

**NOTIFICATIONS UNDER EXPENDITURE TAX
ACT, CUSTOMS ACT, CENTRAL EXCISES
AND SALT ACT**

The Minister of Planning (Shri B. R. Bhagat): On behalf of Shri Rameshwar Sahu, I beg to lay on the Table—

- (i) a copy of Notification No. S. O. 1106 dated the 1st April, 1965, under sub-section (3) of section 41 of the Expenditure Tax Act, 1957.

[Placed in Library. See No. LT-4356/65].

- (ii) a copy each of the following Notifications under section 159 of the Customs Act, 1962, and section 38 of the Central Excises and Salt Act, 1944, making certain further amendments to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960:—

(a) G.S.R. 503 dated the 3rd April, 1965.

(b) G.S.R. 549 dated the 10th April, 1965.

[Placed in Library. See No. LT-4359/65].

- (iii) a copy each of the following Notifications under section 159 of the Customs Act, 1962:—

(a) G.S.R. 550 dated the 10th April, 1965.

(b) G.S.R. 551 dated the 10th April, 1965.

(c) G.S.R. 552 dated the 10th April, 1965.

[Placed in Library. See No. LT-4360/65].

12:39 hrs.

**ESTIMATES COMMITTEE
MINUTES**

**Shri C. K. Bhattacharyya (Rai-
ganj):** I beg to lay on the Table a

copy of the Minutes of Sittings of Estimates Committee relating to the Seventy-fourth Report on the Ministry of Home Affairs—Directorate of Manpower and Institute of Applied Manpower Research, New Delhi.

12:39½ hrs.

**COMMITTEE ON PUBLIC UNDER-
TAKINGS**

NINTH AND TENTH REPORTS

Shri P. G. Menon (Mukundapuram): I beg to present the following Reports of the Committee on Public Undertakings:

- (i) Ninth Report on action taken by Government on the recommendations contained in the 157th Report of the Estimates Committee (Second Lok Sabha) on National Newsprint and Paper Mills Limited, Napanagar; and
- (ii) Tenth Report on action taken by Government on the recommendations contained in the 36th Report of the Estimates Committee on the Industrial Financial Corporation of India.

12:40 hrs.

**RESOLUTION RE: PROCLAMATION
IN RELATION TO KERALA AND
KERALA STATE LEGISLATURE
(DELEGATION OF POWERS) BILL**

The Minister of State in the Ministry of Home Affairs (Shri Hathi): Mr. Speaker, I beg to move the following Resolution:

“That this House approves the Proclamation issued by the Vice-President of India, discharging the functions of the President, on the 24th March, 1965, under article 356 of the Constitution in relation to the State of Kerala”.

Mr. Speaker: He may move the second one also, so that the two might be taken together.

Shri Hathi: I beg to move:

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws be taken into consideration."

Shri Hari Vishnu Kamath (Hoshangabad): How can we discuss both together? The Bill cannot be discussed with the Proclamation.

Mr. Speaker: Of course, when we come ultimately to voting, that would be different, it cannot be at one time, but we can discuss them together.

Shri Hari Vishnu Kamath: There are amendments to the Bill.

Mr. Speaker: If there are amendments, I will take them separately.

श्री मधु लिमये (मुंगेर) : यह जो संकल्प है उस के ऊपर जो संशोधन दिये गये हैं उन का क्या होगा ?

अध्यक्ष महोदय : पहले उन की स्पीच हो जाने दीजिये तब देखा जायगा ।

श्री मधु लिमये : फिर उचित समय पर आप कृपया मुझे अज्ञ करने के लिए बुनाइयेगा ।

Shri Hathi: I may recall that following a vote of no confidence against Sankar Ministry in September 1964 and the inability of any other party to form a Government, Kerala was brought under the President's rule on 10.9.64. Resolutions approving the Proclamation dated 10-9-64 were passed by Lok Sabha on September 23, and by Rajya Sabha on September 30, 1964. In terms of clause (4) of article 356 this Proclamation was to remain in force for a period of 6 months i.e. upto 30.3.65. The mid-term elections were held in Kerala, as the House knows, on 4-3-65. According to the results announced, no party secured an absolute majority or any thing approach-

ing it and no party by itself was in a position to form a Government. The party position as is known to the House was as follows:

Communists (Leftists)	40	(29 of them were then under detention)
Congress	36	
Kerala Congress	23	
	plus 1	(Independent supported by the Kerala Congress)
	plus 1	(Swatantra who had aligned himself with Kerala Congress)
S. S. P.	13	
Muslim League	6	
	plus 5	(Independents who subsequently joined M. L. Party).
Independents	4	
Communist Party of India (Rightist)	3	
Independent	1	
	<hr/>	
Total	113	

This was the composition of the various parties as a result of these mid-term elections.

In order to explore all avenues like-ly to lead to the formation of a stable Government, the Governor had been in touch with the various party leaders from March 8, and on March, 16, he held detailed consultations with the leaders of Communist (Leftist) Party, Indian National Congress, Kerala Congress, Samyukta Socialist Party and the Muslim League. The Governor did not seek the views of the Right Communist Party of India as they had secured only 3 seats. The position that emerged from these consultations briefly was that although Shri Nambodripad felt it possible for him to negotiate with the various groups and individual legislators and evolve the basis on which a non-Congress Government could be formed, the leaders of the Kerala Congress and the Muslim League made it clear to the Governor that they would not join or support any Ministry that might be formed or

[Shri Hathi]

sponsored by the Communist Leftists. The attitude of the Congress was that it would act as a "constitutional opposition" to whatever Government might be formed, supporting it to the extent its policies were in line with those of the Congress, but not otherwise. The leaders of the Samyukta Socialist Party, while desiring that the leader of the largest party should be called upon to form a Government said that they would not agree to be in a Ministry formed by the Communist (Marxist) Party and would function as an opposition.....

श्री मधु लिमये : यह ठीक नहीं है ।
विरोधी दल के नाते बैठेंगे ऐसा न कहिये ।

Shri Hathi...taking however, a responsive attitude towards such a Ministry. Thus, except for Samyukta Socialist Party who were not opposed to a Ministry formed or sponsored by the Communist (Marxist) Party, the other parties were clear that they would neither lend support to, nor seek the support of, that party in forming a Government. In the circumstances, the Governor found no possibility of the Communist Party commanding a working majority even if those of their members who were in detention were free to function as Members of the Assembly. Nor was any other party able to command a working majority. The Governor did not, therefore, call upon the leader of that party to form a Government.

The Governor explored other possibilities too, but in view of the decision of the Congress Party not to join with any other party to form a Government and the combined strength of the Kerala Congress, Muslim League, etc. being only 37, the Governor came to the conclusion that there was no possibility also of any other party being able to form in combination with other parties and groups available a Ministry.

Shri Hari Vishnu Kamath: S.S.P. would have joined them.

Shri Hathi: Accordingly, in his report dated March 18, 1965, to the President, the Governor stated that it was not possible for a representative Government to come into existence as a result of the elections to the State Assembly and recommended to the President the issue of a Proclamation under article 356 of the Constitution.

After a careful consideration of all these facts, it was decided that the Vice President discharging the functions of the President should be advised to revoke the Proclamation dated September 10, 1964 and issue a fresh Proclamation assuming to the President all functions of the Government of Kerala and all powers vested in or exercisable by the Governor of that State. The Vice President discharging the functions of the President revoked the proclamation dated September 10 and issued a fresh proclamation on 24th March, 1965. Copies of this proclamation and summary of the Governor's report to the President were also laid on the Table of the House on 24th March, 1965. That is the background.

As I mentioned earlier, the question had been discussed a number of times, not directly but indirectly, when, for instance the Kerala Budget was being discussed and when the question of the detention of the communists was also discussed and there were a number of interpellations and discussions. I would, therefore, not like to go into those details because the objections put forward by certain Members were then gone into and the reasons justifying these have been given on a number of times, but if there were any further points that the Members would raise, I will certainly reply to them later but at present I would not like to deal with this.

I would only mention that now that the President has assumed to himself the functions of the government of the State of Kerala, it becomes the responsibility of the Government of India to look to the development of the State, to look to the interests and welfare of the

people of Kerala and for that purpose I may assure the House that we will take all measures and see that the people of Kerala do not suffer in the development, in welfare activities and that their interests are well preserved and maintained. I may also add in this connection that in order that the development schemes and other proposals may be processed quickly, a sub-committee of the Cabinet has been appointed with the Home Minister, the Finance Minister, the Minister of Food and Agriculture, the Minister of Industries and the Deputy Chairman of the Planning Commission will be invited; whenever the Governor of Kerala is here he will also be welcome to attend the meetings of this sub-committee and this committee will help the Kerala Government in processing and pushing through all the development schemes, and this is a step which will certainly be of great help to us. Some of the Members, especially Prof. Ranga, suggested that we might have a parliamentary committee for this purpose. I very much appreciate his idea. In the Bill that is coming up we have a consultative committee, I am proposing in this that not only Members from Kerala but other Members also, thirty Members of this House and 15 from the Rajya Sabha, may make up this Committee.

Shri Koya (Kozhikode): Its powers are limited.

Shri Hathi: I am coming to that. That is why I am mentioning it. I referred to Shri Ranga's proposal. I would very much wish that this Committee comes up not only for the purpose of legislation but for other purposes also. I am saying this because I do not want that the Members of Kerala or the people of Kerala should feel that they have no opportunity of dealing with or participating or offering suggestions in regard to the various development schemes or other problems of Kerala. For that purpose I am making that point here. Shall I deal with the Bill also now?

Mr. Speaker: Yes.

Shri Ranga (Chittoor): Does that mean only Members who come from Kerala or some others also?

Shri Hathi: Yes. That is the idea. 30 Members from Lok Sabha and 15 from Rajya Sabha. We have not thirty Members from Kerala in Lok Sabha. I am, therefore, associating other Members.

After the discussion on Proclamation, the Bill becomes a formal affair.

Shri Hari Vishnu Kamath: Is it a parliamentary Committee? Parliamentary committees can be formed only by the Speaker.

Shri Hathi: I am not talking of such parliamentary committees. There is a consultative committee provided in sub-clause 2 of clause 3 and it says that the President shall, whenever he considers it practicable to do so, consult a committee constituted for the purpose consisting of thirty Members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House. So, they are to be nominated by the Speaker; we are not going to nominate them. Then, there are fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Kerala in that House.

That means Members from Kerala plus other Members who do not represent Kerala. Its functions will be legislative. Certain suggestions were made by some Members; we have received letters and I mention the name of Shri Ranga because he is here and others are not here.

Shri Vasudevan Nair (Ambalapuzha): Congress should not have a majority in that Committee.

Shri Hathi: We utilise this committee for other purposes also so that it would be a small committee dealing with questions about Kerala.

[Shri Hathi]

There is another important point. Under article 357 the President has the power to legislate after consultation with that committee. Even then this legislation will not be absolute. There are clauses 3 and 4 in the Bill which say that every Act enacted by the President under sub-section (2) shall as soon as may be after enactment be laid before each House of Parliament and that either House of Parliament may, by resolution passed within seven days from the date on which the Act has been laid before it under sub-section (3), direct any modifications to be made in the Act, and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2). That means that the enactment or the Act which is passed by the President will not be an absolute authority. It will be subject to this clause, that it should be laid before Parliament. Then, they will have the right to suggest amendments and whatever both the Houses agree will be carried out through an amendment according to the resolution of the House for amending or doing whatever they want to do with respect to the Act. Therefore, these are the points. There are in all only three clauses in the Bill, and sub-clauses (2) to (4) of clause 3 are the clauses which are rather important. I do not think the Members from Kerala should have any apprehension whatsoever so far as the legislation is concerned and so far as the proclamation is concerned, we will take every care to see that because of the President's rule the Kerala people do not suffer.

13 hrs.

Mr. Speaker: Motion moved.

"That this House approves the Proclamation issued by the Vice-President of India, discharging the functions of the President, on the

24th March, 1965, under article 356 of the Constitution in relation to the State of Kerala."

I shall also place the other motion before the House. Motion moved:

"That the Bill to confer on the President the power of the Legislature of the State of Kerala to make laws, be taken into consideration."

श्री मधु लिमये : कल जब कार्यक्रम पत्रिका पर यह संकल्प रखा गया तो कल ही दस बजे के पहले इस पर मैंने एक संशोधन नियम संख्या 177 के मातहत पेश किया। उसके बाद कई सदस्यों से मेरी बात हुई और मुझे पता चला कि उन्होंने भी इसी तरह से संशोधन पेश किये हैं। मुझे बताया गया कि चूंकि इस संशोधन का असर नकारात्मक होता है इसलिए इस संशोधन को अध्यक्ष महोदय ने स्वीकारा नहीं है। इसके बारे में मैं दो बातें आप के सामने रखना चाहता हूं।

एक तो यह है कि यह जो संकल्पों के सम्बन्ध में आपका नियम है, मुझे पता नहीं कि टेबल आफिस से मुझे जो कापी मिली है, उस में बाद में कोई परिवर्तन हुआ है या नहीं हुआ है। मैं अपनी बात को इसी के आधार पर आप के सामने पेश कर रहा हूं। जो कापी मुझ को दी गई है उस में मैं कोई ऐसा नियम नहीं पाता हूं जिस के अन्दर आप इसको अस्वीकार कर सकते हों। जहां तक नकारात्मक असर की बात है, मैंने अपने संशोधन को सोच विचार करके रखा है। पहले तो मैं इस शकल में उसको रखना चाहता था जो संकल्प मंत्री महोदय के द्वारा रखा गया है, उस में कहा गया है कि राष्ट्रपति के द्वारा जारी की गई उद्घोषणा का सदन अनुमोदन करता है, इसके बजाय मैं अनुमोदन वाला संशोधन देना चाहता था लेकिन बाद में मैंने सोचा कि शायद उसको स्वीकार नहीं

किया जायेगा, उसको स्वीकार करने के मार्ग में शायद कोई अड़चन हो, इसलिए मैंने उसकी शक्ति बदल कर यह कहा है कि इस पर विचार करते हुए यह सदन सिफारिश करता है कि उद्घोषणा को वापिस लिया जाये निम्न बातों को मद्देनजर रखते हुए। इसलिए जो दूसरा आक्षेप है .

अध्यक्ष महोदय : सिफारिश किस को करता है ?

श्री मधु सिन्घे : सरकार को। सरकार से सिफारिश करता है। इसका कारण यह है कि राष्ट्रपति जो कुछ भी काम करते हैं वह सरकार की राय पर करते हैं। इसलिए मेरी आप से विनम्र विनती है कि चूंकि आप के निर्देशों में भी फर्क किया गया है, मामूली संकल्पों और जो संविधान और कानून के मातहत रखे जाते हैं उनमें, इसलिए इसके जो महत्वपूर्ण पहलू हैं, उनको मद्देनजर रखते हुए आप इजाजत दें कि मैं इसको रख सकूँ। वैसे तो इन लोगों का बहुमत है, ये 370 लोग हैं और इसके स्वीकृत होने की सम्भावना करीब करीब नगण्य सी है लेकिन हम अपना संशोधन रखेंगे तो अपनी बात को सदन के सामने ठीक तरह रख सकेंगे। इन सब बातों को मद्देनजर रखते हुए आप को इसे स्वीकार करने में कोई आपत्ति नहीं होनी चाहिये।

Shri Vasudevan Nair: Some of us also have submitted amendments to this Resolution. As far as we can see from the rules—rule 177 especially where you speak about the amendments to the Resolution—we do not see any reason why our amendments should not be accepted. You have made a distinction between motions and resolutions. On discussions on a motion, there is a rule wherein you say that a negative amendment cannot be entertained. But I do not know whether there are any other directions by you, but as far as this goes, it is not prohibited. As far as the merits of the case are concerned, we wanted to put it in a comprehensive way.

giving some reasons why this proclamation should be revoked. We would request you to accept our amendment.

Shri Warior (Trichur): I want to speak only about one point of clarification. In the rules, it is said that motions are different from resolutions. There is a distinction made. What that distinction is, we cannot understand from the records here. But there is a distinction, and about the motions it is said that anything negating a motion cannot be entertained. But as far as resolutions are concerned, there is no such thing. According to the directions of the Speaker also, there is no mention about this in the portions relating to resolutions. It is said, "only subject to the rules." But those rules do not provide anything so as not to accept or entertain this amendment. Hence, it is fitting that the amendment should be accepted.

Not only that. We do not categorically disapprove or do any such thing in our amendment. We only subject that Resolution to certain amendments, which in effect may or may not be having a negative effect. Technically it is not so. It may not have any negative effect; it may have a positive effect. That has to be seen. Hence, I plead with you that the amendment may be accepted.

Mr. Speaker: It has been argued that there is a provision in rule 177 to the effect that "after a resolution has been moved, any member may, subject to the rules relating to resolutions, move an amendment to the resolution."

Shri Ranga: I also gave notice of one amendment.

Mr. Speaker: I have disallowed that they are all out of order. My reasons are these. Chapter XIII deals with resolutions. Rule 170 says that "A member other than a Minister who wishes to move a resolution shall give fifteen days' notice" and so on; These are only resolutions that are moved by private members and not those that

[Mr Speaker]

are under the statute or under the Constitution. This is the first aspect.

Then, if hon. Members would look into article 356 of the Constitution, they would see that "and such Proclamation may be revoked or varied by a subsequent Proclamation." It is by a proclamation that the President can vary or revoke it. Now, what is the statutory resolution before the House? Clause (3) of article 356 says that "Every Proclamation under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of two months..."—it will cease automatically after two months—unless, before the expiration of that period it has been approved by resolutions of both Houses of Parliament." So, the statutory requirement is that the Government must place it before the House and unless it is approved by both the Houses, it shall automatically stand revoked or lapse after two months. This is the form in which Government has to seek the approval of the House. If the House is not going to give that approval, of course, it would go automatically. But there cannot be any substitute motions on any such statutory resolution which is enjoined by the Constitution itself to be brought in that particular form.

Shri Dinen Bhattacharya (Serampore): There can be a resolution of disapproval also.

Mr. Speaker: That is voting it down that is the only remedy. It is not my judgment alone. Three or four times, it has been so held by every Speaker, whoever was here. If hon. members want, they can look into them. All those decisions are there. It is not my original decision; I do not claim that. All the previous Speakers also have held like that and to me also, it is so clear.

Shri Warrior: We accept that this chapter on resolutions is only for mem-

bers and not for ministers. But there is nothing said specifically about minister's resolutions. But the Constitution also does not say anything about the amendments.

Mr. Speaker: Either the Government gets the approval of the House or it falls through. That is the only thing and nothing else. (Interruptions.) "If it is not passed in this form, no other form would be sufficient to give it extension. So, no question of any other form arises. Either the House approves of it or it goes out automatically. It cannot be modified or amended." Nothing can be done about it.

श्री मधु लिमये : मैं भी कुछ अज़ करना चाहता हूँ। आप की जो बात है उस में मैं एक रास्ता निकल सकता हूँ। यह जो मंकल्प है उस को आप वैसा ही रखिये कि अनुमोदन करने हैं, लेकिन उसके बाद यह जोड़िये :

"इस पर गहराई में जा कर विचार कर के इस नतीजे पर पहुँचना है कि निम्न बातों को मटे-नज़र रखते हुए, इस को वापस लिया जाये।"

अध्यक्ष महोदय : आप ऐसूब तो नहीं करने।

श्री मधु लिमये : वह तो होगा।

अध्यक्ष महोदय : ऐसूब भी होगा साथ में कहते हैं कि वापस लिया जाये, यह दोनों बातें कैसे हो सकती हैं।

श्री मधु लिमये : मदन इसकी सिफारिश कर सकता है।

अध्यक्ष महोदय : नहीं, साहब।

श्री मधु लिमये : मंकल्प में जो कहा गया है उस के बाद सिफारिश तो कर सकते हैं।

Mr. Speaker: Shri Ranga.

Shri Ranga: Government wish us to approve of the action taken by the President. I am here speaking on behalf of my party, the Swatantra Party, to express our disapproval of the motion before the House.

Shri Vasudevan Nair: What about the time for this motion, Sir?

Mr. Speaker: The whole day.

Shri Vasudevan Nair: From today onwards, the House is expected to sit only till 5 o'clock. We are prepared to sit upto 6.

Mr. Speaker: There is a half-hour discussion also every day.

Shri Vasudevan Nair: Then we can sit till 6.30.

Mr. Speaker: We will see.

Shri Ranga: We disapproved of the motion placed before the House. We wish that the House would agree with us in disapproving this appeal that comes from the Government on behalf of the President. Why is it that the Government has come to make this confession of its failure to sustain democracy in one of our premier States so far as literacy goes and one of the States that held a key position in our defence strategy too. It is because of the failure of the ruling party to gain, in spite of repeated efforts, a working majority in that legislature. If it has been able to gain a strength which is just short of majority, it could have carried on its horse-trading by obtaining the support of a few independents or non-descripts or some other small associated political parties and surely it would not have advised the President to resort to this undemocratic measure. If the Congress Party in that State had found it possible, as it has done on previous occasions, somehow or other to waylay the people of other political parties and get them into their own sphere of influence, if it could have persuaded

anyone of those small groups to offer its good offices by themselves providing the Chief Minister, as it has happened in the past, in name, but allowing themselves to run the whole show, it would not have given this advice to the President. It is because the tricks it had played with Kerala democracy have completely exposed it that no one political party, no one prominent political leader belonging to non-Congress parties is prepared to put his faith any longer in the political fortunes, the professions and activities of the Congress Party in Kerala. That is why the Congress Party came out with this generous offer of responsive cooperation, while itself remaining in opposition, to any other minority party forming a ministry and seeking its cooperation.

The whole career of the Congress Party in Kerala is unworthy of the traditions in the building up of which some of us have had a small measure, under the leadership of Mahatma Gandhi. We wanted to organise our democracy in this country rightly or wrongly on British lines. Therefore, we favoured a parliamentary democracy based upon more or less two political parties—a single party having a majority running the show and standing the criticism from a party in the opposition, unlike the American Presidential system. But unfortunately, in our experience, we have found not only in Kerala, but in Orissa, Himachal Pradesh and some other States also previously, that the British jacket does not fit our people here. Our people have got not merely two hands, but several other links which have also got to be fitted into this system; and, this jacket has been breaking at unexpected corners and at unanticipated times too. Because of the peculiar circumstances, because of the history of our political development, this party has come to be the single largest party in the whole country with a great tradition behind it. The responsibility has been cast upon it that it should do its best and shirk no sacrifice in order to help our

[Shri Ranga]

democracy to succeed and in that direction to be bold enough to make experiments. I have suggested earlier that it should try to make some study of the various systems of democracies in all those countries where the British and the American approach to democracy has been accepted. It has not made any effort, except that as in England, it has tried a minority government with itself in power once and at another time, it helped another minority party to get into power, itself providing the necessary support. For this, there were precedents in England. A third time it has reluctantly allowed the Communists to form a coalition ministry. A fourth time it allowed a coalition ministry to come into power with the PSP leader at its head to start with and afterwards, in the usual immoral practice that has come into vogue with the Congress Party—what I call post 1950 era practice because before that it was not so bad and it is only from 1950 it began to indulge in these practices—it offered the bait of a governorship and sent that gentleman away. Then it installed its own nominee in the chief-ministership and tried to inveigle people of other groups and other parties and somehow or other bolstered up and artificially caught up a majority to run the show for some time. When it was making these experiments—according to me, some of them thoroughly immoral though on the face of it based upon British precedents—surely it should be open to it to be prepared to make other experiments in a noble manner.

Instead of making any such experiments, what has it done? Now my hon. friend, Shri Hathi, comes here and recommends this Bill as well as this resolution to this House. His party has fortunately a few good ministers and he is one of them. He is such a competent man that anyone, any father who finds it very difficult to get his daughter married can get it done by approaching him. All that he has to do is to seek the good offices of my hon. friend Shri Hathi. He would

recommend even the ugliest baby to the most beautiful person, somehow or other get them married and afterwards help them also to live in a fairly tolerable manner.

Shri Hari Vishnu Kamath: This throws new light on Shri Hathi.

Shri Ranga: I congratulate him on this gift because this Congress Party, as I said, has been fortunate in having some good people and he is one of them. In spite of all this, this baby is not good enough for us. We are not prepared to accept this baby.

Shri Hathi: In the end you will see.

Shri Ranga: Even on the recommendation of my hon. friend, we are not prepared to accept this baby. Now, what happens? He comes and says that there is going to be a committee of 45, why not you be satisfied? He says it will represent all parties in the House and will consist of all the Members hailing from Kerala. It would also have a Governor, a Cabinet Subcommittee and all this. In spite of all this, when you come down to brass-tacks what does it come to? It comes to the continuation of the Congress rule in Kerala. Is that not objectionable? What else is it? Is not the Congress Party's nominee who is the Governor there? Of course, the Governor is expected to be impartial and all the rest of it. Every Congress Minister also is supposed to be impartial. But we know how many Congress Ministers have been behaving like that—not even excluding my very much respected and dear friend Shri Gulzari Lal Nanda. Therefore, it is not even a Minister, it is a Governor. A Governor is responsible only to the President and the President is responsible to himself. Therefore, all these various channels are managed and monopolised by the ruling party.

I have no objection if the ruling party had gained a majority there in the legislature and formed their own

government as they are running every other State Government. If they had gained a majority they could have run the Kerala State Government also. In that case I would not have possibly raised any objection. But having failed to gain that majority there in that State, not once but repeatedly, they are coming forward again—once they have already done it, and this is the second time—for a continuation of the first Presidential proclamation. They ask us to accept this Presidential proclamation because they say they have appointed a Governor, he is going to run the whole show in an impartial manner, they are going to provide a very good administrator from the Centre, they are going to be very considerate to the needs of the people of Kerala and all that. This is how the British people also used to argue whenever we wanted self-government. In those days we said that no government is good government which is not self-government. We wanted to have self-government. At the same time we are also prepared to say now that self-government is not enough unless there is good government. We want both of them together. This is the responsibility not only of the Congress Party but of all political parties here in this country in order to see that there is self-government in every State and that government also happens to be good government. I do not know whether this Presidential government is going to be good or not, but certainly it is not self-government. The very first condition for development of democracy in the country is that there should be self-government in every State. I charge this Government at the Centre for having failed in its elementary duty of ensuring in every one of the States, especially in Kerala, self-government. On the other hand, I charge them also responsible, willy-nilly, knowingly or unknowingly, by plan or without a plan, of having conspired in seeing that the self-government fails in Kerala.

Having said this, what is it they could have done? My hon. friend

gave all these details and I need not repeat all of them. They called upon the Congress people. They said that they were not prepared to form a government. They said so very very generously when there was absolutely no chance, not even a dog's chance of forming a government under the present circumstances. Then they called Shri Sankaran Namboodiripad. He was bold enough to say that he was going to form a ministry. Then the Governor pointed out to him that 29 of his people were all in jail, they were not going to be released and therefore he would not be able to form a ministry. Can there be a greater hypocrisy than this? Who asked you to put them in jail? First of all, Shri Nanda committed a political blunder

Shri Vasudevan Nair: Shri Nanda should have been present in the House.

Shri Hathi: I am here.

Shri Ranga: Even if I were to look at it from the point of view of the Congress, not to speak of others, or the Opposition point of view, I would say, Shri Nanda committed a first-class political blunder in putting his ban on the so-called Leftists, putting their leaders in the jail but keeping their topmost leader outside and then saying he was going to debar them completely.

Now, the Kerala people had given him the answer. If he had any self-respect at all, if the Government had any self-respect, he should have resigned, because this Kerala democracy elected 29 of their people. I deplore their success at the polls. I am unhappy that there should be so many people in Kerala who with their eyes wide open would go and vote for the Left Communist candidates after they had been castigated by a patriotic minister here and by the whole of this Government as being unpatriotic, as being allied to the Chinese cause. In spite of all that they voted. What does that show?

[Shri Ranga]

It only shows want of confidence in this Congress Government. That is how I look at it.

Then, not having done it, they would not allow him to form a ministry. Then what happened. The generous Congress Party said that they were prepared to offer responsive co-operation to anybody else but they must show a majority. If it would have been possible for the Kerala Congress and the Muslim League to assure that kind of majority how would the Governor have given the first opportunity to the Kerala Congress, if he was not prepared to give that permission to Shri Namboodiripad himself? If I had been the Governor, if I had been in charge of this Government here at the Centre, I would have taken courage in both hands and asked Shri Namboodiripad himself, first of all to come and form the ministry. If he failed, at the first vote of no-confidence, as Governor, I would have dismissed him and then I would have called upon the leader of the Kerala Congress to form the ministry. That would have been the proper course. The Governor, who happens to be my life-long friend, Shri Giri, failed in his duty towards the country just because he wanted to be true to his party and party allegiance. No wonder he has gone somewhere else in an equally good enough position—I am sorry for that.

Having failed in all that, should they not have thought of making some experiment? I have already suggested that they should have thought of making some experiments. On a similar occasion, when similar difficulties arose in Orissa I made this suggestion. Now, in regard to Kashmir the same difficulty is coming up. One party is not good at all. These people are trying to force all these people into the capacious jacket of Congress, this malicious jacket, even though it breaks by size. In Kashmir, in those days of Sheikh Abdullah, later on in the days of Gulam Mohammad, and now in the days of Saddiq, we are

going through the same difficulty, running the same danger of establishing a kind of totalitarian government which can only lead to such charges, as have come to be levelled against their ministers and which are being enquired into today. Therefore, it is no good for this Government simply to fall back upon these provisions here. What do these provisions mean? In those days, when our old leaders were fighting for freedom, Pandit Motilal Nehrū here and Shri C. R. Das in Bengal made it a cult on their part to make the so-called British partial democracy fail. They proved that diarchy would not work. They made it impossible for the Government to function, for the administration to carry on. Now, it looks at if this Congress Government, professing democratic ideals, is try to get into their shoes—but those shoes are much bigger for them—and is trying to destroy democracy and to make our Constitution fail, from the democratic point of view, in more and more of these States, and I charge them for that.

If they really mean democracy, what they ought to do is to try to explore the possibilities of introducing into this country the Swiss system, not in all its entirety but in the manner and to the extent that it would be suitable for us. How do I want it to be utilized here? They have got it functioning in Switzerland. There also, there are different political parties; yet, all of them are given representation, more or less proportionately. Once they come in, they work as a committee. They discuss, they decide and take important decisions on national issues on the basis of consensus. That is the kind of government that we should have. It would be an all-party government, it is true, but it has to work on the basis of consensus. In that sense, some objection would be raised that it would not be possible for it to take quick decisions. Very well, but wherever you have a second chamber, are you not making provision for certain legislation to

be delayed sufficiently long so that the lower House, the House of the People, would have an opportunity of giving a second thought and even a third thought, and thereafter getting the earlier proposition reversed, if necessary, or passed again? Ordinarily, it happens in all those countries wherever there is an upper chamber, in order to give an opportunity for second thought whenever necessary, they try to examine and accommodate the wishes of the upper House and, in that way, they try to modify their attitudes. If that is possible in regard to legislation, why should it not be possible for the Minister, not to be impatient about their pet nostrams but try to accommodate each other and wait for some time? If they cannot come to a decision here and now on the 1st of June, they can postpone it till the 1st of December and then give fresh thought to that particular proposal. Until they are able to reach that consensus, they can be expected to carry on the administration on the basis of the legislation that is already there and the social practice that already obtains. That is the system that I have suggested, and I want the Government to make some experiments about it.

13.35 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I know that that my hon. friends are very very keen, passionate and jealous of their power and I cannot hope them to agree to give up their majority governments in various other States where they have a majority in the legislature, but where they have failed so miserably so repeatedly, why should they not be so good sighted enough to make experiments on these lines?

Here is Shri Santhanam, whose name is mentioned here so many times in connection with the anti-corruption committee and the suggestions he has made. He has written an article in one of the papers, in the

Hindustan Times, on the 9th of March wherein he says:

"It is foolish to rush to the conclusion that President's rule is the only alternative. If every time there is no majority Presidential rule is to become automatic, the Constitution must be deemed to have broken down and all those who are against democracy in India will rejoice."

Now, would my friends accept that they are against democracy? Though their behaviour is such, I do not think they have the temerity to say that they have no longer any faith in democracy. Then he says:

"This may become a major feature in the political evolution of India during the next decade or two in those States and sometime or the other. It may happen even at the centre . . ."

—let my friends take note of this—

"to resort frequently to these articles which were provided only for extreme exigencies, will amount to deliberate sabotage of democracy."

What is happening in State after State? In UP they have two Congress parties and two Governments fitted into one *musa*. It is a coalition government masquerading as Congress Government. So is the position in Bihar, in Rajasthan, in Gujarat and several other States. Everywhere there are two groups. Then, these groups are not only at the top level; they have percolated right down to the villages—two political parties, juntas, coming together, remaining together only for the sake of power, because the attraction to power is so very great. So, they continue to work together, keeping up the appearance of, masquerading the appearance of being together, and they run the show. But the show also breaks when the time comes for it. Now the time has come. In those days, in my days, I myself broke away from the Congress, but then we

[Shri Ranga]

were only a few people. But today it looks as if democracy has reached the stage of being broken to bits in Kerala because of the discontent generated in the people by the Congress Government ruling that State. They were able to rouse the emotions of the masses to such an extent that they beat the Congress to a retreat. Then, the other day, Sir, it happened in your State of Mysore. It may happen in other States also, may be in six months. in UP, Bihar, Madhya Pradesh, Rajasthan and Gujarat. Where is it leading us to?

An hon. Member: What about Andhra?

Shri Ranga: It may take place in Andhra also; it does not matter.

Shri Oza (Surendranagar): What about the Swatantra Party, Communist Party and the PSP? Are there no groups inside those parties?

Shri Ranga: As long as my hon. friend's party is playing mischief with the opposition parties, because of their impatience about the existence of the opposition parties, by their power of patronage, certainly the leaders of the opposition parties have to be afraid of the ruling party, because the ruling party has no shame. It has always tried to demoralise the Indian democracy.

Shri Ravindra Varma (Thiruvella):
May I . . .

Shri Ranga: Please resume your seat. You will get your opportunity. What did Gandhiji do in the case of the Servants of India Society when he did not agree with them and he was thinking of building up a rival organisation, a rival national leadership? After a time when the Servants of India society got into trouble, did he try to take advantage of it? No. On the other hand, he used his good offices to collect money for the Servants of India Society, in order to

help those people, to get them together. He told the country openly in his own columns that it is in the interests of India that a party like the Servants of India Society should be there. Moderate in its political action though it was, nevertheless, it contained a good number of public workers, and he wanted these public workers to come together and work together. This is the example that has been placed before us by Mahatmaji. And it is from that point of view that on several occasions I have come to the rescue of your party, even though I have had to break way from you. Because, as I told Pandit Jawaharlal Nehru in those days, I am going away from the Congress; but, at the same time, I want a strong political party, opposition party, in the shape of the Congress Party; I wish you well and I want you to wish me well. That is the atmosphere, that is the spirit in which the Congress should function. It has not been functioning that way, and that is why Indian democracy is in the doldrums. I charge the Government for destroying Indian democracy, I charge the Government for the plight of Kerala today. Here is a State where 90 per cent of the people are literate, where almost hundred per cent of the children of school-going age attend schools. It is a sight in the early morning and late in the afternoon to see those boys and girls go to and come out of the schools in such huge numbers. Nowhere else do you come across such splendid, heartening scene. Such a State should have been degraded to this position . . .

Shri N. Dandekar (Gonda): Shame.

Shri Ranga: . . . is a record of which no decent Gandhian can be proud, not to speak of these—I cannot say anything about these Congress people today. It hurts me to have to say these harsh things about the Congress because that is a name under which so many of us have sailed for many years. We took it to the people, the innermost corners

of the people, recommended it, made it a hallowed name, a name that carries the spirit of Mahatma Gandhi. It is most unfortunate that Member after Member in the Opposition had been obliged to get up here in order to remind this Government, this post-independence Government and this post-Jawaharlal Nehru Government, that there was a man like Mahatma Gandhi in this great country and that his statue should have been raised here somewhere in Delhi and his name should be uttered first. Yet, the previous Prime Minister as well as the present Government have been failing and when they fail even to remind themselves of his name, is there any wonder that they are failing in Kerala? That is the reason why I condemn this Government for this Resolution and also for this Bill. We cannot offer any co-operation to this Government.

Shri H. N. Mukerjee (Calcutta Central): Mr. Deputy-Speaker, Sir, I am very happy that I am following in the wake of my hon. friend, Professor Ranga, who has spoken with power, passion and fundamental persuasiveness which, I fear, is going to fall flat on the Congress Party. Listening to Professor Ranga today I was reminded of what I told him some time ago, when we were together in Nagaland and I had occasion to notice some of the sterling qualities which he possesses in plenty, that Professor Ranga was the redeeming feature of the Swatantra Party. I am very happy that he has put the whole matter in perspective.

I am sorry that Shri Nanda is not here to listen to whatever he had to say. Professor Ranga has told us how very appreciative we are of the talents of our friend, Shri Hathi, with a universally popular personality. But it is not a question of personalities; it is a question of principle. Since Shri Nanda was here a little while ago, before 1 o'clock or so, I cannot conceive of any particularly urgent assignment which should keep him away from the presence and partici-

pation in the debate in this House on this very important motion.

An hon. Member: There must be some emergency somewhere.

Shri H. N. Mukerjee: Wherever he might be, it is quite improper and, I think, for a Minister, particularly in the present context of things, to keep away from a discussion of this subject.

We all have great esteem for Shri Nanda whom sometimes we go a little out of our way to defend from his many aggressive critics inside his own party and it does not give us any particular pleasure to have to say anything about him adversely. But it is really a matter of some perturbation that the Government does not care for the fate of this kind of motion because the Government knows that there are votes at their back and call and that this Proclamation will be approved. But Professor Ranga has said so very clearly that if we had any sense of propriety, if we had any sense of political morality, if we had any decent democratic grain in our composition, if we had any allergy towards the scandalous exercise of tyrannous authority, surely this kind of Resolution could not be adopted by this House. The Proclamation issued in the name of the Vice-President discharging the functions of the President on the 24th March, 1965 cannot possibly be approved.

I say that there are many aspects of this matter which this Parliament should take into consideration. It is for one thing—and I would like to press this matter before you—contempt of Parliament, of parliamentary propriety and good sense and political decency that some time has passed and interest seems to be flagging but the Congress action over Kerala stinks and, whatever the arguments now put forward, not all the perfumes of Araby can remove that stink.

Shri Hari Vishnu Kamath: and of India.

Shri H. N. Mukerjee: I would like to remind the House that this Proclamation was issued by the Vice-President at a time when this House was in session. I tried to bring it before the House at that particular moment, but I was barred for different reasons and I want to refer to this matter in some slight detail.

We have in our Constitution provision for the President having the right to issue a Proclamation in certain circumstances. In no other comparable constitution there appears to be a similar provision. In the United States we do not have that provision. If a particular State is very refractory, is resisting the application of federal laws, that is a different matter; but the President is not authorised in case of some political deadlock in a particular State to issue a Proclamation. But we have got this Proclamation item in our Constitution because, with all respect to the framers of our Constitution whom I see to my right and to my left, we made it a jumble of things collected from different countries—UK, USA, Japan and, God knows, what other country that we could think of. The result is that we tried to follow in the wake of the British administration of this country and our Constitution-makers appeared to discover that in the Government of India Act, 1935, there were two provisions—sections 45 and 93, particularly section 93—which should be more or less duplicated and pushed into the structure of our Constitution because, perhaps, in spite of our now living in postindependence India, some people were very farsighted and they wanted to continue the methodology of pre-independence India in the context of postindependence India. Therefore they adapted wholesale many provisions of the former detested constitution which at one time we were used to swear we would resist to the uttermost length. This is what we did.

We remember also that in the great days of British monarchical authority

when Parliament had to fight the King, the King had the power to issue Proclamations. So, why should not the Head of the State acting on the advice of the Congress Party have the right to issue Proclamations? We forgot that in the 17th century, during the time of James the First and Charles the First, there were a number of cases—I do not see many lawyers here—Bates's case, the Case of Commendams and the specific cases of Proclamations, where the whole idea was that the King was issuing Proclamations and, therefore, circumventing Parliament. He was not calling Parliament. He was actually legislating by means of Proclamation and not by the parliamentary process, and that had to be stopped. On that occasion when the case went before courts, the argument was placed before the courts, many of the judges were in fear and trembling—and at that time somebody said that the judges were lions but they were lion; under the Thorne—and the judges gave some very convenient decisions from time to time and Parliament had a hell of a job to fight in order to see that Proclamations were put out of the picture altogether as a legitimate political weapon. We forgot that history altogether and we introduced this idea of Proclamations.

Even so, because of making a constitution for a free country there was a certain sense of exhilaration and the Constitution-makers put in certain qualifications. They said that this had to be placed before the two Houses of Parliament inside of two months or so and before two months have gone they had got to receive the approval of Parliament.

My submission is it is a most undesirable precedent that during the session of Parliament a Proclamation shall be issued by the President or the Vice-President acting in the President's name over the head and behind the back of Parliament. I

could have understood the Government coming before Parliament, reporting the situation in Kerala and securing a parliamentary Resolution requesting the President to invoke his powers under the Constitution and issue a Proclamation.

Shri N. Dandeker: Quite right.

Shri H. N. Mukerjee: If the Parliament had accepted that kind of a Resolution at that particular point of time, that would have been some constitutional legitimacy to this particular action. This is a completely illegitimate piece of action morally, constitutionally, politically and otherwise and this is action which is sought to be justified by Government in the manner in which I find even the Home Minister himself can presume to absent himself from the proceedings of this House. I suggest, therefore, that just as in the case of ordinances there is a provision that they have to come before Parliament for sanction and there is a kind of an apologetic look about them, a proclamation should also come before Parliament when Parliament is in session. Neither an ordinance can be issued by the President nor can a proclamation be issued or should be issued, as has been done in this particular case.

I shall now turn to what has happened in regard to this matter, namely, the report of the Governor, Mr. Giri. We had also the privilege of working with him in this House when we first came to Parliament. The Governor sent the report to the President which was placed before the House by the Home Minister and it was on the basis of that report that the President issued this Proclamation taking over the administration and the plea given by the Governor was that it was not possible to carry on the administration of the State because all the parties were minority parties and, therefore, since in democracy with a big 'D' we cannot have a

minority party running a Government, he reported that the President should take over the administration. That was the kind of thing which the Governor said. This is completely fatuous and fantastic and if you remember something of the story which Prof. Ranga has related to a certain extent, the fatuity of it would become much too apparent.

In 1952, in Travancore-Cochin, the Congress, a hopelessly minority group in the Assembly, formed a Ministry under one Mr. A. J. John. For more than one and a half years, this Ministry continued and then rightly got the order of the boot and it was voted out. Nobody wanted that Government to continue but it was allowed to carry on as a caretaker Government. Nobody in Kerala was ready and willing to entrust anything to its care but it continued to be the caretaker Government. It was happily carrying on. In 1954, in Travancore-Cochin, no party got an absolute majority. Then, the Governor had no compunction in calling upon the leader of the P.S.P. to form a Cabinet because the Congress was interested in getting into the Ministry. It was not for love of the P.S.P.; it was not for love of any democratic principles. It was decided that since Congress could come back to power by the backdoor, since Congress could, for the time being, take a seat second to that of the P.S.P. and yet control most of the authority in Kerala, it was desirable to have a minority Government in that State. This existed for a whole year. After sometime, this Ministry failed but the Assembly was not dissolved. Then, my hon. friend—I am glad to see him here—who is a very rare participant in our proceedings except when Kerala is concerned, and otherwise he is hardly here, Mr. Govinda Menon formed a Congress Ministry almost at once. After having been a minority Government, the secondary or auxiliary pendant to the P.S.P., the Congress behaved in this particular fashion.

[Shri H. N. Mukerjee]

In 1952, there was another instance. The Congress lost in undivided Madras and the biggest party that was returned was Mr. Prakasam's United Democratic Front which, because unfortunately it included the Communist party was disallowed to form a Ministry. What happened at that time? Prof. Ranga's guru whom we all respect, Shri Rajagopalachari—he has now forsworn so many of his older loyalties—was smuggled in by nomination to the Council in Madras and he was brought in with a SOS call—Save Our Souls. He was brought in as a member of the Council by the nomination of the Governor and he formed a Ministry. And what was the plea given by the Governor on that occasion in his report, or whatever it was, that he sent to the Ministry here? It was that the United Democratic Front was not a Party but a front. Presumably the Congress does not present either a bold front or a united front. The Congress is the only party in the country and that party, and not as a front, can carry on the administration. This kind of fantastic argument has been used before in order to keep out majority organisations from enjoying the political fruits of deservedly won representative power on the basis of the population franchise.

In 1952, in Pepsu also—some of us have forgot all about it—there was a non-Congress Government and that Government was dismissed and one of the charges was that it was encouraging certain anti-social practices in which the Communist movement was threatening to indulge in that part of our country. It is a very sorry story. It is a rather petty business and I do not want to refer to some of these things but, perhaps, it is better to remind them of a few things which they have done.

In the period 1957 to 1959, there was a Communist Government in Kerala and the criminal story of how that Government was ousted from power

is so very well known that I need not rub it in.

Then, again, of course, the Congress came to power after the elections in 1960 and it got an uneasy alliance with the P.S.P. and it got the support from the Muslim League. And then what happened? Prof. Ranga had referred to it very correctly. Mr. Pattom Thanu Pillai who was the Chief Minister was kicked up upstairs and he was made a Governor and he was given a political bait in a manner which is the very definition of corruption in this country.

Shri Vasudevan Nair: Shri Lal Bahadur Shastri was the man.

Shri H. N. Mukerjee: If you do not tackle corruption at the very roots, at the very highest levels, you have no right to talk about anti-corruption in this House. As far as the Government is concerned, they have not the slightest right to talk about anti-corruption of which they are supported to be crusading, when at the highest level there is political corruption of the most egregious type. The Chief Minister of a State belonging to a rival political party with which they have got some differences is given a bait and pushed up upstairs and made a Governor as the price of giving up his future political career and as a compensation.

Shri Alvares (Panjim): And by the present Prime Minister.

Shri Ranga: He was the best decoying element.

Shri H. N. Mukerjee: This practice of political dacoity which flourishes on the method of decoying is something which goes against the grain of any kind of democratic principles.

Therefore, it appears from the precedents that being in the minority does not mean you cannot form a

Government if you are a Congress Party. They further show that being in a majority does not necessarily mean you can form a Government if you are anybody but the Congress Party. That is to say, everything must suit the book of the Congress. Democracy has to be the Congress democracy and nothing else at all. That is the kind of nonsense which we are being fed upon.

Prof. Ranga has pointed out very rightly that new perspectives are opening up all over and at every stage before the country today. The idea of uniparty control of the different States of India is a mirage which will be dissolved perhaps when the next general elections take place. In the meantime, what are we doing to cleanse the political atmosphere and to see that the people's desires are enabled to be fulfilled?

Here, in this case, what has happened is that we are told that there is no party which could function as Ministry. Who told the Government that? It is the Governor's report which I consider to be a document which does not deserve to be described in any but terms which I hesitate to employ in this House. In the Kerala elections, the Home Minister got a slap on his face. He said about some persons that they were traitors to the country and they were in connivance with the Chinese aggressors and all that kind of thing. And the people of Kerala returned them as the biggest single party in the Assembly with 40 Members. The Congress Party put 29 of them inside the jail and would not even let them out to attend their party meeting and go back to the jail again. They would not have that political decency.

14 hrs.

Then, what Government did was the last word in political illegitimacy. Here was an Assembly chosen by the people. The names of the Members were published, gazetted and all that

kind of thing. They were entitled, I say, in all conscience to be summoned to meet as an Assembly. If I am elected to Parliament and some authority from somewhere, invoking some miserable provisions in the structure of our Constitution, dissolves the House before even I take my seat in it, I am deprived of a right which is absolutely something which I cannot part with. That is the most fundamental right to be elected and to be able to participate at least in one meeting of the Assembly. And why do I say that? An Assembly is not a collection of so many individuals such as A, B, C, D, X, Y and Z. An Assembly has a special character of its own. What are we here in this Parliament, in this House of the People? We belong to different parties; we look different; we speak different languages, perhaps, we think different thoughts from time to time, and yet when we come here, we develop a personality; we are in some ways the finest club in the country; and we mix here, and we get together and we could meet the Prime Minister and talk over defence matters or certain other matters, because as Parliament we have developed a certain personality. We are not merely so many individuals; we are not a cluster of so many separate differentiated individuals. We as a body have a certain kind of character which is why we have privilege, and which is why in the Speaker we invest so many of our rights and our dignities, because we are together and because we develop a certain kind of personality, a new entity. I am entitled, when I am elected, to come and meet my fellows. I am entitled, when I am elected, not merely to come and draw my salary but to sit together with my fellows who are equally elected by the vote of the people. Therefore, it was only decent, and it was only the elementary thing in honesty to do, namely to call the Assembly so that it could meet first of all and find out whether it could or could not be enabled to form a Ministry of its own.

[Shri H. N. Mukerjee]

Shri Namboodiripad has made a very definite statement, and he wrote to the President about it. He said that with the support of the Left democratic parties in the State, the SSP, the Communist Party of India, the Revolutionary Socialist Party, the Karshaka Thozilali Party and others, he would have had a strength of 61. He has written to the President— I am quoting from his letter to the President—

“With this assured support, our party would have been able to negotiate with the Muslim League which is committed to the formation of a non-Congress Government on terms on which we could secure their support.”

When the Muslim League spokesman, I hope, will speak in this debate, we shall find out from him the actual position. They were ready, but they could not discuss it unless they met together, unless the opportunity was given to the Members to meet together. That opportunity was denied to Members of the Legislature. It is not only that the Members of the legislature were kept in detention without trial, without anything like the hint of a syllable of a charge against them being made available to them, it is not only that, but the members who were elected by the votes of the people were disabled from meeting together, to discuss, to look at each other's faces, to gauge each other's mind to a certain extent as far as that was possible and then to discover whether or not they could have a stable Ministry in that part of our country. This was what happened.

At a time when there is a perspective developing in every part of our country of non-Congress parties coming into the picture, at a time when this Congress monopoly of power appears very likely to be disrupted—and that would be to the good fortune of the country—at a time when the inability of the Government to

solve national problems and the shameless manner in which corruption is allowed to extend itself to the highest quarters, and inefficiency is the order of the day, and even in regard to defence matters, and in regard to every little thing in the world this Government's inefficiency is writ-large, so to speak, on the pages of contemporary history, at a time when new perspectives are opening out, we find Government trying to, do this sort of thing. This is not unusual because power corrupts and the Congress enjoyment of absolute power for a considerable length of time is corrupting them absolutely.

Shri Hari Vishnu Kamath: Beyond redemption.

Shri H. N. Mukerjee: This is something which the country cannot stomach. This is something which also impinges upon the future of a part of our country, which my hon. friend Shri Ranga has described so beautifully, the sight of little children going to school and coming back from it, something which is a joy and a delight to everybody, of a part of our country which is the most advanced in so far as literacy and so many other things are concerned; that part of our country is kept disfranchised and disabled from exercising its democratic prerogatives and privilege and this being done only in order to satisfy the whims and caprices of a party against which the catalogue of the people's grievances is mounting today to such heights; but not even all the votes that can be mustered in the House of the People would ever be an argument against an explosion of the people's anger which if the Government go on at this rate, will burst one day and that will teach the Government, Shri Nanda and his friends a lesson that they pre-eminently deserve.

Shri Maniyangadan (Kottayam): After hearing the speeches of the two eminent professors and their tirade against the Congress Party both in this House and also outside, I do not

think that anything relevant to the matter before the House has been said by them. Those two professors now joining hands seem to me to be strange bed-fellows joined on one issue, namely to oppose the Congress. The same thing happened.

Shri Warrior: That is the only thing we could not do in this country, because everything else has been destroyed.

Shri Maniyangan: Last year, when there was an elected Assembly and a Government in Kerala, the very same thing happened. Fortunately, Shri Ranga's party was not there in the Assembly at that time. But some of his supporters and the members of the party to which my hon. friend Shri H. N. Mukerjee belongs, joined hands to oust the Congress from power. And they succeeded. Then, power. And they succeeded. Then, what happened? There was no possibility of an alternative Government, because no party was there which was prepared to form a government. All the party leaders were asked to form a government, by the Governor, and nobody wanted to take over the responsibility, and then we had the Proclamation here. The Proclamation was brought before this House for its approval. Nobody said that because the Proclamation under article 356 had been issued, and President's rule had been established, the Congress was going to continue in power. But the inevitable happened.

Reference was made to what happened in 1953 in Travancore-Cochin. According to constitutional propriety at that time, when the motion for a vote of confidence moved by the then Chief Minister was defeated in the Assembly, the Government resigned and advised the Rajpramukh to dissolve the Assembly. According to constitutional propriety, the experiment was tried, and that Government was continued for some time as a caretaker government. Elections were held subsequently. That action is now considered by the Opposition as im-

moral. The Shankar Ministry could have repeated that. There was nothing unconstitutional about it, but that Ministry did not do that. That act which is described by the Opposition as immoral was not repeated by the Congress Chief Minister. But the Assembly was dissolved, and a Proclamation under article 356 was issued, and the President assumed the powers of the State.

What happened in the elections that ensued? All the parties,—I think there were about 14 or so parties,—including Communists, Left and Right, the Swatantra Party, the Rebel Congress, and the Muslim League etc. fought the elections. All the parties excepting the Congress joined on one matter, and that was to defeat the Congress. In the elections, the Congress was defeated. There were only 36 members elected on the Congress ticket. So many experiments were referred to here by the Members of the Opposition which they now call as immoral, illegal and what not. It is true that some experiments were tried by the Congress on several occasions. But this time, the Congress had made its position very clear namely that unless it got a majority in the elections, it was not going to take over the responsibility of administration but it would remain in the Opposition and not give responsive co-operation to government, as my hon. friend Shri Ranga had pointed out but provide constitutional opposition. That was the role that Congress was going to play and that had been made clear before the elections. After the elections, when the Congress was defeated at the polls, the same thing was repeated. That was represented to the Governor as well. Attempts were made by all other groups to form a government. The Left Communist Party was going after the Muslim League and was attempting to bring to its fold even the rebel Congress. The SSP also was run after. But what happened? There was no possibility of another party or even any group of parties getting a majority in the

[Shri Maniyangadan]

Assembly. Even according to E.M.S. Namboodiripad, he could get the support of only 61 members in a House of 134 including one nominated member, Prof. Ranga or Prof. Mukerjee—I do not know who—said that if the Assembly was convened, perhaps the Muslim League might have supported the Left Communists or the Left Coalition as they call it. I do not know what the Muslim League Party's attitude now is. But their proclaimed stand then—this is clear from the summary of the report of the Governor laid on the Table—was that they had nothing to do with the Communist Party; neither would they support the Communist Party to form a government, nor would they seek the support of the Communist Party to form a government along with the Kerala Congress. This position was made very clear by them. There was no possibility of the Government being formed. Now they say the Assembly should have been convened.

Under art. 176 of the Constitution, the Governor convenes the Assembly, and when it is convened for the first time after an election, the Governor must address it. What was the Governor to convene the Assembly for in this situation in Kerala? If he had to address the Assembly giving the causes for its summons, what could he have said? Was it to elect a leader that he was to convene the Assembly? Election of a leader, negotiations to form a government, for a coalition, all this should be done outside the Assembly. It is not the duty of the Governor to ask all the members assembled there: 'Now come here, elect a leader, and the leader who is elected will form a government'. If such a change has to be made in the Constitution, I have no objection. Let the matter be thought of. But the Governor, the President and the Union Government can act only in accordance with the provisions of the Constitution as it is now. They are bound by the provisions of the constitution. They have to act within its limitations. If

changes are to be made, it is a different matter. That can be discussed. Perhaps that may be needed because circumstances like this may arise again. I am not opposing that. Let any sane suggestion be brought forward. We will consider it.

Now, the question before us is: can the President or the Governor go beyond the limitation of the Constitution? If the Assembly has to be summoned, it has to be addressed by the Governor.

The Address by the Governor is a statement of policy of the Government. So it necessarily presupposes the existence of a Government, a person being called upon to form a Government as the Chief Minister, and his colleagues in the Cabinet recommended by the Chief Minister. So a Council of Ministers is an essential prerequisite before the Assembly was convened. There was no question of the members of the Assembly being summoned to meet for what purpose nobody knows, because the Constitution is there.

So my submission is that what the Governor did was perfectly justified. He had no other alternative but to recommend to the President that the provisions of art. 356 should be invoked and any other action under the provisions of the Constitution had become impossible. This was the only method.

Prof. Ranga referred to the Swiss model or some other model. There are so many constitutions in the world. There is a Swiss model, there is a Russian model, there is a Chinese model, so many models. But what have we to look to? Could we do anything else so long as there is a Constitution?

Prof. Mukerjee referred to what the constitution-makers did. It was a matter for the constitution-makers to see what amendments and provisions had

to be made. Perhaps they might not have thought of this contingency, that such a thing would happen. If any amendments are to be made, if any new models are to be thought of, I have no objection. Let it be thought of. But in the present circumstances, when there is a Constitution, when the Governor, the President and the Union Government have to act within the limitations of the Constitution as it exists, there was no alternative but to do what has been done.

It was said that this Proclamation was issued at the back of Parliament because Parliament was in session and it should have been consulted first. Here again, we have to look into the Constitution. What does art. 356 say? Reference was made to ordinances, that when Parliament was in session, no ordinances were issued by the President. That is true; that is in accordance with the provisions of the Constitution. But here the President has to act on his own either on a report of the Governor or *suo motu*, when he feels that the provisions of that article are to be invoked. He has done just that. There is absolutely no meaning in saying that the President, before issuing the Proclamation, should have got a direction from Parliament. The Proclamation is now before Parliament for its consideration. It is for Parliament either to reject it or accept it. That is the constitutional provision. The provision regarding ordinances issued by the President is entirely different. It provides that in certain cases when Parliament is not in session, the President can issue ordinances. But that is not the case with Proclamations like the one we are now discussing.

श्री हुकूम खन्ड कछवाय (देवास) :

उपाध्यक्ष महोदय, हाउस में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung—Now there is quorum. Shri Maniyangadan may continue.

Shri Maniyangadan: References have been made by both Prof. Ranga and Prof. Mukerjee to the detention of certain persons who happen to be elected. Prof. Ranga was asking whether the Home Minister should not resign. If in the elections in Kerala, a few people, whom he has detained on the ground that their freedom is detrimental to the interests of the country, to the security of the country, to the defence of the country, happen to be elected, I do not know the constitutional propriety under which he asks the Home Minister to resign.

The matter of the detention was discussed here on several occasions. I do not want to go into all those details, but I want to make it clear that the detention of those persons was not made just to help the Congress or any other party in the elections. It was made some time before the elections. It was an all-India thing. In several States persons were detained, and they were allowed to contest elections. If the security of India or the defence of India is to be sacrificed for the sake of the election of a few individuals, that will be a vary dangerous criterion for us to follow.

May submit that they were detained on proper grounds, and it was stated here why they could not be brought to trial. The statement submitted to this House by the hon. Home Minister regarding the detention gives details. There was evidence before the Government that these people were making preparations for sabotage and other things, that they were going to repeat what happened in Telengana and other areas in 1948. In 1948 itself, after the Telengana incidents, the Communist Party itself was saying that their failure was because they did not have support from a neighbouring country. Now according to them the time is very appropriate. Now the Chinese are there on the borders. If they create trouble here, if they indulge in sabotage, if they create a revolution, the Chinese are there to help them, and so they would do it. They were organising that. In that

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statement by the Home Minister, there are several references made to so many acts of theirs. It is stated that they were not prepared to come out because of their fear of the Defence of India Rules. When these preparations were going on, would it have been proper for the Home Minister or for the Government to wait until some specific acts were committed? Unless this detention was made at that time, things would have been very different, and then the country would have said that the Home Minister had committed an anti-national act.

He had to do it, he knew that this detention would very vitally affect the prospects in the elections of the Congress Party in Kerala.

Shri Vasudevan Nair: No.

Shri Maniyangadan: In spite of that, he did that, he had to do that in the interests of the nation. I may say that I am very proud of the Home Minister who, in spite of the difficulties that the party might face in the elections, did it in the interests of the nation. That is what actually took place there. So, the detention was necessary and in the interests of the country.

Some of those detained got elected. Even granting for the sake of argument that they should have been released, the question is whether they could have formed a Government. We do take into account the 29 persons in detention when we say that there was no party which could form a Government or which could obtain a majority in the Legislative Assembly. That is the actual position. I am not happy about it, but this was the only course open to the Government.

One word about the Bill. Suggestions had been made by some Members, Shri Ranga and others. Shri Govinda Menon had made a suggestion regarding this in his speech on a previous occasion. They had suggested that the powers of the

committee constituted under the Act must be wider. Respecting that suggestion, the hon. Minister said that that would be done, but the Bill as it is does not contain any such provision. It refers only to consultation when some legislative measures are thought of by the President. No provision is made in the Bill for taking the advice of this committee on the administrative affairs of the State, on the development of the State. I fully believe what the Minister says, but I think it would have been better if some provision had been incorporated in this Bill regarding that also. I believe that in matters affecting the State, administrative and financial, the committee would be consulted and the committee would be associated in all matters. In short it would be taken as a sort of legislative assembly as regards the affairs of the State.

Shri Nataraja Pillai (Trivandrum): It was an irony of fate that the most highly literate electorate in India exercised their political franchise to create a stalemate in the State of Kerala. The exercise of that franchise resulted in not voting any political party to power.

Apart from the party alignments and party activities, there are certain basic economic factors in the State which forced the people to adopt this course of action. The problems of Kerala have been discussed in this House very often, and its extreme backwardness has been emphasized. Yet during the last three Plan periods the State's economic condition has deteriorated and the people are on the verge of desperation. If I may say so. The mounting unemployment in the State, the day to day economic deterioration, scarcity of food in the State and the absence of any activity to better the economic conditions by starting industrial activities, have created in the people a kind of negative mentality.

The political experiments in Kerala, as was described by the leaders of

the parties have been very extraordinary. Every party was given an opportunity to run the administration and every one of them sooner or later found itself in a difficult situation, and not able to do anything substantial for the State. The resources of the State were so limited that for the administrative expenditure the Governments that came in after 1950 have imposed additional taxation to the tune of about Rs. 21 crores. That is a record which I think no other State has reached. In the same way the public debt has gone up to Rs. 108 crores and for financing the loan clearance, an annual provision of Rs. 9 to 10 crores is needed, and that burden has to be borne by the backward State. The three periods of five-year plans working has not resulted in creating any big industry which will better the conditions. Therefore, there was a legitimate sense of frustration among the people as a whole. They were not contented to live in the abject poverty in which they are, and the government help which they expected did not come in, and their fate was tragic indeed.

In Kerala the food problem is so acute that whenever a difficulty comes, in spite of our preachings about integration and in spite of the fact that we recognise only one citizenship in India namely a central Indian citizenship, when a crisis in foodgrains or food supply comes in, you find the sister States, which are the customary markets, being closed on account of the food zones that they create. The foodgrain production in Kerala is only 50 per cent of its necessities. Annually they have to import nearly 10 lakh tons of rice, their production being only 11 lakh tons. So half of their necessity has to be met by import.

An hon. Member: No Minister is hearing you.

Shri Hathi: I am hearing you. You were not audible from that side, so I came over to this seat.

श्री हुकम चन्द कछवायः मेरा व्यवस्था का प्रश्न है। हाउस में गणपूर्ति नहीं है।

Mr. Deputy-Speaker: The bell is being rung—Now there is quorum. The hon. Member may continue.

Shri Nataraja Pillai: As I was saying, the condition of the foodgrain supply is such that we have to import 50 per cent of our requirement. The customary markets are the adjoining States. The Kerala merchants are not able to do any transactions in the traditional markets because of the new zones that are created and of the prohibitions on supply. Not only that, things have gone to this extreme limit, that the people owning their own paddy lands in the border districts of the adjoining States and cultivating them are denied the right to transport the fruits of their labour for their own domestic consumption. This fact, taken along with the scarcity of supply. . . .

Dr. M. S. Aney (Nagpur): Which are the border States?

Shri Nataraja Pillai: Madras and Andhra are our traditional markets. On the border, a district of the old Travancore-Cochin State has now become a part of Madras State, and a number of people in the adjoining district of Trivandrum hold land in that area and they cultivate the lands, but they are not allowed to transport their produce for their own consumption, by the other State. There may be a justification or there may be no justification for this, but what I like to bring to the notice of this House is the psychological effect it will produce in the minds of the people, that "in spite of our being a part of the big Union, in spite of the fact that we are as much citizens of India as anyone else, in spite of our paying our taxes to a very high tune—as I said, the additional taxation imposed after 1951 is Rs. 21 crores—, in spite of these facts, the benefits we enjoy are very nearly nil". As regards the

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plan schemes worked by the Centre, Kerala was not able to get even one big industry established in the State and to bring it to the stage of giving profits.

Along with this there is the other aspect of the responsibilities that this small State has taken on account of historical accident. Somehow, during the past fifty or sixty years, education was thought to be one of the primary concerns of the administration.

Mr. Deputy-Speaker: Order, order. The conference there in the last bench should not take place.

Shri Nataraja Pillai: And the previous administrations thought that the best investment to be made for the progress of the State is investment on education. Sir, in our State, 33 per cent, that is one-third of the total revenue is spent on education; and we have financed education to this extent that 81 per cent of the children of the school-going age are in schools. Having provided for it, and even persisting in providing for it the State has landed in financial difficulties of a very severe nature. The administrative services are starved, and the administrative personnel feel the disparity in the pay and allowances as compared to what is being given to the Central Service personnel. The public service personnel feel that they are enjoying only a second-class citizenship in our great Union.

Thus, the feeling of frustration and the sense of want of economic security has created in the people a kind of negative outlook. There is a Tamil proverb: *Raman andaal enna, Ravana andaal enna?* That is, whether Rama rules or Ravana rules, what is it to us; our fate is only to be the bearers of burden. That kind of mentality has spread in our country, and my friends on the other side will, I hope, agree with me that it is this primary sense of frustration that has led the

people of Kerala during the last election to take a negative outlook as far as the exercise of their franchise was concerned. They were not particularly interested in any party; they were feeling their difficulties and they thought that the Centre is not bestowing that much attention that it should. They were not convinced of the capacity of the State Ministries to secure the benefits which the State is entitled too. In these conditions they refused to vote any one to power and I may put the interpretation that they were not interested in any party. That is how I read it. It is not only the Congress or the Communists or the PSP or the Swatantra. They thought that all these were professionals carrying on their political activities and they also felt that the State Government when constituted, is not capable of standing against or that they will be incapable of getting their legitimate benefits to the State from the Centre in an adequate measure. That feeling is there. I request that I may be excused by the Members of the hon. House when I say that the actual conditions of that State are not taken note of not only by the Government but by the House also. They know their difficulties. Even the power projects which are a primary necessity for any scheme of industrialisation, sanctioned projects hang fire for years together and are not completed. There is the difficulty of lack of local entrepreneurial talent. It is because there is no additional production and there is no saving and there is no capital formation. That can easily be seen from this fact. Rs. 21 crores of additional taxation has been imposed and collected in the last five or six years but the collections of public loans or from small saving schemes are meagre. The power of Government is behind the imposition of taxes and taxes can be realised. As long as there is no capital formation in the country money cannot be collected or raised as loans and there is no possibility of establishing industries, big or small, under the State control as

such. It all depends upon the way in which this House and the Government look into the matter. As was announced by the hon. Minister, a Cabinet sub-committee has been formed. My earnest prayer will be to study the situation objectively, to look into the matter from a practical point of view taking all the existing factors into consideration and to take steps to alleviate the misery of the teaming millions of that State. Thank you.

Shri Hari Vishnu Kamath: Mr. Deputy-Speaker, at a time when the country is weighted down with anxiety by the incubus of an external threat to its freedom and independence it is but meet, it is the part of wisdom that this House should consider with equal deliberation the internal threat to the institutions of parliamentary democracy. The Proclamation is unique in more than one respect. First, as my hon. friend Prof. Mukerjee said, it was promulgated when Parliament was in session. This is an act most obnoxious, most repugnant to parliamentary democracy. That is why I introduced a Bill last Friday seeking to amend the Constitution with regard to this particular article so that the President will not be in a position to promulgate when Parliament is in session a proclamation of emergency of this kind. When Parliament is in session he will have to seek the prior approval of Parliament. I hope that that Bill will be passed by the House in due course.

The other aspect of the Proclamation was that the Assembly was dissolved even before it was summoned. This issue was discussed in the House a little earlier in this session and I described that act as pre-natal strangulation of Parliamentary Democracy. (*An Hon. Member:* Abortion). It will be more appropriate to call it by this name. All the same it is a blatant, unmitigated and undisguised fraud on the Constitution though it is euphemistically called and is masquerading as a Proclamation under Article 356 of our Constitution. The

Home Minister, rather the Minister of State deputising for the Home Minister, has laid a flattering unction to his soul by stating that no Government, no stable Ministry, no viable Ministry was possible in Kerala after the elections were over in March. Can he lay his hand on his heart? I know he has got a good heart and a strong hand . . .

Shri Hathi: A good conscience too.

Shri Hari Vishnu Kamath: That, I cannot see. Can he declare before this House in all seriousness that the avenues were really explored as they should have been explored? Here is the report or statement of the Minister laid on the Table of the House along with the Proclamation and other documents on that fateful day, 24th or 25th March. The Minister said in his opening speech, that the Congress Party, the Indian National Congress to which he has the honour to belong, was not prepared to form a Ministry but would function as a constitutional Opposition. What does the statement actually say? By a process of *suppressio veri and suggestio falsi*, he has tried to mislead the House. According to that statement laid by the Government on the Table of the House,

"The attitude of the Congress was that it would act as 'a constitutional opposition' to whatever government might be formed, supporting it to the extent its policies were in line with those of the Congress but not otherwise."

Shri Hathi: Exactly these are the words that I said; I read out those words. There is no question of misleading the House.

Shri Hari Vishnu Kamath: But you did not read properly because you did not read the whole of it. Now, Sir, how could it be presumed, before the Ministry was formed and it came before the House, namely, the Kerala Legislature, and put forward its poli-

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cies and programmes and bills and all that, how could they presume beforehand, before even the check came out of the egg, that the Congress would not be in a position to support the policies of the new Ministry of whichever party it would be? That is one aspect of the matter.

I and my Party are opposed to the formation of a Ministry by the so-called left communist: it is a slur on leftism to call them left communists, if they are pro-Chinese communists. If so, why has not the Government brought them to trial, at least one or two of them or at least declared the Party illegal? Or it should have prevented them from contesting the elections in Kerala. They did not do that either. The Government itself has suffered from a schizophreic personality, a split personality on this issue. What have they done with regard to China? They themselves gave a filip to the pro-Chinese movement in this country by the opiate of that refrain, Hindi-Chini Bhai Bhai. They now find that the pro-Chinese movement has been strengthened. They cannot absolve themselves of their responsibility; their conscience is not clear.

Now, may I read just one sentence from the so-called White Paper laid on the Table of the House by Shri Nanda on the 18th February last? It is on the last page, and it reads thus:

“And right from the very beginning Peking has nourished them with ideological and moral sustenance. It has throughout put this party in large funds through various clandestine channels.”

The issue was raised here so often. Why did they not have the guts, the backbone, the courage, to break their relations with Peking or at least—at the very least—to put stringent curbs on the movement of Chinese diplomats in India? They have not done that either. They were humming

and hawing whenever it was raised in the House, and they still hum and haw, and try to put on as best a face as they can about this matter. Therefore, I say that, whereas my party has warned the nation, the country, and the Government, from the very beginning, for the last 10 years about the danger of Chinese invasion, this Government has been shilly-shallying, dilly-dallying, about the whole matter, and now they come forward with a White Paper and they put these detenus in jail . . .

An hon. Member: Black paper.

Shri Hari Vishnu Kamath: These 29 MLAs have been put in jail, but not prevented from contesting the elections.

I raised the point last time also, and that is, the effective strength of the Assembly there is now not 133 but only 104.

An hon. Member: He is repeating it.

Shri Hari Vishnu Kamath: It bears repetition, because it has not entered the heads of some Members over there or of some Ministers as well. The effective strength is not 133 members but it is only 104. Therefore, any party or group with a strength of 53 would have been able to form a stable Ministry. According to the statement of the Minister himself, the Kerala Congress plus the Muslim League and Independents supported by them came to 37 or so. Now, I think that when a party with a strength of 19 could run the Government for nearly a year in 1954 . . .

An hon. Members: Your party.

Shri Hari Vishnu Kamath: I wish your party could do it today, but it cannot, unfortunately. Now, if that party could do that, why could not a coalition—with the strength of two or three parties together—of 37 plus the SSP—I am sure the SSP would not

have opposed the joining even though they might not have been able to form a Ministry—and both the Kerala Congress and the Muslim League, be formed? Therefore, it is a patent lie on the part of the Government—I do not say the Minister, but on the part of the Government—Government can lie but not a Minister—to come this House and tell us in all seriousness that there was no possibility of any stable Ministry being formed. It is not democracy. They have, therefore, betrayed the elementary principles of parliamentary democracy, when they suspended the Constitution and the President took over the government in Kerala.

Now, it is rather strange, now our former colleague, Shri Ajit Prasad Jain, was appointed Governor of Kerala. I think this matter has not been referred to in some detail. It should be referred to in greater detail. We are not discussing the conduct of the Governor or the President. But is it not rather strange that though the announcement of the appointment of Shri A. P. Jain as Governor was made many weeks earlier—

Shri Ranga: Three months earlier.

Shri Hari Vishnu Kamath:—three months earlier, as my hon friend Shri Ranga says, Shri A. P. Jain still stuck to his seat here in the House? How did it come about? He did not want to go there when the elections were going on, and the rumour went about—and it was confirmed by what happened later, by later events—that the new Governor refused, declined to go to Kerala unless and until the President took over the government of the State. This is very strange.

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

Shri Hari Vishnu Kamath: The others have taken more time. I will take just two or three minutes more.

Mr. Deputy-Speaker: Each party has got its time.

Shri Hari Vishnu Kamath: I know that; I am conscious of that. Now, I thought that the new Governor had imbibed the principles of democracy after having functioned here—he had been a Minister for some years in the parliamentary, democratic set-up—and I thought he had imbibed, and at least come to like, if not love, the principles of parliamentary democracy. Apparently, he has not. I am sorry to say that he chose to take over at the very moment, almost the same day or a day or two after the President took over the administration of Kerala. I am sorry to say that the ruling party which thought it fit to depute one of its members at this psychological moment, has also dealt a mortal blow to the faith of the people in parliamentary democracy. I am afraid that this latest act of the Government, so far as Kerala is concerned, might prove to be the first nail in the coffin of parliamentary democracy.

I will now proceed to say a word or two about the Bill before the House, because both are being discussed together. I think that the consultative committee that is going to be formed—a committee of both Houses of Parliament—should not have a majority of Congress members on it, in the fitness of things, because there is not, rather there would not have been a Congress party majority in the State legislature of Kerala. So, this committee too must not have a majority of Congress members on it, and the committee must reflect as far as possible the Kerala legislature which has been dissolved. I hope that the Government will bear it in mind. The committee will be nominated by the Speaker, I know, but the Speaker may consult the Government, and the Government should not make all sorts of inappropriate suggestions to the Speaker. The Speaker, of course, will not be influenced by them, I know, as also the Chairman of the Rajya Sabha.

One word more and I have done for the moment. When the Bill comes

[Shri Hari Vishnu Kamath]

up again, I shall have to make some more points on it. I have still some points which I have reserved.

Mr. Deputy-Speaker: The time is five hours.

Shri Hari Vishnu Kamath: When the Speaker occupies the Chair—I know it is not in your hands—we will make a request to him. It has been informally agreed to.

An hon. Member: The whole day.

Shri Hari Vishnu Kamath: We had an informal chat with the Congress party Whips about the time being extended. One more word and I have done. It was stated by the Minister that because the government of Kerala could not be carried on according to the provisions of the Constitution, there was no other alternative before the Government but to suspend the Constitution and take over the government of Kerala. May I submit, as has been well said, that the "letter killeth but the spirit giveth life." Can they say, in all seriousness, that they have observed the spirit of the Constitution and its provisions? It was said here the other day that the Kerala legislature was constituted as soon as the members' names were gazetted. I am sure you will agree—not when you were there but when you are with us here—that no Parliament or Legislative Assembly could be said to have been constituted unless it was duly summoned by the Governor and the parties given an opportunity to meet and the first Ministry submitting itself to the vote of the legislature. Nothing of this kind was done. The best course for them—as they pretend to, or as they claim to follow the tenets of parliamentary democracy—would have been to let the legislature meet and the Ministry be formed, and I am sure what happened in Madhya Pradesh would have happened here. In Madhya Pradesh, after the elections were over, there was no Congress

majority. It was only after the legislature met that the Congress abducted—it committed political piracy—a few Independents and formed a stable Ministry there!

Shri Warrior: It was not found possible here.

Shri Hari Vishnu Kamath: That is what they say. I submit that the Resolution before the House, seeking the approval of the Parliament, is a dishonourable resolution. This Proclamation is a fraud on the Constitution and I have the privilege and pleasure to oppose the resolution with all my might and main.

15 hrs.

Shri Dinan Bhattacharya: Sir, if the ruling party had a modicum of respect for the Constitution or the rule of law, they would not have acted in this manner. Just after this proclamation, West Bengal newspaper remarked that this action of the Government was nothing but murder of a child which was not yet fully born. Progressive and democratic sections of the people throughout the country have protested against this action of the Government in clamping down the Presidents rule on the State of Kerala, without giving a reasonable opportunity to the leader of the largest single party, i.e., the Communist Party (Marxist-Leninist), of which Shri E. M. S. Namboodiripad is the leader, to form a ministry and allowing the normal constitutional process to take place. Enough has been said and reference has been made to the statement of Mr. Namboodiripad. I would like to refer to it in some detail, inasmuch as the Government has come forward with its own statement, but it had not the courtesy to come forward with the statement given by Mr. Namboodiripad to the Governor there and to the Vice-President here. I quote from that statement:

"...if the Central Government reverses its policy of detention

without trial, if it effects the total release of detenus, or at least relaxes the provisions relating to detention to such an extent as to allow the detailed MLAs to participate in the meetings of the legislature, I am sure that this State can have an elected government. Apart from the 40 legislators belonging to my party there are 13 SSP MLAs, 3 Right Communist MLAs, 4 Independents and 1 KTP MLA—all of whom are committed not only to a non-Congress, though not a Left-Democratic, Government. It would therefore be possible for the properly-elected leader of my 40-strong party to negotiate with these various groups and individual legislators with a view to evolving the basis on which a non-Congress Government can be formed."

Then, how does the Government's position stand? Again and again it is repeated by the Government of India that all possible avenues were exhausted. I say it is not a fact, but a distortion of fact. Not only did Mr. Nambudiripad want to form a Government, but in his statement, he also said, if it is not possible for his party to form a Government with the help of others, he has no objection to allow or help the SSP to form a Government with the other non-Congress and democratic MLAs. This chance also was not given to the SSP. So, it is a blatant lie that it was after exhausting all the means to form a stable government, that the Government clamped down this proclamation on the unfortunate people of Kerala. During and before the election, so many slanders were spread against the communist party and its leaders. I do not know how Nandaji will reconcile himself to the position that he came forward with a big slanderous campaign before the election over the AIR. Not only that, but on any occasion he got, he never missed the opportunity to slander the communist party.

Shri A. K. Gopalan: Shri P. Ramamurti and Shri Basavapunniah—Members of this House and Rajya Sabha—wrote a letter denying the charges. Why did not Nandaji lay their denial statement on the Table of the House? How fantastic and mischievous this Government is can be judged from a few lines of the letter addressed to Nandaji by Shri A. K. Gopalan and others. I will cite one example. I quote:

"Not content with the slanderous statements over the Radio, you go on making them whenever opportunity presents itself. The *Hindu*, an English newspaper of Madras, has published in its issue dated 26th January, 1965 (morning) a report of the Press Conference you held at Trivandrum on 25th January, 1965. The report, apart from the fact that you were calling us pro-China, contains the following:

"To a question whether it was a fact that a large sum of money, nearly 20 crores was seized from the pro-China elements when they were arrested, Mr. Nanda replied "That Bank (Bank of China) was not doing quite innocent business."

Very often Mr. Kamath and persons like him come forward with statements which is an absolute lie and without any basis; the Government have no facts to prove the statement that China is giving money to the communist party. Here is a straight question put to Nandaji. Why does he not come forward with a clear-cut answer? Instead he says: something evasive. I again quote from Mr. Gopalan's letter:

"The question whether a sum of Rs. 20 crores was seized from us when we were arrested under the DIR on and after 30-12-1964 under your orders was a specific, straight and simple question. But you evaded the answer."

Shri Hari Vishnu Kamath: I have also demanded that.

Shri Dinen Bhattacharya: He evaded an answer because he knows that it is a damn lie and a great slander. Like this so many charges—pro-China, saboteurs, etc.—were brought, but even today Government has not got the guts to bring a single case before the court.

Shrimati Lakshmikanthamma (Khammam): Can the words 'damn lie' be used by the hon. member? He can say 'false' but not damn lie'.

Dr. Ranen Sen (Calcutta East): It is quite parliamentary.

Mr. Deputy-Speaker: That is the language they use.

Shri Dinen Bhattacharya: On many occasions, this question is raised again and again by some interested persons. We want a clear-cut report on the Bank of China transactions. I have referred to it in the past and I repeat it. Let the Government come forward with that report regarding Bank of China. Who have taken money from that bank? Friends of Nandaji, with whom Nandaji had a photograph in the Dum Dum airport, driving out the West Bengal Labour Minister, the Birlas and those big business people have taken overdrafts from the Bank of China. The big business people always contribute to Nandaji's Congress fund and Sadachar fund. That is why he is hesitating to bring that report before Parliament. It is a public demand. Shri Gopalan has requested many of us, Members of this House, to at least circulate their denial statement among the other Members of Parliament. They are all leaders. They do not deny that they are not leaders. They have addressed a letter to the Prime Minister and a letter to the Home Minister. Democracy demands, minimum etiquette demands, decorum demands that when somebody against whom you are bringing some charges behind his back comes forward with a statement refuting and

denying the charges, that statement should be made known to others. That statement never sees the light of the day because of your censor and because of your rules. That is a bad procedure. I can place this on the Table. I have a printed copy of it. There is a court case. Shri Gopalan made an affidavit and from that affidavit we got a copy. This copy was sent to one of the leading members of this House, Shri N. C. Chatterjee along with some other letters. This is with him. If you will permit me, Sir, I shall place it on the Table of the House.

Mr. Deputy-Speaker: Not necessary.

Shri Dinen Bhattacharya: Then other Members can judge what is the reply of Shri Gopalan and other leading members, leaders of the Politburo of the Communist Party, Marxist Leninist Communists. Other parties also joined Shri Nanda to slander the Communist Party. In spite of that the Communist Party came as the single largest party in Kerala. I would, therefore, request you, Sir, to allow me to place the denial statement by Shri A. K. Gopalan and others on the Table of the House.

Mr. Deputy-Speaker: It is not necessary; unless the Government want it.

Shri Dinen Bhattacharya: With these words, I emphatically oppose this motion of the Home Minister.

Shri Kappen (Muvattupuzha): Mr. Deputy-Speaker, Sir, when I was listening to the speech of Shri Bhattacharya I was reminded of the story of a thief who was stealing coconuts from a coconut tree. When the owner went near the coconut tree and asked him why he was stealing coconuts from his tree the thief turned round and said: "You are a thief. Did you not say to so many people that you would not be here today? I tell you, you are a thief". Similarly, what were the Left Communists doing in this country? They have been indulging in all sorts of anti-national activities.

Dr. Ranen Sen: It is all rubbish.

Shri Kappen: Sir, 'rubbish' is a word which can be used. If any person should indulge in anti-national activities, it is not only rubbish, it is treason. I hold that if there is even one per cent chance of a doubt that a person is indulging in anti-national activities, he ought to be put behind the bars without a shadow of doubt. I heartily congratulate the Home Minister for the bold action he has taken, for his courage and patriotism, and I assure him that all right-thinking citizens in this country are behind him and the generations to come will praise him as the saviour of democracy in this country.

Shri N. Sreekantan Nair (Quilon): What about the other action?

Shri Kappen: I will come to that. Much has been said here about democracy, that democracy has not been functioning, that the establishment of President's rule in Kerala is a violation of the principles of democracy etc. What happened in Kerala? In 1964 September when the Shankar Ministry failed in Kerala the Central Government did not rightaway establish President's rule in Kerala. On the other hand the Governor explored all possibilities of establishing a popular ministry there. Every party who is now clamouring against the President's rule was called by the Governor to form the ministry. They did not want to do it. They refused to form a ministry.

Shri Koya (Kozhikode): And rightly so.

Shri Kappen: Because they knew very well that if they formed a ministry that ministry would fall. Shri Koya knows it very well too. So, they were not prepared to form a ministry. Therefore, the Central Government had acted in conformity with the tenets of democracy and our Constitution. They did not straightaway establish President's rule in Kerala.

Now, after the elections—I need not again go into the party position because everybody knows what was the party position—not only that no party got a majority, not even two parties put together could form a government. What happened was—Shri Madhu Limaye also knows that—no two or three parties could come together. The Kerala Congress was not prepared to support SSP because there was a 'Madhu Limaye formula' which said that a resolution would be brought in the Assembly to be formed asking for the liberation, for the release of the Left Communist detenus. The Kerala Congress could not agree to that. So they refused to support any coalition government to be formed by the PSP or anybody else. Therefore, three parties could not come together. There was no other alternative. The Governor explored all possible avenues to establish a popular government. Finding it impossible, the Governor reported that the President may take up the administration.

Now, Shri Manath Padmanabhan, a staunch supporter of the Kerala Congress, who has been working arduously for the Kerala Congress in the elections, has issued a statement saying that the establishment of President's rule in Kerala was the rightfull action and the Central Government was justified, in the circumstances that exist there, in establishing President's rule in that State. Every right-thinking citizen in that State knows very well, anybody who has got an atom of truth in his heart knows very well, that there was no other alternative than the establishment of President's rule.

I do not go into the question of the constitutional point involved. It has been much discussed here. We know, as a matter of fact, that as the Constitution exists today there is no other alternative except to establish President's rule. The complaint is, as Professor Ranga has pointed out, that experiments have not been tried. I am sorry to remind Shri Ranga that

[Shri Kappen]

Kerala is not the place for you to experiment. You may experiment it elsewhere. Shri Ranga can very well suggest it, but we do not welcome such experiments in our State.

Shri Koya: Is it a royal "we"?

Shri Kappen: What is the experiment to be tried? He wants the Swiss order. I do not think there is any sense in saying that we should import it. He was saying that we made a mistake in having taken from here and there and made our Constitution into a jumble of things. That is what he complained. Now he wants, wholesale, everything to be imported from Switzerland. Without knowing the circumstances that exist in a particular State, to try such an experiment, according to me, would be foolish, would be wrong, would be doing wrong to the people there.

Therefore, the rightful thing that can be done under the Constitution is this. You may amend the Constitution if you want. You may change it according to the changed circumstances and then say that we have not acted according to the Constitution. But so long as there is the Constitution, there is no other go but to act up to the Constitution. There is no sense in saying that there is a fraud on the Constitution. There are only some words that can be used—of course, English is a foreigner's language as they say. What is the meaning of saying "fraud on the constitution" and all that? There is article 356 of the Constitution which is very clear. Then the case is that the Assembly had not been constituted. Well, read the Representation of the People Act. It says very clearly that once the publication has been made in the Gazette, the Assembly had been duly constituted. So, there is no question of not having constituted the Assembly. The President has acted correctly in taking over the administration of that State. So far as the people of Kerala are concerned, as Shri Nataraja Pillai has pointed out, they are not

interested in knowing whether it is ruled by Rama or Ravana; they are only concerned with the question of employment, more industries, better food, clothing and shelter.

I find that the Right Communists are making the greatest noise. As a matter of fact, they should be the happiest people in Kerala for the establishment of the President's rule. Otherwise, in the State Assembly their number would have been only 3. I am sure, they would not have liked to be members of such an Assembly in such a small number. I am sure that Shri Vasudevan Nair is happy that President's rule has been established in Kerala, so that they need not function as a minority party with a membership of 3

Another argument advanced by Professor Ranga was that Congress has got only 36 seats and, therefore, Shri Nanda should resign. I am prepared to accept that argument. But is Professor Ranga prepared to resign his seat because his party has got only one seat even though it has contested in several constituencies? Shri Hiren Mukerjee also put forward the same argument. But is he prepared to resign his seat in Parliament because his party was liquidated in the Kerala elections? Let him act up to his proposals first and then advise others to follow him.

Shri Hiren Mukerjee made contradictory arguments during the course of his speech. The real difficulty in the proper functioning of democracy in this country is the absence of a responsible opposition which can muster enough strength to take charge of the burden of government at any time.

Shri Vasudevan Nair: But you are not prepared even to be in the opposition. That is what you do. Yet you talk of responsible opposition.

Shri Kappen: Shri Vasudevan Nair should be very happy that there is President's rule. Then, Shri Hiren

Mukerjee said that the Congress Party supported a Government consisting of 19 members. Then, he said, they came to power through the backdoor, by allowing the PSP to rule. Suppose the Congress had supported the attempt of the Kerala Congress to form a Ministry; the same thing would be said about the Congress also.

Today all the opposition parties are united in condemning the Congress and the Congress Government. They are all united only in one thing, in seeing that the Congress is defeated, so that Congress will not come to power. The Congress has accepted the verdict of the people. The Congress has said, we will support any government which is formed.

Shri Koya: But you do not allow any government to be formed.

Shri Kappen: Shri Koya joined with the Left Communists and lost all his seats. Because of your association with Left Communists, your party is lost, finished. It is your association with Left Communists that has brought you and your party to this pass.

Shri Vasudevan Nair: There is a rumour that you are also in the opposition in the Kerala Congress.

Shri Kappen: There is also a rumour that Shri Vasudevan Nair is thinking of joining the Congress. I am sure, in the long run, he will have enough sense to do that.

Therefore, I say that the right thing has been done in Kerala and the people of Kerala are really quite happy. The only thing they want now is Presidential rule. I hope the Central Government will take better care of that State, better care of the needs of that State, including employment industries etc.

I am really happy that a Cabinet Sub-committee has been formed to deal with Kerala. I am sure, the Central Government will look after the interests of Kerala and her prob-

lems. I thank the Government for the way in which it has dealt with Kerala. I also congratulate the Home Minister.

श्री कप्पे सिमये : उपाध्यक्ष महोदय, केरल जैसे एक नितान्त रमणीय, शिक्षित और सुसंस्कृत इलाके के साथ संविधान की दफा 356 को ले कर इस केन्द्रीय सरकार ने जो व्यवहार किया है, उस से कांग्रेस दल का दकियानूसी चेहरा और लोकतंत्र-विरोधी शकल हम लोगों के सामने बिल्कुल साफ हो गई है। उपाध्यक्ष महोदय, आप जानते हैं कि संविधान की दफा 356 उन संकट-कालीन धाराओं में से है, जिन का इस्तेमाल संकट-कालीन स्थिति में ही किया जा सकता है। मैं आप से अर्ज करना चाहता हूँ कि केरल में इस धारा का दो दफा जो इस्तेमाल किया गया है वह किसी संकट-कालीन स्थिति का सामना करने के लिए नहीं किया गया बल्कि कांग्रेस पार्टी ने अपनी सत्ता-बलासा को तृप्त करने के लिए कृत्रिम ढंग से एक संकट-कालीन स्थिति केरल में पैदा की और इस धारा का दुरुपयोग कर के उस ने विरोधी दलों को समाप्त करने का प्रयास किया।

उपाध्यक्ष महोदय, आप जानते हैं कि छः साल पहले केरल में एक ऐसी हुकूमत थी, जिस को विधान सभा में बहुमत का समर्थन हासिल था। कांग्रेस दल के द्वारा हजारों कोशिशें हुई थीं कि उस दल का तोड़ा जाये, कुछ लोगों को रिश्तत दी जाये, लेकिन आप जानते हैं कि इस बहुमत को वह नहीं तोड़ सकी थी। तो फिर उस ने कृत्रिम ढंग से एक विमोचन समय वहां पर चला कर एक ऐसी हवा पैदा की, जिस का फायदा उठा कर उस ने दफा 356 के मानहत कम्पनिस्ट हुकूमत को समाप्त किया और केरल में जनाधिपत्य का स्वात्मा किया। आज छः साल के बाद फिर केरल में वही दुर्बवाहार सत्ताधारी दल की शर से किया जा रहा है।

अभी माननीय सदस्य ने मेरी बातों का जिक्र किया, लेकिन मुझे बड़ा अफ्राम है कि

[श्री मधु लिमये]

मेरी बातों को वह पूणतया नहीं पकड़ते हैं, अधूरी चीज को पकड़ते हैं। यह बात सही है कि मैं ने इस सदन में कहा था कि चुनाव कानून की धारा 73 के अन्दर और संविधान की दफा 327 के मातहत केरल में विधान सभा का गठन कानूनी ढंग से हो गया, जब कि चुने हुए सदस्यों का नाम गजट में प्रकाशित किया गया। लेकिन मैं अर्ज करना चाहता हूँ कि संविधान की दफा 172 विल्कुल साफ है। उस में तीन बातें हैं। एक बात यह है कि हर विधान सभा की मियाद पांच साल की रहेगी। दूसरी बात यह है कि यह मियाद उसकी प्रथम बैठक की तारीख से पांच साल तक चलेगी। उस के पहले भी विधान सभा को बर्खास्त किया जा सकता है, राज्यपाल को वह अधिकार दफा 174 के अन्दर है। लेकिन विधान सभा के गठन की तारीख और विधान सभा की प्रथम बैठक की तारीख में बहुत फर्क है।

प्रथम बैठक के बाद राज्यपाल विधान सभा को बर्खास्त कर सकता है, लेकिन विधान सभा के गठन के तुरन्त बाद उस को बर्खास्त नहीं किया जा सकता है। "विधान सभा का गठन" यह शब्द-प्रयोग संविधान की दफा 327 में आता है। अगर संविधान बनाने वाले चाहते थे कि विधान सभा को उस के गठन के तुरन्त बाद खत्म किया जाये, तो उन्होंने दफा 172 के अन्दर यह लिखा होता कि विधान सभा की मियाद पांच साल की रहेगी उस के गठन के दिन के बाद। लेकिन संविधान में इस शब्द का प्रयोग किया गया है कि विधान सभा की प्रथम बैठक के बाद ही पांच साल तक विधान सभा चलेगी और दरमियानी अर्थ में उस को खत्म किया जा सकता है।

इसलिए मैं आप के सामने इस तथ्य को रखना चाहता हूँ कि दफा 356 के अन्दर जो राष्ट्रपति-शासन का हुक्म जारी किया गया है,

वह संविधान के बरखिलाफ है और उस के जरिये केरल में, और हमारे देश में, जनाधिपत्य को खत्म करने की कोशिश कांग्रेस दल ने की है।

दूसरी उस में कई बातें हैं जिन का जिक्र मैं करना चाहता हूँ। अभी बताया गया है कि केरल में और कोई रास्ता रह नहीं गया था सिवाय इस के कि राष्ट्रपति शासन जारी किया जाये। मैं निवेदन करना चाहता हूँ कि यह जो संकटकालीन स्थिति वहाँ पैदा की गई है, यह जो पैच वहाँ पैदा किया गया यह कृत्रिम ढंग से किया गया। यह जो चुनाव हुआ उसके ऊपर सरकार द्वारा और राजनीतिक दलों के द्वारा लाखों करोड़ों रुपया खर्च हुआ। कांग्रेस पार्टी जैसे दल को स्वयं वित्त मंत्री कृष्णमाचारी साहब पैसा दिलाते हैं, वह बम्बई आये थे और सचिवालय के अन्दर उन्होंने बम्बई के उद्योगपतियों को बुलाया था और एक घंटे के अन्दर अन्दर केरल के चुनाव के लिए उन्होंने बीस लाख रुपया दिला दिया। लेकिन मेरे दल जैसा जो दल है, जो गरीब दल है, उस को न पूंजीपति पैसा देते हैं, न और कोई पैसा देता है, हमें जो पैसा मिलता है वह गरीब किसानों और मजदूरों से ही मिलता है। ऐसे दलों के लिए बार बार चुनाव लड़ना आसान नहीं होता है। केरल में चुनाव हुआ, चुनाव पर पैसा खर्च हुआ लेकिन चुनाव में जनता कांग्रेस के खिलाफ अपना मत व्यक्त न करे, इसलिए केन्द्रीय सरकार के द्वारा तरह तरह की कोशिशें की गईं। चुनाव के पहले वहाँ के मैकडों कम्प्यूनिस्टों को नजरबन्द कर दिया गया एक ऐसे कानून के मातहत जिस के सम्बन्ध में सर्वोच्च न्यायालय ने यह कहा है कि यह कानून संविधान की 14वीं धारा, और संविधान की 22वीं धारा की हत्या करता है। लेकिन चूंकि संकटकालीन स्थिति के नाम पर कोई भी आदमी, गोपालन साहब या दूसरे लोग न्यायालय के सामने नहीं जा

सकते हैं और अपने अधिकारों के बारे में न्यायालय से फैसला नहीं मांग सकते हैं, इसलिए इस स्थिति से फायदा उठा कर केरल के अन्दर उनको जेल में डाल दिया गया। जनता के ऊपर वहाँ दबाव डाला गया। वहाँ पर गृह मंत्री नंदा जी और प्रधान मंत्री शास्त्री जी गये थे और उन्होंने वहाँ पर भाषण किये थे और उन भाषणों में उन्होंने जनता को धमकाया था, मतदाताओं को धमकाया था कि कम्युनिस्टों को चुनाव के बाद भी हम नहीं छोड़ेंगे इसलिए उन को वोट देना बेकार है। यह भी कहा गया था कि अगर कम्युनिस्टों को और उनके साथ चलने वालों को या उनका समर्थन करने वालों को केरल की विधान सभा में बहुमत प्राप्त हो जायेगा तो भी केरल की कम्युनिस्ट पार्टी को वहाँ पर मंत्रिमंडल बनाने का मौका नहीं दिया जायेगा। इस तरह से मतदाताओं पर अन्वित ढंग से दबाव डाल कर, संविधान की हत्या करके, लोगों को नजरबन्द रख कर भी जब कांग्रेस की बुरी तरह हार हो गई तब गृह मंत्री जी सदन के सामने आये और अपना इस्तीफा पेश करने के बजाय यह दलील देने लगे, बिल्कुल रही दलील देने लगे कि हम हारे ही नहीं हैं बल्कि हमारी विजय हुई है। गृह मंत्रालय का इस्तेमाल किया गया यह साबित करने के लिए अखबारों में यह बात छपवाने के लिए कि कांग्रेस की हार नहीं हुई है, हार जो हुई है वह विरोधी दल की हुई है।

जब मैं केरल गया था उस समय मंत्रिमंडल के गठन की बात चल रही थी और तब जो घटनायें घटी थीं उन से मैं परिचित हूँ। संयुक्त सोशलिस्ट पार्टी ने राज्यपाल के पास एक मुकम्मिल योजना पेश की थी। हम ने राज्यपाल से कहा था कि आप जो सब से बड़ा विरोधी दल है नम्बूदिरिपाद और गोपालन का कम्युनिस्ट दल, उस दल को मंत्रिमंडल बनाने के लिए न्यौता दें और विधान सभा की बैठक 176 धारा के अन्दर बुला कर आप उन से कहें कि विधान सभा के

सामने वह आयेँ और अपनी नीति तथा अपना कार्यक्रम रखें और अगर बहुमत का समर्थन उनको हासिल हो जाता है तो वे अपना मंत्रिमंडल बनायें। अगर विधान सभा के सामने आ कर बहुमत प्राप्त करने में वह असहाय हो जाते हैं तो उसके बाद दूसरे दल को मौका दिया जाये। यह भी मुझसे मैंने इस सदन में और केरल राज्यपाल के पास हमारे नेताओं के जरिये भिजवा दिया था कि अगर नम्बूदिरिपाद, गोपालन के कम्युनिस्ट दल के जो नेता जेल में बन्द हैं, उनको आज जेल से नहीं छोड़ सकते हैं तो कम से कम महत्वपूर्ण समय पर उनको विधान सभा में जाने का, उसकी कार्रवाई में हिस्सा लेने का और वोट देने का अधिकार तो दें। लेकिन हमारे सब मुझसे जो राज्यपाल ने, और उसका मतलब हुआ केन्द्रीय सरकार ने ठुकरा दिया, और अपनी सत्ता की लालसा को नृत्त करने के लिए राष्ट्रपति का शासन कायम किया।

आज यह कितना महत्वपूर्ण सवाल है, इसको आप देखें। केरल की शिक्षित जनता को अब मौका नहीं है अपनी बात रखने का। ऐसे महत्वपूर्ण अवसर पर या तो कानून मंत्री को उपस्थित होना चाहिये था यहाँ पर या छागला साहब को जिन्होंने उस दिन हस्तक्षेप किया था और सदन के सामने अपनी बात रखी थी, आज सदन के सामने आना चाहिये था, यहाँ उपस्थित रहना चाहिये था। उन को चाहिये था कि वे इस बहस में हिस्सा लेते और जो सारे मामले मैंने उपस्थित किये हैं उनका जवाब देने। हमारे संविधान में ऐसी भी व्यवस्था है कि ऐसे संवैधानिक प्रश्नों पर जब बहस होती है तो एटर्नी जनरल को यहाँ आ कर अपनी राय देने के लिए कहा जा सकता है। मुझे ऐसा लगता है कि विधान सभा को बरखास्त करके, उसको न बुलाने का जो काम किया गया है, और राष्ट्रपति का शासन जारी किया गया है यह संविधान की कई धाराओं को तोड़ देता है, उनका हनन करना है और इसलिए केन्द्रीय सरकार की मार्फत राष्ट्रपति

[श्री मधु लिमये]

जी को यह सलाह दी जानी चाहिये कि 143 धारा के अन्दर सर्वोच्च न्यायालय की राय जानने के लिये इस मामले को राष्ट्रपति जी सर्वोच्च न्यायालय के पास भेज दें। इसके साथ ही साथ मैं यह भी अर्ज करना चाहता हूँ कि यदि आप देश में जनाधिपत्य और राज्य की स्वायत्तता को बचाना चाहते हैं तो राज्य सरकारों के साथ उस तरह का व्यवहार आप न करें जिस तरह का व्यवहार नगरपालिकाओं के साथ, पंचायतों के साथ उनको बरखास्त करके किया जाता है। केरल की सरकार को एक पंचायत के तौर पर, नगरपालिका के तौर पर समाप्त किया गया है, उनके साथ जैसा व्यवहार होता है, वैसा ही व्यवहार किया गया है। मैं तो अर्ज करूँगा कि हमारे संविधान में पंचायत, नगरपालिका, जिला पंचायत, राज्य सरकार उन सब के अधिकार सीमित ही सही लेकिन निश्चित किये जाने चाहियें और जब तक वे अपने अधिकारों के दायरे में काम करती हैं केन्द्रीय सरकार को बिल्कुल अधिकार नहीं होना चाहिये कि उनको समाप्त कर सके। अगर उनके द्वारा कोई अनुचित काम होता है, कोई गैर कानूनी काम होता है तो उनके खिलाफ आप कानूनी कार्रवाई कर सकते हैं लेकिन प्रजातंत्र को खत्म करने की बात हाँगज नहीं होनी चाहिये।

मैं एक अन्तिम बात कहना चाहता हूँ। हो सकता है आज केरल में किसी भी दल को निरपेक्ष बहुमत हासिल नहीं था। लेकिन काल तो कई राज्यों में यह स्थिति पैदा हो सकती है। क्या हर राज्य में जब गैर-कांग्रेसी सरकार बनने का खतरा पैदा होगा आप राष्ट्रपति नामन का एम्पेमान करके उनको खत्म करेंगे ?

उपाध्यक्ष महोदय, कांग्रेस पार्टी ने आज तक पिछले दस पंद्रह साल में ऐसे ऐसे काम किये हैं जिन से हमारे देश में जन आधिपत्य बिल्कुल बीपट होने जा रहा है। पट्टम थान्

पिल्ले के साथ इन का क्या व्यवहार रहा है ? उनको इन्होंने राज्यपाल बना दिया था। टी० प्रकाशम के बारे में भी मैं कहना चाहता हूँ कि स्वर्गीय भूतपूर्व प्रधान मंत्री जी ने कहा था कि टी० प्रकाशम अगर आंध्र के मुख्य मंत्री बनना चाहते हैं तो उनको विरोधी दल से हट कर कांग्रेस पार्टी में आना पड़ेगा। इस तरह से विरोधी दल को समाप्त करने का प्रयास इन्होंने किया था . . .

उपाध्यक्ष महोदय : अब आप खत्म करें।

श्री मधु लिमये : पांच मिनट में मैं खत्म कर दूँगा।

उपाध्यक्ष महोदय : बारह मिनट आप ने पहले ही ले लिये हैं।

श्री मधु लिमये : आप ने कहा था कि बीस मिनट मैं ले सकता हूँ। मैं पांच मिनट में खत्म कर दूँगा।

टी० प्रकाशम के साथ और पट्टम थान् पिल्ले के बारे में ब्यवहार करके कांग्रेस पार्टी ने विरोधी दल को समाप्त करने का प्रयास किया था, उसी तरह से दूसरी गलत परिपाटियाँ भी हमारे देश में जारी करते जा रहे हैं। एक भूतपूर्व प्रमुख न्यायाधीश को दूत और मंत्री नियुक्त करके आज न्यायालय की स्वतंत्रता को खत्म करने का प्रयास कांग्रेस कर रही है। लोक सभा के एक भूतपूर्व अध्यक्ष को राज्यपाल बना कर इस सदन में जो लोकतांत्रिक प्रक्रियाएँ हैं उन के ऊपर भी दबाव डालने का प्रयास आज कांग्रेस दल कर रहा है। ये सारी जो परिपाटियाँ हमारे देश में जारी की जा रही हैं उनकी मैं तीव्र आलोचना करता हूँ और मैं आप से नम्र निवेदन करता हूँ कि हो सकता है कि दो साल के बाद या कुछ सालों के बाद कई राज्यों में किसी भी दल को निरपेक्ष बहुमत प्राप्त न हो, तब फिर जो अंग्रेजों से परिपाटियाँ या

संकेत हम ने लिये हैं, उनको कैसे लागू करेंगे ? धारा 176 के अन्दर यह जरूरी नहीं है कि राज्यपाल के अभिभाषण में सरकार अपने कार्यक्रम को रखे । विधान सभा को वह बुला सकते हैं केवल इस बात के लिए भी कि वह एक लोकतांत्रिक सरकार का निर्माण कर सके ।

चीफ़े गणराज्य में फ्रांस के अन्दर भी यह परिपाटी थी कि चूंकि किसी भी एक दल का बहुमत वहां नहीं रहता था इसलिए वहां पर किसी भी एक आदमी को राष्ट्रपति के द्वारा "प्राईम मिनिस्टर डेजीगनेट" नामजद किया जा सकता था । वह विधान सभा के सामने जाता था अपने कार्यक्रम रखता था, अपनी नीति रखता था और अगर उसको बहुमत का समर्थन हासिल होता था तो उसको सरकार बनाने का मौका दिया जाता था ।

मैं अर्ज कइंगा कि हमारे संविधान की जो बातें हैं और देश में जो स्थिति है उस का खयाल करते हुए इस परिपाटी को अपनाया जाना चाहिये क्योंकि हो सकता है एक दिन लोक सभा में भी कांग्रेस दल का बहुमत खत्म हो जाये । तब आप क्या करेंगे । आप को यहां पर एक तानाशाही या एकाधिपत्य कायम करना है या जैसा मैं ने कहा है हर दल को आप मौका देंगे कि वह प्रजातांत्रिक ढंग से बहुमत का समर्थन हासिल कर के सरकार बनाये ।

आज जो संकल्प हमारे सामने रखा गया है मैं उस का विरोध इसलिये करता हूं कि वह संविधान की धाराओं को तोड़ता है, वह जनाधिपत्य के खिलाफ है और जो प्रान्तीय स्वायत्तता का सिद्धान्त है उसके ऊपर भी वह आघात करता है । मैं इन तीन चार कारणों को लेकर इस संकल्प का पूरा विरोध करता हूं ।

Mr. Deputy-Speaker: How much time does the Minister want?

596 (A1) LSD—8.

Shri Hathi: About 30 to 40 minutes.

Mr. Deputy-Speaker: We should close this debate at 5 O' Clock.

Shri Warrior: Will the Bill be taken up tomorrow?

Mr. Deputy-Speaker: No, no; today.

Shri N. Sreekantan Nair: This is not your favour to us. The Members from Kerala have the right to seek.

Mr. Deputy-Speaker: Order, order.

Shri N. Sreekantan Nair: What is this?

Mr. Deputy-Speaker: We shall go on till 3.30 P.M. I will call the Minister at 4.40 P.M. Shri N. Sreekantan Nair.

Shri N. Sreekantan Nair: Mr. Deputy-Speaker, Sir, I speak as if I am getting a favour. I am born in Kerala, I am interested in the affairs of Kerala and I have played an important role in the political history of Kerala for the last 30 years. I know that the Communists who are now in jail have put in more service to the national cause than you, Sir, have put in, more than what Mr. Maniyangadan has put in and even more than what I myself have put in. So, I cannot concede that all of them are traitors. They may have their own doctrinaire approach. But some of the people at the top at least are sincere nationalists who believe in the peoples of this country, in the future of this country, and if they were out, I am sure, they will never allow their followers to go against the larger interest of the nation. I respect Nandaji but I am not convinced about his ideas because in the past also he has made certain statements which were refuted.

Shri Maniyangadan: Why didn't you have a joint front in the elections with them?

Shri N. Sreekantan Nair: I am coming to it later. This question of having a joint front is our business; it is our own internal business.

Shri Maniyangadan: That I know. You have no business to say these falsehoods.

Shri N. Sreekantan Nair: They were elected and they were the largest party. They should have been called to form a Government. If they had failed, then naturally there would have been some excuses. But no chance was given to them and I know, as a matter of fact, that the whole thing was perpetrated on the basis of a pre-conceived plan. Some of the Cabinet Ministers who visited the State of Kerala told me personally, "After all, there will not be any Government in Kerala. The President's rule will come in and after sometime people will think let the Congress rule instead of outsiders." That was the approach. Even there there was a snag.

Sir, the President's rule in Kerala in the past period had been fairly good. But now it is deteriorating everyday. Recently, there was a very clear example of how these officers who come from outside look to the interests of Kerala. Trivandrum aerodrome is a spot in which all the people, all the sections of the people, all the political parties, are interested in its development so that it may take in Jet aircraft and facilitate a line through the heart of India from New Delhi, Hyderabad, Banga'ore, Trivandrum, Ceylon and Singapore direct. But for the development of this airport, the officers were against it. I do not know why they allowed a two-storey building of the I.T.I. to be put up on the run-way line. The man who is most interested in this is the Prince Consort of the old royal family of Trivandrum. He protested against it; all political leaders protested against it. In the Consultative Committee for Kerala, when it met in

Trivandrum, I myself asked the Chief Secretary, "What do you mean by this?". He said, "If they want the aerodrome to be expanded, we will raise it down." I ask: Is it their patrimony to spend public funds and then say, "We will raise it down"? This is the approach of some administrators in the State. Do you hope, even as a partyman, that tomorrow the people of Kerala will say that the Congress is better and let them come back to rule? This approach is entirely wrong. I am sorry my friend, Mr. A. P. Jain, who was deputed over there to bring back the Congress into power will find it a very difficult task indeed. Kerala State has always been neglected. Industrialisation of Kerala State has been neglected; the electrification programme of Kerala State has been neglected. This is the one State which is the richest State in water resources and yet it is the poorest State in the matter of electricity. Even after begging with a begging bowl at the doors of the Madras Government, and getting some petty subsidy from them, the poor State of Kerala is devoid of electricity throughout the summer months. Why? The industrialisation of our State is so meagre that we do not have a single industry worth the name. Why? You know that in the First Five Year Plan, a sum of Rs. 79 lakhs was the great contribution made for the State of Kerala, for the national integration of India. And crores and crores of rupees were spent on frivolous schemes in other parts of India. So, this kind of approach cannot help and it is not going to help in any way.

As to the issue of the Proclamation itself, the proclamation is not so very generous and the scheme that is behind the Proclamation is going to be so very generous. After killing a person, if you embalm him and give him ornaments, it is not going to help him. I would like to inform my friend Mr. Hathi that after doing all this mischief, if you say you are going to enlarge the Consultative Committee and

give more rights, it is not going to help anyone. What is this Consultative Committee? It is only a consultative committee and its advice can be rejected in toto. It has no meaning.

15.48 hrs.

[SRI THIRUMALA RAO in the Chair]

Then, in this Bill, you say, "...if it is not convenient to the President..." and that is certainly negating what is connoted by the word 'shall'. Why should the President find it inconvenient to convene this committee which is a very small body? Supposing he finds it inconvenient, then why should he not pass an ordinance because article 356 definitely states that all the power of the Government can be taken in the hand of the President. So an ordinance can be passed, it can be promulgated and later on, when he can consult the Committee, he can bring in the proclamation and enact this law. So, there is no meaning in saying, "...whenever he considered it practicable to do".

Sir, the approach to this entire question is wrong. You say, you have a Cabinet Sub-Committee. Where was this Cabinet Sub-Committee in the years past when all the interests of Kerala were trampled under the feet? It is these people themselves who did it. It is these people themselves who are responsible for it. We are not going to be cheated any more, any further, by those people. Let us see these friends in action.

Even this year, four months back, when it is was found that electricity schemes in Kerala were very deficient—and it is the officers from outside who formulate the schemes—they themselves were for a scheme for extending the electricity scheme and Rs. 15 crores were asked for on Capital Expenditure and Rs. 1½ crores on Revenue Expenditure. But it was rejected by the Central Government, so much so, all the irrigation schemes

are remaining at a standstill. The agriculturists in the State of Kerala who provide goods which are being exported and which earn about 10 per cent of the foreign exchange for India are denied the facilities of irrigation in spite of the fact that it is the one State which has got the abundant water resources with the result that many of the irrigation schemes had to be stopped midway, without doing any good to anybody.

So much money is being wasted simply because there are no funds for irrigation. Is this the approach to the problems of Kerala, that is going to be adopted? It is this kind of approach which is responsible for the present state of affairs. If Government want to amend it, they should not do so in a half-hearted manner which will not do any good to anyone. If they are really honest and sincere, they should give to Kerala her due share *vis-a-vis* the population of that State, in relation to the total population of India, in the matter of railways, in the matter of industries and in the matter of power projects; and then only ask us to be nationalistic or ask even the common people to be nationalistic or ask them not to vote for the Marxist Communists; if they sincerely give Kerala her due share in developmental and financial issues and then ask the people, then perhaps they may get some response. Otherwise, the common people feel that even the Chinese are much better than our Government at the Centre, because they do not allow any region or State to starve a neighbouring State, even though both belong to the same country; they do not allow any part of their country to promulgate their own laws in order that a neighbouring State may be starved. This has been the approach and this has been the emotional integration and the national unity of India that we have experienced so far. Therefore, I would submit that this kind of white-washing is not going to help the Government.

[Shri N. Sreekantan Nair]

I hope that the President's rule will be terminated as early as possible and that steps will be taken to reintroduce popular regime in the State.

Mr. Chairman: Now, Shri Koya.

Shri Warrior: May I speak now? We have been trying to catch your eye, but Shri Koya had not risen at all to catch your eye.

Mr. Chairman: I thank my hon. friend for his assistance. I have called Shri Koya. He has also caught my eye.

Shri Warrior: You were looking at me, and, therefore, I thought that you were going to call me. You were not looking at Shri Koya.

Mr. Chairman: I was not looking at the hon. Member either. Now, Shri Koya.

Shri Koya: I am reminded of the story in the Hindu Puranas that Kamsa killed all the sons of his sister fearing that one son of his sister would murder him. When the last boy of his sister was hidden, and a girl was placed there instead, and when the girl was about to be killed by Kamsa, she went up into the skies and said that your Yama has been born already in this world'. Similarly, Shri Nanda has become the Kamsa of democracy and has killed our democracy here, and we find that democracy is going up and telling him that 'Your Yama is already born in this world'. As far as the congress is concerned, this act of the Congress is by itself enough provocation for the educated and enlightened masses of Kerala to see that the Congress never comes into power in that State.

My hon. friend Shri Kappen in his enthusiasm was saying that my party namely the Muslim League was finished in Kerala. I would like to tell him that we have lost only one seat which

we got independently; of course, we had 11 seats in the last Assembly, but in the last Assembly it was a joint effort, and it was a joint fight with the Congress, the Muslim League and the PSP. Of course, we have lost the Mangada seat. My hon. friend Shri Kappen wanted Shri Ranga to resign and Shri H. N. Mukerjee to resign, but that gentleman whose party has lost all seats in his parliamentary constituency and has no Assembly seat in his constituency, did not have the guts to say that he would resign. Is this the kind of Congress democracy that we are seeing in this country? Therefore, my hon. friend Shri Kappen ought not to have said it. I would not have said this had he not provoked me. It is not my party but it is the late-lamented Congress Party which has become a matter of history.

As soon as the election results were announced, the discredited and defeated Chief Minister of Kerala had said that the people of that State did not deserve any government, and the Centre acted in such a way to see that Shri Shankar's gospel came true. This was what happened. I can quote the statements of some big and important Congress leaders in this connection, statements of Congress leaders who were in the Congress long before many of my hon friends opposite entered the Congress. My hon. friend the leader of the Swatantra Party has already quoted Shri Santhanam who has said that it is foolish to believe that the President's rule was the only alternative. I hope that this cap will fit my hon. friends in the Congress Party.

Now, I shall come to the statements of other Congress Members First, let me take the statement of Dr. Hare Krushana Mahtab, who was the ex-Chief Minister of Orissa....

Shri Dinen Bhattacharya: He was a Minister here also.

Shri Koya: I am reminded that he has been a Minister at the Centre also. He was also the Deputy Leader of the Congress parliamentary party. I think even now he is. He had issued a note to the members of the Congress Party, and I would like to quote a little from it. The report is as follows:

"Dr. Hare Krushna Mahtab, ex-Chief Minister of Orissa said that the decision on Kerala had no precedent in any other part of the world and is in sharp conflict with what parliamentary democracy stood for. If there was any other authority in the country to control and regulate the behaviour of the electorate, it could not be parliamentary democracy but the guided democracy of Pakistan, Indonesia and other countries."

This is what the Deputy Leader of the Congress parliamentary party has said....

An Hon. Member: He is not the deputy leader now.

Shri Koya: Perhaps, these kinds of statements had cost him this also.

The report further says:

"The trouble which the Kerala Governor took to assess the situation was not at all necessary. He was simply to call upon the parties inquiring if any of them could undertake the formation of a government. If any had come forward the Governor should have accepted its claim on face value and allowed it to form a government."

This is not what an Opposition leader is saying, but this is what a senior Congress Member is saying. Then, we further find:

"If it was left to the Governor in the case of the States and to the President in the case of the Centre to decide if any party was capable to form the govern-

ment then that democracy was a guided one. The Governor of a State was not a completely independent agency. If individual judgment of the Governor was to prevail in the matter of formation of government, then the appointment of Governors should be left entirely in the hands of the President and not in the hands of the Government. Even in guided democracy there must be some system and some consistency."

This quotation is from *The Hindustan Times* dated the 26th March, 1965.

Then, I would like to quote what Shri Sri Prakasa, another veteran Congressman, a gentleman who was the Governor of Madras and also other States, had to say. In an article in the *Free Press Journal* dated the 7th February, this was what he had written:

"In a Constitution like ours, we must be prepared for State Legislatures being of a political complexion different to that of the Centre and if the Centre will always be determined to have its own way whether it is Congress or Communist we would be guilty of not working in the spirit in which it was framed."

Then, Shri Khadilkar, a very important and veteran Congress Member of this House on 26th March had argued that the President's Proclamation had violated the fundamentals of the Constitution. I shall quote the report which had appeared in *The Hindustan Times* dated the 27th March, in this connection:

"He refused to accept the Government's contention that all possibilities of forming a government had been explored because article 356 of the Constitution did not preclude the Governor from calling a minority party to form the Government. He was

[Shri Koya]

of the view that communism should be fought on the political plane and asked Members to rise above party considerations and view the Kerala problem from the standpoint of safeguarding the Constitution. Otherwise, democracy in the country would be undermined in the name of fighting communism."

Since I do not have the time to quote from the speech I have quoted only the summarised report which has appeared in *The Hindustan Times*.

My hon. friends Shri Kappen and Shri Maniyangadan had said that we had not opposed when President's rule was imposed after the no-confidence motion had been carried by the State Legislative Assembly. I would point out that we had not opposed it then and rightly too. For, at that time, there was no mandate from the people for anybody else to form the government.

Rebel Congress Members had been elected on the Congress ticket before. Even though for the Congress it might mean nothing and they can whisk away people from other parties and enrol them in their own party and they do not see any political immorality in it, yet it was not right on the part of others to form the government at that time. As a matter of fact, the former Government had been formed on the basis of joint responsibility between the Congress, the Muslim League and the PSP. If there were any political morality, then the Government there ought to have resigned, even when we had withdrawn our support. Every Congress Member there including Shri Shankar had won because of the support of the Muslim League, and when the Muslim League had withdrawn its support they ought to have resigned. But they did not. When the PSP withdrew their support also, they ought to have resigned, but they did not. Somehow,

they wanted us to continue to support them and thus continue in power. Moreover, they thought that they could do so because there was the likelihood according to them of the Rebel Congress people supporting them. This greed for power and love for authority was there. So, the right thing was done when it was said 'We shall go to the people and let the people give the verdict'. But then it was said 'You had asked us to resign; therefore, you should form a government of your own'. This is the argument that Shri Govinda Menon, Shri Maniyangadan and Shri Kappen are always repeating. We had no mandate to form a Government. We people who believe in democracy cannot act as Congress people just for the sake of power. I know these people. When they were voted out by a no-confidence motion, they went and consulted Ivor Jennings's book to find out some way by which they could rule even though they were voted out. That is the law for them. On the eve of prohibition, certain drunkards used to cling to the bottles saying, "How can I leave you?" Like that, the Congress people used to cling to the bottle of power, and were reluctant to leave it. They thought others were also as power-thirsty as themselves.

16 hrs.

Mr. Chairman: The hon. Member must conclude now.

Shri Koya: I do not want to embarrass you. I never do that. I have a unique privilege. I was in the Opposition, I was in the ruling party, I was Speaker, I was one of those who conducted negotiations. So, why don't you give me five minutes more? I crave your indulgence.

Mr. Chairman: I will strictly enforce the time-limit. There are a large number of people to speak.

Shri Koya: I realise your difficulties.

Mr. Chairman: I will give you two minutes more. Please conclude.

Shri Koya: As far as the Kerala Congress and the Muslim League are concerned, they are only 37, but, as Shri Hathi pointed out earlier, the Congress proclaimed that they would support and give responsive co-operation to a Government if that Government did not come into conflict with their policy, at least they would not oppose that Government. They did not release Communists. Then, they could have allowed us to form a Government. The Congressmen are capable of joining with the Communists, but because these days there is so much talk against the Left Communists, I think they have not done that.

Shri Maniyangadan: As the Muslim League did during the elections.

Shri Koya: If I can get enough time, I can stand any interruption because I know the situation in Kerala thoroughly.

They did not allow anybody to form a Government. "If we cannot form a Government, no Government at all"—that is their policy.

An hon. gentleman from this House was made Governor of the State. I am also against that. Whenever it pleases them, they take away somebody from this House and make him a Governor, and ask the people to face a by-election, wasting public money criminally for pleasing some people like that. They cannot do that unless there is sufficient reason.

One or two sentences more, and I have done. As far as the Left Communists are concerned, the Congress people did not in the beginning say that if these people were elected, they would not be released.

Mr. Chairman: Will the hon. Member conclude? I cannot allow any more time. I have allowed him

too much time. Please resume your seat.

Shri Shinkre (Marmagao): He is concluding.

Mr. Chairman: Order, order. It is for me, not for him, to say.

Shri Shinkre: You may say "Order, order", but it is not fair.

Mr. Chairman: You have no business to interfere.

Shri Shinkre: I have a right, every Member has a right.

Mr. Chairman: Other Members need not intervene like this and waste the time of the House. I can understand if it is useful and advisory, but this is not the way to exercise a right, to seek to interfere every time.

Shri Warior: He was requesting you for some indulgence.

Shri Sezhiyan (Perambalur): I rise to oppose the Resolution moved by the hon. Minister approving of the Proclamation issued by the Vice-President discharging the functions of the President in relation to the State of Kerala.

Mr. Chairman: I may tell the House that ten minutes time limit will be strictly enforced. There is a large number of people wishing to speak, and the debate may be prolonged. Therefore, it is out of consideration for the others who have not spoken that I am taking this line of action.

Shrimati Lakshmikanthamma: Only Members from the Opposition are to be called?

Shri Sezhiyan: I feel that it is unwarranted, unconstitutional and undemocratic in practice because the verdict of the people had been well known and the Assembly was not allowed to meet and the parties were not allowed to function in a demo-

[Shri Sezhiyan]

cratic way. Some friends quoted the provisions and said that once the Gazette notification comes, the assembly is deemed to have been constituted. Article 172(i) of the Constitution states "that every legislative assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting..." It means the Assembly comes into existence only when it meets. The whole objective of this Constitution, the very Fundamental Law of the land has been violated and a presidential proclamation had been issued under the emergency powers. I do not know what emergency took place in Kerala or what debacle of democracy had happened there except the debacle of the Congress, except the emergency for the Congress. What happened in Kerala is happening in other States and the Congress is losing its hypnotic touch because previously in the name of freedom fight, Gandhi and Nehru, they were fighting the elections. Now the people are not satisfied with these names. They want something more. Even a Congress Member like Mr. K. Santhanam had this to say in the *Hindustan Times* of 9th March, 1965. on Kerala Deadlock. He says:

"It may be an unpleasant fact, but it has to be recognised that hereafter the Congress ticket will not have the hypnotic effect derived from the historic role of the organisation in the struggle for freedom and the magic names of Gandhi and Nehru. The Congress has to function like an ordinary political party and its influence will be proportionate to the actual confidence of the people in its leadership and the character of the candidates who will be put up."

Now, Sir, no party was in a position to form the Ministry; that is what they say. I do not know how they found it unless they put it into practice. There are many astrologers

in Delhi advising the Ministers... (Interruptions.) Probably some astrologer advised them that no Ministry will be a stable one. What other norm was adopted in arriving at this conclusion I do not know.

Some of the elected representatives of Kerala are inside the jail and they have been detained. I am not here concerned with the rights and wrongs of the left communists. But in this context I wish to say that if they have done anything wrong they should be hauled up before a court of law and convicted. I want to invite your attention to some of the old fights that were waged with the British Government. In 1935, Sarat Chandra Bose was elected to the Central Legislature from Bengal but he was detained by the Central Government. At that time the Congress Party protested vehemently against it. Then at the Central Legislature there were Mr. Jinnah, Satyamurthy, Bhulabhai Desai and Prof. Ranga; Dr. Aney was there at that time. They fought against the Government. They brought an Adjournment Motion in the Central Legislative Assembly against the detention of Sarat Chandra Bose who was duly elected to the then Assembly but was not allowed to come here. At that time, Bhulabhai Desai made a very famous speech. He said:

"I know very well that that particular claim of privilege, that particular demand, is met with a defiance by powers which undoubtedly are exercised by the Executive in this country, for we cannot forget and we must not forget that it seems to be (and it is a very unfortunate state of mind in those who govern this country at present) a sort of continuous hostility between the Government on the one hand and the people on the other. Such difficulties do not and cannot arise in any other country. The fact remains, however, that such a call would never have been met in any other country with

such a defiance, and Sir, I appeal to you that such a defiance is not a sign of courage; it is a sign of growing diffidence...."

श्री हुकम चन्द कछवाय : सभापति महोदय, मेरा व्यवस्था का सवाल है। हाउस में कोरम नहीं है।

Mr. Chairman: The bell is being rung—Yes; now there is quorum. The hon. Member may continue.

Shri Sezhiyan: That is what he said in 1935 against the British Government. The same thing applies in toto, word for word to the present Government. What was the British Government doing in those days? They arrested Sarat Chandra Bose, the brother of Netaji, who had been duly elected from West Bengal, and he could not come here and function as a legislator. He was detained there. The same thing has been done by the present Government in Kerala. I do not hold any brief for the left communists in all their activities. But the country should be informed as to what their activities have been; what crimes they have committed. If they have done any serious crimes, let them be brought to the court and let them be tried. Then, we can accept it. In trying to put down the anti-democratic forces, the Government itself should not become another anti-democratic force. It is said in an interesting anecdote that in the city of London, along a street, one man was trying to walk naked. The policeman tried to catch him. What happened was that the naked man was running fast and the policeman, with all his heavy clothing, could not run and catch him. Therefore, one by one he began to divest himself of his clothes, and at last he was able to catch the naked man. But then the policeman also had become naked and nobody could distinguish who was the offender, the naked person and who was the policeman. Similarly the Government, when trying to put down the anti-democratic forces, is itself becoming fast an anti-democratic force.

In conclusion, I repeat, Sir, proclamation is another piece of anti-democratic measure that has been brought forth; this is an unwarranted and unconstitutional thing. It is political dishonesty to suppress the legitimate aspirations and the legitimate democratic rights of the people of Kerala.

Mr. Chairman: Shri Warior.

श्री श्रीर लाल बेन्वा (कोटा) : प्रापोजीशन की दूसरी पार्टियों के मेम्बरो को बुला लिया गया है, लेकिन हमारी पार्टी के एक सदस्य को भी नहीं बुलाया गया है। प्राप को पार्टीवाइज बुलाना चाहिए।

श्री हुकम चन्द कछवाय : आप ने एक पार्टी के दूसरे सदस्य को बुलाया है, लेकिन हमारी पार्टी के एक व्यक्ति को भी नहीं बुलाया गया है।

Mr. Chairman: I am not deaf. You cannot impose on me any of your opinion. Do not argue with me. Both of you should not stand. Both of you be on the same party. Then, please sit down.

Mr. Chairman: The time has been extended and I will call them. It is the convenience of the Chair.

Shri Hari Vishnu Kamath: The convention in this House has been that one member of every group is called in the first round and then the second round begins.

Mr. Chairman: I agree. But there is what is known as the exigency of the debate. The opposition cannot claim the whole time.

श्री हुकम चन्द कछवाय : सभापति महोदय, जब हमारे ग्रुप के एक व्यक्ति को भी नहीं बुलाया गया है, तो फिर एक अन्य ग्रुप के दूसरे मेम्बर को क्यों बुलाया जा रहा है ?

Shri Hari Vishnu Kamath: Every group should get a chance.

and Kerala State
Legislature etc. Bill

Mr. Chairman: I will call them also.

श्री श्रीकार लाल बेरवा : प्राप को पार्टीवाइज तो बुलाना चाहिए । जब दूसरे बल के दो तीन सदस्य बोल सकते हैं, तो हमारे दल का एक सदस्य भी बोल सकता है ।

Shri Warrior: For the political debacle in Kerala, I place the entire responsibility on the shoulders of this Government, especially the party in power. Ever since independence and the integration of the State, Congress has been playing mischief there. In order to remain in power, it did all sorts of manipulations, morally quite immoral, legally quite illegal and as a matter of tactics most unconstitutional. In the first instance, they constituted a minority government. Secondly, they constituted a coalition government. Thirdly, they de-constituted a legally constituted majority government. Now everything is bombaranging and quite rightly so. The entire blame is now placed on the people of Kerala that they are frustrated, illiterate and politically immature. For all the faults, mistakes and blunders of the Congress, the most literate, most intelligent and most mature people in India are now blamed. Shall we bow down to this verdict or shall Government bow down to the verdict of the people? This Government is so adamant that it will not bow down to the verdict of the people. My hon. friend, Mr. Govinda Menon, is a very able lawyer and he used to quote bothsides whenever it suited him. But he would quote only Ivor Jennings. When he wanted to justify the formation of a minority government, he quoted Ivor Jennings. Whenever he wanted not to have a minority government, then also, he quoted Ivor Jennings. A few days back I heard him say it here. Minority or majority, it is up to the elected legislators of that State to decide. Government had given to the people of Kerala whatever it had in its possession. The Kerala people are educated and they know

what it is. They can read not only Malayalam, but also English. Even the rickshawala will say, "let me finish my paper and then I will come" if somebody asks for a safari in the rickshaw in the mornings. They know Hindi also; there is no such thing as Hindi problem there. Does this Government hold that such people cannot understand the so-called white paper, which is a misnomer? They published it before the elections. Well and good. To explain the impact of it, Nandaji went there and threw a challenge to the people. He ought not to have done that. I wonder how this Government is always blundering and going into the blind ally. They have blundered into the blindest ally. The whole world is looking at them to see how they will retrace their steps.

Now, after all that was done, why did not the Government or the Congress Party have the guts to call the Assembly. I do not stand on these constitutional niceties you can reserve them for yourself. But let the people have their representatives meet and decide. But the Congress could not do that, because they had set in a tradition there that once a government is formed by a minority group there are many who will jump to the minority and make it a majority. This time the Congress knew pretty well that they could not do that, because the chunk was more on the other side. If the Congress were anywhere near the majority, if they were short by five or six people, then they would have very well pocketed it. The term that is used there is "sacking". We used to save "Somebody is standing in the spillway there at Thottapalli", the causeway to Trivandrum, a long ridge where nobody will be going whenever a ministry formation is going on. Only once in the history of Kerala in the recent times, 65 members went in to the Assembly and came out as 65. Never in the history of Congress had it happened. They came in as 65 and went out as 36. That is why the Congress this time did not have the guts to take courage into hands and call other people to form the ministry.

Sir, Shri Kappen is sitting there like a very innocent looking man. He is innocent but the circumstances proved very bad for him. He was the instigator, the originator or at least the brain behind the rebel Congress.

Shri Hari Vishnu Kamath: The cat is out.

Shri Warrior: He came here with a delegation to meet the President, and now he is saying this in all innocence. Sir, this is Sahasranamam (*Interruptions*). He knew pretty well that once this rebel Congress was allowed to form a government much of what was salvaged as Congress will go as an avalanche into the rebel congress fold and the Congress will be completely wiped out from there. The only idea at present with the Government is to see what they can salvage. We also think only in those terms. Something has already happened. Nobody is happy. Nobody should say that the people are happy. The people are not happy. The people are very much disappointed because they have never heard that once elected the best place for them is in the jail. Although during the British times we have had experience of that, even under the most terrorist regimes in the native States we were hauled up before the courts. I have stood against 13 counts including theft, murder, obstruction to government servants in the discharge of their duties and so on and so forth. Still I was brought before the court. This Government says that these elected people are traitors. If they are traitors, at least by way of a sample bring one or two before the courts and try them. Why are you not bringing them before the court? The Government cannot do that. The Government has more to hide from the people than actually to reveal to the people. In every phase, in every question, in every issue, this Government has more to conceal and hide from the public and from the Parliament's eye than actually reveal. Now, they will have the result of that. They will have it.

not only in the States but also in the Centre. Everybody knows how the cracking has come like the rotten pumpkin. How can we salvage the situation? I say that at least informally the leaders of the elected members should be called to advise the government, instead of handing over the entire administration, lock stock and barrel to the bureaucrats until the next general elections, to the ICS men; I hope Shri Kamath will excuse me for saying that.

Mr. Chairman: I have to inform the hon. Member that I will strictly enforce the time limit.

Shri Warrior: I will also abide by it strictly, instead of asking for more time.

I say that the Government must bring in an amendment to the clause about the constitution of the advisory committee. It is no use calling us once in a blue moon and then asking us to okay within half an hour whatever legislation the President intends to pass. It will not do any good to anybody. Hence, it is necessary that more time should be given to the committee to scrutinise the legislation. Then, more than the legislation, it is absolutely necessary that the day to day problems of the State must also be tackled by the representatives of the people instead of being dealt with only by the bureaucrats. So, those problems must also be brought forward before the committee and the committee's advice, if not statutorily at least by convention, should be accepted by the Government.

Then, it is a tragedy that whenever the Five Year Plans are on the anvil, there is no representative government in Kerala. Only once, the Congress or the pseudo-Congress was there. I wonder whether at least in the Fourth Plan the representative Government of Kerala will get an occasion to go through the Plan and make suggestions or modifications in the Plan, so far as it relates to Kerala, or will it again left to the bureaucrats? I want

[Shri Warior]

a categorical answer to this question. My last appeal to the government is to make the working of the administration democratic, as much as possible, instead of allowing it to continue as bureaucratic as at present.

Mr. Chairman: The discussion will go on till 5.30 P.M. The Minister will reply tomorrow. Now Shri Berwa.

Shri Vasudevan Nair: Are we to understand that only members of the opposition will be called to take part in (this debate)?

Mr. Chairman: I will have to make some adjustments from where I have taken over. After Shri Berwa, I will call somebody from the Congress side.

Shri C. K. Bhattacharyya (Raiganj): I do not know exactly how the time is distributed but I find the proportion is 6 members from the opposition side and then one members from this side.

16.29 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

श्री श्रीकार लाल बेरवा : उपाध्यक्ष महोदय, मैं आपको धन्यवाद देता हूँ कि आपने समय मुझे बोलने का दिया है। मुझे बोलने का बहुत पहले भवसर मिलना चाहिये था। क्योंकि मेरा दल विरोधी दलों में तीसर दर्जे पर है और तीसरे नम्बर पर ही मुझे बुलाया जाना चाहिये था। लेकिन यहां श्री शायद केरल की सी बात हो गई है और यही कारण प्रतीत होता है कि हमारे दल को सबसे पीछे पुकारा गया है। यह बात ठीक नहीं है।

राष्ट्रपति शासन केरल में लागू करने के बारे में जो नीति रही है उससे प्रजातंत्र को बहुत बड़ा धक्का पहुंचा है और प्रजातंत्रीय अधिकारों को उसके द्वारा कुचला गया है।

लगाये पेड़ बबूल के ग्राम कहां ते होयें ? अगर भ्रंशजों ने काँट दिये हैं वे हमारे लिये कांटे बने गये हैं तो फूल कैसे हमें मिल सकते

हैं। एक गरीब लड़के को अगर लावारिश समझ कर छोड़ दिया जाता है और वह जाकर किसी जेब काटने वाले के यहां शरण लेता है और उसको वहां शरण मिल जाती है और अगर बाद में जाकर वह बड़ा डाकू हो जाता है तो जिसने उसको शरण दी थी उसी को तो वह अपना मां बाप मानेगा। चाहे कम्युनिस्ट हों, मुस्लिम लीग वाले हों, पी० एस० पी० वाले हों, उनको वहां की जनता ने शरण दी है। इस लिये उन्होंने जन प्रतिनिधित्व को चुनाव के अन्दर सबल बनाया। आप की नीतियां हमेशा ऐसी ही रही हैं। आपने सोचा यह हिन्दुस्तान बहुत बड़ा भाग है किसी की नजर उधर नहीं जायेगी। आप कुर्सियों के लालच में फंस गये और चुनाव का नतीजा उसी तरह से हुआ जैसे कि किसी फ़ैशनबल स्टूडेंट के इन्टिहान का रिजल्ट आउट होता है तो वह फेल निकलता है। आपके सामने भी फेल का नतीजा आया। आज आप हर तरह से उसे कुचलने की कोशिश कर रहे हैं, लेकिन यह प्रजातंत्र के साथ बहुत बड़ा धोखा है। यह बात ठीक है कि राष्ट्रपति का शासन जनता का शासन नहीं हो सकता और न होगा। अगर आप ऐसा समझ कर चुनाव को रिजेक्ट करते हैं और जनता द्वारा चुने हुए नुमाइन्दों को आपने सम्पर्क में नहीं लेते हैं और उनका शासन नहीं बनाते हैं तो अचढ़ा नहीं है, तो यह समझ लीजिये कि राष्ट्रपति का शासन लागू हुए काफी समय हो गया है। लोग जानना चाहेंगे कि राष्ट्रपति शासन के अन्दर आप ने कितनी फेसिलिटीज लोगों को दी, कितना विकास किया, कितनी नहरे निकालीं, कितने पावर हाउस बनाये गये, कितनी जमीनें दी गईं, कितने लघु उद्योग और कुटीर उद्योग खोले गये। इस पीरियड में कुछ भी नहीं हुआ क्योंकि जो हमारे शासकगण हैं वह कुर्सी से चिपके हुए हैं। उनको दूसरे दिखलाई नहीं देते हैं। अगर राष्ट्रपति शासन के

बावजूद उनको सुविधायें मिलतीं तो भी ठीक था, लेकिन आप ने वहां साम्प्रदायिकता को प्रोत्साहन दिया । आपने यह सोचा कि इसके साथ नहीं तो उसके साथ मिलो, उस के साथ नहीं तो दूसरे के साथ मिलो और बहुमत बना लो । पहले आपने मुस्लिम लीग से समझौता किया । लेकिन आपने देखा कि उसका क्या नतीजा आउट हुआ । अगर आपने फेसिलिटीज दी होतीं तो वहां की जनता आपके अधिकार में रहती ।

आज मुझे डर है कि जिस तरह से केरल के अन्दर चुनाव के बाद राष्ट्रपति का शासन लागू हुआ उसी तरह से और जगहों में हुआ तो कांग्रेस को बहुत नुकसान उठाना पड़ेगा । राजस्थान में चुनाव हुए पिछले समय में जो लोग चून कर आये उन में एक सीट कम रह गई कांग्रेस की । मगर उन्होंने वहां के लोगों को कुछ रुपयों में मोल ले लिया । केरल की जनता खरीदने में नहीं आई । राजस्थान में 70 नगरपालिकाओं के चुनाव बाकी हैं । लेकिन आप साल ब साल उनको टालते जाते हैं । आप का वहां पर एडमिनिस्ट्रेशन कायम है ।

वहां तो कांग्रेस का जनाजा निकल ही चुका है, मुझे शक है कि शायद अगली बार उत्तर प्रदेश, मध्य प्रदेश व राजस्थान में भी यही हाल होगा । आप कहां कहां राष्ट्रपति का शासन लागू करेंगे । आज की महगाई को देखते हुए, आज के भ्रष्टाचार को देखते हुए, आज की जागीरदारी को देखते हुए, सभी जगह यह होने वाला है । मारी जनता बेचारी कुचली जा रही है । फिर आप कैसे उनकी सहायता चुनाव में पा सकेंगे ।

मैं कहना चाहता हूं कि मान न्यायिये आप ने केरल में चुनाव को बरत कर दिया था, तो आप को दूसरे चुनाव करवाने चाहिये थे । लेकिन नहीं किये । दूसरे चुनाव भी नहीं करा रहे हैं । अगर छः महीने की लिमिट

के अन्दर वहां चुनाव करवा दिये जाते तो जनता के चुने हुए नुमाइन्दों को वहां की जनता का समर्थन प्राप्त हो सकता था । लेकिन ऐसा भी नहीं किया जाता । आप एक समिति बना रहे हैं । इसका मतलब क्या है, आधे से ज्यादा तो उसमें कांग्रेसी भरें हुए हैं वह करेंगे क्या । सारा अधिकार किस को है । राष्ट्रपति को ही तो है । धारा 156 की तहत कंसल्टेटिव कमेटी करेगी क्या । क्या वहां पर फोटो खिचवायेगी मीटिंग में । जब राष्ट्रपति को अधिकार है तो परामर्शदाता क्या करेंगे । राष्ट्रपति शासन के अन्दर उन को सारे अधिकार प्राप्त होने चाहिये लेकिन जनता उनके साथ नहीं है, जनता से यह सरकार कुश्ती लड़ने के लिये तैयार है । सरकार वहां लोगों को चार और चावल देनी है, वह तो एक दफे में उसे खा जायेंगे । जनता को आप ने पहले धोखे से हटाया, पहले उन के साथ अन्याय किया, जहाजों के माल को लुटवा दिया और लोगों को दाने दाने के लिये मोहताज कर दिया और फिर चाहते हैं कि वहां अपना शासन बना लें । चाहे वामपन्थी कम्युनिस्ट हों, चाहे गैरकांग्रेसी हों, अगर आप चाहते तो दोनों वहां सरकार बना सकते थे । लेकिन आप ने उन को साथ नहीं लिया । यह बान ठोक है कि जो नजरबन्द कम्युनिस्ट हैं मैं उन का समर्थन नहीं हूं, आप उन के साथ जा चाहें करें, जैसा वे करेंगे वैसा भरेंगे । लेकिन जब वह चुनाव जीत कर आये है तो उन की सरकार बननी आवश्यक हो जाती है । अगर उन की सरकार नहीं बनती तो गैरकम्युनिस्टों, गैरकांग्रेसियों को माप लेकर सरकार बन सकती थी, लेकिन आप ने वैसा भी नहीं किया ।

केरल के अन्दर सब से ज्यादा पढ़े लिखे लोग हैं । वहां तीन करोड़ की आबादी है और उस में से 62 परसेंट पढ़े लिखे लोग हैं । 28 परसेंट आदर्मी ऐसे हैं जो कम पढ़े लिखे हैं । वहां पर लंग बहुत सी भाषायें जानते हैं, हिन्दी, अंग्रेजी, उर्दू, तामिल सभी

[श्री श्रीकार लाल बेरवा]

आते हैं। मैं केरल में ही कर आया हूँ। पत्रकारों की मेरी बात हुई है, बेकारी ज्यादा है, लेकिन अगर आपका इस के बारे में कोई खयाल नहीं है, तो क्या किया जा सकता है। आप उन को कोई फैसिलिटी नहीं देते हैं। आज उन की बेकारी का कारण यह है कि वहां कोई लघुद्योग नहीं है। जब उन को कुछ देने का मौका आता है तो उस को मद्रास खींच लेता है। आप का ध्यान हमेशा उसी तरफ रहा जैसे एक डामर की सड़क बन रही हांती है तो उस पर तीन इंच डामर और बढ़ा दिया जाये। मद्रास में हजारों फैक्ट्रियां हैं लेकिन नई फैक्ट्रियां वही खोली जाती हैं, केरल में नहीं। क्या कारण है कि आप उन को सम्पर्क में नहीं लेना चाहते। अगर आप चाहते हैं कि आप का वहां बहुमत हो तो आप को यह सारी बातें देखनी पड़ेगी।

आपने केरल में कांग्रेस के बहुमत में न आने पर राष्ट्रपति का शासन लागू कर दिया। अगर किसी और जगह कांग्रेसी बहुमत में नहीं आये तो क्या सभी जगह ऐसा होगा। आज की हालात में जिस तरह से आप ने जितने दूसरे दल हैं उन को कुचला है और प्रजातन्त्र को धक्का लगाया है उसको देखते हुए आप को कोई सहन नहीं करेगा। केरल की जनता को ऐसा ही लगता है। वह अपनी सरकार बनाने में सफल होती लेकिन आप ने वहां पर राष्ट्रपति का शासन लगा कर उन को कुचलना चाहा। यह क्या उन के साथ अन्याय और उन के अधिकारों का हनन नहीं है।

मेरा कहना यह है कि आप वहां राष्ट्रपति का शासन लागू करना चाहते हैं, जरूर लगायें, अच्छा है, लेकिन उन्हें फेसिलिटीज तो दीजिये चाहे वह किसी भी शासन की तहत हो। अगर आप की यही नीति रही कि जिस जगह कांग्रेस बहुमत में न आये वहां पर राष्ट्रपति का शासन लागू कर दो तो यह हालत हर एक प्रान्त और हर एक शहर में हो जायेगी। आप यह न समझिये कि आप आग लगा कर

उस पर पानी डाल कर उस को बुझा सकेंगे। अगर पेट्रोल में पानी डाल कर उस को बुझाने की कोशिश करेंगे तो पेट्रोल की लपट फैलने से सारे शहर में आग फैल जायेगी। आज आप जो दबाव का पेट्रोल डाल रहे हैं उस से काम नहीं चलेगा। जनता को सम्पर्क में रखने से ही काम चलेगा। कल वित्त मंत्री ने भाषण दिया। टैक्सों के बोझ से सारी जनता दबी जा रही है। इस प्रकार से हम जनता के सम्पर्क में नहीं रह सकते। सम्पर्क बन सकता है अगर आप इस चुनाव को भंग करने के बाद भी जल्दी से जल्दी चुनाव करायें। भले ही गैर कम्युनिस्ट और गैर कांग्रेसी सरकार बन जाये लेकिन जनता के अधिकारों का हनन न किया जाये। अगर ऐसा नहीं किया जाता तो यह प्रजातन्त्र के साथ बहुत बड़ा धोखा होगा।

Shri Ravindra Varma: Mr. Deputy-Speaker, Sir, I rise to support the Resolution that the Houses approves of the President's Proclamation. The Debate on this Resolution, has been an enlightened one, although the usual amount of heat was generated in the course of the debate.

Sir, coming as I do from Kerala, it is reassuring to me to find that many Members of this House are deeply conscious of the problems of the State and are keen that every effort should be made, not only to preserve and enrich democracy in Kerala and in the country, but also, as this House is on the threshold of taking over the responsibilities of the State Legislature, every effort should be made to devote attention to the crying needs and clamouring problems of my State. However I must point out that sitting and listening to the debate, it occurred to me that perhaps someone may run away with the impression, since many of the Members from the Opposition Benches have spoken and few from this side have spoken—that Members on this side lag behind our friends on the Opposition Benches in their concern for the problems of the State of

Kerala. You know very well Sir, how difficult it is to catch the eye of the Speaker. If many Members from our side have not succeeded in taking part in the debate, let it go on record that it is not because of any lack of anxiety or keenness on this side of the House to support the Government in the step they have taken or to draw the attention of the country and the Government to the problems of the State of Kerala.

First of all, Sir, I wish to say that I rise to support this Resolution not because I sit on this side of the House but because I believe that under the provisions of the existing Constitution, there was no alternative left to the Government. It is very easy for anyone to say that the elections did not yield the results that we had hoped for. I suppose there is no party in this House which will say that it is content with the results of the elections, whether it be the party of my hon. friend Mr. Ranga or that of my hon. and esteemed friend Mr. Mukerjee, whether it be the Right or the Left Communist Party. Everyone in this House will admit that the results of the elections have been disappointing to them. But, Sir, whatever may be the disappointments that parties have suffered, one should ask oneself the question whether it is right under such circumstances to say that the responsibility for the present situation rests entirely with the Congress Party and the Government of India. Is it being suggested that the Congress Party should have tutored the electorate better? Is it suggested that the electorate was wrong, and that the electorate did not do its duty. In a democracy, the electorate is free. Perhaps, some of the hon. Members of the Opposition are unfamiliar with the procedures and the practices of democracy. But in a democracy where there is adult franchise and where there is freedom to choose and freedom to reject, it can very well happen that the results of election present a picture of the kind that we have seen.

Sir, I can understand hon. Members saying that our Constitution should have envisaged such possibilities. Compensious as our Constitution is, it might be said that it should have been more encyclopaedic, and it should have visualised every possibility that might have occurred or might occur and provided for those possibilities. More than once, it has been stated in this House that experiments should have been tried with democracy. No one on this side of the House has any quarrel with this suggestion. My hon. friend Acharya Ranga said that the Congress should have experimented with democracy. If the Congress is not experimenting with democracy, I want to know what it is experimenting with. Elections have been held not once, not twice but many times. Is it because the Congress does not believe in democracy? What my hon. friend meant to say perhaps was that the Congress should have experimented with some other devices. If there are to be some other devices, they have to be provided for in the Constitution. We are today discussing the action that Government could take under the existing provisions of the Constitution. I may agree with Acharya Ranga if he suggests that we should look into such possibilities and perhaps amend our Constitution. At least this side of the House has not lagged behind in its readiness to amend the Constitution whenever it was found necessary to do so. Therefore, let it not be said that we are against any reconsideration of the provisions governing such eventualities. But today, we have to act under the existing Constitution. Therefore, to say that the responsibility for the present situation rests with the Government at the Centre or the Congress and that this resolution should be disapproved of is to hide one's head in the sands like the ostrich and to refuse to take cognisance of reality. This strain was clear all through the speech of my hon. friend Shri Ranga. I am extremely sorry that he is not present here now. He is a Member whom I respect very much, and I

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would have liked him to hear what I have to say.

Today, he worked up a lot of emotion in the course of his speech. That is perhaps not unusual for him, but there is generally a trace of reasoning also in his presentations to the House. I tried to look for it very much today, but I am sorry to say that I did not find much that was germane to the Resolution.

Then, Sir, my hon. friend Shri Ranga said that this resolution should be disapproved of. He said that the failure of the ruling party to gain a majority in Kerala was the reason for this Proclamation and this resolution. He forgot history. He is a professor; he can be absent-minded as a professor, and perhaps because he was absent-minded today, he forgot history. Is this the only occasion on which the ruling party has failed to get a majority in Kerala? There were other occasions as well. What happened then? Were not other parties allowed to form Ministries in Kerala? Have there not been instances in the past when the Congress failed to get a majority and can it be said that in every such case, the Congress came before this House with a resolution saying that the President's rule should be there and that the President's Proclamation should be approved?

Then, my hon. friend Acharya Ranga while referring to the need for revising of the Constitution and the need for providing for such eventualities said that the committee form of government should be considered. I was not quite clear whether he said that this should be considered for all States or only for such eventualities. I got the impression—it may be that I am wrong—that he said that the committee form of government on the lines of the Swiss model should be considered for all States. I wonder whether he said those words, as a result of the failure of the Congress

or as a result of the failure of the Opposition. Is it because the Congress has failed to win a majority in the different States that he wants the committee form of Government? Or is it because the Opposition, because of their incompetence, their incoherence and their disintegration and their immaturity, wants concessions from the Constitution? Under the existing Constitution, though it is free and democratic, the Opposition find that they are not able to cut much ice with the electorate, and therefore, a new artifice is thought of, perhaps, that there should be a committee form of government, so that though the opposition may have no strength, though they are not elected by the people in sufficiently large numbers, still they have a say in Government. This is a very interesting and ingenious way of arguing for a finger in another man's pie.

Shri Ranga said that self-government was better than good government, and he reminded us of the old days of the agitation and the struggle for independence when we used to say that good government was no substitute for self-government. He said that the Congress had today tried to reverse the position and was saying that good government was better than self-government. I submit that it is a highly tendentious, almost an untruthful statement. Who on the Congress side has said that good government is a substitute for self-government? We believe in self-government. If the Congress had denied the people of Kerala an opportunity to elect their representatives, if elections were not held as in some other countries, for which some hon. Members of the Opposition have sympathy, it could have been argued that self-government was not allowed. But an opportunity was given. It is not given by anybody, it is their right, and it was exercised by them to elect their representatives, and yet that did not yield results which would help the formation of a viable ministry. The choice, therefore, was not between

good government and self-government as Shri Ranga wanted to make out. It was a choice between government and no government.

I can understand some of the Members of the Opposition who sit to the left of Shri Ranga saying perhaps that "no government" was better than the Central Government exercising responsibility, because it is their declared intention, a part of their political philosophy, to create a situation where no government exists, but I venture to submit that the choice before the House, before the Government, was not a choice between good government and self-government. Given the results of the election, it was a choice between no government and government as provided for in the Constitution.

Shri Ranga visualised the break-up of the Congress. He referred to what is happening in Rajasthan and Orissa, what may happen elsewhere, and he conjured up a vision of the Congress collapsing, and he also said that the Congress was trying to disrupt the Opposition. I tried to interrupt him and I wanted to ask him whether the Congress could be blamed if the Opposition Members could be weaned away. Is it, the fault of the Congress? I think it is a sad commentary, confession on the mettle of the Opposition when he says that the Congress is trying to disrupt the Opposition.

I want to refer to some other Members also, particularly to what Shri Mukerjee said, and some other Members belonging to his way of thinking, or more to the Left, said. They said that it was a strange irony that being in a minority did not prevent the Congress from coming to power. I want to ask one question. If the Opposition parties have the right, the privilege, the prerogative, to collect support from other parties and form a composite government, is it to be denied to the Congress because it is the Congress?

Then it was said that being in a majority, did not permit any other

party to come to power. This again, I submit, was a tendentious distortion. I want the hon. Member or some one else from their side who may follow me to tell the House when it was that any particular party got a majority and was not allowed to form a government, or a combination of parties got a majority and yet they were not allowed to form a government. If one such instance can be cited, one can believe that the argument holds at least an iota or a particle of water.

Sir, the White Paper was referred to, and I must also refer to it. Shri Warior spoke before me. I have no difference of opinion about the encomiums he paid to the people of Kerala. I agree with him and all other Members who said that Kerala is a beautiful part of the country, that the people of Kerala are very literate and so on.

I have no differences with them on these counts. But that, I submit, is rather extraneous to the technical question we are discussing here. As far as the White Paper is concerned, it was stated that it did not contain evidence to convict any one. No one has claimed, and I suppose that the hon. Minister who will speak after me will confirm what I say, the Government has never claimed that the White Paper is a charge-sheet. They have never claimed that the purpose of publishing that white paper was to put before the country material which could be put before a court of law to convict anyone of an offence that had already been committed. The question is different: the question is whether the Government had enough evidence to conclude that there was a possibility of imminent action which would lead to subversion. I want to ask you and this House whether one can adopt the plea that person can be dealt with only after he commits an offence. Is it not necessary in the interest of society to visualise occasions and eventualities that may arise to prevent possible subversive action? Has any hon. Member who has spoken before me denied the veracity of the

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statements in the white paper? Has it been denied that the so-called left communist—Marxist section owes the inspiration for its ideological line to China? Has it been denied their stand on the question of aggression is a stand which is sympathetic to China? Has it been denied that they have not been able to give a clear reply to the question whether China committed aggression or we committed aggression? Has it been denied that they have carried on propaganda, day in and day out, to create suspicion and doubt in the minds of people about the veracity, validity and legality of our case? There is a strange coincidence between what they have said and what the Chinese have said. This coincidence is evident in silence; this coincidence is evident in speech; this consistent coincidence is evident in intentions. When such coincidence is very clear, what should a democracy do? Is it true that in a democracy freedoms are guaranteed but are these freedoms meant for the full expression of the personality of the individual or citizen or are these to be converted into weapons to destroy democracy? If a situation arises in which what with aggression on the one hand and collusion on the other, what with the declared intentions of the left communists to go back on their belief in democracy and organise the destruction of the State, what with all the evidence before one, if a situation arises, in which the Government which ultimately has the responsibility to maintain the integrity of the country is convinced that they are about to embark upon a movement of subversion, cannot the Government act; or should they say: we will wait till the trains are blown up and installations are blown up? Will this House permit such an attitude? Will the country permit it? Is it not injurious to the interests of our country? I venture to suggest that democracy needs, in an hour of peril of this kind, when the peril is proved, when the nation is challenged by external and internal forces of aggression and sub-

version, that the benefit of doubt should go to the country and not to those who are out to disrupt society and scuttle the country.

It was argued that some of the members of the legislature are kept in prison. I want to ask you and the hon. Members whether these gentlemen were arrested after they were elected? Were they kept in prison to prevent their functioning as Members of the legislature? Is it not a fact admitted by the Opposition that these hon. gentlemen—let me call them so, that is in good parlance—were arrested before the elections. Now, is it being argued that they should not have been allowed to contest the elections? (Interruptions.)

Shri Warrior: Yes.

Shri Ravindra Varma: Well; I am sorry that I cannot share this view. I am glad that it has come out from his mouth, and it is on record that he thinks they should not have been allowed to contest the election. My idea of democracy unfortunately or fortunately is not the same as that of the hon. Member when he says that they should not have been allowed to contest the elections. Woe be to this country if his view were to prevail because if his party comes into power then that would be the kind of things that would happen in this country. Now, if it is true that there was evidence which could warrant the conclusion that people were acting or going to act in a manner injurious to the integrity of the country, helpful to the enemy, action had to be taken against them and action was taken against them. That was done before the election. Therefore, to say that they are being held in prison only to prevent their functioning in the Assembly is historically incorrect; it is not true to facts. The Assembly was elected. The elections were over, and no party had a majority. It is very clear from the Governor's report that it was impossible to contemplate the functioning of a viable Ministry. What else could he do under the existing

circumstances? We are not thinking of what could happen in Prof. Ranga's wonderland. We are thinking of what can happen according to the provision of the existing Constitution. What else could the Governor do? He made a report, and on the basis of that report, the proclamation has come.

I do not want to take more time of the House. But I must refer to the fact that this has happened at a time which is very crucial for Kerala. This has happened at a time which is very crucial for the people of Kerala. Our country is full of problems. Every State has problems. I do not deny it. But Kerala has problems of its own. We the Members from Kerala have always felt that perhaps because of our position on the periphery of this vast country, like the State from which my hon. friend Shri Laskar comes—Assam—our problems are often ignored. Three plans have been formulated, but what has happened? As far as Kerala is concerned, the attention has been pitifully scanty. The crying problems of the State of Kerala have not received the attention that they should have received. When the fourth Plan is being formulated, when there is need for rapid industrialisation and for the generation and the transmission of power for industry and for schemes for the betterment of the condition of the people, it is unfortunate that we do not have a government elected by the people of the State. The responsibility of this House, therefore, to the people of Kerala will increase a million-fold when this Resolution is adopted by the House. The House is taking over the responsibility of the State legislature. It is going to take over, I am sure, in spite of the Opposition, the responsibility of the legislature. That means it is taking over the responsibility for dealing with the problems of the State.

An Hon. Member: Are you sure?

Shri Ravindra Varma: I am sure. If the House does not do so, if suffi-

cient attention is not given, I will be one with the hon. Member in saying that it should be done, and condemning if it is not. I shall not be lagging behind.

Shri Warrior: You will have enough opportunities for it.

Shri Ravindra Varma: If I have, I will share the opportunity with the hon. Member. I will not deny him the privilege of sharing it with me.

Sir, I want to welcome the Cabinet sub-committee that has been set up to give special attention to the problems of Kerala. I also want to join the hon. Members who have said that the consultative committee that will be formed must have an enlarged scope of functioning. Unless it deals with the urgent problems of the State, the utility of the committee will be very little. We have had experience. I think the discussions committee in the past. I am not prepared to say that it has been a happy experience. I think the discussions that take place there are very peremptory. The agenda is not formulated with care; matters which are of vital concern to the State are not brought up at all. The committee becomes almost a stopgap committee, going only into matters which have got to be statutorily dealt with. The problems of Kerala cannot be dealt with in this manner.

I hope that this will be the beginning of a new vision, a new approach from the Centre to the problems of Kerala. I hope that in the period during which the President will be responsible for the administration of the State of Kerala, the President and the Government will prove that they have uppermost in their heart the interests of the people of Kerala.

Shrimati Lakshmi Kanthamma: Mr. Deputy-Speaker, Sir, I am one with the House and the Members of the Opposition as far as the problems and the anxieties of the State of Kerala are concerned, and they should be given the utmost impor-

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tance. The people of Andhra Pradesh have also been very anxious to give as much rice to the State of Kerala as they could. In this context, I would urge that a project like the Nagarjunasagar project should be completed at the earliest, so that lakhs of acres will come under production and there will be plenty of rice which we can share with the people of Kerala. We know, and many Members also express, that Kerala is an important foreign-exchange earner in that she is sending spices and other commodities to foreign countries. They cannot be self-sufficient in food production, but they need not be worried about it. This can be tackled by Andhra Pradesh by more and more land coming under irrigation.

17 hrs.

As Shri Ravindra Varma said, the Governor had talks with all the group leaders, except the right communists who had only secured 3 seats. He spoke to the leaders of the left communist party, the muslim league, the Kerala Congress, and the Congress, but nothing was possible. Even according to the claim of the left communists, they had 40 members and they could get another 23, but even then they would not have an absolute majority. Perhaps they expected the muslim league to support them, but they denied that support. Moreover, they could not contest all the seats.

Our Constitution has provided ample scope for the opposition to provide an alternative government when people felt disgusted with the Congress. They wanted a strong opposition in whose ideology people can place their faith. But as Dr. Lohia himself said "निक मा हूँ" what can be people or the Congress Party do when they themselves accept that they are not in a position to give an alternative government when people feel disgusted with the Congress? I

don't think we can be blamed for this. The Kerala elections have proved all the more that if Congress is not elected to power, there will be chaos.

श्री हुकम चन्द कछवाय : हाउस में गण-
पूर्ति नहीं है—कोरम नहीं है।

Mr. Deputy-Speaker: The bell is being rung. Now there is quorum. She can continue.

Shrimati LakshmiKanthamma: If people had placed confidence in the Congress, it is not our fault. It is not left to 4½ persons to criticise so many people who are there. May be they are in the opposition when they attack our party so bitterly, sometimes we feel like bringing to your notice that we have also got some self-respect and we should also be allowed to defend ourselves.

The arrest of left communists has become prominent in the discussions. This is not the only occasion when a Government was defeated and elections had to take place subsequently. In 1955-56, before the formation of Andhra Pradesh, in the erstwhile Andhra State, the Government was defeated. At that Mr. Sundarayya was a member of Parliament. They had high hopes that communists will form a government in Andhra. Mr. Sundarayya resigned his membership of Parliament and went there to become Chief Minister of Andhra. But only 13 seats were won by the communist party. If Government was only interested in the elections, at that time they could have made so many arrests, but no arrests were made. In Orissa also, we had elections after the Government was defeated. Even there no arrests were made. When there have been so many instances where the President had to take over the administration of the State due to break-down of the Constitution, how is it that no arrests were made on those occasions and why is it that only in Kerala in the present juncture these arrests

were made? It is evident that the Home Minister was quite justified in doing this. It needed double courage on his part to arrest these Left Communists just on the eve of the elections. Evrybody knows what arrests mean. It means that people will have more sympathy towards the arrested people. Still the Home Minister has taken the risk to arrest these people irrespective of the fact that the elections were coming. There fore, he did it only because the country's security was in danger. He did it because the country's security was of the utmost importance. I think except for a few hon. Members, all the Opposition Members have supported this action on the part of the Home Minister.

Shri Dinan Bhattacharya was saying these are all cock and bull stories. I come from Telangana and from a district where there were hundreds of murders during the Telangana movement of the Communists. If he comes to my constituency I can take him to a number of people, even old people, who are the victims of raids and murders conducted in those days.

Why were these Left Communists arrested in spite of the fact that the elections were coming? This is what they were doing in Kerala. This is the report about what Shri P. Ramamurthi said:

"Shri P. Ramamurthi, another prominent leader of the left wing, explained to party workers at Coimbatore in the same month that the Amritsar line stemmed from their success in Kerala and the possibility of coming to power through elections in other states and that it was totally wrong to think that the party had given up its belief in revolutionary methods."

There are any number of such instances in this book to show that they have been always supporting Visala Andhra, they have to always been pro-Peking, they have always been sup-

porting the Chinese cause to the extent of even telling that we are the aggressors instead of China being the aggressors. There is also the famous Mao Tse-tung photo incident. The other day I was mentioning about the Vijayawada fire where so many huts caught fire and nobody knew how it happened. There is the guerilla warfare and other things. Somebody raised in the Andhra Assembly this question. Some people had come to Andhra and they were moving about giving training to people in guerilla tactics to be used against the Government. It did not come to the notice of the Government at that time.

I would request our friends in the Communist Party only one thing. Let them become strong whether Left or Right—enough to provide an alternative to the ruling party. They should have their roots in this country. They should have faith in our people. Only they can succeed and not by having their roots elsewhere in Peking or in Moscow. It is outmoded to think that only by an armed revolution communism can be brought about. It is a wrong notion. It is only the Communists who think in that out-moded way. The Communist Party, and also the Swatantra Party, refuse to think in the modern way of life. Even if they think in the modern way of life, communism is possible. India as such has never hated communism. On the other hand, we have been accused by western powers saying that sometimes our leaning is more and more towards communism. That is also established by the Lucknow resolution of 1936. I would, therefore, request my Communist friends, whether Right or Left, to give up these old thoughts and bring a revolution in their own thoughts and ideas. I would request the Communists to have faith in the people of this country. It is not necessary that they should have an armed revolt. They can come to power through the will of the people, through the support of the people. With these words, I support this Bill.

श्री शिव नारयण (बांसी) : उपाध्यक्ष महोदय, मैं आप का बड़ा अनुगृहीत हूँ कि आप ने मुझे बोलने का समय दिया है। मेरे एक मित्र ने कहा है कि केरल की 62 प्रतिशत जनता पढ़ी लिखी है। लेकिन मैं कहना चाहता हूँ "पोथी पढ़ पढ़ जग मुआ, पंडित भया न कोय, डाई अक्षर प्रेम के पढ़े सो पंडित होय"। केरल में इतने एजुकेटिड लोग होने पर भी डेमोक्रेटिक सैट अप के लिए जैसे और जगहों पर जरूरत होती है वैसे ही वहाँ ट्रेनिंग की जरूरत है। वह एक ट्रेनिंग प्राउन्ड हो गया है? मान्यवर, केरल में जो एडमिनिस्ट्रेशन थी इस इलैक्शन के पहले जब उस गवर्नमेंट को डिसाल्व किया गया तो उस के पहले प्रेजीडेंट्स रूल था। प्रेजीडेंट्स रूल के बाद गवर्नमेंट ने मौका दिया, फ्री एंड फेयर इलैक्शन करवाये डेमोक्रेटिक सैट अप स्थापित करने का मौका दिया लेकिन जो इलैक्ट हो कर आये और जिन की गवर्नमेंट बनी उस को भी बाद में डिसाल्व करना पड़ गया। अब फिर चुनाव हुए तो इस का नतीजा यह निकला कि किसी भी पार्टी को स्पष्ट बहुमत प्राप्त नहीं हुआ, न कांग्रेस को एक्सोल्यूट मैजोरिटी प्राप्त हुई और न मुस्लिम लीग को, न पी० एस०पी० को और न ही किसी दूसरी पार्टी को। सब तितर बितर हो गए। लेकिन अपोजीशन वाले क्या चाहते हैं? वे तो बही कहने हैं, चित्त भी मेरा, पट्ट भी मेरा। बही उन की इवाहिश है। मैं कहना चाहता हूँ कि हमारे जो कम्युनिस्ट भाई हैं उन को इस गवर्नमेंट का एहसानमन्द होना चाहिये। आज हमारे हिरेन मुजर्जी साहब तथा उन के साथी यहां बैठ कर इस गवर्नमेंट की नुक़ताचीनी करते हैं, लैफ्ट कम्युनिस्ट्स की वकालत करते हैं और इस गवर्नमेंट को यहां खड़े हो कर गालियां देते हैं और कहते हैं कि यह गवर्नमेंट बहुत जुल्म करती है, बहुत सितम डहाती है, उन को इस गवर्नमेंट का शुक्रगुजार होना चाहिये कि यह गवर्नमेंट उन के साथ तथा उन के दल वालों के साथ इतना लीनियेटली पेश आ रही है। अगए वह चीन में या रूस में होते और इस

तरह की बातें करते तो उन को गोली मार दी गई होती। वह वहां इस तरह से बोलने का साहस नहीं कर सकते हैं।

तेलेंगाना के बारे में मुझे पिछले हफ्ते एक लेख पढ़ने को मिला था। हमारी एक बहन ने तेलेंगाना का यहां जिक्र किया भी है। मैं उस की डिटेल में जाना नहीं चाहता हूँ। मैं इतना ही कहना चाहता हूँ कि दूसरों को कुछ कहने के पहले आयने में अपना मुंह देख लिया जाना चाहिये। आप से हम फार फार वैंटर हैं। हमारी केरल की इलैक्शन के बाद सैकिंड बिग्रेस्ट पार्टी थी। लेकिन हम ने कहा कि हम कोलिशन नहीं बनायेंगे। कोई भी दूसरी पार्टी बनाने के लिए सरकार तैयार नहीं हुई, न पी० एस० पी०, न मुस्लिम लीग और न कोई दूसरी। ऐसी स्थिति में गवर्नमेंट ने प्रेजीडेंट के पास रिपोर्ट भेजी कि चूँकि कोई पार्टी गवर्नमेंट बनाने की स्थिति में नहीं है, इसलिये प्रेजीडेंट रूल लागू किया जाए। तब जा कर ऐसा किया गया। आज एक प्रैक्टिकल आदमी को वहां का गवर्नर बना कर भेजा गया है। वह सोशलिस्टिक व्यूज के हैं और वह सब ठीक कर देंगे। हमें उन पर गुमान है। वहां वह स्थिति को अच्छी तरह से सम्भाल लेंगे। जब वह वहां गए थे तो उन का काले अंडे दिखा कर स्वागत करने की तैयारियां की गई थीं। लेकिन वह स्कीम फेल हो गई और बड़ा भारी उन का वहां रिसैपशन हुआ। केरल के लोगों को विश्वास हो गया है कि एक डेमोक्रेट, एक प्रैक्टिकल आदमी वहां उन के पास आ गया है और वह उस स्टेट पर अच्छा शासन कर सकता है, एक सफल एडमिनिस्ट्रेटर सिद्ध हो सकता है। मैं समझता हूँ कि हमारे नेताओं ने, हमारी गवर्नमेंट ने वहां पर प्रेजीडेंट्स रूल लागू कर के बहुत ही ठीक काम किया है।

मान्यवर, मैं गवर्नमेंट से कहना चाहता हूँ कि वे जो कम्युनिस्ट बाहर हैं, इन को भी बन्द कर दिया जाना चाहिये। अभी आप सक्सेसफुल

हो सकते हैं। यह मेरा गवर्नमेंट के खिलाफ चार्ज है कि इन के साथ लीनिंसी बरती है। ये रहते यहां हैं, खाते यहां का अन्न हैं और देखते चीन और पाकिस्तान की तरफ हैं। ये लोग उन की एजेंटी करते हैं। ये फारेन कंट्रीज की एजेंटी करते हैं। यह चीज हमारे देश के लिए घातक सिद्ध हो सकती है। इन को बन्द न कर के हमने गलती की है। यह मेरा गवर्नमेंट के ऊपर और एडमिनिस्ट्रेशन के ऊपर एक चार्ज है। आप ने इन को पनपा रखा है। आप इन को पालते हैं, आप इन को पोसते हैं। अगर ऐसा आप ने न किया होता तो आज यह नक्शा देखने को हमें न मिलता। एक कहावत है "बसू तेरी गोद में, उखाड़ तेरी दाढ़ी!" यह इन पर सही रूप में चरितार्थ होती है। गवर्नमेंट को इन के साथ भी सख्ती बरतनी चाहिये। जो बाहर हैं इन को भी सब को बन्द किया जाना चाहिये। तब जा कर शासन ठीक चल सकेगा।

इन शब्दों के साथ जो प्रस्ताव उपस्थित किया गया है, उस का मैं हार्दिक समर्थन करता हूँ।

Shri C. K. Bhattacharya: Mr. Deputy-Speaker, Sir, I have been sitting through this debate and I have heard many speeches, many wise words, to my benefit and to the benefit of all my friends here. It has been threatened, or it has been warned by the leader of the Swatantra Group in Parliament, that the Congress is going to face very bad consequences. When I heard him, I just remembered the news published in today's papers that there have been two bye-elections for the Andhra Assembly and in both these bye-elections the Congress has come out victorious. With these examples before him, how could Professor Ranga make that prognostication for the future, I could not follow; at least, logically one does not follow from the other. But that was stated to be so.

I believe, my hon. friend, Professor Mukerjee, was saying that democracy

was hanged ante-natally. I believe, Professor Mukerjee made that statement—or, was it some other hon. friend? It was said that it was a case of antenatal hanging of democracy.

Shri Surendranath Dwivedi (Kendrapara): He said, "pre-natal".

Shri C. K. Bhattacharya: But to me another expression came. In Kerala, at least this time democracy was stillborn. That is why it did not function. In fact, the anti-Congress parties combined to defeat the Congress and ended by defeating themselves. The result is there that no government can function; no government can be constituted.

Professor Mukerjee, I remember this distinctly, was making a grievance that the Assembly was not called at all to meet. Well, the Assembly could be called to meet when there is a chance found that a ministry could be formed. A legislature does not meet only for seeing each other's faces. We see each other's face all the time and not all the time fall in love with one another as we see each other's face. But an Assembly newly elected, the Governor could call to meet only if the Governor found that there was a chance of constituting a ministry; otherwise after having called the Assembly to meet what would the Governor say? Would the Governor say, "I have called you here but I know that none of you can form the ministry; it is good of you to come here; now, gentlemen, get your DA and TA and just go home"? For this purpose the Assembly would not meet. The Governor found on his calculations beforehand that no ministry could be formed on the basis of the figures that each party had got for itself. It was an arithmetical impossibility to make a ministry out of those figures. What else could the Governor do? What is the use of blaming the Governor or the Centre? It has taken the only logical conse-

[Shri C. K. Bhattacharya]

quence that came out of this situation.

My hon. friends from Kerala must be remembering that during the elections as they had posters for particular candidates, there were also posters saying, "We want President's rule". We read it in the papers and this has not been denied. So, there was a section of the people in Kerala itself who wanted President's rule and afterwards Shri Mannath Padmanabhan came out with the statement that President's rule was the only logical step that the Government could take in this matter. He supported the step taken by the Central Government.

The question of self-government was raised; but, I believe, self-government could be judged with reference to India as a whole. May I refer to the Report of the States' Reorganisation Commission? The States' Reorganisation Commission made it very clear. It said:—

"In India it is the Union which is real and not the units."

So, taking my stand on the opinion of the States' Reorganisation Commission, I may say that so long as self-government is saved in the Union or the Central Government is seized of the need of self-government in India, self-government is saved out the whole country. There may be temporary variations here or there; that may not affect self-government in India as a whole. That is how I would look at this position.

Some of my hon. friends have accused the Congress for not forming the ministry, for not helping others to form the ministry and for having formed the ministry before with the help of other parties. This is a difficult case. The Bengali proverb comes to my mind which says, "If you advance, I make you go to hell; if you go back, in that case also I make you go to hell". That is the position of the Congress in Kerala.

They said that in Kerala they seem to be in a minority and they are not going to form the government; let others form the government who can. That is the only rational attitude that they could take and they took it.

I am very glad that the Congress President did take that attitude. It shows that the Congress has no attachment to office, that the Congress has no intention to get into office in any way and in every way. They can accept office and can throw it away whenever they like. That is what has been tested and proved in the case of Kerala and, I think, the Congress President did take this firm stand in the matter of forming the Government in Kerala. He set an ideal before the whole country and the ideal is just in line with the ideals that were set by Gandhiji himself.

Some of my friends were referring to China affair, whether there has been any association of the Left Communists with the Chinese and whether they received any help from China. All those questions were referred to and in that connection this White Paper brought out by the Home Ministry was also referred to. Now, since it is not there stated categorically, that proves that this does not exist. That was the argument of one of my friends. It reminds me of an argument given by a well-known Theosophist in one public meeting saying, "I deny that God exists. I challenge the existence of God. If God exists, let him make me dumb at once. I will wait for 5 minutes." He took out his watch and waited for 5 minutes. But he did not become dumb. So, he said, "It is proved that God does not exist." The argument that one of my friends produced in order to challenge the veracity of the conclusions made in the Home Ministry's White Paper smacks of this type of mentality and this type of rushing to a conclusion without taking the proper care of

analysing facts and situations and what logically follows from them.

Shri Oza: Mr. Deputy-Speaker, Sir, Prof. Ranga, who does not happen to be here, while speaking on this Resolution, referred to various groups prevailing in the Congress Party in various States. I interrupted him to point out that there are groups in other political parties also and he got annoyed at me. Now, let me tell him very frankly that I did not do it with any relish. I do not for a moment say that there are no groups in the Congress Party in the various States. Sometimes I feel ashamed to find that there are so many groups in the ruling Party. But I say there are groups in the various other political parties also. What I wanted to point out was that this seems to be our national trait. It is not a monopoly of the Congress Party alone to be divided into various groups, but so many other parties also are divided. Therefore, I wanted to say that this seems to be the national character rather than the monopoly of the Congress Party only. I am sure this explanation will not continue him to be as much angry as he was before.

Sir, if you ask me what is the need of the hour in order to see that democracy in this country stabilises and grows properly, I would say that the need of the hour is a strong healthy Opposition. Unfortunately, that is not growing in this country and for that no blame can be laid at the door of the Congress ruling Party. The Constitution is there and they have got ample opportunities to go to the electorate, educate them and explain to them their principles, policies and programmes. And in spite of all these opportunities, if the Opposition does not grow, it is no fault of the Congress. I am afraid, unless a strong healthy Opposition grows in this country, people will lose faith in public life. Today it is a very sorry aspect of our public life that an average citizen is losing faith in public life and he feels that no political party in this

country can deliver the goods, particularly the Opposition parties.

Dr. M. S. Aney: Including the Congress party.

Shri Oza: Maybe. I do not say 'No'. Of course, we also share the blame. As I said, we must, as a nation, pause and think about what the maladies are that are afflicting our national life today.

Then, my hon. friends from the Communist Party said that the results of the elections in Kerala were a pointer and that it was a big slap on the face of Shri Nanda. I have been trying to find out how it could be construed like that. Really, it passes my comprehension.

If the Left Communists had been detained for any law and order situation in Kerala itself, and if this had been the verdict of the Kerala electorate, then I could understand that Government were duty-bound to release them, but the Kerala detenus have not been detained for any law and order situation in Kerala only but for the purposes of national security. As has been pointed out by so many friends, when the whole Leftist Communist Party is functioning in such a way that our national security is at stake, we cannot take any risk with our national security, and, therefore, they are kept behind the prison bars. When that is the position, what difference would the election results make in that situation?

Shri Vasudevan Nair: But why did this question of national security come in only just on the eve of the Kerala elections?

Shri Oza: Let my hon. friends look at the White Paper that has been circulated. Can it be denied that there was a difference of opinion between Right Communists and the Left Communists on the Chinese aggression

[Shri Oza]

issue? Can my hon. friend deny that at Calcutta, the Left Communist had exhibited the photo of Mao Tse-tung? Can he deny all these charges?

Shri Vasudevan Nair: All that was past history. But why were these persons arrested on December 30th?

Shri Oza: It is clear to the nation that the Left Communists were indulging in such activities, and that they were a great menace to the national security and, therefore, they had been detained and not because of any situation in Kerala only. So, the argument of my hon. friend cannot sustain even for a moment. It is not a problem peculiar to Kerala only, but the interests of the whole nation are at stake, and, therefore, I would submit that Government are absolutely right in not releasing these detenus and it is absolutely right that they have refused to release those persons even for a moment.

Then, it was said that at least the Assembly should have been summoned. After all, when an Assembly is to be summoned, it has to transact some work, and no work can be transacted without there being a government. When no government is there, what work can be transacted? As has also been pointed by an hon. Member and very rightly, the Governor has to inaugurate the session of the Assembly with an address, and the Governor's Address is usually a policy statement of the Government for the future months to come. If there is no government, then what is the Governor to do? He has no alternative but to dissolve the Assembly after making all the attempts to have a government formed and after having failed in those attempts.

Then, it was pointed out by Shri Kamath that the committee to be constituted under the Bill should not

consist of Congress people, because the Congress has been defeated in Kerala, but should consist of a majority of Members from the Opposition. I was surprised at this argument. It looked as if this House was not interested in what was going to happen in Kerala. I would submit that on the contrary the budget has to be passed by this House, and all the things relating to Kerala will come up before this House, and the Government will be responsible to this House in respect of the State of Kerala. Since the union has taken over the responsibility for the administration of the State and since the Union Government is responsible to this House, it is but proper that the committee also should have proper representation from the House; both the Congress and the Opposition and all sections of the House should be properly represented so that it can discharge its responsibilities properly.

As has been pointed out by several hon. Members, and I also join with them in this, the real problem in Kerala is how to develop the State of Kerala. It is unfortunate that such a highly literate State should go unrepresented by popular representatives and that there could not be a Legislative Assembly there; that is really very sad. But that is no fault of the ruling party. I am sure the Central Government will take up schemes, as has been suggested by various Members from the Opposition as also from the Congress Benches, and see that the distress of unemployment, poverty etc. are removed as early as possible. I am sure that the Central Government will discharge their duties properly by the State of Kerala.

Mr. Deputy-Speaker: The hon. Minister will reply to the debate tomorrow.