based. I also referred at that time to another *Shahi* or royal detenu somewhere in the south—Kodaikanal. I now read in the papers that the discrimination has been removed and he is no longer a royal detenu. With regard to Kerala detenus, we should know why some are deserving and some non-deserving.

Another point I raised was with regard to pro-Pakistani detenus in Kerala. There are two kinds; pro-Pakistan detenus and Pro-China dete-

nus. I am sorry my very good friends, Shri Koya and Shri Ismail misunderstood what I said on that occasion, I did not blame the entire mopla community. They are a good community, I am fond of them; they are also patriots. But I did suggest that some moplas who had been to Pakistan and came back had been rightly arrested and the Adviser made a statement in a press conference that they were a danger to the peace and order of Kerala. Now I would like to know what the present position is with regard to both pro-China and pro-Pakistan detenus.

As regards Mr. Namboodiripad there have been ambivalent statements made by the Central Government and the Kerala Government. Where exactly do they stand? My friend, Mr. A. K. Gopalan has been arrested. Is Mr. Gopalan's crime any more or any less than Mr. Namboodiripad's? Why should the latter be left at liberty? If he is at liberty, Mr. Gopalan should be at liberty also. If the Government still adheres to this document—the so-called White Paper....

**An hon. Member:** It is black.

**The Minister of Home Affairs (Shri Nanda):** What is the colour?

**Shri Hari Vishnu Kamath:** This is greyish, neither black nor white. If the Government still adheres to this document, the time has come for the Government to consider this matter from all angles and decide what is to be done with Mr. Namboodiripad and whether his party should or should not be declared unlawful, and be banned. This has been pending too long. There should be some decision. They should not be shaky. They should take courage in both hands and decide. They should not be a prisoner of indecision again in this matter—I am not saying it in the sense in which Mrs. Pandit said it.

One or two words more, Madam, and I have done. In the last session, I

also referred to the calamities that the people of Kerala are suffering under President's Rule. The main one was food. I had produced here, in this House, the sample of rice sent to me by a chemist in a co-operative sugar mill—from a responsible person—and I had sought to lay it on the Table of the House but the Speaker, of course, did not permit me. But I had shown the rice to my friends and read out the letter from the chemist in the co-operative sugar mill wherein he had said: "Please cook it, smell it and taste it". Then the Speaker was good enough to say that if it was cooked, he would come and taste it himself, but that occasion never came. The rice position, however, as pointed out by Shri Kappen, continues as bad if not worse than what it was then. If this, Madam, is the result of President's Rule, I think the sooner we end it the better. President's Rule has been there too long. For God's sake let it go and let us have the elections. Why on earth does Shri Nanda want a majority? Why does he want it? Has he no concern for the aspirations of the people? As Shri Khadi'kar said—even he said—the people want elections, the people are against the continuance of President's Rule for too long. Is it not time now....

**Mr. Chairman:** The hon. Member has taken his four minutes more.

**Shri Hari Vishnu Kamath:** I do not think so. Your calculation might be wrong. I will take only a minute and half and conclude. I have to make only one more point. The President's Rule so inefficiently conducted by the Governor, Shri A. P. Jain, must be terminated. Shri A. P. Jain was a Member of this House. I know, to the amusement of the House, on one occasion—you were also present on that occasion, I think—he blissfully proclaimed his ignorance of the emergency. He did not even know that there was an emergency on. The whole House burst into laughter when he said so. On a second occasion, in a pompous manner, *ex cathedra*, he pontificated that with regard to the

CBI Report incident here—he read out extracts from the Official Secrets Act and said—anybody who commits breach of the Official Secrets Act would be liable to two years' imprisonment. I said I was glad that he pointed it out. I also said that I would be happy if I would be in jail and as Governor he would come and see me. He did not become Governor then, he became Governor later when he was assured that there would be President's Rule. Till then he did not want to go as Governor.

I, therefore, suggest in all humility, in all earnestness, that the Governor has betrayed partisan bias in this report. Therefore, it is an invalid document. It is not good as a serious document. It has maligned my party. And, the Home Minister should have been the last person to base his decision on this document. I would, therefore, suggest that even at this late hour—even after the first six months, the Government should come to the conclusion that what should be explored, what should be decided, what should be seen is not whether it is a viable ministry or there is a majority and all that but whether the people of Kerala—the democratic concept is based on the people's wishes—want it or not. All the parties here have said that they will be prepared for elections if the Government orders them. I, therefore, plead once again that it is high time that the elections be held in Kerala as soon as possible. I know today this will be passed. But at least let them not come again to the House in March or April—not on the 1st of April—and ask for another extension by six months.

Therefore, Madam, I oppose the motion before the House with all the emphasis at my command and I hope Members including my hon. friends on the Congress Benches also would see their way to oppose the resolution and throw it out, as it deserves to be thrown out.

श्री गोरी शंकर कक्कड़ : श्री प्रस्ताव सदन के सामने पेश हुआ है इसका मैं विरोध करने के लिये खड़ा हुआ हूँ। यह देख कर मुझे आश्चर्य हुआ है कि गवर्नर की रिपोर्ट को इस प्रस्ताव का आधार माना गया है और उसको आधार मान कर इस प्रस्ताव को यहां पेश किया गया है। मैं आपकी कांस्टिट्यूशन की जो धारा 356 है, उसको पढ़ कर सुनाना चाहता हूँ। धारा 356 के अन्तर्गत जब एक बार प्रेजिडेंट का शासन लागू हो जाता है उसके बाद छः मास का समय व्यतीत होने के बाद फिर दुबारा अगर समय मांगा जाता है प्रेजिडेंट्स कूल चालू रखने का तो किसी प्रकार से गवर्नर की रिपोर्ट की कोई आवश्यकता नहीं होती है और उसकी जारी रखने के लिए गवर्नर की रिपोर्ट आधार नहीं बन सकती है। यह जो अधिकार है वह स्वयं सदन का है कि वह विचार करके बताये कि समय में बढ़ोतरी की जाए अथवा न की जाए। धारा 356(1) में यह लिखा हुआ है :

"If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation—

(a) assume to himself all or any of the functions of the Government of the State....."

मेरा यह अनुरोध है कि वह स्टेज समाप्त हो चुकी है जब कि गवर्नर की रिपोर्ट को आधार माना जाए। इसका तो समय व्यतीत हो गया है। अब हम इस पर आते हैं :

"Provided that if and so often as a resolution approving the con-

tinuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of six months from the date on which under this clause it would otherwise have ceased to operate."

मेरा अनुरोध यह है कि यह प्रस्ताव नियमों के विरुद्ध है और इस प्रस्ताव को लाने के लिये जो गवर्नर की रिपोर्ट को आधार होम मिनिस्टर ने माना है यह कानून के खिलाफ है, विधान के खिलाफ है। यहां पर तो एक सीधा सा प्रस्ताव होम मिनिस्ट्री की ओर से आना चाहिए था और अगर कारण है, वजहें हैं, अगर यह न्याय-संगत है तो सदन उस पर विचार कर सकता था। कहने का अभिप्राय यह है कि शुरू में जब प्रेजिडेंट का शासन लागू हो गया उस समय तो यह लिखा हुआ है कि गवर्नर की रिपोर्ट हो, अदरवाइज जो सूचना मिले उसके आधार पर इस प्रकार की कार्रवाई की जा सकती है। परंतु छः महीने का समय गुजरने के बाद तो सदन को अधिकार है, पूर्ण अधिकार है इस हाउस को और राज्य सभा को कि वह उच्चतम समझती है, जस्टिफाइड समझती है, रीजनेबिल समझती है तो समय दे। गवर्नर की रिपोर्ट बिल्कुल निराधार है। वह बेसिस, वह बुनियाद इस प्रस्ताव की नहीं हो सकती है। यह तो मेरी पहली कानूनी आपत्ति है इस प्रस्ताव के बारे में।

दूसरी बात यह है कि मुझे बड़ा दुःख है कि आर्टिकल 356 तो पढ़ा जाता है लेकिन क्या मंत्री महोदय कोई ऐसी मिसाल भी बता सकते हैं कि कभी देश में भी ऐसा हुआ है कि:-

"If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance

with the provisions of this Constitution....".

जो धरवाहक का शब्द है इसको इनबोक किया गया हो। क्या कभी उस कारण से प्रजीडेंट का रुत देश के किसी भाग में हुआ है? इसमें कारण लिखा हुआ है। कारण यह लिखा हुआ है:

"that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution....".

इसके सम्बन्ध में मेरी दूसरी आपत्ति यह है कि अगर सही तौर पर इस घाटिकल का इंटरप्रेटेशन किया जाए तो आपको इस समय देश में एक ऐसा प्रान्त नहीं मिलेगा बल्कि अनेकों प्रान्त मिलेंगे जहां पर कि जो शासन चल रहा है उसको समाप्त किया जाए और प्रेजिडेंट का शासन लागू किया जाए। मैं अधिकारपूर्वक यह सिद्ध कर सकता हूँ कि वहां पर हमारे संविधान के अनुसार शासन नहीं चल रहा है। मैं पूछना चाहता हूँ गृह मंत्री जी से कि क्या उत्तर प्रदेश में या बिहार में या उड़ीसा में जो हमारे संविधान ने प्रोवाइड किया है कि एक अधिपति राजतन्त्रिक शासन बच्चों को दी जाए, क्या उसको आज तक भी वे सरकारें लागू कर पाई हैं? क्या जो पिछड़े हुए वर्गों के बारे में हमने अपने संविधान में कहा है उसको फल-फला सुविधाएं दी जाएंगी उन सुविधाओं को हम इन राज्यों में दे पाए हैं? क्या यह बात सही नहीं है कि इन प्रान्तों में, उत्तर प्रदेश, बिहार या उड़ीसा में आपस के अग्रकों के कारण जो कांग्रेस पार्टी में एकता नहीं है और जिसके कारण ये राष्ट्रीय एकता को घाघात पहुंचता है, एक कारण नहीं है कि राष्ट्रपति का शासन वहां लागू किया जाए? इस घाटिकल के जो शब्द हैं इन को इन राज्यों के बारे में इनबोक किया जाए तो क्या यह उचित नहीं होगा? क्या इन राज्यों में ऐसी परिस्थिति नहीं है कि इनको इनबोक किया जाए?

मैंने गवर्नर की रिपोर्ट पढ़ी है। गवर्नर की रिपोर्ट में केवल एक यह बुनियाद जाहिर की गई है कि अगर तत्काल चुनाव कराये जायें तो कोई भी पोलिटिकल पार्टी इस योग्य नहीं है कि वह बहुमत वाली सरकार बना पाये। मैं यह कहना चाहता हूँ कि चुनाव के बारे में भविष्यवाणी करना या सोचना या किसी प्रकार की रायजनी करना जब तक कि चुनाव न हो जायें बिल्कुल तालत है। अगर कोई चीज अनिश्चित है तो चुनाव के नतीजे अनिश्चित हैं। कोई भी कैंडीडेट जो चुनाव में खड़ा होता है वह दृढ़ता के साथ यह मंत्रणा है कि वह अवश्य सफल होगा, वह अवश्य जीतेगा। परन्तु जब चुनाव हो चुकता है तो नतीजा उल्टा होता है। मेरे कहने का मतलब यह है कि गवर्नर ने जो कंजिस्चर और सरमाइजिड के आधार पर यह रिपोर्ट दी है कि कोई भी पोलिटिकल पार्टी केवल में चुनाव में बहुमत नहीं प्राप्त कर सकती है, यह उनमें कंजिस्चर और सरमाइजिड पर आधारित है। याम्नाधिक रूप में यह चीज सही नहीं हो सकती है। इसलिए जैसा मैंने अभी निवेदन किया चुनाव के नतीजे जाते हैं वे अनिश्चित होते हैं और उन पर किसी प्रकार का कोई भविष्यवाणी नहीं की जा सकती है। हाँ एक बात है। हमारे गृह मंत्री नन्दा जी अगर इस बात के कायल हैं और वे भविष्यवाणी में विश्वास करते हैं और उनके आधार पर उन्होंने इस चीज को किया है और इस पर उन्हें दृढ़ विश्वास है तो मुझे कुछ नहीं कहना है। परन्तु वास्तविक रूप में तो चुनाव के नतीजों पर किसी निश्चय पर, किसी फ़ैसले पर बिना चुनाव कराये हुए कोई नहीं पहुंच सकता है।

अब मैं अपनी चौथी आपत्ति पर आता हूँ जो पिछला कार्यकाल रहा है उसको आप देखें किस प्रकार चुनाव हुए और चुनावों में सभी पोलिटिकल पार्टियाँ लड़ीं परन्तु नतीजा क्या हुआ? एक बहुत महत्वपूर्ण बात हुई।

### [श्री गौरी शंकर कक्काड]

मैं बहुत ही दृढ़तापूर्वक कहना चाहता हूँ कि गवर्नर के द्वारा पिछला चुनाव कराने के पश्चात् रिपोर्ट दी गई श्रीर राष्ट्रपति का शासन लागू किया गया उसमें सब से बड़ा बोध हमारी कांग्रेस पार्टी का था। मैं प्राकड़ों से यह सिद्ध कर सकता हूँ कि जिस कांग्रेस पार्टी ने सभी प्रान्तों में अपने मंत्रीमंडल बनाये हैं, जिसका यह इतिहास है कि वह मुस्लिम लीग के साथ मिल कर भी कोएलिशन बना सकती है उस कांग्रेस पार्टी के अध्यक्ष ने हाई कमांड की मीटिंग बुलाने के पहले ही इस बात का एलान कर दिया कि हमारी पार्टी इस समय केरल में न तो मंत्रीमंडल बनायेगी और न किसी के साथ कोएलिशन करेगी। अगर मैं यह कहूँ कि कामराज जी जो कांग्रेस के अध्यक्ष हैं, जो आज शासकीय दल के अध्यक्ष हैं उन्होंने गवर्नर के लिये श्रीर प्रेजीडेंट के लिए यह मसाला तैयार किया, पेशबन्दी की और इस्ट्रूमेंट्स हुए प्रेजीडेंट्स रूल लागू करने के तो यह कोई अनूचित बात नहीं होगी। अगर मैं यह कहूँ कि उन्होंने ग्राउन्ड बनाया तो यह कोई अनूचित बात नहीं होगी।

आप एक श्रीर बात देखें। चुनाव कराने के बाद भी किसी को प्रसम्बली भवन में जाने की आज्ञा नहीं दी गई। मैं समझता हूँ कि हमारे भारतवर्ष को छोड़ कर दुनिया की किसी भी डेमोक्रेसी में, ऐसी चीज आपको देखने के लिए नहीं मिली होगी। किसी भी डेमोक्रेटिक सेट अप में इस तरह का प्रमाण आप को कहीं नहीं मिला होगा कि चुनाव लड़ने के बाद प्रसम्बली भवन में किसी को बुलाया न गया हो और विजयी लोगों को उनके इस अधिकार से वंचित कर दिया गया हो। मुझे यह देख कर दुख हुआ कि कांग्रेस पार्टी की ओर से मेरे मित्र श्री गोपीनाथ जी दीक्षित जे ने सोचा कि जोरदार शब्दों से कुछ कहना, चिल्ला कर कुछ कहना शायद सब ठरक से रखे गए तर्कों का जवाब हो।

लेकिन मैं यह नहीं समझ पाया कि उन्होंने कैसे दो बातें कह दीं। एक तो उन्होंने यह कहा कि चटर्जी साहब बड़े योग्य जुरिस्ट हैं, जो बात वह कहते हैं ठीक कहते हैं परन्तु इस विषय में उनकी राजनीतिक विचारधारा है श्रीर राजनीतिक विचारधारा होने के कारण वह यह बात निष्पक्ष नहीं कह रहे हैं। उसी के साथ-साथ उन्होंने यह भी कहा कि सीतलवाद जी वास्तव में बहुत बड़े जुरिस्ट हैं, बड़े सीनियर एडवोकेट हैं, वार के प्रेजीडेंट रहे हैं परन्तु उनका जो वाक्य है श्रीर जिस को चटर्जी साहब ने पढ़ कर सुनाया है वह भी निष्पक्ष नहीं है। मुझे नहीं पता दीक्षित जी के कहने का मतलब क्या था? क्या वे ये दोनों चीजें एक ही जुबान से कह सकते हैं? चटर्जी साहब राजनीतिक दल से सम्बन्ध हैं इसलिए जुरिस्ट होने पर भी उनका इंटरप्रेटेशन निष्पक्ष नहीं है श्रीर सीतलवाद जी जिनके पास कोई भी पोलिटिकल एफिलियेशन नहीं है, कोई भी राजनीतिक दल नहीं है, उनका जो वाक्य है वह भी निष्पक्ष नहीं है। मैं समझता हूँ कि इस तरह की चीज कहना गलत होगा।

उन्होंने एक बात यह भी कही है, उन्होंने इस बात की भी वकालत की है कि चुनाव बहुत हो रहे हैं और चुनाव कराते-कराते केरल की जनता थक चुकी है, वे झार सिक आफ इल्लेक्शनज़। इस से क्या मैं समझूंगा कि वह ऐसी डेमोक्रेसी इस देश में चलाना चाहते हैं, ऐसा प्रजातंत्रीय शासन इस देश में चलाना चाहते हैं जिस में बिना चुनाव कराए हुए प्रजातंत्रीय पद्धति देश पर लागू की जाए? मुझे बड़ी खुशी होगी अगर कोई इस प्रकार का प्रयोग दीक्षित जी करें, इस विषय पर एक बहुत बड़ा रिसर्च करें और इस पर थीसिस लिखें। यह एक बहुत बड़ा रिसर्च और थीसिस होगा कि बिना चुनाव कराये हुये भी डेमोक्रेटिक सेट अप इस देश में रायज किया जा सकता है जिस सेटअप का संकल्प शासकीय

इस में किया हुआ है, उस को कायम रखा जा सकता है ।

अन्त में मैं यह कहना चाहता हूँ कि शास्त्र में जो संविधान में प्राउंड दिए हुए हैं, जो कारण दिए हुए हैं, जिन के आधार पर प्रेजीडेंट का शासन लागू हो सकता है और जिन के आधार पर भ्रष्टाचार समाप्त होने के बाद उसको बढ़ाया जा सकता है सदन के द्वारा, वे कारण तो यहाँ हैं नहीं, वे वजहें तो यहाँ हैं नहीं । शून्य एक वजहें हो सकती हैं और उसके लिए शासकीय दल और गृह मंत्री को साफ शब्दों में कहना चाहिये कि केरल एक ऐसा प्रान्त है जहाँ इतिहास से एक बार नहीं, दो बार नहीं, तीन बार नहीं, चार बार भ्राम चुनाव हुए हैं परन्तु कांग्रेस दल वहाँ पर बहुमत नहीं बना पाता है, इसलिए केरल को इसका शिकार किया जाए कि बिना-चुनाव कराये हुए प्रेजीडेंट का शासन वहाँ कायम किया जाए । लेकिन यह बात कहें कि कारण यह है कि वह एक प्रदेश ऐसा है देश में जहाँ कि कांग्रेस दल बहुमत में नहीं आता है, इस लिए हम नहीं चाहते हैं कि वहाँ पर किसी तरह की जम्हूरियत या प्रजातंत्र का पद्धति चले । मुझे तो यह कहते हुए बड़ा दुःख होता है कि इस मामले में शास्त्री दल का भ्रष्टाचार साफ नहीं है ।

अभी कुछ हफ्ते हुए हम ने प्रखबार में पढ़ा कि कामराज और टी०टी० कृष्णमाचारी का विचार है कि भ्राम चुनाव फरवरी 1967 के बजाय एक साल पहले फरवरी 1966 में करवा लिया जाए । क्यों ? इसका कारण यह बताया गया कि देशवासियों का समर्थन शास्त्री सरकार को हूँ और मेनडेट हो कि जो उन्होंने इस लड़ाई में कदम उठाए हैं उनका समर्थन किया जाए । एक तरफ जब . . .

गृह-कार्य मन्त्रालय ने उपसत्री (श्री ल० बा० मिश्र) : आपने कहा पढ़ा ? उन्होंने कहीं ऐसा नहीं कहा ।

श्री गौरी शंकर कक्काड़ : सभी प्रखबारों में निकला है । साफ शब्दों में निकला है । और यह भी निकला है कि इसमें बड़ा मतभेद है बड़े बड़े नेताओं में । उनमें टी० टी० कृष्णमाचारी के बारे में लिखा है ।

और इसके बारे में मैं यह कहना चाहता हूँ कि भ्राम जब तमाम देश के राजनीतिक दल एक होकर शास्त्री सरकार की युद्ध सम्बन्धी नीति का समर्थन कर रहे हैं, तो फिर एक साल पूर्व चुनाव कराने वाली सरकार भ्राम केरल के लिए चुनाव न कराने के लिए राष्ट्रपति शासन की भ्रष्टाचार बढ़ाने का प्रस्ताव लेकर हमारे सामने आ रही है । यह कहाँ तक उचित है ।

अन्त में मैं यह कह देना चाहता हूँ कि मैं लेफ्ट या राइट कम्युनिस्ट के आधार पर नहीं जाता । जब यह प्रस्ताव आया था तो मैंने साफ शब्दों में कहा था कि केवल इस आधार पर लेफ्ट कम्युनिस्ट, का बँन कर देना और उनका काम न करने देना कि वे चीन समर्थक है उचित नहीं है । यदि वह दल वहाँ काम करके प्रजा का समर्थन प्राप्त कर लेता है तो उसका रोकना उचित नहीं है । इस तरह का प्रस्ताव लाकर भ्राम प्रजातंत्र और जम्हूरियत की गंदन मरोड़ रहे हैं । यह कहाँ तक उचित है । मैं इस आधार पर यह समझता हूँ कि यह प्रस्ताव न्यायसंगत नहीं है और कांस्टीट्यूशन के खिलाफ है । गवर्नर की रिपोर्ट के आधार पर जो यह प्रस्ताव आया है मैं समझता हूँ कि यह भ्रष्टाचारिक ढंग से आया है और इस सदन का जो अधिकार है वह गवर्नर को दिया जा रहा है, जो कि संविधान के अन्तर्गत नहीं है ।

इसलिए मैं इस प्रस्ताव का विरोध करता हूँ ।

Shri Warier: Madam, with all the arguments which the Minister of State for Home Affairs, Shri Hathi, had brought forward, we are not con-

[Shri Warior]

vinced, especially the Members coming from Kerala. Although those Members from the Congress Party had to support the resolution brought forward by the Government according to the party discipline by which they have to abide, still they also had to find fault with many a thing, especially with those tall claims which the Minister has been pleased to bring forward when he introduced the resolution. For instance I may refer to what he said about the Consultative Committee. It is true that there is a Consultative Committee composed of the elected Members both of this House and of the other House, and of outsiders also. But even at the time when this resolution about the committee was introduced, at that time itself we had asked the Government to consider the possibility of making this committee a more effective committee rather than a mere advisory committee on the legislative business of Kerala. Kerala, because it has not got a legislature, cannot thrash out all the legislations which are now brought forward by the Government. Hence, as a substitute of the legislature, this committee has been constituted to advise the Government. Its primary business is only to give advice on the legislation and not on all the other pressing problems of the Government. At that time itself we wanted the Government to think over this, that the other pressing problems are equally important and the committee must be consulted on them, or at least the advice of the committee must be taken then and there. Even on a vitally important subject as the continuation of the President's rule we were not consulted. Where is the consultative committee now? It is called a consultative committee. Let us be consulted at least; if our advice is not taken, never mind; if its decisions are discarded, never mind; but at least have the courtesy to consult this consultative committee. But still you have not consulted it. Government had ample time. Why were we not consulted? The reason is quite

simple. Because this is not a newly conceived proposition, of continuing the President's rule. Questions were raised in this House formerly, and at that time the Law Minister was prepared to answer that unless Government thinks or Government is assured that there will be a stable government in Kerala, the elections will not be conducted. So it is already a foregone conclusion.

Shri Kamath has already referred to Shri A. P. Jain's attitude when his name was first announced as the Governor-designate that he would accept it only if and when there was a possibility of President's rule rather than a democratic, popular government; if there was any possibility of a popular government he was not prepared to accept the gubernatorial chair. That was freely talked about in all the places, in the Lobby, in the Central Hall, every-where.

16-29 hrs.

[SHRI KHADILKAR in the Chair.]

So, once Government took a final decision in their minds, though not openly given, that there will not be an elected popular government for some time to come—and it is freely talked now that the elections will be held only in 1967—I say that this Government should have at least had the honesty and straightforwardness to come forward and ask this Parliament to record or to approve that the elections will be conducted only in 1967 and that the President's rule must be continued upto that time. Why is the government not doing it? In one of our schools, there are two chairs put opposite to one table and at times, the same person becomes the director and at other times he becomes the principal of the college. Whenever he wants to take leave, he puts a petition to the director, pushes it to the other side of the table, goes round the table and sits on the other side and immediately he becomes the



director and approves that petition. So, also the government is sending Mr. Jain and the government wants a report from the governor. Governor, sends in a report. It is all make-believe affair. Why is the government afraid to face the electorate? Let them have the honesty to say: we are under an emergency, a never-ending emergency as far as present conditions are concerned and we could not have elections. Why all this preamble of consulting all the political parties and this and that. Which political party can say that there will not be any majority? It is something for the electorate and voters. The voters are not stagnant in their mind or political wisdom; it may change with the situation. New problems are coming up. It is not because we have anything much against the governor's rule as such; either it is congress rule direct or governor's rule indirect; it is all the same. But the problems are not tackled. It is tragic that whenever plans are on the anvil, we have no popular ministry. The implementation is not satisfactory and large amounts are allowed to lapse. What is the effect of the present bureaucratic administration. Rs. 40 crores are lapsing, projects worth Rs. 40 crores could not be implemented on account of the emergency. Mr. Hathi had been kind enough to remark that Rs. 5.5 crores had been given to the Kerala government. May I ask him whether it was not something like Rs. 20 crores? After axing all these items, one by one, Government has come to the conclusion that only Rs. 5.5 crores can be given. It is not a graceful act. When you hide the other part of the story, this seems all right. It happens because there was no popular government which could be pressed by the popular representatives in the legislature. The officers who are sent from here have always to kowtow before the powers that be and they could not press the government to give more amount.

There is an editorial in one of our leading nationalist Congress allies

and I wish the government could get it translated. They can then know what their own supporters say. The rice distributed is 5.75 ounces and that rice is inedible and stinking. They say that they do not want such rice. Not only that. Even there, there are depots where there is many a day when there are no stocks and the people do not get rations. These are complaints raised by the people, but to whom can they complain, I ask. If it is a popular minister or a popular government, the people can naturally have an approach to them. If Shri Hathi is there, I can go to him and ask him. But what is the use of my going to an adviser who is not to advise the people but to advise the Governor?

**Shri Hathi:** He can always come to me.

**Shri Warrior:** We both together can try. The Central Ministers—Shri Nanda and Shri Hathi—and everybody in the Consultative Committee tried together to raise the ration. It was raised, in that particular case, to two ounces. But now it has been reduced.

**Shri Hathi:** If Shri Nanda could not do it, the Minister there also could not do it.

**Shri Warrior:** But we must have the satisfaction of having approached the proper authorities. The people cannot approach Shri Hathi or Shri Nanda. The popular government must be there; the adviser government will not be a substitute for popular government, however much it is acting, if at all effectively or efficiently. That is our contention. So, this cannot be carried on for long like this. There must be an end to this.

Another point is about the food situation. I referred to the implementation of the Plan. As I said, many a plan has gone phut. Recently, as Shri Maniyanganadan has said, there was a demand for a thermal plant by the people of Kerala in the context

[Shri Warrior]

of the failure of electric power and in the context of the stoppage of industries; that has been already given a go-by. After having said so many times that we in Kerala can have the cheapest hydel power in India, we had to go with the begging bowl to Madras. Now, Madras is also in the same condition; they are now taking their begging bowl to Mysore; and always we are told, like something dangling before one's eyes, what is never attainable, namely, that the southern grid is coming. So, until that southern grid comes, there will not be any power in Kerala. This question of thermal plant was raised last time also, and we were assured not only by the Minister of Finance but also by the Minister of Irrigation and Power that we will have it, to tide over the period until the hydel power is developed to such an extent that we will have even a surplus. But what is the point in saying that we are not going to get it?

The story is this: a technical committee went into this matter. It was appointed by the I&P Ministry. They said this should be done, but then somebody came round and said it should not be there. I do not know what hand is pulling this behind.

**Shri Hath:** Again, the Minister of Irrigation and Power has pressed for it. The question of finance is there.

**Shri Warrior:** I do not know why in certain respects the hon. Ministers become impotent and in certain other respects they become all potent. The Planning Commission came in the way. The story goes that they decided that it should not be there. Another technical committee went into the question. Because the Planning Commission had taken a decision already, it is said that the technical committee is also doing the same. When the Minister says that there can be a project, the technical committee says no. When another Minister or the corporation is only having an equity capital of Rs. 2 crores. If

Planning Commission or another authority comes and says that there should not be a project, another technical committee says, "Not Okayed". This is all pre-planned, pre-decided and pre-concluded thing. What is the use of such a machinery operating? There is nobody to ask; the people at large are orphaned by the political manoeuvrings of a Government sitting here. Where shall we go? To whom shall we appeal except to God?

Now, take the Fisheries Corporation. I had always been dwelling upon that subject. I want to get an answer from the Government to the question whether it is true that in the newly constituted Fisheries Corporation, the majority of shares are going to some American concern or not. It is a pointed question.

**Mr. Chairman:** His time is up.

**Shri Warrior:** If all these questions had been thrashed in the consultative committee which should be called to meet more often, I would not have raised these things here. If it is true that the majority of shares in the Fisheries Corporation are going to an American concern, the government should give some explanation. Why should the American concern get so much priority when all other things—even elementary things like food and clothing—are denied to the people under the name of emergency? When they are packing Pakistan with all their arms, why should we pack away our fish to America? What is the sense in it? You will understand, Mr. Chairman, that it is not only a question of fishing. They fish many more things there. It is our coastline. The Seventh Fleet is there and so many things are involved. Is it safe for us to invite the activities of a foreign country, whose friendship is now suspected by all concerned? Is it good? I think the government will give a second thought to this. The Corporation is only having an equity capital of Rs. 2 crores. If the

State Government cannot manage it, let the Central Government do it. The Central Government will find that instead of Rs. 2 crores, even Rs. 20 crores will not be enough to have a fully developed Fisheries Corporation in India operating with the highest profit and highest earnings of foreign exchange. We had been dwelling on this so many times, but the government is so lukewarm about this. This aspect also should be considered.

Another vital question is about the pay commission that has given its report recently in Kerala. Every underdog of the government is dissatisfied with that. All the top echelons of the bureaucracy get very good emoluments and increments. But the entire non-gazetted staff is completely dissatisfied with the decisions of the government. Government should review that. I would have given a more detailed exposition of it, but I do not have time. Those people who are just entering service now may get something, but those who have served for 10 or 12 years are meagrely paid. This is closely linked up with prices. Prices are increasing. Coconut oil price in Kerala has risen by 50 paise today compared to yesterday. We get the market reports daily and you know coconut oil is consumed more in Kerala. Such is the rocketing of prices that let alone others, even the Government servants cannot make both ends meet. If the government is not going to do something about it, the general public will suffer; much more the government departments will suffer. Added to inefficiency, bureaucracy and red-tapism of the government, if the government staff also are dissatisfied, where will it end? Government must give serious consideration to this problem.

Mr. Koya has referred to railways. After all these plans, even in the fourth plan, not an inch of railway is there for Kerala, which has proportionately more imports and exports than any other State. There is no development there at all. People are

enamoured of the beauty of the landscape there. They come back like Mr. Dikshit and say that people in Kerala are very rich, glorious and full of life. Mr. Dikshit himself does not know the contradictions in his speech. He said productivity in Kerala is the highest. Next moment, he said, people of Kerala are very idle. Is it logical? People must know what they are saying. It is not because people are speaking politics, it is not because people are conscious about their political obligations to the country and the State, it is not because people are educated, it is not because the nature is bountiful that Kerala is suffering. Kerala is suffering because of the rotten policy that the Centre has been following for the last eighteen years in close continuation of the imperialist policy of exploitation where we were kept as a hinterland to the metropolitan cities which developed at our expense. If that policy is not reversed, if a stop is not made to that policy and regional parity is maintained whereby all other regions like Kerala are developed, this suffering will continue. We are not revolting. This is a fact. This fact must be understood by the Government and the Government must reverse its policy and help a State like Kerala, which is composed of the best elements in India, with the highest productivity in India, with the highest intelligence and education in India, and make use of it for the national cause as well as for the cause of the people of that State.

**Shri Parashar (Shivpuri):** Mr. Chairman, Sir, I am very much thankful to you for giving me an opportunity to express my views on this resolution.

श्री पारशर शिवपुरी : समापति महोदय, मैं आपकी व्यवस्था चाहता हूँ। इस समय हाउस में गणपूर्ति नहीं है।

**Mr. Chairman:** The hon. Member may resume his seat. Quorum has been challenged. The Bell is being rung.

[Mr. Chairman]

There is quorum now. The hon. Member may continue his speech.

**Shri Parashar:** I am also thankful to my colleagues who spoke before me for having reminded this House about the intelligence and the potentiality of Kerala. I heartily congratulate them and support them. Having been in Kerala twice, and having come from Kerala only two days back, I want to express my views on the present resolution.

Sir, if anybody has a desire to see what havoc an unstable government can play for the people let him go to Kerala and have a look at the condition there. What we find there is, Government officials, bureaucracy, taking perfect liberty with the Constitution, with the rules and regulations and with all the government machinery. That is what we saw in Kerala during our recent visit just a week ago. Government there are taking law into their own hands, just to serve, I do not know whose interest, definitely not the interest of the people of Kerala; they are splitting the estimates of a project into six different parts and allotting the contracts without tenders at their sweet will so that they may give the contract to one particular person presumably of their own choice. That is the administration that we see in Kerala under the Ministries which have never been able to find even a breathing time for themselves to do a little bit for the people of Kerala who have always been finding it difficult to maintain themselves.

So, if after consulting all the parties, the Governor comes to the conclusion that there is no chance yet of a stable Ministry in Kerala, he has committed no fault by tendering that advice to the President.

My hon. friend Shri Gauri Shankar Kakkar had raised the objection that this resolution was against the spirit of the Constitution. He went even to

the extent of citing some provisions of the Constitution. I tried to search very laboriously and find out what provisions he was referring to. He mentioned article 356. I find nowhere any provision to justify his contention that this present resolution is against the spirit or even the letter of article 356 of the Constitution. He referred to clause 4 of that article where it is very clearly laid down:

"Provided that if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of six months from the date on which under this clause it would otherwise have ceased to operate....".

The reference to Proclamation in this clause is to the same Proclamation as is referred to in clause 1 of this article, where it is laid down specifically:

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

My hon. friend put great emphasis on the words 'or otherwise'. According to the rules of jurisprudence, we have first got to interpret the word that comes first. The mention of the opinion of the Governor in this clause has been given the first preference. Naturally, what else can be a more reliable source of information or opinion than that of the Governor who is the highest constitutional authority in the State? My hon. friend says that the opinion of the Governor in the present context is not applicable. But I would like to know under what clause it is not applicable. He said that under the provision in clause 4 this was not applicable; but in that case clause 4 itself should have been deleted; that is what it would come to. Therefore, constitutionally and legally, whatever opinion has been tendered by the Governor to the President is perfectly logical and per-

fectly constitutional and perfectly legal and no objection can be taken to that opinion on that ground in this House.

Coming to the other portions of the opinion of the Governor, I do not know why my hon. friends have taken complete liberty to ignore the other very important factor which is to be found in the opinion of the Governor. The Governor says:

"A new factor which has emerged in the politics of the State is the emergency due to India's war with Pakistan (now an uneasy truce) and the Chinese threat on the north-east border."

And he further says, and this is very important,

"All the leaders of the parties, except Shri E. M. S. Namboodiripad, said with varying degrees of emphasis that it would not be advisable to hold elections during the emergency."

In the operative portion of the opinion given by him, he again says:

"The political parties are generally desirous of an early restoration of popular rule...."

—that is very natural—

"....but they realise (Shri E. M. S. Namboodiripad excluded) that it would not be advisable to hold the elections so long as the present emergency persists."

If the Governor, after consulting the political leaders, comes to the conclusion that the leaders of Kerala, of the political parties there, think that in the interest of Kerala as well as in the general interest of the country, under the present emergency, there should be no elections, may I ask my hon. friend who spoke before as to what alternative is there for Government except to bring forward a Resolution before this House and get it approved by it?

Therefore, without taking much more time of the House, I support the Resolution and would appeal to my hon. friends from Kerala who have spoken in opposition to the Resolution to reconsider their attitude and in the interests of Kerala try to achieve a stable government there rather than criticise or blame anybody else for the ills of Kerala. I have nothing else to add except to repeat that I wholeheartedly support the Resolution and ask those hon. friends also to wholeheartedly support it and try to restore things there rather than blame anybody here in this House.

**Shri Vasudevan Nair:** Mr. Chairman, before you occupied the Chair, you tried to pinpoint the attention of the House on the fact that you are supporting or endorsing this Resolution only from one point of view, that is from the point of view of the existing emergency. I believe that from that statement, it is implied that you do not give much credit to the other point raised in the Governor's report, the first part of the report.

My leader and many other speakers referred to the relevancy of the laboured arguments by the Governor where he tried to establish that there is no chance of any one party or any group of parties getting a majority in an election. So let us all together dismiss that party. But then this on this question of emergency, I should like to point out to you and through you to the House that even for the effective mobilisation of the people of our State for defence in the situation of emergency, as early as possible we should have a popular government there. We are looking at the problem from that point of view also. You very correctly tried to emphasise the depth of the crisis our country is facing today, which is quite different from the 1962 situation. It is very relevant. I do not mean to say that the present government in Kerala led by the Governor is not doing its best in its own way to mobilise the State for defence, but it has its own drawbacks and

[Shri Vasudevan Nair]

weaknesses, and I may state that in certain respects, the ways and means and methods adopted by that government which is essentially led by bureaucracy stand in the way of mobilising the people for defence.

I will not try to dwell in detail on the way the defence effort is going on in our State. At this stage, I may, however, say, that people have already begun to feel that in the name of collection of funds for defence, for example, a lot of official compulsion is there. I can understand that a government machinery like this cannot envisage methods other than they adopt today. For example, how do they collect funds? In Kerala State, there are 20 lakh children in schools. They say: one rupee for every child, that means for 20 lakhs children, you collect Rs. 20 lakhs from the children, primary school children you should understand. I know of many cases where from a poor family there are three or four children. This campaign of family planning, loop and all that is there, but today the children are there, many children in many families, and I know that they have to give three or four rupees in the primary schools.

Then if there are children in the colleges, it is Rs. 5 each, and for five lakhs of children you collect Rs. 25 lakhs at the rate of Rs. 5 each. I can understand the anxiety of people to mobilise funds, but a popular approach will be definitely different. So, without enlarging or dwelling too much on details, I am sure you will agree with me that even for the sake of effective and successful mobilisation of our people for defence in this emergency, a popular set-up in the place of the present Governor's rule is essential.

Mr. Chairman: May I request the hon. Member to continue tomorrow?

17.01 hrs.

#### BUSINESS ADVISORY COMMITTEE

##### FORTIETH REPORT

Shri Rane (Buldana): Sir, I beg to present the Fortieth Report of the Business Advisory Committee.

17.01½ hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday November 5, 1965/Kartika 14, 1887 (Saka).