

Shri Nambiar (Mayuram): Today, then the House will sit till 6-30 p.m.

Mr. Speaker: Yes, because there is Private Members' Business also. So, we have allotted more time today so that the Private Members' Business could be taken up.

Shri V. B. Gandhi (Bombay City—North): May I know how much time is left out of the 50 hours allotted to the course of my speech?

Mr. Speaker: He can ask at the Table. That is better. There is very little time now.

RESOLUTION RE: PRESIDENT'S PROCLAMATION RE: ANDHRA

The Minister of Home Affairs and States (Dr. Katju): I beg to move.....

Acharya Kripalani (Bhagalpur cum Purnea): If I may intervene for a minute. I had made a request for certain papers which will be necessary for the discussion of this subject.

Mr. Speaker: That letter was forwarded to the Home Minister. He will state the position.

Dr. Katju: I have got it. May I speak on it now or a little later, in the course of my speech?

Mr. Speaker: He may state the position in respect of the papers asked for.

Dr. Katju: The report of the Governor to the President is a document of a very secret and confidential nature, and it will not be in the public interest to produce it.

Shri S. S. More (Sholapur): The article of the Constitution which relates to such reports is 356. It does not say that this report is a confidential document. This House has to accord its approval to the particular Proclamation. If we are to accord our approval after understanding all the relevant facts, the report of the Governor will be the first document that was to be delivered to us and

which we should peruse and find out whether there are sufficient grounds or not. The Constitution does not refer to that document as a confidential document nor the "other information", because in the Proclamation, the President is pleased to say that from the report of the Governor and other information received, he is satisfied. So, what was the material on which his satisfaction was based is very relevant for the purpose of useful discussion. That is what we want to submit to you.

Mr. Speaker: While I can appreciate the argument, I do not think the Constitution lays down every bit of detail, and obviously, if we were now to discuss as to what they should consider confidential or as matters which should not be disclosed in the public interest, the discussion will be wasted. If the hon. Members are dissatisfied with the position, they can take to such course as they like when the voting of the resolution comes up. I trust the hon. Home Minister will be disclosing, when he moves his resolution, whatever he thinks necessary for the Members to take into consideration before coming to their conclusions. But his refusal to disclose the document may itself be a ground, so far as the mental processes are concerned, to vote against the resolution, but that is a different matter from asking the Chair to compel the Government to disclose what they believe to be secret.

Dr. Lanka Sundaram (Visakhapatnam): May I submit a word? May I invite your attention to paragraph 2, sub-clause (b) of the Proclamation? It says:

"declare that the powers of the legislature of the said State shall be exercisable by or under the authority of Parliament."

The motion before the House this morning is this. This hon. House is asked to approve of the Proclamation. Before I can make up my mind, or any of my colleagues can make up their minds, as to whether we should approve or not, this basic document must be

[Dr. Lanka Sundaram]

made available to us. I think the House is entitled to protection.....(Interruptions.) My point is that Parliament is now to take over the administration and overall control of administration. The motion is that we should approve this Proclamation. I cannot make up my mind whether I should approve or should not approve unless this information as to what the Governor has said...

Mr. Speaker: It is the same point again. I do not think repetition of the same request is going to improve matters or change.....

Shri Sadhan Gupta (Calcutta-South-East): I can quite appreciate your observations that if the Home Minister refuses to communicate the Governor's report, we can vote against the Resolution. But I take it that when we are discussing and when we have to give our approval as Members of this House, it is our right, and indeed our obligation, not only to convince ourselves but to convince others. What we are expected to do is to judge whether the Proclamation was right in view of the Governor's report under the Constitution—that is what we are to judge. Now, it may be that when we receive the Governor's report, it will reveal such facts that, although without the report we cannot make up our minds one way or, the other, we will be convinced and what is more, we will be able to convince other hon. Members. I should submit that it is one of our very sacred privileges and that privilege is entitled to protection at your hands.

Shri T. K. Chaudhuri (Berhampore): This is not just one of the usual type of secret documents which is being referred to. The document which we have asked from our side is going to be of considerable constitutional significance and before the House proceeds to take a decision on the whole matter. I think it will be better—if you could not see your way to change your ruling—(Interruptions.) if at least the debate stands over for some time.

Acharya Kripalani: About your suggestion that if the non-supply of a document is a ground for voting against them, I suggest then that we may as well as go to voting!

Mr. Speaker: There is no use of repeating this argument.....

Shri Raghavachari (Penukonda): Mr. Speaker, the point is simply this. Is it not open to this House to appeal to you, the custodian of the privileges of this House, that when a particular document, which the Constitution says is a fundamental thing for action under article 356, is claimed to be a confidential document by the Government, is it entirely their discretion to say that it is confidential or is it open to you to examine the thing and then determine what part of it is confidential and what part of it is not confidential?

Shri Raghuramaiah (Tenali): I too may be given a chance. Friends on the opposite side seem to have assumed that the President can act only on a recommendation of the Governor and that we have a right to be satisfied that the discretion of the President was rightly exercised. I presume they are referring to article 356. I only read one line of that article. "If the President, on receipt of a report from the Governor or.....or otherwise is satisfied..." (Interruptions.) The Satisfaction is—I submit—the satisfaction of the President. There is another point. Assuming the Governor has not invoked this article, is it suggested that the President cannot by himself take such action as he can on other reports under article 356? Then does it follow that in every case we can call the President to the dock and then say: 'Look here, explain your action, etc.' The point—am trying to emphasise is that the report of the Governor is one of the things. In some cases it may not be there at all. The point is the satisfaction of the President, not the satisfaction of this House.

Dr. Lanka Sundaram: There is satisfaction in this case.....

Shri Raghuramaiah: Your are not...

Mr. Speaker: The hon. Member may address the Chair.

Shri Raghuramaiah: They are talking about the rights of this House. Article 356, I submit, does not say that the Governor or the President is bound to disclose the satisfaction. It may be a letter from the Governor; it may be otherwise. It is for us to approve or not approve the Resolution; that is a different matter. But technically, constitutionally and legally the Opposition has no case.

Shri T. K. Chandhuri: It is on the report of the Governor. It is specifically state.....

Mr. Speaker: I do not say I need decide on the question as to whether it is a privilege of a Member to ask for the disclosure of all the documents in the possession of the Government. I cannot conceive of such an extreme position as that. It may be that they are entitled to such information as is reasonably necessary; that is a different thing. I have myself not seen the report and I do not know what it contains. But I do feel that, as the hon. Home Minister comes to this House with a request to adopt a Resolution, it will be his duty to place before the House all facts that he thinks relevant and if he does not choose to disclose them, he takes the risk of the House not going with him. It is in his interest to place all the facts that he can place before this House. I do not know how I can compel him to disclose the entire report to the House. The report may contain many other matters of administrative importance. Many other considerations might be there but we are not concerned with those. He will disclose all relevant facts, I am sure; if he does not disclose, as I said, he takes the risk.

Acharya Kripalani: Let him disclose them to you for the House and then you decide. We know what he will give us. He may suppress very relevant facts.

Mr. Speaker: He will do so at his risk.

Acharya Kripalani: No risk is involved so far as he is concerned.

Shri Raghavachari: My point was simply this. When any document is claimed to be confidential, of course any party is entitled to claim—there must be somebody who must decide that matter. Even in a Court of Law when any party claims a particular document to be confidential, the whole document is kept before the Judge and the Court after a perusal of it decides which part of it is confidential and which part of it, is not. So far as this document which is referred to in the Constitution is concerned, it is stated to be the basis for action and that must be made available to you and you have to see which portion of it is confidential, and which portion is not confidential.

Dr. Gangadhar Siva (Chittoor-Reserved-Sch. Castes.): In the High Court, a Judge lets off a murderer on circumstantial evidence. Can you question on what circumstantial evidence he was left off? (*Interruptions.*)

Mr. Speaker: Order, order. We are sidetracking the discussion. I said I am not deciding on any question of privilege at all. That question will always be open. We shall see as to what the hon. Home Minister has to say; how the points arise and this point may be considered and argued when some other occasion of this type arises. I am not deciding it now.

Shri S. S. More: Does that mean that after he has made his submission if we are not satisfied, we can re-agitate this point for your consideration?

Mr. Speaker: Not on this occasion?

Shri S. S. More: If it is left open.....

Mr. Speaker: It is left open to them to argue and vote against, as I said. I am not going to compel, this time at least, the Home Minister to disclose the document which he, as a responsible Minister states is of a "secret"—not merely confidential—nature. The word used by him is "secret".

Dr. Katju: Mr. Speaker, Sir, before I move the resolution I may say for the information of the House that this is the third time that a Resolution of this kind has been moved and approval sought for the Proclamation made under article 356. The first was in 1951 when the President took over the Punjab; the second in 1952 when he took over the PEPUSU. On those two occasions the report received from the Governors was not put on the Table of the House. So, this is the convention or the practice.

Dr. Lanka Sundaram: The circumstances are different now.

Mr. Speaker: Order, order. The hon. Minister is now in possession of the House.

Dr. Katju: I beg to move:

"That this House approves the Proclamation issued by the President on the 15th November, 1954, under clause (1) of Article 356 of the Constitution, assuming to himself all the functions of the Government of Andhra."

I should have thought that the action of the President would have met with universal approval in this Parliament, but the amendments moved show—either by accident or by design—deliberate ignorance of very well known facts and I am certain that when I place those facts before the House in the words of Mr. Sadhan Gupta every single Member will come to the conclusion that no other course, except the one adopted by the President was open in the circumstances.

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

Acharya Kripalani: Then how do facts become secret?

Dr. Katju: I find my hon. friend Acharya Kripalani is sitting next to Mr. More and he is following his bad example.

Mr. Deputy-Speaker: You are aware that the Andhra Assembly consisted of 140 members. A resolution was

moved before that Assembly to the effect—

"That this Assembly expresses its want of confidence in the Ministry for having failed to respect and implement the recommendations of the Ramamurthi Committee, as decided by the Assembly on the 27th of May 1954."

I pointedly draw the attention of the Leader of the Praja-Socialist Party that this Ramamurthi Report dealt with the question of prohibition and the resolution was directed only on that question and not on any other question. There was a three-day debate on this resolution and it was voted upon on the 6th of November 1954 this year.

Now, Sir, as I said, the total number of members was 140. The attendance was almost full: there was only one member absent. The House was a House of 139. Now, out of 139, one member of the Praja-Socialist Party remained absent; one was the Speaker who could not take part in the debate or vote on the motion. So 137 members out of 140 voted.

I may in this connection tell the House that the chief parties, organised parties in Andhra Desa were the Congress Party which was in the Government, the Communist Party, the Krishikar Lok Party and the Praja-Socialist Party. There were also a few people who called themselves Rayalaseema Independents; then there were one or two from the Scheduled Caste Federation and some independents. Voting took place and for the motion there were 69: against the motion there were 68. Thus the Government was defeated by one vote.

Now I would like the House to know the break-up of these figures. Among those who voted in favour of the motion—this is important—there were 40 members of the Communist Party. This number is important because I notice that several members of the Communist Party here have tabled a

motion that it was the duty of the Governor to ask the Leader of the Communist Party to form a Government. Now that Party consisted of 40 members who had voted for this motion. Then, in favour of the resolution there was what is called the K.L.P.—Krishikar Lok Party. Of them 8 members voted for the resolution and one member voted with the Government against the resolution. Then comes the Praja Socialist Party. Seven members voted for the resolution for the defeat of the Government and one member voted against it. Now that would mean 40 plus 15 and you get 55 members. Then there were the Independents—5. Then there were dissidents from the Congress Party,—this is very important,—two members, one of them was the Vice-President of the Provincial Congress Committee. He voted against on this particular motion, namely, relating to prohibition. There were two dissidents from the Congress, and there were two dissidents from the Andhra Praja Party, two, former communists who had now left the Communist Party. They are styled dissidents from the Communist Party, but they joined the old parent party on this occasion and voted in favour of the resolution. They were joined by the two Rayalaseema Independents and one member representing the Scheduled Caste Federation. Thus, there were altogether 69 members.

Against the motion were the 51 members of the Congress Party, 5 members of the Andhra Praja Party, one dissident from the Praja Socialist Party, 7 Independents, one member of the K.M.P., one member of the Scheduled Caste Federation, one member of the Rayalaseema Independents and one member of the K.L.P. dissidents.

Now, what was the situation? Wherever the parliamentary system of government that we have established here prevails it is the right of the Government when they are defeated to advise the Governor, the President. The King, whatever may be the name

or the form of the Head of the State to say: "We should like to go in appeal to the people." The Government or the Ministry can say to the President or to the Governor or King: "The House on this occasion does not represent the will of the people and we advise dissolution." It is perfectly within its rights and it is the set practice that a dissolution is always ordered. Now, in this particular case, in India,—I mean in the States, I am not referring to the Centre—fortunately we have got article 356 under which the Governor can intervene. In this particular case the Government within three hours sent a letter to the Governor saying that they have been defeated and they would advise under the circumstances—the very narrow margin of one vote and all these happenings there—that he should dissolve the Assembly and they should go to the electorate. And they themselves also said that they would not like to form a Caretaker Government. This was very good and I submit it is a precedent which ought to be followed. Because, when an election takes place on an occasion like this there are always—malicious or otherwise—allegations made that the Government is remaining in power to influence the voters by ulterior methods, improper methods, that the whole official machinery is employed for this purpose, that purpose and the other. Fortunately we have under our Constitution, so far as the State Governments are concerned, this machinery, namely the Governor intervening and the Governor accepting the advice to dissolve the Assembly and taking over power himself if the President so desires, so that for a month or two the Government may be carried on by the Governor or by such authority as the President may direct and elections might take place and so that the elections may be free, fair and wholly unfettered by any authority. Anyway, that was the advice given by the Ministry.

Then a very curious or interesting episode took place. Shri Raju, the Leader of the Praja Socialist Party,

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immediately after this proceeding in the Andhra Assembly, said like this. He was the gentleman who had voted in favour of the resolution. If he had abstained, the resolution would never have been carried.

Shri S. S. More: Why should he?

Dr. Katju: If he had voted against, it would have been badly defeated. Please remember that the votes of the Praja Socialist Party were seven. If these had been deducted from sixty-nine, the fate of the resolution would have been in favour sixty-two, against sixty-eight, and the resolution would have been defeated. Now, what did Mr. Raju, Leader of the Praja Socialist Party in Andhra Desh, say? This is what he said, Sir. This is a press note:

"The alternative is either a successor Government or re-elections. A successor Government cannot improve the stability of political life in Andhra. To bring conditions of peace and harmony in the political life of Andhra, heterogeneous political groups and elements, should be eliminated, and this has been long overdue. Good administration is one of the ends of a State, and any attempt to form a government with hotch-potch majorities should be discouraged."

Very wise, very sensible and, I submit, very fair. I hope this sentiment will be acceptable to the All India Leader of the Praja Socialist Party. This is what he said. Just consider before we go further. This party of seven having made their position clear, the Governor was left with no alternative; and as my hon. friend pointed out, even if the Governor had not reported to that effect the President would have seen that there could never be any stable government in Andhra with the existing Assembly. And I ask my hon. friend the Leader of the Praja Socialist Party, if I read aright what he says in his numerous speeches, press conferences and so on,

what is there in common between him and the Communist Party, excepting a dislike for the Congress Party? Necessity makes strange bed fellows. He is day in and day out advocating before the country the Gandhian philosophy, the Gandhian way of life, the decentralisation of authority, the establishment of judicial panchayats, and goodness knows what. What is there in common...

Shri A. K. Gopalan (Cannanore): Is all this relevant, Sir?

Mr. Deputy-Speaker: The hon. the Leader of the Communist Party wants to know what relevancy it has. It is this. The hon. the Home Minister feels that these two parties cannot form a Government in Andhra.

Acharya Kripalani: I have as much in common with the Communists as I have with the Home Minister and with all human beings.

Shri K. K. Basu (Diamond Harbour): Are those facts taken into consideration in advising the President to declare a promulgation?

Shri A. K. Gopalan: If Mr. Prakasam can be the leader—he is not a Congressman.

Shri Nambiar (Mayuram): Did the Governor consult the Leader of the Opposition? That is the question. He never called him.

Mr. Deputy-Speaker: I am not going to allow such interruptions. The hon. the Leader of the Communist Party wanted to know how it is relevant, and if it is not relevant I am bound to disallow any particular reference. I consider it is quite relevant in the face of what is being stated, that they could have formed an alternative Government. The Leader of another party who helped in throwing that Government overboard and assisted in creating a majority of sixty-nine for the resolution, subsequently issued a statement that he cannot work with any other party and therefore it is useless to talk of a successor Government.

Under these circumstances the Home Minister is developing an argument that Proclamation is the only effective method of dealing with the situation.

Dr. Katju: That is my notion too.

Shri Nambiar: Leave alone the question of the P.S.P. Why did he not call the Leader of the Opposition?

Mr. Deputy-Speaker: He considers it is useless to consult the Leader of the Opposition.

Shri Nambiar: Who is to decide that?

Mr. Deputy-Speaker: Let the Home Minister decide, and this House will decide.

Dr. Katju: Sir, I am grateful to you for putting my point concisely. The whole question is when one government goes out, the successor government should be a stable one. Would this Government have been a stable one when the Praja Socialist Party said "we will have nothing to do with the Communist Party"?

Shri S. S. More: There is another statement.

Dr. Katju: I have been hearing it times without number for the last three years; I am not making any discovery now.

There is another press statement. That was from the gentleman who was a former Member of the Communist Party and who had voted in favour of the resolution. If he had not voted and abstained from voting—I am not saying if he had voted with the Congress Party, the government party as it then was—but if he had abstained from voting, the voting on the resolution would have been equal; the Speaker, poor fellow, would have had a chance. But he voted with the former colleagues of his. And he issued this press statement.

Acharya Kripalani: Is it relevant to read these press statements here? Because we are not allowed to rely upon press statements, as has been done by the Speaker many times.

Mr. Deputy-Speaker: It is one thing to refer to press statements and another to rely upon them. If he is asking the Opposition to rely upon it, it is open to the Opposition to rely or not to rely upon it. I will allow press statements to be read. It is for the House to accept or not to accept them and some hon. Members may challenge the correctness of the Press statements also.

Dr. Katju: This is the statement:

"The House has given the verdict that the ruling party is incompetent to administer the State. As things stand today there is no alternative united opposition which can take the reins of government. There is no successor government in view. All progressive forces in Andhra must be united to give a lead to Andhra for the betterment of the common man. I feel that the verdict of the people must be taken to form a stable Government in Andhra State through general elections. No single Party in Andhra today will be in a position to administer the State. A united front of all progressive forces must alone give the lead to the country".

Now, Mr. Deputy-Speaker, we have another group, a big group, of the Krishikar Lok Party who contributed eight votes to the Communists. Mr. Latchanna—ask him, what does he say?

Mr. Deputy-Speaker: Was he not the sponsor of the Resolution?

Dr. Katju: Yes, he was. Sponsoring of the Resolution is one thing, but the question whether you are going to shoulder the responsibility for Government is quite another. When he was asked: "Are you prepared to co-operate with any body in forming the Government?", he said: "I have not made up my mind. I will consider."

Shri V. P. Nayar (Chirayinkil): Who asked?

Dr. Katju: He said: "I do not know whether I will join or not". This indicates a lot of what I call political integrity, because there must be something in common between you and the said Party. You may join everybody else in hating, but you cannot join in working. Working means a common ideal and belief in a common process of Government, and there is none. (*Interruptions.*) I am admiring them. The communist Party stands for a particular mentality, a very fine mentality. I do not dislike it at all.

An Hon. Member: In spite of you.

Dr. Katju: They stand for a particular mentality, for ushering in an approach to centralised Government, for having no trial of any sort or description, for bringing.....

Shri Sadhan Gupta: That is a mis-statement.

Dr. Katju: If I believe in them, I join. If I do not believe in them, I do not join. That is why my hon. friend Kripalani won't join them at all. Therefore, Mr. Latchanna said: "I have not made up my mind. I do not know what I will do". Then, when the Leader of the Communist Party—they know what he did. My hon. friends probably have got a report. (*interruptions.*): He said: "Offer me the fruits of action, but the fruits of office, and I shall try to wheedle the public, hold some plums before them, give a laddu to one a *rasagulla* to another." (*interruptions.*) He said: "Well, you give me a chance, and I undertake to produce before you Members from the Congress Party. They will join."

Acharya Kripalani: What did Rajaji do?

Dr. Katju: "Members from Independents will join, and you will then be able to produce a majority." Now, this is an insult to the Constitution. This is a mockery of the Constitution.

Shri Nambiar: Why is it a mockery of the Constitution?

Dr. Katju: We want a stable Government. We do not want these tomfooleries and briberies of this description. This is nothing but bribery.

I say that the only sensible course which could have been adopted was adopted, whether the Governor reported in this manner or that manner. The Governor reported facts, and I have given you all the facts. And the President came to the conclusion that there was only one way and no other way in an advanced province like Andhra where the Parties are divided into such numerous groups, *viz.*, that the President should take over and announce an immediate election.

Now, what is all this hallabaloos about? Today is the 19th November. Elections will take place some time early in February. I do not know the date, but they will be held in three months and all the parties should go...

Dr. Lanka Sundaram: Can you give an undertaking about the three months which is not contained in the Proclamation?

Dr. Katju: No, no. There is no question of extension.

All the Parties can go, set about their business, state their programme of action before the electorate, try to educate them—now by this method of prohibition, you may do it in many varieties of ways—and go about, and the Governor is there. I give an assurance, the assurance which I gave in the case of PEPSU, that the Government of India will do its utmost, the Governor will do his utmost, to see that the elections which are held are free, fair, unbiased, unfettered, without caring a tuppence as to which Party wins, which Party loses. What more do you want?

Shri K. K. Basu: Nothing else. We want you to be in office again.

An Hon. Member: They want dictatorship.

Dr. Katju: It may be that I am inexperienced in politics, but sometimes

I wonder—as I have been hearing for the last two days—as to how everything good which comes from these benches is suspected there.

Shri K. K. Basu: Quite normally.

Dr. Katju: There was no other action possible, and I thought this Resolution would go as a purely formal matter, but there are eight amendments. Somebody says “constitutional”, somebody says “unconstitutional”, somebody says “grave, very bad”, somebody says “disapproves”. What is there to approve or disapprove? Really, Mr. Deputy-Speaker, all these amendments are not even stable propositions. There was only one course of action which has been adopted, and I ask the House to approve the action taken by the Government and the Proclamation made by the President.

Shri K. K. Basu: May I ask the Government.....

Mr. Deputy-Speaker: There are spokesmen. They will speak.

Shri K. K. Basu: There is only one question relating to.....

Mr. Deputy-Speaker: Let us see what course the discussion takes, and if nothing is elicited, let him see if anything more is necessary. I will then consider the question.

Shri K. K. Basu: Can't we ask for a clarification?

Mr. Deputy-Speaker: Not immediately.

Shri K. K. Basu: It will help the discussion.

Mr. Deputy-Speaker: Questions have been asked and asked.

Resolution moved:

“That this House approves the Proclamation issued by the President on the 15th November, 1954, under clause (1) of Article 356 of the Constitution, assuming to himself all the functions of the Government of Andhra.”

Now, there are a number of amendments. Are they in order? First of all,

before I declare that they are in order or not in order, let me know who all want to have their amendments moved? I will go through these amendments and find out if they are in order. If I have any doubts, I will ask the hon. Members to satisfy me. Subject to that the hon. Members may now move their amendments.

Dr. Rama Rao: (Kakinada): I beg to move:

That for the original resolution, the following be substituted, namely:

“This House expresses its disappointment at the failure of the Government to give proper advice to the President to direct the Governor of Andhra to follow the democratic procedure of calling the Leader of the Opposition to form the Government on the overthrow of the Prakasam Ministry by a no-confidence motion.”

Shri A. K. Gopalan: I beg to move:

That for the original resolution, the following be substituted, namely:

“This House, after taking into consideration the Proclamation issued by the President on the 15th November, 1954 under clause (1) of Article 356 of the Constitution, disapproves the action of the Governor of Andhra in not calling upon the Opposition to form a Government as required by convention of Parliamentary democracy and requests the President to revoke the said Proclamation under clause (2) of Article 356 of the Constitution of India and to direct the Governor to entrust the Opposition with the formation of the Government.”

Shri S. S. More: I beg to move:

That for the original resolution, the following be substituted, namely—

“This House, having considered the Proclamation dated the 15th November, 1954 issued by the President under clause (1) of Article 356 of the Constitution regarding

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the State of Andhra, would express a feeling of disappointment at the failure of the adoption of the conventional and constitutional formalities which should precede the assumption of powers under clause (1) of Article 356 of the Constitution."

Shri A. K. Gopalan: I beg to move:

That for the original resolution, the following be substituted, namely:

"This House, having considered the President's Proclamation dated the 15th November, 1954 under Article 356 of the Constitution of India, is of opinion that the action is totally opposed to all democratic conventions and practices, and requests the President to revoke the same."

Shri Gidwani (Thana): I beg to move:

That for the original resolution, the following be substituted, namely:

"This House, having considered the Proclamation dated the 15th November, 1954 issued by the President under clause (1) of Article 356 of the Constitution, would express disappointment at the failure of the observance of the constitutional formalities and conventions that should precede the issue of the Proclamation."

Shri Raghavachari: I beg to move.

That in the original resolution, the following be added at the end, namely:

"but would express a feeling of disappointment at the failure of the adoption of the constitutional and conventional formalities which should precede the assumption of powers under Article 356 of the Constitution."

Shri N. Raghiah (Mysore—Reserved—Sch. Castes): I beg to move:

That in the original resolution, the following be added at the end, namely:

"as that was the only proper constitutional remedy for the crisis

that arose on the resignation of the Prakasam Ministry."

Mr. Deputy-Speaker: All these amendments are now before the House and discussion may proceed both on the original Resolution as also on the amendments.

Shri K. K. Basu: May I ask one question which is very relevant? In support of his motion, the hon. Home Minister referred to Press statements, and you said that he can quote from Press statements if relied upon. I would like to know whether the Government came to the conclusion on the Press statement issued or did they actually call the gentlemen concerned and verified what was their point of view.

Mr. Deputy-Speaker: The hon. Member wants to know if he verified those Press statements or had any personal conversation by himself or through the Governor or otherwise, with those persons who belong to the various groups and Parties in respect of their attitude, independently of the Press statements.

Dr. Katju: I have verified statements on the highest authority and I would ask the House to accept them without the slightest doubt whatsoever.

Shri K. K. Basu: We do not challenge the Press statement. What we would like to know is.....

Mr. Deputy-Speaker: That is what he says.

Shri K. K. Basu: He does not say that. He only says, I have verified the statement. We do not challenge the Press statement. Our only point is this. Did Government act on the Press statement, or did the Governor invite the gentlemen concerned to ascertain their opinion as to the formation of the alternative Government?

Shri Algu Rai Shastri (Azamgarh Dist.—East cum Ballia Dist.—West): There must have been so many factors. (Interruptions).

Shri S. S. More: May I make one submission to you? The hon. Home

Minister has referred to the resignation issued by the Ministry, and he has given us the contents. Will it please the Home Minister, with your permission, to place that document on the Table of the House? We can authentically refer to that document, and draw our own conclusions.

Mr. Deputy-Speaker: The resignation is a fact. The document under which this resignation was.....

Shri S. S. More: He says that the Ministry submitted a resignation, and he has proceeded to give us the contents further.

Mr. Deputy-Speaker: I will ask him.

Shri S. S. More: That original document should be placed.

Shri A. K. Gopalan: The substitute Resolution which stands in my name reads as follows:

"That for the original Resolution, the following be substituted, namely:

"This House after taking into consideration the Proclamation issued by the President on the 15th November, 1954, under clause (1) of article 356 of the Constitution, disapproves the action of the Governor of Andhra in not calling upon the Opposition to form a Government as required by convention of parliamentary democracy and requests the President to revoke the said Proclamation under clause (2) of article 356 of the Constitution of India and to direct the Governor to entrust the Opposition with the formation of the Government".

The hon. Home Minister has just now given his reasons as to why there was this Proclamation, but he has not given the reasons that were asked for, and on which there can be a discussion here. In the Proclamation, it is said:

".....I am satisfied that the situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution of India."

The Home Minister has stated that that satisfaction is the basis of that

decision. He also read out to the House the statements issued by two persons who had left the party and voted against it. It was only on the basis of these two statements, and the sarcastic statements that he made against this party and that party, saying persons are going away from the parties, that the hon. Home Minister has tried to justify this Proclamation. These are the only things that the Home Minister has given.

I do not want, as the hon. Home Minister has done here, to wash the dirty linen of the Congress Party and say what is happening here in Delhi and in other parts of the country, how many persons are going away from the Congress Party, how many commissions are set up where even the Prime Minister has to come and intervene and see whether a patch-work could not be made to restore unity inside the party.

Shri Algu Rai Shastri: Why are you worried about them? (*Interruptions*).

Shri A. K. Gopalan: When those questions are taken away, the fact remains that it was not good on the part of the Home Minister to have described this as a constitutional issue. Today, there are so many parties in this country, besides the Congress Party. As far as a stable government is concerned, I will be able to show that the arguments which the Home Minister has advanced do not hold good, because stable governments have been formed here on that very basis for the last four or five years.

But before doing so, I would like to say that whenever the hon. Home Minister brings forward a very important issue before the House, the whole question underlying it is side-tracked, and with one sarcasm, he deals with the whole issue. The whole issue today before this House is that there is a Proclamation by the President, and the cause of that Proclamation was that the Governor said there was a constitutional crisis in that State and he had some reasons to believe that the Government of the State

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could not be carried on. Because there was a constitutional crisis, and the Government of the State could not be carried on, he requested the President to take charge, and the President dissolved the State Legislative Assembly, and began to assume charge of the administration of that part of the country. This is not the only instance of its kind in the country. I would have thought that the hon. Home Minister would have given us the reasons for issuing this Proclamation, because the people in the country who are very anxious in regard to the growth of parliamentary democracy in the country are surprised and baffled to see the kind of democracy that is being nurtured here. What is the kind of democracy that they have here? There was the question of the Travancore-Cochin State. Then, there was the question of Madras. Now, there is the question of Andhra. First, there was the dissolving of the Assembly in one place under a special circumstance, and today again, there is the dissolving of the Assembly in another place. What is the real basis of all these things? It is for the Government to make the people understand at least now, when they are functioning on a certain basis, what is the parliamentary practice that is followed by Government when a constitutional crisis happens in this country. We on this side at least expected that the hon. Home Minister would have enlightened us on this point. But what he has done is that he has made fun of this party and that party. He may do it when introducing this Resolution. He may speak sarcastically of the Communist Party, and say one member has gone out and issued a statement; or he may speak of a PSP member having gone out and issued a statement; he may call us anything, and speak sarcastically about us, but he ought to have told us and the lakhs and lakhs of people in the country, what is the parliamentary democracy, and what is the practice that is followed in this country. But he has not done so. Today, there are so many

parties in this country, and when one party with the help of another party forms a Government and certain individuals come to power, and there is a constitutional crisis, is it necessary, when other parties join together and say, we are ready to take over the administration, to say that there is a constitutional crisis? If they are not to join together, how is the administration to be carried on?

So, the main issue today is the Proclamation, and the basis behind it, and whether the action that has been taken has been in accordance with the parliamentary practice, and the democratic conventions that we are following. That is the first point that I would like to emphasise. As far as the other arguments are concerned, I shall come to them afterwards.

As I said earlier, we wanted to know the reasons for the Proclamation. I do not want to argue about it. We wanted to know exactly the number in the Congress Party and the Communist Party. When the elections were over, and the Andhra Legislature had come into existence, I had asked the hon. Home Minister to give us the figures in regard to the number of persons who contested the elections, and the number that won the elections. These are the figures:

Name of party	Number contested	Number won
Communist	67	41
Congress	136	40
Piaja	82	20
Krishak Lok	63	15
Socialist	55	6
Independents	110	17
Others	15	1

When the elections were over, we got the verdict of the people at the polls as well as from the Assembly. So, if a Ministry is defeated either at the polls or in the Assembly, then comes the question of a constitutional crisis, and the need to form another Government. So, at the time of the elections in the Andhra State, the formation of the

parties was different. After the election, the formation changed; the Praja Party and the Socialist Party came together. In the elections, the position was that the Congress Party had only 40, while the Communist Party had 41. After the elections were over, and the Andhra State was formed, it was the duty of the Governor,—and that is the established convention—to call the single largest party to form a Government. But this certainly was not done then. As far as the Travancore-Cochin State is concerned, as far as the Andhra State is concerned, and as far as several other States are concerned, today there is no party which has got an absolute majority; this absolute majority is there only in two or three States. So, in States where no single party has got an absolute majority, and the difference between the strengths of different parties is only one or two or three or five, two or three parties may join together and form a Government. After the elections, the position in the Andhra State was also the same, namely that no single party had an absolute majority. The Congress Party had a strength of 40 and the Communist Party had a strength of 41. Among the Independents, some joined the Congress, and some joined the Communist Party; there were about seven Independents, who stood in the elections, with the Communist Party.

So, the question today is this. Was there really a constitutional crisis in the Andhra State? If there was, what was that crisis? That is the main issue before us. What I have to say is that there was no constitutional crisis. The crisis was not a constitutional crisis. The crisis was only a party crisis; it was a crisis inside the ruling party. The crisis was that some members of the Congress Party walked over to the Opposition. The crisis was that all those people whom they had gathered round themselves at the time of forming the Ministry would not keep up, and some of them went outside. I do not call this a constitutional crisis. It is not at all a constitutional crisis. It is only a crisis inside a party. When

there are so many parties, there may be crisis inside each party, and there may also be crisis in a collusion of the parties. As far as the parliamentary practice is concerned, what I want to say is that there was no constitutional crisis, because in my opinion, a constitutional crisis happens only when there is no confidence against a Ministry; then, there are other parties, and the leaders of other parties have to be called, and they are to be given a chance to form a Government. If they are not able to form a Government, and if either the Governor or the Crown in authority finds that there is no possibility of running the administration, and there is nobody to take charge of the administration, then and then only, there is a constitutional crisis. This is the parliamentary practice in this regard.

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Mr. Deputy-Speaker: Does the hon. Member mean that the Ministers cannot recommend dissolution?

Shri A. K. Gopalan: No, Sir; I am coming to that.

I do not think that a situation has arisen when the constitutional machinery cannot function. It cannot be said before observing the conventions and formalities implicit in our Constitution and the set-up, as recognised by years of parliamentary practice. Generally, we used to say in this House that it is the British parliamentary practice that we are following. I will quote some of the relevant portions from Cabinet Government by Ivor Jennings, page 29.

"It must not be thought, however, that the absence of a strict two party system gives the King the discretion to summon as Prime Minister whom he pleases. It is an accepted rule that when a Government is defeated, either in Parliament or at the polls, the King should send for the Leader of the Opposition. There may be two or more parties in Opposition but the practice of the present century

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has created an official Opposition whose leader is the Leader of the Opposition. The rule is that on the defeat and resignation of the Government, the King should send for the Leader of the Opposition. This rule is the result of long practice; though it has hardened into a rule comparatively recently, its basis is the assumption of the impartiality of the Crown. Democratic government involves competing policies and thus the rivalry of parties. The policy to be forwarded is that which secures the approval of the House of Commons subject to the power of the Government to appeal to the electors. The King's task is only to secure a Government, not to form a Government which is likely to forward a policy which he approves. To do so would be to engage in party politics. It is, moreover, essential to the belief in monarch's impartiality not only that he should, in fact, act impartially but that he should appear to act impartially. The only method by which this can be demonstrated clearly is to send for the Leader of the Opposition."

Mr. Deputy-Speaker: I remember to have heard, 'subject to the appeal to the electorate'.

Shri A. K. Gopalan: Not here, in this, Sir.

"A power to consult means a power to choose; absence of a power to consult means a binding obligation to send for the Leader of the Opposition."

"The rule has for its corollary the rule that before sending for the Leader of the Opposition the monarch should consult no one. If he takes advice first, it can only be for the purpose of keeping out the Opposition or its recognised leader. To try to defeat the claims of the recognised leader is to interfere in the internal affairs of the Chief Opposition party."

Sir, it is also given in another page that where there is a constitutional crisis in other circumstances, there is certainly a difference. This is only so far as a no-confidence motion is concerned and the defeat comes.

"This rule does not, of course, prevent the King from consulting whom he pleases in other circumstances. Where the Prime Minister dies or resigns personally, the King may have the delicate task of choosing a Prime Minister who can keep the Government together. Where a Government resigns owing to internal dissensions it does not necessarily follow that the Opposition must take office. In neither case is the King necessarily in the best position for making a choice. He must ascertain the view of the Government party in the first case, and the views of all interested parties in the second case."

I am not a constitutional pundit. I have quoted what is written here. Here it is specifically stated that when there is a constitutional crisis, immediately afterwards the duty of the Crown or the Governor is to see the Leader of the Opposition. If no other man is called, if the Opposition parties are not called and if the defeated Minister is called, it means that the Governor is acting partially and not acting impartially.

Another sentence is that he must not only act impartially but he should appear to act impartially. Taking that into consideration the action has to be judged. I do not deny—nobody denies—that election has to be there. But to say that there is a constitutional crisis and to have an election straightaway, is another thing. Whether the situation has arisen or not is the question here. As far as that is concerned, what is the parliamentary practice established here in our country where there are so many parties and especially in some States where no party has got an absolute majority? Where there are small parties, they come together and form

a majority. In this case, Nagi Reddi and another leader of the opposition party had gone to the Governor and told him in this constitutional crisis, if they are asked to form a government and if they are given 15 days, within 15 days they would see that a government is formed and they were sure of forming a stable government. Because the Governor has to act impartially, he should not act in such a way to show that he wants only a certain party to be in power. The parliamentary convention, as I understand it, is that he should have called the leaders of the Opposition parties together, or the leader of the single largest party and then asked them whether they can form a stable government and see whether a stable government can be formed. As I told you, when the Congress party was only 40, how is it that they were able to form a stable government? It was because so many others who had fought the Congress—I do not want to use the language which was used by the hon. Home Minister, because I am not accustomed to that language—the parties who fought the elections against the Congress, were taken into the Government when the Congress Party formed a government. There were many who went openly into the field and said, 'we are against the Congress, we want the votes of the people against the Congress', and they joined the Congress to form the government. The Congress has no right to ally with those people who were returned by the people because they gave the verdict that they were against the Congress; they never supported the Congress. How is it that the Congress party allied themselves with those groups who fought against them in the elections? Those others fought the election against the Congress and told the people that they were against the Congress. What I say is that is not the way in which the numbers should be counted; saying there were 55 and 57 and if one member from here it would be something else and making a mathematical proposition. In

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a country where there are so many parties and where there is no party which has got an absolute majority, do you want an election every time the party in power is defeated? Even after the elections if the position is 40 and 40, what will happen? There cannot be a fresh election; we cannot have an election every six months or one year. So, it was the duty of the Governor to see that there was no constitutional crisis and if the Governor had acted properly there would not have been this position.

What is a stable government? There are two practices here. I want to know what is the correct practice. What happened in Madras? After the elections, the single largest party was the Congress. But, Mr. Prakasam with the help of other people formed a United Democratic Front with a common programme. They had the majority; they went to the Governor and asked him that they must be called to form the government because theirs was the largest single party having the same programme. It was then said that they would not allow it because it was a heterogeneous party and it was not one single party with a single programme. They did not go before the people like that. They did not go to the electorate with the same programme. So, only the largest party which went to the electorate with a common programme has the right to form the Ministry, though they were smaller in number. What was done? A certain gentleman, who was not elected by the people, who was not a member of the Assembly was brought in. He was nominated by the Governor. This was the practice followed. The Governor should not have done that to bring a party into power. The Governor nominated that gentleman to the Upper House. After his nomination to the Upper House, he was elected leader of the party. He was asked to form the Ministry. What the Governor did was to call a man who was not elected, who was not a member of the Assembly but who had been nominated by him. After being elected leader of the party, he was able to

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create a majority and they said they had a programme. There was a party which had a majority, which said that they had a programme and that they were able to carry on a government and that they were more in number, but that was rejected (*Interruption*). There is another thing. What happened in Travancore-Cochin? After the first elections there were only 45 members who were returned on the Congress ticket, and the Communist party as well as other parties together said: "Here we are, the largest party. Though we do not belong to one single party, we are the largest party after the elections. We may be called to form the Government." But, they were not called even though they were together—I do not know the exact number—107 minus 45.

Shri A. M. Thomas (Ernakulam): That statement of Shri Gopalan is not correct.

Shri A. K. Gopalan: You may correct it, but the fact remains that the Congress were only 45. Whatever may be the position, I remember well that the members returned on Congress ticket were only 45 and the other parties together were more. In spite of this the Congress party was called and they formed the Government for some time.

Shri A. M. Thomas: The Tamil Nad Congress Party never joined the opposition party.

Shri A. K. Gopalan: Whether the Tamil Nad Congress Party was there or not would have been known if the Rajpramukh had called them to form the Government. I cannot predict it nor can others predict it. Of course, we know for certain that they would have joined us. Whatever it may be, the position is that the single largest party was called to form the Government though the other parties together were more than the single largest party. Then afterwards in order to be a majority over the other party some promises and others were given

and some members were taken away. Therefore, the question is that you cannot say that a single party will be in a majority. When there are so many parties and independents, you cannot say that one party will be in a majority. It may be true today, but when the people and the legislatures understand that a certain party in power is doing something they may join them and afterwards when they realise that it is against the interests of the people, they may decide that it is no use joining them and may leave them. So, there is no question of saying that the largest party will be called to form the Government because that is not the policy adopted. The position which the Government has taken till now is, wherever it suits them they say: "We are the single largest party and so we may be asked to form the Government." Wherever it does not suit them, they say: "You are the largest party. So many parties joined together you form a coalition and so you form the Government." I only want to know one thing. What is the parliamentary practice and procedure? What is the practice that we have seen in other countries when there is a crisis? It is specifically said here that when there is a no-confidence motion and the Ministry is defeated, it is necessary to call the other parties together and ask them to form the Government because election at every time is not an easy thing. Whenever these parties are there, they can join together and form the Government. The only question is whether constitutionally the administration can be carried on by them. The question is whether these parties will be able to come together and carry on administration because these parties have been elected and verdict given by the people.

As far as election is concerned—I do not want to take much time as there will be others to speak—much has been said as though we do not want election. The whole House says: "Why not election?" I say, Sir, when in PEPSU for three months there was President's rule, and when we said:

"Have election; do not postpone it beyond six months", why was it that the Home Minister did not show this hurry? Why was it that the Home Minister did not say: "We will not give six months; have election immediately". Why was it that the Home Minister said: "Have another six months more." So, as far as PEPUSU is concerned one practice and here, another to show us that we do not want election. In PEPUSU we wanted to have elections immediately, but they were postponed not for six months, but for another six months also. We say that it was to suit the interests of the ruling party because in PEPUSU they had to make up. In PEPUSU they had to get some people and so they wanted some time. That was the very reason why instead of six months another six months was given. Even though the Home Minister says that we do not want to fight election, we say, we are ready to fight the election. We are quite prepared to have the election. The people of Andhra have got the Andhra State. We have confidence in the people of Andhra. They were the first to get the State on the linguistic basis. Not only that; all those who were in power—Mr. Sanjeeva Reddy and others—did not come up in the first elections. All those who had been in office have been removed and the people have given the verdict: "We do not want you because you acted in an undemocratic manner". Therefore, if there is election, the verdict will be, all those who are in office today, who have gone out and dissolved the Assembly not giving a chance to the opposition party, they will not be there in power. Another party will come to power in Andhra. People will show them the same way as they have shown to Gopala Reddy and Kala Venkatrao. The present Ministry will go in the elections. That is all what I have to show.

Shri Raghuramaiah: Anyone who has heard Mr. Gopalan just now would have thought that he belongs to Andhra and I am not, but I happen to be from Andhra. Another interesting thing to me is the leader of the Com-

munist Party quoting democratic scriptures.

An Hon. Member: Why not?

Shri Raghuramaiah: Of course, he can but he has omitted the relevant chapter. He has quoted I believe from Jennings. I believe he quoted from Jennings saying that when there is a vote of no-confidence, the proper course is to call the leader of the opposition to form the Government. He missed a link there. It is true, when there is a vote of no confidence and nothing else happens the leader of the opposition has to be called. Here what has happened is, the Chief Minister has advised dissolution of the House and this makes all the difference.

Shri V. F. Nayar: He had no business to do that.

Shri Raghuramaiah: What difference it makes I will show now. I hope Berriedale Keith is known to you all; if not I will tell you now. He has given some instances in this book. I am very happy that our friends on the other side have been quoting British Parliamentary practice.

Shri A. K. Gopalan: Because that is the practice here I have quoted. If you rely on that, take it.

Shri Raghuramaiah: I understand and appreciate your difficulty and I also understand now.....

Mr. Deputy-Speaker: Hon. Members on both sides will kindly address the Chair.

Shri Raghuramaiah: I have often heard from the benches opposite that this membership of the Commonwealth is not good and all that. It seemed to me, when my friend Mr. Gopalan was quoting British Parliamentary practice, probably he was trying to realise the advantages of membership of the Commonwealth.

Shri A. K. Gopalan: I said that it is the practice here. What is the harm in quoting when you have said that British Parliamentary practice is followed here?

Shri Raghuramaiah: When it suits you, you are sometimes in favour of such practices and this is one of those cases. Without wasting any further time I will go straight to the subject.

Here is a book written by one of the highest constitutional authorities. The name of the book is *The Privileges and Rights of the Crown* by A. Berriedale Keith. The situation given here is exactly similar to what has happened in Andhra. Let us see what he says:

Shri Nambiar: We want the rights and privileges of the people and Parliament.

Shri Raghuramaiah: I will tell you that. Now I will quote from this book:

"On many occasions the right of a minister to recommend, and of the Crown to grant, a dissolution is plain....." (*Interruptions*).

Please have patience. By the time I finish I would have said enough that you would raise no more questions. Probably, the debate would be closed. Therefore, please have patience. Now I will quote again:

"On many occasions the right of a minister to recommend, and of the Crown to grant, a dissolution is plain. If a ministry resigns on defeat, as did that of Lord Rosebery in 1895, or for lack of cohesion and a constructive policy, as did that of Mr. Balfour in 1905, or on the defection of a large section as in 1922, the incoming government must clearly dissolve if it is to be able to carry on business. But the more usual course is for a defeated ministry to dissolve and appeal for a popular verdict in its favour, as Edward VII would have wished Mr. Balfour to do in 1905, as Gladstone did in 1886 and Mr. R. MacDonald in 1924."

I may add that, like Ms. A. K. Gopalan, Lord Asquith on the last of the occasions quoted, that he should have been called upon to form the

Government, and yet, Mr. Asquith had clearly indicated that in such a case in his view the Crown retained a full discretion as to its action when asked to dissolve. Mr. Asquith doubtless felt that an offer to him to form a government would have been in order, following the practice in Dominion parliaments at that time in like circumstances. But says the author the King took the sound view, which the result of the elections amply confirmed—I hope the results of the Andhra elections would equally confirm—that the time was ripe for the decision of the issue by the people.

There is a summarised statement for those who may not have followed me so far.

"The only effective criterion is to ask whether from the existing Commons a government can be formed which can carry on the administration for a reasonable period without itself having to ask for a dissolution. If one can be secured, then a dissolution may properly be refused. If not, then a dissolution should be accorded."

Shri Algu Bai Shastri: That is the only other course.

Shri Raghuramaiah: There is another authority. I am not short of the authorities to quote. I shall quote from Rosenberg. I do not know whether my friends have heard of him. Well, any way, I shall proceed with my own scripture.

Dr. Rama Rao: Let us know what your scripture says about the procedure after no-confidence motion.

Shri Raghuramaiah: I hope you have followed what I have read. That should have answered your question.

Mr. Deputy-Speaker: No cross references please.

Shri Raghuramaiah: I hope my hon. friend has followed very well what I have read. Even if you permit me Sir, to re-read that, it will take one hour for my hon. friend to understand it. This is what I was about to quote

from How Britain is Governed by Kate Rosenberg. It says:

"The Prime Minister may feel that though he no longer retains the confidence of the House he may still have the confidence of the country, and he may therefore ask the King to dissolve Parliament. A General Election will then follow, and on the results of the polls will depend either the continuation of the old Ministry or the formation of a new one."

The authority is there that the Crown has got ample discretion.

Mr. Deputy-Speaker: The authority is there even for continuing the old Ministry?

Shri Baghuramaiah: No. Where the Chief Minister asks for a dissolution, it is no doubt in the discretion of the Crown to accord dissolution or to refuse dissolution, but once a decision is taken to dissolve the House, I do not know what necessity is there to call the leader of the opposition. If the Government wants to go to the polls and the Crown in England, or the Governor here, as the case may be, is satisfied that a dissolution should be accorded, then there is no option but to dissolve the House. There is no question of the Leader of the Opposition coming in.

There is another anomaly. When we talk of the Leader of the Opposition in England, I suppose we mean somebody like Mr. Churchill and Atlee. But in the Andhra Assembly, there are six leaders of the opposition. Jennings would not have known that there can be an assembly of six leaders of the opposition.

Dr. Rama Rao: Nagi Reddy is the leader of the opposition.

Shri Baghuramaiah: He is the leader of the communist party, and Acharya Kripalani will say that there is also the leader of the P.S.P.

Shri Nambiar: We want to have an official Opposition.

Mr. Deputy-Speaker: There is no question of any clarification of such things now. I have been noticing these interruptions. The hon. leader of the Opposition has spoken. I did not allow any objection or interruption in the course of his speech. But there is interruption now from the Opposition side. There is a running commentary from that side. It is very wrong. Hon. Members will kindly hear and if they have got any arguments, they will reply while they get the opportunity.

Dr. Rama Rao: On a point of order. Can he mislead the House by saying that there is no leader of the Opposition there? Mr. Nagi Reddy is the recognised Opposition leader. The Member is misleading.

Mr. Deputy-Speaker: Misleading or leading, it is a point for the other side to make out that he is misleading, and that can be done while Members on the other side get the opportunity.

Shri Baghuramaiah: Well, I am surprised when my hon. friend says that this is misleading. There are opposition parties,—there is the Communist Party, there is the K.L.P. Party, there is the P.S.P. Party, and Acharya Kripalani will be glad to know that there is also a Praja Party in Andhra as distinguished from the Praja Socialist Party. There is a lot of confusion there. There are about six or seven or eight parties. Then there are independents, Royalaseema independents, non-Royalaseema independents, attached to a party, detachable from a party and so on. All sorts of confusion are there. It is a matter of public knowledge, for instance, that four independent candidates from Royalaseema made a public statement that they would vote against the Government. Actually, when it came to voting, one supported the Government, and one remained neutral. I know of occasions when Members get up and say that they would support or oppose one party or the other, but when it comes to voting, they do quite the reverse. There are cases like that. You cannot equate the Andhra

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Assembly of today with the British House of Commons, or much less even with that of our own Parliament here.

Now, the question arises: Who should be invited? There is Mr. Nagi Reddy. Because Mr. Rama Rao is a communist, he says Nagi Reddy is the leader of the Opposition there. I presume Acharya Kripalani would say Raju is the leader. Mr. Raju is his disciple there and he is the leader of the Praja Socialist Party. But you know Mr. Raju has said, "I do not want to undertake to form a Government. I want to go to the people." So, if you eliminate Mr. Raju's group of seven or eight Members,—I suppose it was seven on that day—and I presume it is still seven, because such variations take place often—out of the 69, there would be 61 or 62 left against 68 Government Supporters. Could the Governor call upon a group of parties whose total number does not exceed 60, with all the attached and detachable persons, to form a Government, especially when Mr. Raju, the disciple of Acharya Kripalani, himself comes forward and says, "No, I do not want this alternative Government. I want to go to the people." Therefore, there was no other alternative before the Government but to dissolve the House. I would submit also that there is no other alternative before the people of Andhra than to have fresh elections. Actually, many of the hon. Members are aware that the present Andhra Assembly was not elected after the formation of the Andhra State. It was part and parcel of the old Madras Assembly. The members representing the Andhra area have been removed from that Assembly and were asked to form an Assembly of their own. The issues directly affecting the Andhra State were never exclusively before the electorate at the time of the last general election.

Now, my friends, particularly Mr. A. K. Gopalan and some other Members have been challenging, "We will win the election." Then they should

be jubilant. They should be happy to go to the people. Why should they want an alternate Government on a very unstable basis? What prevents them from going to the people. A chance has come to them to get all the seats for their own party. The truth of the matter is that my friends are not happy that the elections are coming. They are not quite sure about the result. Whatever they may say now, it is very easy to be very challenging and all that—this is the one test—if they are sure of winning the majority of the seats in the Andhra Assembly, they would never be so diffident as they are now in facing the elections. It is very clear from the wording of their amendment. They do not want to face the electorate. Otherwise, why should they go on insisting that an alternate Government with attachable and detachable membership be formed? I am not surprised that our friends are not so jubilant about the coming elections. Whatever be the differences among the Congressmen there, one thing is definite. When it is a question of elections and the fate of the province and the fate of the country, there will be no disunity among Congressmen. I am quite sure of that. Do not bank too much on our disunity. (*Interruptions.*) Mr. Gopalan said that it was a party crisis. Even if it is so, why should he worry. We will set it right; it is not for him to worry about it—"our" party crisis, as he said. Sir, I submit that the course taken by the President on the advice of the Governor is the only proper course and that democracy and democratic principles as understood by us,—not as understood by Mr. Gopalan,—have been rightly upheld.

Shri Asoka Mehta (Bhandara): I had hoped that the Home Minister in the course of his observations would explain to us why the Proclamation of the President became necessary. We are told that as far as the dissolution is concerned, it has been announced on the advice of the Ministry that has resigned. There is the other part of

the Proclamation where the administration of that State is sought to be taken over by the President.

As far as the dissolution of the Assembly is concerned I am wholly in favour of it. Not only do I welcome the dissolution, but my colleagues have been favouring the dissolution of the Assembly for a long time. When Mr. Prakasam was a member of our party executive, plenary powers were given to him to decide a suitable policy for Andhra. He was advised by my executive on early elections. One of the things that we insisted upon was early elections because we felt that the existing Assembly in Andhra did not represent the people of Andhra, conditions created after the separation of Andhra Des. After the emergence of the Andhra State we demanded fresh and early elections. If we had been permitted to have our way, perhaps the elections would have come a year back. But as you are aware, the Prime Minister of this country in his capacity as the Leader of the Congress Party, indulged in and embarked upon politics of piracy. If, in Andhra, we find today Home Minister's supporters talking about associations and dissociations, attachments and detachments, if they can indulge in sarcastic observations about different parties, the reason is that the Leader of the House, in his capacity as the Congress President, indulged in politics of piracy. He undermined the democratic standard of political life in that State and if the State is suffering today, the responsibility must lie squarely on the shoulders of the President of the Congress.....

• An Hon. Member: No, no.

Shri Asoka Mehta: Having done that, having disrupted various parties and having decoyed people by offering them positions and plums of offices, they have created a condition where, in that State, evidently everything is to be decided by such means. What is the result today? In order that the Congress Government may vindicate itself before the people, it wants to abdicate,

to give up the responsibility that is its. It wants to create a constitutional crisis where no constitutional crisis exists. Article 356 provides for in cases of failure of constitutional machinery. Has it failed in the State? Where has he told us? Where has the Mover of the Resolution given us the information whereby we would be able to draw the conclusion that the constitutional machinery in the State has failed? What happens under a parliamentary democracy when a vote of no confidence is carried against the Government? There are two alternatives: either the Government can recommend the dissolution of the legislature or the Government can resign. It cannot be both the things. My friends on the other side have quoted a large number of authorities. I have also a number of authorities here. What do they say? As Keith has pointed out, there are only two alternatives: "Two further points should be noted. Firstly, defeat on a vital issue can be followed either by resignation or by a request to the Crown to dissolve. Resignation will almost invariably, however, as we shall see, involve subsequent dissolution.....A dissolution is normally necessary if, on the resignation of its predecessor, a new Government is formed." In any event, resignation usually leads to dissolution but some Government has to advise. Some Government has to remain in power. If a Government resigns, then an alternative Government has to be formed. It is not open to the monarch, it is not open to the Crown to carry on the work on his own. On this question, a lot of interesting material is available in British history.....

Mr. Deputy-Speaker: Is there any provision in the British Constitution as we have here for the President's rule?

Shri Asoka Mehta: But the machinery has not broken down.....

Mr. Deputy-Speaker: We will assume: in exceptional cases, is there no such provision?

Shri Asoka Mehta: So far it has not been proved that an exceptional case has arisen. We are told here that the Ministry advised the Governor to dissolve the Assembly. It is an accepted practice that no Assembly, no legislature can be dissolved without the express advice of the Ministry. Dicey says: "Dissolution must rest upon the advice of Ministers alone. Otherwise no dissolution would be free from ambiguity and speculation as to the degree of responsibility of the Sovereign would be a feature of every election." Thus, dissolution has to be on the advice of some Ministry. It was the Ministry that advised. But the Ministry cannot advise and resign; it has to continue in power; it has to shoulder the responsibility. Having resigned, it must remain in power because if a Ministry wants to resign, either an alternate Ministry has to be formed or it has to carry on.

You will remember that in 1875, Disraeli was able to defeat Mr. Gladstone who was in power. On the defeat of that Ministry, Mr. Gladstone tendered his resignation. Mr. Disraeli was called but he refused to form a Government. When Mr. Disraeli refused to form a Government, Mr. Gladstone was called again and he said: "The Leader, if sent for, was, in my opinion, bound either to serve himself or point out some other course to Her Majesty which he might deem to be more for the public advantage, and if that course should fail in consequence of the refusal of the person pointed out, the leader of the party could not leave her Majesty unprovided with a Government, but would be bound in loyalty to undertake the task."

Either the Chief Minister has to carry on or if he tenders the resignation, as has been pointed out by my friend Mr. Gopalan, the Leader of the Opposition has to be called. There is no point in saying: we do not know who is the Leader of the Opposition. He is obviously the leader of the largest party. Unless the retiring Chief

Minister deliberately wanted to give an advice to the Governor.....

Dr. Katju: May I just make it clear lest there should be any misunderstanding? The Governor did call for a meeting with the leader of the Communist Party.

Dr. Rama Rao: I challenge that statement. (Interruptions.)

Dr. Katju: He had a talk with him, I meant (Interruptions.)

Shri Asoka Mehta: We are not interested in whether they were having a tea party; we are not interested in social chit-chats. What we are concerned with here is constitutional propriety.....

Mr. Deputy-Speaker: Is there no difference between our Constitution and the British Constitution?

Shri Asoka Mehta: Our Constitution makes a provision if the constitutional machinery has broken down. It has not broken down because Mr. Prakasam could have continued after advising the Governor to dissolve the Assembly. In case he tenders his resignation, it is obligatory on the Governor to call the other leaders, or some Leader from the Opposition, as I shall explain a little later. Having called that person he would have undertaken the responsibility to form the Government and advised the Governor to dissolve the Assembly. Whosoever advises the Governor, or on whose advice the Assembly is dissolved, will have to look after, or will have to become the Caretaker Government. There has to be a Caretaker Government. The constitutional machinery has not broken down. The Constitution envisages a Caretaker Government when an election has to take place, except when it takes place in normal course due to efflux of time.

Now the Governor of Andhra has stated that the administration is going to be toned up under his control. What does he mean—that a bureaucratic Government is likely to be better than a democratic Government? And does the Home Minister want to suggest that

elections would be fair and impartial only when a Governor takes over the Government and not under a democratic government? It was a Congress Government which was led by a person who was decoyed out of our party through politics of piracy. Even then I am prepared to say that under Prakasam's Ministry there would have been fair elections. I was one of those who never criticised the continuance of the Jhon Ministry in the Travancore-Cochin State.

Shri A. M. Thomas: But your Party there condemned it outright.

Shri Asoka Mehta: We want to develop in this country healthy democratic traditions; we want to build up healthy democratic traditions. Nothing is gained by undermining; nothing is gained by pursuing policies of erosion of democratic principles. Why do you permit the Governor to take over control and suggest to the people that this is going to tone up the administration, that it is going to better the administration? Then, why not have Governor's rule for all time? After all what Mr. Trivedi is doing is nothing else but to take a leaf out of the book of General Iskandar Mirza. He talks about "controlled democracy" and Mr. Trivedi is experimenting in controlled democracy. We are not interested in controlled democracy. We are interested in unadulterated democracy. Unadulterated democracy means either that a Government does not resign but advises the Governor to dissolve the Assembly and carries on, or if it resigns, the Governor fulfils the obligation, invites the Leader of the Opposition and permits him to form a Government and even if he is in a minority accept his advice to dissolve and seek the mandate of the people.

Sir, in rare cases there has been an exception to this. In the State of Victoria in Australia the Labour Government was defeated by a vote of no-confidence. When the Labour Government was defeated there were two parties in opposition. The bigger party consisting of a coalition of the Liberal

and country groups and a small rebel liberal party. The Leader of the Labour Party advised the Governor to invite Mr. Holland, the leader of the rebel liberal party and he was asked to form a Government because the Labour Party was prepared to support the Government. The Governor was bound to carry out the Labour leader's advice. There are rare instances where the Governor and the Governor-General may not accept the advice of the Government that has been defeated and may not accept the advice of dissolution. In 1926 in Canada when the Government of Mckenzie King was defeated and when he advised the Governor Lord Bain to dissolve the Parliament his advice was not accepted. But what was done? The Leader of the Opposition was called to form the Government and within a week he advised the Governor-General to dissolve the Parliament. His advice was carried out. Advice has to be given by some Government; that is imperative. What is imperative has been undermined here.

After all, section 356 is for exceptional circumstances. Why are you making what is meant for exceptional circumstances the rule? Where have you told us that in Andhra Desa Government could not be carried on? After all, Mr. Prakasam once he had advised dissolution could have carried on. What was the reason for him to resign? The Home Minister has not explained that to us. He reads to us various statements made by various individuals. They do not take us anywhere. There are certain constitutional proprieties that have to be fulfilled, and these constitutional proprieties have not been fulfilled. There has to be a Government headed either by Mr. Prakasam or somebody else. But to remove all democratic Governments and deliberately invite the Governor to take over the administration and create an impression in the mind of the people that a Governor's regime is more democratic, or that under a Governor's regime elections would be more fair and acceptable to the people is to undermine the faith of the people in democratic process.

[Shri Asoka Mehta]

Sir, I do not know whether the Prakasam Ministry had given the advice to dissolve the Assembly. Nowhere has it been said.

Dr. Krishnaswami (Kancheepuram): Dr. Katju informed us just now.

Shri Asoka Mehta: If he had given that advice, why was he permitted to resign; under what constitutional propriety was he permitted to resign? Because I find, Sir, that the highest constitutional authorities tell us that if a Government does not advise to dissolve, it is an incompetent Government. Mr. A. B. Keith in his book "The British Cabinet System" says (page 207):

"If a Government is not prepared to dissolve, it confesses, as in 1885, 1895 and 1905, that it has no policy for which it can claim approbation, and so admits that it would be idle to return it to power."

Then again, it is pointed out:

"To appeal to the electorate means to ask it to homologate some policy, and a ministry which is not prepared to ask for a mandate cannot properly appeal. In 1895 it was plainly impossible for the ministry to present to the electorate any definite scheme, for its members were far from united in spirit or aims. Thus, it was plainly better that the appeal should be made by those who had defeated the ministry, and who ex-hypothesi had plans of their own to further."

Who appeals to the electorate, Sir? One who has a definite policy. Had the Prakasam Ministry a definite policy? If that were so, it should have faced the people, it should have faced the people by remaining in office even now, because that is the constitutional propriety. If Mr. Prakasam has no definite policy, if his Ministry does not want to go to the people, then permit some other Government to come up which will go to the people with a

definite policy. But he must know that there is a Government, that there is a definite policy on which it has been called upon to vote.

The Home Minister invited the attention of my Leader, Acharya Kripalani, to the fact that the vote of no-confidence was carried on the question of prohibition. It was not on the question of prohibition at all. The Andhra Government had agreed to implement the recommendations of the Ramamurthi Committee, whatever those recommendations may be. Having accepted that, the Government went back upon that acceptance. Here again, Sir, a question of the highest importance was involved. Is it open to a Government to go back upon something which the House has directed it to do? Is it open to a Government to flout the decision of the House? That was the question that was involved.

After all, the Home Minister is aware that my Party is committed to the policy of prohibition,—not prohibition in the way in which the Congress Party carries it on, without rhyme, without reason, without plan,—but prohibition which could be carried out in a manner that it could succeed. We are committed to it. My Leader, above all, is committed to such a policy. Surely, we would not like to overthrow the Government on that question. But we would not permit the flouting of democratic principles, of democratic conventions, and that is what is being done consistently.

The Andhra Government has flouted democratic conventions once; the Andhra Government has flouted democratic conventions again by resigning after advising dissolution, if such advice was ever given. And we are being called upon to approve, we are being called upon to accept such a Proclamation. The acceptance of such a Proclamation would mean that the exceptional provisions of the Constitution which is to be used in rare instances, is sought to be made a regular affair, is sought to be made a sort of a fifth

wheel, a spare tyre, of the Indian constitutional carriage. That, surely, was not the view of the Constitution-makers, and that is not the intention, that cannot be the intention of those who want to build up a democratic edifice in this country. It is possible that our friends on the other side are anxious to keep the communists out of office. I can understand and appreciate that anxiety. I have also no desire to put power deliberately and wantonly into the hands of the hang-men of democracy. But, for that you must pursue different policies. You must try and build up the democratic urges and the democratic understandings of the people. You must try to cultivate goodwill, better understanding, better relations, better co-operation between the democratic parties and not go about disrupting parties, pursuing politics of piracy, not go about deceiving people with offices and plums of power. That is not the way in which you can ever hope to build up a democratic climate in this country. I am second to none in this House in my opposition, in my stout-hearted opposition, to the communists. But in my opposition to the communists I am not prepared to undermine, to give the go-by to the conventions of the Constitution; I am not prepared to surrender the democratic rights of every single Member of the Legislature in this country. If the communists are to be kept out of power they must be kept out of power by fairplay, not by the methods that have been pursued, as have been pointed out by my friend Mr. Gopalan, in different States in this country.

Learn to rely upon the people. Have faith in the people. Depend upon fairplay, indulge in fair politics, and you will find that the communists will not be able to triumph in this country. Because the people in this country have a sound democratic conscience. But you are only interested in power. You are only interested in preserving power by all means. You are prepared to disrupt and destroy other parties in your mad pursuit for power and you are even prepared to ride rough-shod over the Constitution.

Mr. Deputy-Speaker: The hon. Member should address the Chair.

Shri Asoka Mehta: We, Sir, are prepared for all things, but we hold our Constitution dear. Above all, we hold the democratic method that we have accepted as of sovereign importance, and we shall not permit you to treat it in the manner in which you have been treating it.

The Home Minister has come forward with this motion. The dissolution I can understand; but the proclamation has no meaning, no basis, no reason. And therefore I find it very difficult to accept the resolution that he has brought forward. And, as the Speaker has told us, as full facts have not been placed before us it is not possible for us to accept the resolution. Even in his speech he has relied upon press cuttings and press clippings. The information is much less than the information I have from my colleagues. I find with such meagre information, with such step-motherly attitude on the part of the Home Minister it is impossible for me and my colleagues to support or to approve of the resolution that he has moved.

Dr. Lanka Sundaram: I regret to say that the debate beginning with the statement of my hon. friend the Home Minister up to the moment has become some sort of a preliminary or pre-election skirmish between political parties, with the result that the proclamation has been completely lost sight of.

As I tried to point out to the Speaker earlier in the day, under paragraph 2(b) the President says:

"I hereby declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament".

The straight issue for us to debate today is this. With the promulgation of this proclamation, with the assumption of power by the Governor under the authority of the President, where does Parliament come in? We are

[Dr. Lanka Sundaram]

sought to be burdened here with responsibility for the administration of a State without an opportunity for discharging that responsibility.

You will also see, Sir, that when the hon. the Home Minister was speaking I drew attention to paragraph 2(c) (iv) where the date for the general election was left delectably vague, the phrase being "shall be held as soon as possible".

With your permission I would like to examine these two sub-clauses of the proclamation. Whenever a dissolution of a legislature takes place after the fall of a cabinet or a government, the date for the election is announced. My hon. friend the Home Minister unfortunately glided over this very important point. The Delimitation Commission's order has been promulgated. God alone knows when the constituencies will be delimited in Andhra Desa. I am most anxious that no argument will be used at a later stage to postpone elections. I am aware of the statement made last Monday by the Governor of Andhra, about some election dates. What is the mandatory value of those declarations? That is why I asked him earlier this day for a specific assurance to this House fixing the date of elections.

There is almost poetic justice for me to intervene this afternoon in this debate. You, Mr. Deputy-Speaker, and most of my colleagues from the South know that after the Andhra State Bill was passed by this House, I campaigned—I use the word deliberately—I campaigned from Madras to Visakhapatnam telling people that there is no chance for a stable government in Andhra, there must be elections forthwith. With the result, you, Mr. Deputy-Speaker, would remember that I incurred the wrath of my political guru—as he is the political guru of every, what you call, intellectual Andhra—Mr. Prakasam. He said I should not have said what I was saying then after the Bill was passed. (An hon. Member: Take lessons from him.)

To take the point of my friend Mr. Asoka Mehta, certain political permutations and combinations which have come into public life have also, I regret to say, come to vitiate the fountains of our Constitution. But that is not a point for me to proceed with at the moment.

This Parliament is saddled with the responsibility for the administration of Andhra. I do not know how this hon. House can discharge that obligation.

Mr. Deputy-Speaker: Is it because it is so far away, whereas we were able to do so in the case of PEPSU which was near?

Dr. Lanka Sundaram: Would my hon. friend make a periodical statement to this hon. House, till the elections are held, as to the manner in which the Governor is discharging his obligation?

Dr. Katju: What would you like me to do? Please tell me. I would do it.

Dr. Lanka Sundaram: I would ask you exactly to implement clause (b) here in this proclamation. How do you propose to implement it? I would ask you to make a periodical statement to this hon. House. If you give me that assurance I am satisfied.

Dr. Katju: Periodically, every six months?

Dr. Lanka Sundaram: Every month for example, before elections.

Dr. Katju: I am talking seriously. I shall look into it and try to satisfy the hon. Member and the hon. House.

Pandit Thakur Das Bhargava (Gurgaon): We have been discharging these functions in regard to PEPSU and we had a Committee of the Members coming from that State, and it functioned.

Dr. Lanka Sundaram: I am grateful to my hon. friend Pandit Thakur Das Bhargava for this intervention.

The Governor said: "no Advisers." I am not asking for an Advisers' regime. I am asking that the effective carrying on of the Governor's rule should be in the interests of the people. I want you to prove it to this House under the proclamation. What my hon. friend Pandit Thakur Das Bhargava has said is extremely right. I am sure everyone will endorse that statement as it will be a mechanism and a method by which this honourable House will be made aware of the developments from day to day in Andhra. And I repeat, this complication of the Delimitation Commission's Order which has been promulgated a few days ago will become such a serious obstacle for holding elections in the manner and at the speed at which they should be held. That is the reason why I am making this point, and I hope my hon. friend the Home Minister would look into the matter, as he promised, and make a statement as soon as he can.

2 P.M.

Let us see the oath of office of a Governor. I refer the hon. House to article 159 of the Constitution. It runs as follows:

"...I...

that means the Governor—

...swear in the name of God/solemnly affirm that I will faithfully execute the office of Governor... and will to the best of my ability preserve, protect and defend the Constitution and the law....."

The only point which should have been discussed so far, instead of this political skirmishing and of attacks and counter-attacks by political parties including the hon. Home Minister, is a simple and straightforward one. If the Ministry has resigned and the dissolution of the Assembly is to take place, who should continue in power until the elections are held? I have got the deepest suspicion, and I am prepared to own it here without any sense of shame, that groupings and re-groupings will take place in Andhra

Desh to the detriment of my people. Speaking for Andhra, I am bound to say and I want it to go on record that.....

Mr. Deputy-Speaker: Is it not better to allow it to take place outside the Legislature instead of inside the Legislature.

Dr. Krishnaswami: I was about to say that.

Dr. Lanka Sundaram: With the result that the fountains of public life will be sullied. I shall be satisfied if elections are held early, and I again ask the Home Minister to proceed with it, if necessary to go to the polls under the old delimitation. After all, the second general elections for the country, for the Republic of India, are coming not very far off from now. There is no hurry. Because I am one of the Members of the Delimitation Commission, as an Associate Member from this hon. House, and I know the complications which will be there as a result of an attempt to rush through now with the new Delimitation order.

Mr. Deputy-Speaker: Is it open to ignore the Delimitation Order now?

Dr. Lanka Sundaram: Some way must be found.

Dr. Krishnaswami: It can be.

Shri S. S. More: It is not possible.

Dr. Lanka Sundaram: Actually, several colleagues of mine in this hon. House have been cogitating on this matter, and very soon there is likely to be a motion before this hon. House on the Delimitation Order. But that is a different issue. I do not want to go into it, but I would ask the hon. House to consider this most important point which the hon. Home Minister could not possibly dilate upon, and I do hope he will refer to it in his reply to the debate.

One other regret I have got in this connection. I wished this Government had not fallen on that Ramamurthi Committee Report. This is not the first time the Government has been

defeated. I can mention four occasions, which you Mr. Deputy-Speaker,

[Dr. Lanka Sundaram]

know better than I can possibly describe. They were defeated on the salaries question. They held to office. They were defeated on the Capital question. They clung to office. They were defeated on the High Court issue. They did not resign. I am really sorry that this particular question of prohibition, being an article of the Constitution of India, was made a point of dispute which led to the vote of no-confidence. And actually, if you remember, at the Waltair session—the Visakhapatnam session—of the Andhra Assembly a few months ago, the House passed a vote asking for implementation, and immediately the Chief Minister stood up and said he was not going to implement it. There are conventions which have got to be remembered, and I am sorry to say these are the conventions which have been flouted. On the salaries question, you would recall, the ministry unanimously said: "We will not accept more than Rs. 500 a month", and what happened? After the Bill was passed, an Ordinance was issued by the Governor to raise it to Rs. 1,000. I regret to say as an Andhra that this sort of tactics, this sort of breach of the convention, should not have taken place.

I have only concentrated upon the burdens which are assumed by this hon. House for the good government of Andhra Desh and to have guarantees that the Governor's administration until elections are held and until the new Cabinet comes into existence will be run on lines acceptable not only to this hon. House but to the people of Andhra Desh. I hope the hon. Minister would work out a device whereby these two things can be secured.

Dr. Krishnaswami: I regret very much that attention should have been concentrated in this debate on who should have been summoned to form an alternative Ministry instead of on the main question: Is President's rule

called for in the present circumstances? What has happened in Andhra today has to be viewed in the larger perspective of democratic rule and proper constitutional conventions that we are all so much interested in building up, and on which we wax eloquent. My hon. friend the Home Minister seems to assume that President's rule is a matter of routine, that it comes somehow into operation, and that this House need not be unnecessarily perturbed over having President's rule in Andhra. President's rule is a serious matter; it is in effect rule by the civil service.

In the first instance, it increases the responsibilities of this Parliament, responsibilities which it will not be able, I fear, to discharge properly. I, therefore, propose to examine the issues that have been posed before this House strictly from the constitutional viewpoint, leaving to the High Court of Parliament to determine whether the action of the Government is justified or not.

I agree with my hon. friend that an outgoing Ministry has a right to suggest a dissolution, and that the Governor is normally bound to accept that advice. Indeed on this matter there is no controversy. In fact, in 1926 when Admiral Byng refused to accept the advice of Mr. McKenzie King, the premier of Canada, on this matter the issue was raised prominently in a conference of dominions, and it was then held that the Governor-General was bound to accept the advice of the outgoing Ministry and dissolve the Assembly. This was justified on the simple ground that an outgoing Ministry had a right to go to the polls and to appeal to the people. But what we can neither understand nor appreciate here is that having given this advice, the Congress Ministry in Andhra should have turned tail. I regret that this procedure should have been acquiesced in by the Governor of Andhra. But probably there is an explanation for this attitude on the part of the Congress party.

[PANDIT TRAKUR DAS BHARGAVA in the Chair].

We cannot, I agree, accept all conventions that have been built up in Britain. For instance, in Britain, it is a well-recognised principle that a care-taker Government does not introduce reforms or attempt to interfere with administration. The Congress Government might have felt that even a care-taker Government would have had its motives impugned by the other parties, and therefore refused to shoulder responsibility. If this be so what was the duty of the Governor? And this is the question which I pose to my hon. friend the Home Minister. Did his duty end with accepting the advice to dissolve the Assembly without exploring other possibilities of forming what I would call an all-Party care-taker Government which might have been installed in office? Certainly, the main objection against the Congress Ministry continuing as a care-taker Government, was that the opposition parties might charge it, with perverting the will of the electorate.

Dr. Lanka Sundaram: May I interrupt? When the Governor took over Andhra, he had as advisers three Leaders from three political Parties.

Dr. Krishnaswami: That has hardly any relevance on what I am stating. When I am suggesting that an attempt to instal in office an all-Party care-taker Government should have been made, I am only emphasising the need for proper conventions being built up. A care-taker government cannot interfere with matters of policy and it might even assure the people that within another month or two when elections are held the people's representatives would form a Ministry, and that the Legislative Assembly, would mirror the views of the people. Having said this let me confess that I have grave doubts as to whether we are acting legally in giving our assent to this Proclamation. It is under article 356 that the President assumes powers. May I with your permission, read the relevant portions of the article. It has been pointed out in that article:

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

create President's rule.

I want hon. Members of this House, and the Home Minister in particular, to apply their minds to the legal aspect of this matter. The constitutional position has, no doubt, been confused beyond doubt by my hon. friend, but the House, after all, should approach this question in a spirit of clarity. President's rule is a serious matter. We have to satisfy ourselves on the question: "Has a situation arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution."

Shri Pataskar (Jalgaon): Who is to decide this, the Governor or somebody else?

Dr. Krishnaswami: The Governor's satisfaction is after all subject to our review.

This particular provision is meant to be attracted only when the Governor finds that a Ministry not responsible to the Assembly is expected to be in office for more than six months. If he feels that the period is likely to be anything less than six months, he cannot maintain that government cannot be carried on in accordance with the constitution under article 164 (4), it has been laid down that if anybody is not a member of a Legislature, and he is a Minister, he can continue to be in office for six months. This would be government in accordance with the constitution. Unless Government is satisfied that this period is likely to be beyond six months, there is no ground for the Home Minister saying that he would take Andhra under the President's umbrella, and that it would have automatic shelter. I think it is

[Shri Krishnaswami]

a serious breach of constitutional propriety to suggest that you are going to have President's rule in Andhra when you are envisaging the holding of elections in another three months. It is to reduce the idea of President's rule to a mockery. It is saddling Parliament with unnecessary responsibilities. This helps to make the Governor an autocrat when there is no need for such a being. Here, let me point out to my hon. friend that although we might have nominally the right to supervise President's rule from here, in effect, there would have to be a great delegation of power and authority to a single individual, who would have the power to control the affairs of Andhra, and who may know him as we do wield such power to the full.

May I point out something which is germane to the consideration of this subject? My hon. friend has spoken about President's rule in an abstract manner, but so far as the present Governor of Andhra is concerned, I must point out that from the very beginning, he has not been chary of having President's rule. I can speak from knowledge, and I may tell you that at a particular function, which I had the opportunity of attending, the Governor, in a semi-serious mood pointed out that wherever he had acted, as Governor, President's rule had followed in its wake.

Dr. Katju: On a point of order. Are these references relevant? I think they are not.

Shri K. K. Basu: It shows the mentality.

Dr. Lanka Sundaram: Protect the Governor. They are relevant.

Mr. Chairman: I shall just submit one word. So far as the talk with the Governor in some function or in some club is concerned, I think they are not to be brought in this House. After all, this is the Parliament of India.

An Hon. Member: The Governor is not here to reply.

Mr. Chairman: and my observations relating to the Government of India are perfectly relevant. I do not think it is allowable to make a reference to what the Governor said in a private function or elsewhere.

Dr. Krishnaswami: I do not intend to cast reflections on the Governor or any other eminent dignitary, who is absent. But I have the right to doubt whether in the circumstances Mr. Trivedi has satisfied himself that conditions for President's rule are there, whether he has genuinely applied his mind for the purpose of satisfying himself.

Dr. Katju: That is his constitutional responsibility.

Mr. Chairman: The only question we are concerned with is whether the cabinet, when the Proclamation was issued, was justified in giving advice to the President that he should take over. The issue is not what the Governor did.

Shri K. K. Basu: He has submitted the report to Government.

Dr. Krishnaswami: I agree we are not here to sit in judgment over the Governor, but we have to take into account all the relevant circumstances.

What does President's rule mean? My hon. friend indicated that it was a small affair that Parliament had already considered one Proclamation in 1951, and another Proclamation in 1952, and that now we are having after all only a third Proclamation in 1954. What I object to is—and I hope all who have faith in democracy will be one with me—the routine fashion in which we are thinking of President's rule. It is as though it is a normal expedient. I could have understood in Andhra the outgoing Ministry continuing in office. But if it had been found impossible for the outgoing Ministry to be in office, even as a caretaker Ministry due to conditions in our country which are peculiar, due to the fact that it would be charged by political opponents of attempting to subvert the electoral machinery, what was there

to prevent the Governor of Andhra from having an all party caretaker Government which would after all attend to routine matters of administration, and could not interfere with questions of policy? Instead of that, we have here an instance of an individual being clothed with autocratic authority in indecent haste for a period of three months, and this let it be understood is in contravention of the provisions of the Constitution, especially as the Constitution envisages President's rule only when we are not able to have a Ministry, only when we expect to have a group of advisers not responsible to the Legislature functioning for a period greater than six months. It ought to be clear to any tyro in constitutional law that what we are doing is highly improper, that what we are doing is against constitutional proprieties. I would like the hon. Home Minister to apply...

Shri A. M. Thomas: Are all the parties prepared to come together and take up the reins of Government?

Dr. Krishnaswami: Has the hon. Home Minister told us that an offer was made to all the parties to enter into an all party caretaker Government? We have not had a White Paper on the steps taken by the Governor. Certainly, this is a serious matter and I should have expected the Government to have issued a White Paper dealing with the various steps that were taken to consolidate democracy in Andhra. This has not been done. Today, we are told by the Home Minister that the outgoing Ministry had tendered advice that the Andhra Assembly should be dissolved. This is the only piece of information that we have had, and for this, we are thankful. But what about the other things that ought to have been done? What steps were taken to have a broadbased Government for a period of two or three months—never mind whether one particular party was summoned or not? I can quite well realise the difficulties which any individual would have felt in having one particular party summoned to shoulder
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the responsibilities of office for a period of two or three months. The same charge that is made against the Congress, that it would subvert the electoral machinery, might possibly be made against another party summoned to assume office. But what was there to prevent an all party caretaker Government? Was this possibility explored? Why should the Central executive take upon itself the responsibility of administering Andhra even for a period of three months? Why should Parliament have responsibility for administering the affairs of Andhra? I would regret very much this House passing this measure without giving thought to constitutional proprieties that have to be built up. Unless we are able to build up constitutional conventions, unless we respect constitutional proprieties, I venture to think the Constitution will have little or no value. I yet hope that when the hon. Home Minister has the opportunity of replying to the debate he may throw some light on how far the Governor of Andhra has really exerted himself to explore the possibilities of having an all party caretaker Government. Such a Government, my hon. friend must realise would not be concerned with questions of policy; indeed, it would be more like an enlarged administrative civil service, rather than a Ministry initiating policies. Even in England, as you are aware, Sir, once a Ministry recommends dissolution, for the next 21 days or 28 days or two or three months, it is not concerned with any question of policy. We have to build similar conventions in this country. If conventions are accepted as a rule of conduct, people will have confidence in our sense of fairplay and would feel that democracy is live and vital, that President's rule if it is ushered in at all anywhere in India is ushered in only because the resources of democracy have been temporarily exhausted.

Shri A. M. Thomas: Sir, I am surprised that the Opposition itself is not united on this issue. Shri Gopalan, leader of the Communist Party says

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that it was the bounden duty of the Governor to call the Opposition leader and then ask him to form the Government. Shri Asoka Mehta says that the Governor was perfectly right in accepting the advice of the outgoing Ministry and then ordering a dissolution of the Assembly. Shri Asoka Mehta also casually mentioned that he was in favour of the Congress Ministry, that is the John Ministry, continuing in Travancore-Cochin after that Ministry had advised the dissolution of the Assembly. I am bringing to his kind notice that this was one of the main attacks levelled against the Congress party at the time of the elections by his party there, that the Congress Ministry, having lost the confidence of the Assembly continued in power. That was perhaps the main reason for the defeat of the Congress Party in that State. I would say, Sir, that the PSP leader, the present Chief Minister of Travancore-Cochin, in and out of season was attacking the Congress Ministry for continuing in power after the vote of confidence had been lost. I have not read in the papers of Shri Asoka Mehta coming forward at that time correcting his friends in Travancore-Cochin.

Apart from that aspect coming to the first point raised by Shri Gopalan, we have got a written Constitution. Of course, that is modelled on parliamentary democracy and, on all appropriate occasions, we can certainly import the conventions that have been observed in countries like the U.K. But, we should, at the same time understand that in western countries like the U.K. we have got two or three organised parties functioning there and not splinter groups, so that it would be very easy for the sovereign, after the leader of one party has submitted his resignation or after a vote of no-confidence has been passed against the Ministry, to call the Opposition leader and then ask him to form the Ministry. That has not been the case in Andhra. The head of the State has to be satisfied

that a stable government would be formed. I would invite the attention of this House to some of the observations mentioned by the noted author Alpheus Todd in his book *Parliamentary Government*. I am reading from page 801. It is not incumbent on the Governor on all occasions to call the leader of the Opposition party to form the Government as will be seen from the extract that I am just going to read. He states:

"It is the duty of a governor to consider the question of a dissolution of the parliament or legislature solely in reference to the general interests of the people and not from a party standpoint. He is under no obligation to sustain the party in power if he believes that the accession to office of their opponents would be more beneficial to the public interest. He is therefore justified in withholding a dissolution requested by his ministers, when he is of opinion that it was asked for merely to strengthen a particular party, and not with a view to ascertain the public sentiment upon disputed questions of public policy. These considerations would always warrant a governor in withholding his consent to a dissolution—applied for under such circumstances, by a ministry that had been condemned by a vote of the popular chamber. If he believes that a strong and efficient administration could be formed that would command the confidence of an existing assembly, he is free to make trial thereof, instead of complying with the request of his ministers to grant them a dissolution."

Sir, the possibility of a strong and efficient administration is a condition precedent and it is a matter within the discretion of the Governor. He must be satisfied and he must believe in its possibility. It is not obligatory to call the Opposition leader even if he commands only a small number of

adherents—and although a strong and efficient administration could not be formed that would command the confidence of the existing Assembly (*Interruption*). I would submit that in all fairness after the statement of facts made by the hon. Home Minister, and especially after the statement that the leader of the Praja Socialist Party there has given to the Press—it has not been contradicted by Shri. Asoka Mehta here in his speech so that that statement must be taken at its face value—it would have been much better for Shri Asoka Mehta as well as Shri Gopalan—as has been done by my friend Dr. Lanka Sundaram, who has not cared to move his amendment, and not only that, he has nothing to say on the lines that the Governor has not observed the constitutional precedents and conventions and he has not a word to say against the action of the Governor—to have followed that action of Dr. Lanka Sundaram. He has even said that he has absolutely no case to put forward and he has not cared to move the amendment. I thought that hon. Members from the Opposition would have followed that step of Dr. Lanka Sundaram (*Interruption*). It is not correct to say that it was incumbent on the Governor to call the leader of the Opposition. If at all there was an Opposition leader and if Mr. Nagi Reddi was the Opposition leader, it was not compulsory on the part of the Governor to call Shri Nagi Reddi to form the government.

I would also say that when the articles empowering the President to dissolve the Parliament and the Governor to dissolve the Assembly came up for discussion, amendments were moved to the effect that there must be a safeguard that in case a Ministry is defeated, a chance must be given to the Opposition leader to form the government. At that time, what the person who piloted the Constitution Bill—Dr. Ambedkar—stand is very relevant for our consideration at present. He also said that the convention would certainly be observed in

appropriate cases, and there is no necessity of incorporating a particular clause. At the same time, he also expressed the sentiments that have been given expression to by the learned author Alphens Todd in his book. Dr. Ambedkar has stated, if the King felt satisfied to induce the Leader of the Opposition or any other member to accept the responsibility for carrying on the Government he was not bound to dissolve the House. He continued; "In the same way, the President of the Indian Union will test the feelings of the House, whether the House agrees that there should be a dissolution or whether the House agrees that the affairs should be carried with some other leader without dissolution. If he finds that the feeling is that there is no other alternative than dissolution, he would, as a constitutional President, undoubtedly accept the advice of the Prime Minister and dissolve the House. Therefore, it seems to me that the insistence upon having a document in writing stating the reasons why the Prime Minister wanted a dissolution of the House to be useless and not worth the paper on which it is written. There are other ways for the President to test the feeling of the House and to find out whether the Prime Minister was asking for the dissolution for *bona fide* reasons or for purely party purposes."

My humble submission is that when the feelings of the House have been tested by the Governor by the fact that the Congress party which was in power was not prepared to continue in office but advised the dissolution of the Assembly and one other party, the PSP which supported the no-confidence motion also says the only thing that has to be done is to go to the polls and ascertain the will of the people, there is no other go. In this case the Governor was perfectly right in advising dissolution of the Assembly and reporting to the President that there has been a breakdown of the Constitution. Shri Asoka Mehta says that what the Governor should have done is to dissolve the House

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and ask the Prakasam Ministry to continue. The Deputy Chief Minister of Andhra said in so many words that he would not be prepared to continue in office and he was not also prepared to face the consequences which the John Ministry in Travancore-Cochin faced. The party in power was not prepared to continue; the PSP said that the only way open to the Governor was to dissolve the Assembly and to ascertain the will of the people. Shri Gopalan, the leader of the Communist Party, was fair enough to state that his party wanted fifteen days' time. Therefore, it indicated that at that particular time it was not prepared to come forward and tell the Governor that it will be in a position to command a majority; therefore it must be given a chance to form the Government. The Krishikar Lok Party—Shri Ranga's Party—said that it had no opinion to offer in the matter and it was therefore indecisive. Under the circumstances my humble submission is that the feelings of the House as constituted have been ascertained by the Governor and the Governor was perfectly right in recommending to the President to dissolve the Assembly; and also in further recommending that since a breakdown of the Constitution has been effected the President has to take over the administration.

Sir, I do not think that there has been anything wrong or unconstitutional in the procedure that has been adopted. It may also be borne in mind that, although within three hours of the passing of the no-confidence resolution, the Prakasam Ministry tendered its resignation, the Governor did not act in a hurry. He took so many days. He ascertained the wishes of the House. He met several leaders of the parties and it is only after consideration of the facts and circumstances obtaining in Andhra that he took the step of dissolution of the Assembly and recommending to the President the step he has taken.

Sir, I support the Resolution and it is, I should say, absolutely unobjectionable.

Dr. Gangadhara Siva: Sir, I rise to support wholeheartedly the Resolution moved by the Home Minister and also the Proclamation issued by the President at the right time and the right hour to avert the persistent *gol-mal* that has existed in Andhra, in season and out of season. As a matter of fact the hon. Home Minister has already narrated the mathematical—or whatever it may be as Mr. Gopalan said—and other various aspects of the party position in Andhra. The vote of no-confidence moved was with regard to the question whether prohibition should continue or it should be scrapped. It is on this issue that the Ministry was defeated. Under the existing circumstances the President has entrusted this infant State to be nursed under the guidance of the most eminent and able administrator, Shri Trivedi, and to safeguard the interests of Andhra till it is handed over to the party which may come in a majority to the Assembly. This infant State is now under a coma on account of the very resolution that was moved by the opposition party which wants that prohibition should be scrapped. It is on that score that the Ministry has resigned. It is quite evident that they are not craving for office. Now it is open to both the parties to contest in the open election and prove their strength. This proclamation by the President is based on truth and truth alone. Let not my friends suspect the *bona fides* of the proclamation in the least. There is a proverb: "Speak the truth and shame the devil". This is with regard to the scrapping of prohibition. It is laid in the Constitution, that prohibition, wherever possible, must be adumbrated in States. It is on this question of principle that the Congress Ministry has resigned and said that it will under all circumstances uphold this principle and face the elections before the electorate.

Sir, I would like to inform my opposition friends, that one of my oppo-

sition friends told me: "We have got a weapon. Do you know what is that weapon before the electorate? We will have one tumbler of toddy in the right hand and one empty tumbler in the left hand and ask the people: 'You want to vote for toddy or to a man who will not give you toddy?'"

Shri Nambiar: This is unfair.....

Mr. Chairman: I would request the hon. Member to be relevant to the Resolution.

Shri Nambiar: Nobody said like that. Who is that Member?

Dr. Gangadhara Siva: The immediate cause for resignation by the Ministry in Andhra was this question.

Shri Nambiar: We want to know the name of that Member.

Mr. Chairman: Order, order. Does he mean to say that none of the opposition Members had a talk with that hon. Member? Nobody can say that. I do not know what is the use of knowing the name of the Member? It amounts to saying that the hon. Member does not believe what the other hon. Member has said. I do not want that this question should be asked. But, I would request the hon. Member to be relevant to the issue. This has no relevancy whatsoever to the Resolution as to what will be the future programme of this party or that party.

Dr. Gangadhara Siva: This infant State as I said is now in a coma. Its activities will be revived soon after the elections are over.

Under these circumstances, I whole heartedly support the Resolution.

Shri C. R. Narasimhan (Krishnagiri): Sir, all criticisms and attempts were made to show that in dissolving the Andhra Assembly the Governor was more or less partial to the Congress Party; that is how I understand the criticism. I make bold to say that if the Governor had not dissolved the House as advised by Shri Prakasam he would have been accused of partiality. I would try to explain

my statement. It is very easy to understand my claim, if one puts oneself in the position of the Governor. Here, the Ministry which is now defunct, went to the Governor and asked for dissolution. Supposing, as suggested by the other side, the Governor declined to dissolve the Assembly and called another party to form the Government, then that party comes to power and starts functioning. We all know how intriguing the party position is. Dr. Kētju gave detailed figures to prove it. There was talk of political piracy as if party members could be bodily lifted and taken to another party. So, the Governor will naturally expect that the succeeding Ministry also will be thrown out of power by a vote of no-confidence. Then what happens? Supposing that succeeding Ministry also asks dissolution, is the Governor expected to accept or not? Supposing he accepts, will we not say that the very same request was not granted to the previous Ministry when it asked for it whereas the same is granted to the succeeding Ministry. If he had acted like that, we would have certainly said that the Governor was partial. That is what I want to point out here. Therefore, instead of waiting for another Ministry to come in; go out of office asking for dissolution and the Governor granting it which would again mean partiality, he has done it now itself. Therefore, I say, the Governor acted in a perfectly reasonable way. That is why we have seen in other countries when a Ministry asks for dissolution of the Parliament and ask the sovereign political body, namely the electorate, to give guidance to the Government it is very reasonable for the Head of the State to accept it. Therefore, I say that the action of the Governor of Andhra was perfectly right and I say that if he had acted otherwise it would have amounted to a partial attitude. We must also know that the Governor's rule is not totally undemocratic. We are here. We have power to interfere in important questions of day to day administration. Other democratic methods could also be found out.

[Shri C. R. Narasimhan]
Therefore, to totally condemn it is not at all right.

Somebody suggested that there should have been an all-party caretaker government. I think that the Governor is supposed to be an all-party man and if one section does not believe him to be so, it is very regrettable. I say it has to be accepted that the Governor is an impartial man and Governor's rule is also an all-party rule in a way. That is my claim. How can we have an all-party Government when parties within a legislature could not agree to run an alternative Government. They voted the Ministry out of office and could not themselves agree to run the Government under one leadership even for care-taking purposes. There is no surprise that the Government considers this suggestion impracticable.

Another constitutional point is this. An aspect of the matter was discussed by a Member on the other side of the House. I rather hesitate, but I have to mention in passing that this kind of Governor's rule to be brought about every time a Ministry is voted out of office cannot be a permanent solution. What is more, if that is accepted, are we going permanently to accept a proposition that every time a dissolution is asked for, the President's rule should be enforced? Is it to be the formality in the future. I would like the constitutional pandits, inside and outside the House, to consider that aspect of the matter. After all, if that is to be accepted, what happens? Take the case of the Centre. They have a democratic form of Government here. Of course, it takes a lot of stretching one's imagination to do it, but supposing, the Government at the Centre is voted out of office and a dissolution is asked for in the Centre, is that Government to continue till the new Parliament is brought into existence, or is a Caretaker Government or President's Rule to function in the Centre? I do not think there is a constitutional provision for Caretaker Government in the

Centre. Therefore, why should States have a different form of democratic procedure and practice and why should there be such invidious distinction between the democratic procedure in the Centre and the democratic procedure in the States? Therefore, I would like to know why the Prakasam Ministry was not allowed to continue till election. That would have been quite all right and that Government could have ignored all.....

Mr. Chairman: Who did not allow that Government to continue?

Shri C. R. Narasimhan: Why was the Prakasam Ministry sent out of office instead of waiting for election to be completed? Was it at its own instance that it went out of office? I would say that the Prakasam Ministry, by not continuing in office, has endeared itself further to the people. That is why I found people on the opposite side—even Shri Asoka Mehta said—that that Government could have continued till the completion of election. Therefore, I imagine that by that very act of going out, the Prakasam Ministry have proved their *bona fides*, and that is an indication that in the coming elections they will succeed.

Shri S. S. More: The present Proclamation has aroused much thought. I feel that we are in an elementary stage of our democracy and it will be very worthwhile for us to analyse and scrutinise the relevant Constitutional provisions as dispassionately as possible. Now, the first question that I want to put is, has the President, in issuing a Proclamation under article 356, any right to dissolve a legislature? I would refer you to certain provisions of the Constitution. Article 83 refers to the duration of life of Parliament, particularly, the House of the People. In the life of a legislature, dissolution comes by two ways: either by the expiration of the full period allotted to it; in which case the House is dissolved because the term has expired, or, in the meantime, for certain accidents,

emergencies, the presiding authority or the chief executive authority of the dominion or the Union might dissolve the Parliament. The concerned article is 85(2). The President has issued this order under article 356. Now, what are the powers of the President himself? Our President is a constitutional head and he has got wide and extensive powers but only those given by the Constitution. So the first question that we will have to analyse and scrutinise is whether the President has exceeded his powers or has acted within his powers. That will be the first question. Take, for instance, the Proclamation that he has issued. Sub-clause (iii) of the Proclamation says that "the legislative assembly of the said State is hereby dissolved". Who is the competent authority for dissolving a State Legislature? I refer you to article 174(2). It says:

"(2) The Governor may from time to time—(a) prorogue the House or either House, (b) dissolve the Legislative Assembly."

In this case, the Governor has not acted under article 174. On the contrary, if you read the Proclamation of the President which is under consideration, you will find that article 174 has been suspended by this Proclamation. So, the Governor ceases to have any right to dissolve the State Legislature as that right is suspended.

The next question will be: has the President any right of dissolving the State Legislature by any order under article 356? My submission is—I have gone through that article carefully—I find that there is no such power to the President under article 356.

Dr. Katju: The power given to dissolve the Legislature?

Shri S. S. More: The section reads thus:

"(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or

exercisable by the Governor or Rajpramukh, as the case may be, or any body or authority in the State other than the Legislature of the State;"

My submission is that the President has assumed to himself the powers of those authorities as mentioned. Now, he has suspended certain provisions which belong to Part VI of the Constitution including article 174. That suspension might also result in suspension of the legislature, but it cannot entail the dissolution of the House. That is my contention. It might be said, well, a vacuum has been created. So many powers given to the Governor and other authorities are not exercisable during the period of this Proclamation and even the State Legislature might stand in a suspended stage.

I will now refer to section 93 of the Government of India Act, 1935. In 1937 the Congress came to power in the different State Legislatures. Then, in 1939, after the war was declared, the Congress could not carry on the administration for so many reasons and the Congress Ministries resigned. Then, section 93, which is similar to our article 356, came into force. Our article 356 is practically a carbon copy of that particular section 93 of the Government of India Act, 1935, with only two changes. The proclamation issued under Section 93 was required to be approved by the Parliament in the United Kingdom and the proclamation could be issued by the Governor of the State. Here under 356, it is the President who can issue this sort of proclamation and for the approval of that proclamation, it has to be laid before this Parliament. With these two minor differences which are more of terminology, because things have changed and these changes have become necessary, there is hardly any difference between the wording of section 93 of the Government of India Act and article 356. Under the Proclamation issued by the Governors of the different provinces under Section 93 of the Act of 1935,

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I would say that even after the suspension order, some members remained in the legislatures and some other steps had to be taken to dissolve the legislature. No State legislature was dissolved under any orders issued under section 93—that is my contention.

That is the precedent. Article 356, which, as I have said, is a carbon copy—that too a blurred carbon copy—of the original Act, gives the President the powers and rights that were given under section 93. This is my first submission. I feel that this particular order of the President or this part of the order by the President is *ultra vires* of our Constitution and is beyond the powers endowed upon the President as the chief executive authority of this country.

The President says that he is satisfied. Is he satisfied? When this House proceeds to set its seal of approval on the Proclamation, it has every right to go into the material which was placed before the President and which brought about this particular mental phase of his, the phase of being satisfied regarding the necessity of such a step. My submission to you is that this House is the supervising authority, the revising authority and the approving authority and the President is only the executive head of this Union. But this House will sit in judgment over the President and therefore, I would say that, if he says that he is satisfied, is it not absolutely essential and necessary that the supervising authority which is asked to give approval should be kept in possession or appraised of all the relevant material that was made—available when this satisfaction was brought about? Take an instance—you are well versed in the Criminal Procedure Code. Section 145 of the Code requires that when any order has to be issued by a Magistrate he has to be satisfied about the possibility of a dispute; the word satisfaction is there. Take the ins-

tance of the Preventive Detention Act. There the detaining authority has to show that he is satisfied and there are so many judgments of the Supreme Court, the Federal Court and the High Courts which say that the supervising authority or the revising authority must be satisfied that the officer concerned had applied his mind and had sufficient grounds before him to come to a particular conclusion. Now, my submission is that, if this House, as far as this particular matter is concerned, has to come to the conclusion in giving its approval that the President had sufficient grounds with him for being satisfied, is it not necessary that all the material—relevant material—on which this satisfaction is based—this super-structure of satisfaction is raised—should be placed before this House? I mean—the Governor's report and other information. Governor's report is declared to be a confidential document. It is as absurd as a First Class, or a Second or a Third Class Magistrate saying: "we cannot give to the High Court—the revising authority—the documents on which we have come to a decision because we think those to be confidential documents." It is a travesty of justice. If I keep the superior authority in ignorance and try to obtain their approval—these are methods other than democratic. That is my submission (Interruptions.) Acharya Kripalaniji says that it is steam-roller method. 'Very heavy steam-roller' is the addition by Mr. Chatterjee. We say that we are standing for democracy.

We have taken the oath of allegiance to our Constitution with some mental reservations as we disagree with some of the provisions of the Constitution. And yet we stand by the Constitution and it is also the main function of the party in power to stand by the Constitution. Otherwise, they are untrue to the oath which they have taken..... (Interruptions.) My submission is that this is not fair. When we ask for information from the Ministers in-charge, they do not give the informa-

tion. They seem to answer: "we treat it as a confidential document we have got a majority of our own, we shall go our own way. in a steam-roller fashion; we do not care for the opposition". They may not care for the opposition but at least they must care for the country at large; they must care not only for the opinion of this country, but the world opinion, in the opinion of which Pandit Nehru is trying to rise to eminent heights.

I do not know whether you were in the House—the Deputy-Speaker was in the Chair. I asked whether the resignation submitted by Mr. Prakasam will be made available to us. The Governor himself held a press conference where he has said certain things. In those statements, he says that Mr. Prakasam submitted his resignation and did not offer to carry on. He does not say that the outgoing Chief Minister advised him to dissolve; it is a question of fact. I have the greatest regard for the Home Minister—I am prohibited to mention him by name—but I am not prepared to accept his statement in spite of all my respect. When a man takes a partisan attitude truth is the first suffered at his hands. The Governor is a responsible officer and he will not fail to mention a very relevant fact and an important fact from the constitutional point of view if Shri Prakasam had asked him and had given him the advice to dissolve the Assembly. We cannot verify the fact of such an advice tendered unless we see the resignation itself. I would suggest that the letter of resignation was there and the advice followed. If such is the order of the contents of the letter of resignation, is the advice constitutionally competent advice? Then, it is the advice of a Minister who has resigned. If a Minister's advice is to be binding on the constitutional head, he must tender that advice before he resigns or even without resignation the advice must take precedence and then resignation should follow, if the advice is not accepted. If at the concluding part of the letter of resignation, he has given some advice it is not the cons-

titutional advice of a Chief Minister, it is the pious advice of a friend of the Governor, possibly. So, the letter would have been a relevant document and yet Government is not inclined to produce that letter for the knowledge of the House.
3 P.M.

There is another point. It is said that we must fall back upon some parliamentary practices prevailing in other countries. Many eminent friends on both sides have quoted Jennings and other authorities about parliamentary democracy. But is parliamentary government in operation only in the United Kingdom? Is it not in operation in Ireland, in the United States, in Canada and Australia? Does the Constitution mention the country whose practice we are to follow in this respect. Take for instance article 105. Whenever the Constitution-makers thought it necessary that this House should follow a particular precedent or a particular practice, they were particular to say so. In article 105, they have stated that the powers, privileges and immunities of Members of both the Houses and the Committees shall be those of the House of Commons. Constitution, on many points, is wonderfully non-committal. Take, for instance, articles 74 and 163. Nowhere is it laid down that the President of the Union or the Governors of the State shall call upon the Leader of the party in majority to be the Chief Minister. Nowhere has it been said so. Under the English practice, on many occasions Leaders of even minority parties have been called upon to shoulder the responsibility of Government and that has happened even here. Take, for instance, Travancore-Cochin. What is happening there? The P.S.P. people are in power, but they are only 19 in a House having a total membership of nearly 118 or 120. A tiny party of less than twenty members in the House has been saddled with the responsibility of running the Government because the Rajpramukh had perfect freedom to call upon any person to be the Chief Minister. What would happen if certain measures of theirs are de-

[Shri S. S. More]

feated in the House? Then there is no alternative to resignation. But even this practice of resignation by a defeated Cabinet is a matter of hallowed convention. I have cared to read many authorities on Parliamentary practice and they have stated that it is not a categorical rule that every defeated Ministry must go out. There is no obligation on their part. It is the fear of consequences that makes them go out, because the majority which is against the Cabinet will refuse to pass the Budget or refuse to pass any other measure and there will be a deadlock. Resignation is preferable to facing such a deadlock. Therefore, that convention has been evolved.

Let us go to other countries. That practice of entrusting Government, on occasions, to a Minority Party is not uniformly accepted. Ireland is similarly placed like ourselves. In Ireland the Constituent Assembly framed a Constitution in 1922. Article 53 of that Constitution says:

...he (referring to the Chief Minister) and the Ministers nominated by him shall retire from office should he cease to retain the support of a majority in Dail Eireann, but the President and such Ministers shall continue to carry on their duties until their successors shall have been appointed."

Well, a Cabinet may be defeated, but till a successor is appointed the President's Government cannot be left in a vacuum, cannot be left to the bureaucratic caprices of civil servants or other authorities. So, a democratically and popularly elected leader, even though he might have lost the confidence of the Parliament, must continue in office. The proviso to the same Article (No. 53) reads:

"Provided, however, that the Oireachtas shall not be dissolved on the advice of an Executive Council which has ceased to retain the support of a majority in Dail Eireann."

This is a distinct departure from

the English practice or convention. There, the outgoing Chief Minister of the defeated Cabinet if he so advises, then the constitutional head, the king, or Governor-General in the Dominion has to accept that advice and dissolve the House. But as far as Ireland is concerned, they have struck a different note. They say: "you are defeated; if you are defeated you do not command the confidence of the House. If you do not command the confidence of the House your advice to dissolve the House cannot be accepted. Similar provisions were accepted by Ireland in their Constitution of 1937. So, the question is: are we going to accept the parliamentary conventions as they prevail in the United Kingdom or as they prevail in Ireland? That is the pertinent question. Who is to make that decision? Under the Constitution it is nobody's job. If there is wide difference in the several conventions, it was up to the Constitution-makers to lay it down definitely and precisely what particular conventions we should follow.

I feel on the merits of this case that if Mr. Prakasam was defeated, or his cabinet was created, and they would tender resignation, then immediate dissolution was not the proper course to adopt. It was obligatory, even according to the English practice—it was categorically binding on the Governor to find out some successor.

Now, much has been said, in a satirical vein, here by the great constitutional supporter of this Government, Mr. Raghuramaiah, and others, about the existence of so many parties, and their sailing under different banners. Non-congress elements are split up into different groups and parties but what is the Congress, after all, Sir? It is not a confederation of groups? I can quote the authority of Panditji. He submitted a report in 1938, and what did he say? He said that there is a Right Wing in the Congress, there is a Left Wing in the Congress and there are groups in between the Right Wing and the Left Wing. The

re: *Andhra*

different groups, some representing the capitalists, some representing the big mill-owners and some representing the exploited labour have conveniently come under one banner, because the porridge is in one pot and they want to have their share. Unless they are under one banner they cannot do this. If only these constitutional pandits will care to read a latest book of parliamentary survey to which articles have been contributed by persons eminent in different fields they will find that though in England the two-party or three-party system prevails, during the 1951 elections as many as thirty-seven parties with different labels went to the polls.

Dr. Katju: In England?

Shri S. S. More: Yes, in England.

Shri T. Subrahmanyam (Bellary): How many survived?

Shri S. S. More: I do not know whether the questioner will survive if he goes out of the Congress. His only reason for survival is his being in the Congress.

Dr. Katju: That is the only sensible party.

Shri S. S. More: What is parliamentary government? Harold Laski and some others have stated that it is a government in which the party in power goes on sharing, or distributing the spoils. In England, a party secretary who was a parliamentary whip was appointed to an office and given the designation of "Patronage Secretary".

Mr. Chairman: This is all very interesting. But I would ask the hon. Member to confine himself to the resolution under discussion. There are other hon. Members anxious to take part in the discussion.

Shri S. S. More: I shall conclude in a minute or two. As things stand at present provincial feelings and caste feelings are rife. Even the Congress is not free from these caste feelings. When candidates are put up, they look to the caste of the majority of the voters and pitch upon a person who

had no political past nor is likely to have any political future because he belongs to the caste of the majority of the voters. This is nothing but placating the caste feeling. My submission is that in this country with only five or six years of full-blooded democracy, the evolution of a two-party system, in which each party will be a sort of an alternative to one another, is too quick a result to expect. In England even, it is only after two hundred or three hundred years that they have settled down to this two-party or three-party system and there are so many groups inside each party. They say that in America also there is a radical wing in the Republican Party and a reactionary wing in the Democratic party. In our country also if we begin to analyse, every party is a sort of hotch-potch of different interests. If we are here to express our honest and independent opinion in the name of several parties and groups, we should not be made an object of ridicule by those who have joined the Congress Party out of opportunistic motives or for career purposes.

So, my submission is that the Governor has acted wrongly, he ought to have acted in an impartial manner. Are you going to say that the communists are not qualified to take over the responsibility of Government? If that is your conception of democracy, I would say: Ban the Communist Party. Prevent them from contesting seats. Once you give them the opportunity, once they get elected as the people's representatives, you cannot flout the popular verdict by saying that the Communists are sailing under a red flag and have no faith in our democracy and therefore, under our scheme of democracy such persons cannot come in". My submission is that we have not been given the material on which we can come to a conclusion; we have not been given the material on which the President has based his decision that conditions have been created for the failure of the constitutional machinery. As I have already stated the President has acted *ultra vires* of his powers.

[Shri S. S. More]

There is one more point and I will conclude. Under the English procedure when a proclamation to dissolve Parliament is issued, simultaneously with the very proclamation also comes the date for the assembly of the next Parliament. I need not quote the authority; Campion has elaborately stated this rule. In the Manual of the House of Commons Procedure also this rule is given. In this case the proclamation says the elections will be held "as early as possible". What does it mean? They are playing for time. When the conditions are suitable for the Congress Party, the party in power, to face the electorate, they will say that elections will be held. When the PEPSU debate took place on the 12th March, 1953, the late Dr. Syama Prasad Mookerjee was here. He made a very effective speech from the Opposition Benches on that occasion and he said: you will not hold the elections till rehabilitation (and rehabilitation of what?) rehabilitation of the Congress. When the Congress Ministry in PEPSU was first defeated Rajpramukh went to Mr. Rarewala to have another Ministry. This Rarewala group was a reactionary group and yet the Rajpramukh, with the approval of the Union Government, could go to Mr. Rarewala and ask him to form a government. But in Andhra, when Congress is defeated, the Governor is not directed to call on the Communists, who have larger membership in the Legislature than that of the Congress, to form a Government and instead steps are taken to dissolve the Legislature, so the only inference possible is that only reactionary groups are thought fit to be an alternative to Congress Rule.

Dr. Rama Rao: At the outset let me make two points clear. First, Mr. Raghuramaiah played on the words Leader of the Opposition and Opposition Leaders. Let it be known that there is an officially recognised Leader of the Opposition in the Andhra Assembly and Shri Nagi Reddi is the Leader of the Opposition. It is not like calling Opposition Leaders and all that.

The constitutional convention when the Government is defeated by a vote of no-confidence is that it is the duty of the Governor to call the Leader of the Opposition and give him a chance to form the government.

The next point I want to correct is, the Home Minister said that the Governor called the Leader of the Opposition and spoke to him. It is not correct, and probably he did not mean it. The Governor did not call the Leader of the Opposition—that was the complaint—as he ought to have done. "Calling the Leader of the Opposition" is a technical, formal, constitutional expression which means inviting him, and it is different from granting an interview to the Leader of the Opposition. The Leader of the Opposition, Shri Nagi Reddi, seeing that the Governor was not likely to call him, requested for an interview and it was granted. That is altogether a different matter from calling the Leader of the Opposition. So the Home Minister in his usual lawyer-like fashion confused the issue. But I may say this, if he has done it intentionally, that it is the greatest misrepresentation of facts. In fact it is our main complaint that he did not call the Leader of the Opposition to form the Government.

Then, amongst other things, the Leader of the Communist Party, Mr. Gopalan, has read from Ivor Jennings.

Shri Tek Chand (Ambala-Simla): Misread.

Dr. Rama Rao: He read correctly, and the position is this. This is intended for him and his other lawyer friends! When a government is thrown out as a result of a vote of no confidence, the Leader of the Opposition has to be called and asked to form a government.

Shri Tek Chand: I have got the book here.

Dr. Rama Rao: All right, you can argue.

Shri B. S. Murthy (Eluru): God take charge of the lawyers.

Dr. Rama Rao: Is it not the common, sensible idea of democracy if one government is thrown out by a vote of no confidence that it should be the duty of the Governor to call upon the Leader of the Opposition and give him a chance? Here there is another fact which I want you to remember. In the Andhra Assembly the official opposition, the Communist Party, is not an insignificant group. At the elections they were returned as the largest party; later on of course the Congress got additions. But at the time of the election results, the number was Congress forty and Communists forty-one. Therefore it is almost equal to the number of Congress Members. This fact must be remembered when our friends talk of parties of splinter groups. The Communist Party in Andhra is not a small insignificant group. It is almost as big as the Congress Party. And, as I said, at the time of the elections it was returned as the largest party. In addition there are some Independents who were elected with Communist support and who have consistently voted with the Communists.

Then I want to say something about the Home Minister's remark of hotch-potch Government. Is it going to be a hotch-potch Government only when the Opposition wants to form a Government. What happened to your own previous Government? The Congress were actually in a minority. And then they had the Praja-Socialist Members. They had the K. M. P. P. Members and the K.L.P. Members. Mr. Latchanna was for some time a member of the Cabinet. With all these groups they formed a Government, and it was not a hotch-potch Government as long as Congress was in power! But as soon as the Assembly threw out the Government by a vote of no confidence and the other party had to get the support of smaller groups it becomes hotch-potch and the governor cannot allow it!

This is not going to be the last thing. Hereafter the same situation is likely to arise in many States. When the Congress is concerned they will

allow the formation of a Government with the support of other groups, but when it comes to a question of Opposition they say they will not.

I want to say one word about what my friend from Rayalaseema has said, that the Government has been defeated on Prohibition. No. Prohibition is not the main issue at all. That is the last issue. The Government was defeated on many other issues. Because this was a definite vote of no confidence they had to go. There were about sixteen divisions and in five of them Government was defeated. But still they stuck on. Just before the no-confidence motion was put before the House the Congress Ministers went on saying in the State that "either you keep us in power, or you have Governor's rule". That is what they were saying in effect. There were speeches reported saying that if they were to be removed then Governor's rule would come on the State.

So this Governor's rule was envisaged much earlier than the no-confidence motion. I will just read a news item from *The Indian Express* dated 12th November as to how the order for President's rule was made ready even before the President received communication from the Governor. This news item is dated the 11th November and reads: —

"It is learnt that the President's order has been prepared in the Ministry of Law but would await final touching-up on the receipt of the report from the Governor."

Now, this requires a little explanation, but I do not want to dilate on that. Now, it is true, I admit, that the Governor and the President have special powers to dissolve Assemblies, and take upon themselves the administration and all that, but they are to be used only in critical situations, not merely at the first opportunity. As soon as the Congress Government loses power, it does not

[Dr. Rama Rao]

mean that the Governor and the President should use their extraordinary powers and dissolve the Assembly and refuse to follow Parliamentary conventions. So, I appeal to the Government to play the game, to be sportsmanlike. Just because they are defeated in one case, they should not bury the Constitution. They always shout from the house tops that we communists do not believe in parliamentary procedure, but what are they doing? They want to follow parliamentary conventions and parliamentary procedure as long as it suits them, as soon as.....

Shri B. S. Murthy: They are following the communists.

Dr. Rama Rao: The people express their disgust against the policies of the Government, then they say it is a critical situation, a crisis has arisen, and therefore the extraordinary powers of the Governor and the President should be used and the Assembly dissolved. In any game when a boy loses, he will say: "Come on, let us have another fight. So, instead of showing any sportsmanlike spirit, they have decided to dissolve the Assembly and come out for elections. Not that I am afraid of the elections. The Communist Party is sure to win absolute majority. The Andhra people previously definitely voted against the Congress Party.

Shri Achuthan (Crangannur): Do not have too much of confidence.

Mr. Chairman: Let the Congress Party or the Communist Party win. It is left to the future. Let him come to the Resolution, as the time is too short and other Members are anxious to speak. I only want that the hon. Member may speak on the Resolution.

Shri Nambiar: Accept the challenge.

Dr. Rama Rao: My friend Shri Raghuramaiah was saying that if the communists are so very confident, they must welcome the elections. We

are not afraid of the elections, but we are pointing out.....

Mr. Chairman: That was in reply to what fell from Mr. Gopalan, and this is in reply to what has fallen from Shri Raghuramaiah, and a third Member will also reply to what has fallen from you. I can only observe that the time of the House be utilised for the purpose of either supporting or criticising the Resolution and not forecasting the future.

Dr. Rama Rao: I am guided by your advice, Sir. I have no doubt that the people of Andhra who have already taught a lesson to the Central Government in the case of the formation of the Andhra State, will give their opinion definitely and clearly on this massacre of democratic conventions.

Shri Tek Chand: I rise to support the Resolution. It was rather refreshing when I heard the Leader of the Communist Party reading with a certain amount of reverence a book on democracy—by Ivor Jennings on Cabinet Government. But he had only to open his lips when I noticed that passages quoted were torn out of their contexts. Luckily, because of the courtesy of my hon. friend Shri Chatterjee, I happened to glance through that very book—at page 37 wherefrom he quoted a passage in support of his contention. He said where there is an Opposition, the King must send for him and there has been, therefore, a departure from the injunctions stated by this great constitutional author. But this line was read out torn from the context.

In England there has ordinarily been a two-Party system. No doubt, occasionally there have been three Parties, but multi-Party system happens to be a characteristic of France, not of England. But, in this particular page, a few lines higher up the case was being examined when the contest was between two Parties *vis-a-vis* each other. In a multi-Party context, and higher up it is said:

"She....."

—i.e., the Queen—

"...sends for the elder statesman of the two Opposition parties and commissioned Lord Aberdeen as soon as she had information....."

And then,

"The correct rule was stated by Mr. Balfour in 1904..."

And then follows that sentence relied upon by my hon. friend. If he had taken care to read the earlier passages which have got a greater bearing and relevancy, it would have become unnecessary for me to disabuse the minds of those who might have been unwittingly influenced by a wrong quotation.

Earlier, the same author deals with the predicament in which the King of England finds himself where there are multi-Parties, and no one of them, has a majority. That passage, if hon. Mr. Gopalan has still the book with him, he will find at the bottom of page 23 and on the pages that follow. There it is said:

"The Government must clearly, be formed out of that majority and, if it has a recognised leader, he will be the Prime Minister."

Then, at page 26, where this author is dealing with a number of Parties, this is what he says:

"A completely different situation arises where the Government is defeated in the House of Commons and resigns. It may be assumed that such a case as that of 1841, when the Opposition had a clear majority will not occur again, since, according to the modern practice, if an Opposition party secures a clear majority at the general election the Government does not go through the formality of meeting Parliament. It may be assumed, therefore, that on the defeat of a Government no party will have a majority."

What has to be done then? And he suggests this:

"Such a situation will arise either because there are three or more parties, none having a majority, as when Whigs and Peelites defeated the Derby Government of 1852."

Then he gives instances. Then he says there are three alternatives possible in such a predicament.

"In such a case the King has to consider three possibilities. The first is that a coalition Government may be formed."

Let us examine that. Was one out of these Opposition Parties willing to form a Coalition Government?

Shri V. P. Nayar: Who was asked-

Shri Tek Chand: They hate one another like anything. According to the language of Shri Asoka Mehta, the communists are the hangmen of democracy. Are you going to form a coalition with these who prove to be the hangmen of democracy? (*Interruptions*).

Dr. Rama Rao rose

Mr. Chairman: He has already spoken.

Shri Tek Chand: The second possibility is this:

"The second possibility is that one party may form a minority Government with the intention of advising a dissolution as soon as it is practicable to do so."

What has happened in this case, is that dissolution has been advised immediately. Then,

"The third possibility is that a minority Government can be formed which may be able to maintain itself in office in spite, of its lack of a majority."

These are the three possibilities with-in contemplation and therefore when my hon. friend was citing Jennings, he might as well have invited attention of the Members who have not had the opportunity to read this book at least to these three propositions.

[Shri Tek Chand]

Now, what has happened? We are **not appreciated for our candour, for our straightforwardness.** We say that if elections proceed when we are at the helm of affairs, all sorts of wrong and evil motives may be attributed to us. It will be said, it will be a part of your election campaign, though we have been defeated, nevertheless, we are holding on to the reins of office, in order that we might resort to evil ways in order to influence the electorate, and we might resort to coercive measures. This is the allegation, which, without doubt, could have been levelled against us. If we have been candid enough, frank enough and free enough, and said we will not be in office when the elections go on, no party is going to be in office, then, what is the objection? The only objection is you are deprived of using a wrong argument with a view to throw dust into eyes of the electorate. That is your grievance. It is surprising what your grievance is, you say we must remain in office, in order that you may have an opportunity to level that false accusation. This is the criticism that is levelled, a criticism which is hardly comprehensible.

I am amazed at the remarks and observations of my hon. friend Shri S. S. More. He is another constitutional pandit that we have got here. He ransacked the Constitution of India in search of an article, in order to find support for his argument against the Order of the President. According to his contention, it is not open to the President to dissolve the State Assembly. He has read to us article 174, the relevant portion of which says:

"The Governor may from time to time...dissolve the Legislative Assembly."

He has said that there is no similarly worded article which says that the President may from time to time dissolve the Legislative Assembly, though there is something in articles 82 and 83 regarding his power to

dissolve Parliament. I took for a moment a leaf out of this book, and interrupted him. I said, please turn to article 356(1)(a), and there you are. Superficially and casually, he glanced at it, but he did not grasp the point that I wanted to emphasize. Article 365(1)(a) says:

"...the President may by Proclamation—

(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or Rajpramukh, as the case may be or any body or authority in the State other than the Legislature of the State."

So, the power exercisable by the Governor under article 174 vests in the President by virtue of article 356(1)(a).

Shri Raghavachari: He has suspended article 174 in the Proclamation. There lies his error.

Mr. Chairman: But sub-clauses (b) and (c) are there, by which Parliament is clothed with all the powers of the local Legislature, and incidental orders can be passed by the President.

Shri Raghavachari: No doubt, sub-clause (b) is there. But sub-clause (b) does not relate to dissolution, but only to vesting the powers of the local Legislature in Parliament. Therefore, after the President has suspended article 174, he has exercised a right which is not to be taken over by him.

Mr. Chairman: The President does not assume to himself the powers of the local Legislature. That is clear from sub-clause (a). So far as sub-clause (a) is concerned, he assumes the powers of the Governor; secondly, the powers of the local Legislature are given to Parliament, and then the Governor is entitled to make incidental provisions.....

Shri S. S. More: May I make a personal reference? Article 174 reserves to the Governor the power to dissolve the local Legislature. Now, in this Proclamation, article 174 has been suspended. So, if that article is suspended, the power under it is also suspended; it does not give power to the President. That is the contention.

Mr. Chairman: But the powers of the Governor whatever they are under the law are invested in the president himself. That power may be suspended so far as the Governor personally is concerned, but the Governor's powers whatever they are under the law are taken over by the President.

Shri S. S. More: It is not so clear.

Mr. Chairman: He assumes all the powers of the Governor. The point is quite clear.

Shri Tek Chand: I would make a request to my learned colleague to coolly, calmly, dispassionately and impersonally...

Shri S. S. More: I do not come from Simla, to be very cool and calm.

Shri Tek Chand: Consider this particular provision, and I have no doubt that he will have the fair-mindedness to accept his own error and come to the conclusion that the President had the power, and what the President has done is absolutely *intra vires*.

In drawing constitutional precedents, a precedent for the future was suggested by Dr. Krishnaswami. He says that the appropriate thing was that there should have been a Caretaker Government manned by the representatives of all the parties. Such a thing, if done, may be a precedent for the future. But you might as well ransack all constitutional precedents, and nowhere will you find support for the novel proposition he has adumbrated. I maintain that where the parties in Opposition to the Government are at loggerheads with one another, where they are al-
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most thirsty for the blood of the other, or in the words of my learned colleague Shri Asoka Mehta, where one party hates the other as being the hangmen of democracy or the executioners of freedom and constitutional liberties, you cannot expect them to join hands and come together as brothers under these circumstances. I contend, therefore, that the only thing that was desirable, the only thing that was clear, straightforward proper, and in full concord with constitutional precedents was what has been done; and that is the correct thing.

I have great pleasure in supporting this Resolution.

Mr. Chairman: There are about twenty-five minutes left to four o'clock. I think the hon. Minister will take about fifteen minutes for his reply.

Dr. Katju: Fifteen minutes.

Mr. Chairman: Shri N. C. Chatterjee. I hope the hon. Member will finish within ten minutes.

Shri N. C. Chatterjee (Hooghly): It seems that the State of Andhra was ushered into existence in a very ill-fated moment. When the Andhra Bill was here, the South Indian colleagues of ours, who were fighting for it for days, and we, all wished the new State godspeed, and I remember that when we passed this Bill, there was a general desire on the part of all parties that the democracy would be functioning properly in the new State; I think, Dr. Katju also joined in that chorus of goodwill and godspeed. But we are disappointed.

[MR. DEPUTY-SPEAKER in the Chair]

Those who believed in the formation of linguistic provinces, and wanted this new experiment to succeed are deeply disappointed. We are deeply disappointed that the functioning of democracy began with political somersault of a very ugly type. It had started with a betrayal, and political seduction. That kind of a democracy can never endure. I am amazed that Congress Members stand

[Shri N. C. Chatterjee]

up here and talk in a very lighthearted manner. They should realise that if they have got the right to abduct people from other political parties—the Communist Party has got the right to abduct also, for abduction leads to counter-abduction and reduction and the Socialists too may try it.

Mr. Deputy-Speaker : The hon. Member is in between the two.

Shri N. C. Chatterjee: Dr. Katju also.

What I am saying is this. We should not go into irrelevant things. When the Britishers used to resort to section 93 of the Government of India Act, and supersede the functioning of democratic government, all parties used to condemn the imperialists for this kind of a dictatorial rule. Unfortunately, this article 356 was used for the first time in India, on 20th January 1954; that was done in the State of Punjab, when Dr. Gopichand Bhargava's Ministry resigned. It is a matter of peculiar coincidence that His Excellency.....

Dr. Lanka Sundaram, No Excellency now.

Shri N. C. Chatterjee: Then, there was Excellency. His Excellency Mr. Trivedi was then the Governor. And it is also rather peculiar that the same Governor is now the head of the State, where this third attack under this article has come upon democracy. We ought to be fair to the Governor, and I do not like that really unfair attacks should be made on him, and it will not be right for the Parliament to impute any malicious motives to him for taking action under this article. We should realise that he was faced with a very difficult situation, but the whole question is this. Even if he acted not maliciously, did he act properly, and in accordance with the spirit of the Constitution? Under article 356, action can only be taken, and a Proclamation can only be issued, only when the situation is such that the

Government of the State cannot be carried on in accordance with the provisions of this Constitution. I am sorry to say, Sir, that I am not satisfied that the situation was really such that the Government of the State could not be carried on in accordance with the Constitution of India.

Now, let us not merely make a legalistic approach or a technical approach. My learned friends have been quoting from books. Different authors have been quoted and certainly Dr. Berriedale Keith and Sir Ivor Jennings are the greatest authorities. It has been clearly written in the book *Cabinet Government* of Ivor Jennings in the chapter on the "Choice of the Prime Minister".

"The rule is that on the defeat and resignation of the Government the King should first send for the leader of the Opposition. This rule is the result of long practice, though it has hardened into a rule comparatively recently. Its basis is the assumption of the impartiality of the Crown."

All that I am suggesting is that this healthy convention should be also practised in the Indian Republic. The Governor should send for the Leader of the Opposition. How can you say, how can the Governor say that the Government of the State cannot be carried on according to the principles of the Constitution of India unless and until, after the resignation of any Chief Minister, you do not send for the Leader of the Opposition and do not give him a chance to form a Ministry.

"Democratic government." Sir Ivor Jennings goes on to say, "involves competing policies and thus the rivalry of parties."

I remember, when I was a student of the London University, the Cabinet in England fell and there was a constitutional crisis but the King sent for Mr. Ramsay MacDonald, although he was not the leader of the majority party. He was the leader of

a minority party at that time. There were four parties and the Liberal Party was split into the Asquithian Liberals and the Lloyd Georgian Liberals. Then there was the official Socialist Party which was the Labour Party and a very few unattached socialists and communists. There were four big parties and when Baldwin resigned, Ramsay MacDonald was sent for although he was not the leader of the party having the majority. Sir, I tried to find out whether my memory was correct and I find in the latest edition of Keith's *British Cabinet System* this instance has been quoted. This instance is being quoted, that when Mr. Baldwin resigned Mr. Ramsay MacDonald was sent for although he was not the leader of the majority party. Not only that, Sir, Keith gives another instance, when Mr. Ramsay MacDonald was again called in 1931 and asked to form a Coalition cabinet, although he was the leader of a very small truncated Labour group. You know, Sir, the Labour Party had been split and he had only a very small group as his following.

Shri Tek Chand: Then he formed a National Government.

Shri N. C. Chatterjee: National Government means really a Coalition Government. Mr. Tek Chand ought to know that it is nothing but a Coalition Government. That Coalition Government was formed and Mr. Ramsay MacDonald was made the Prime Minister.

I may also refer particularly to the latest book on *Modern Foreign Governments* written by two great American authorities Frederick Ogg, Professor Emeritus of Political Science, University of Wisconsin and Harold Zink, Professor of Political Science, Ohio State University. They are saying about the British Constitution and what should be done when a Chief Minister resigns. They are pointing out that the King or the Monarch should send for the leaders of the Opposition and try and ask them to form a Cabinet. And that is

the real practice that should be followed. He points out:

"After the election of 1924, when the House of Commons was sharply split three ways—Conservative, Liberal and Labour—King George V had to decide whether to summon the Liberal leader Asquith or the Labour leader MacDonald, and in casting the die for MacDonald he made a genuine and important choice. In 1931, when a later Labour Government resigned, an equally weighty decision was made by the same monarch when Mr. MacDonald was commissioned to make up a 'national' or coalition ministry.

And these two political scientists say:

"No monarch in twentieth century Britain would risk rocking the throne to its foundations by insisting upon a choice of his own as against one that could be made by the political elements chiefly concerned."

Sir, what they are saying is that it is the King's duty or the duty of the Head of the State to allow the political elements in the country to work out and if the political elements who are interested, who are the representatives in the Legislature say that they cannot assume the responsibility to form a Cabinet or any ministry then and only then you can say that there is such a situation, such a deadlock that it cannot be resolved except by the imposition of President's rule or bureaucratic rule. The Governor must act in a manner that it must convince others that not only he was being satisfied but he must act in a manner to give us sufficient material so that people can see that he is genuinely convinced on sufficient materials—not as mere subjective satisfaction which is always a risky thing. I maintain that although he is a distinguished public servant with a good record—he was

[Shri N. C. Chatterjee]

the Governor of Orissa, then the Governor of Punjab and I know that as Governor of Orissa his administration was quite satisfactory—and although I am not imputing motives to h.m. I am still saying that he made the mistake of not sending for the Leader of the Opposition and not giving the Opposition parties a chance to form a ministry before he declared as the Governor of the State that there was a complete breakdown in the constitutional machinery and that there is no other alternative than the assumption of bureaucratic rule in the State.

Dr. Katju: Mr. Deputy-Speaker, a good deal has been said about the Governor's report, but I suggest that I am here to defend the action of the Government of India. I submit respectfully that I have placed more than enough material for the purpose of justifying the action taken. Not only justification, I go further and say that there was no other possible alternative at all. My hon. friends have read books of great weight and I have also got with me many but I have not read them. I do not find in any single book—either Berriedale Keith or Ivor Jennings any word about article 356 of our Constitution. That is the material article. You may talk about Canada, Australia or Timbuctoo and all that and goodness knows what. I talk about India. Our Constitution makers—leaving aside the Central Government for very good reasons enacted article 356. And I suggest to the House in a spirit of perfect sincerity and seriousness that it is a very fine advice for getting over what you may call a 'ticklish problem'. Here is a Government defeated I do not say how it was defeated but it was defeated by one vote. If there had been an equal voting the thing might have been different. That Government comes to the Governor and says, "Here is our resignation. Here is our advice to you that you should dissolve the Assembly and here is a declaration that we are not

prepared under any circumstances to form any Caretaker Government." They say, they will not do so. Otherwise one would have thought that my friends like most other Congressmen are hungry for office and power. If they would have said: "We are prepared to carry on", naturally, people would have thought like this. But, these gentlemen said, for whatever reason they thought right, that they would not carry on with the Government, which they were entitled to do; nor would they form any Caretaker Government at all. They simply just walked out.

Now, I do not know how my hon. friend Mr. Chatterjee said that the leader of the opposition party was not called. He might have just asked Mr. Gopalan as to what actually happened. Shri Asoka Mehta said in his speech that I have got much larger material about the Andhra happenings. Mr. Gopalan perhaps knows it that the entire Andhra Communist Party sent a telegram to the Governor saying two things: "Either allow the Communist Party to form a Government or dissolve the Assembly. There is no question of giving power to any body else—P.S.P., K.L.P. or any other party. Either give us the power—we 40 of us—or dissolve the Assembly."

Dr. Rama Rao: What is the authority of that telegram? It is not true that the Communist Party asked for that. They only said that the opposition should be asked to form the Government, and nothing else.

Dr. Katju: I think I should ask for a general standing order that when I speak nobody should interrupt me.

So, the Governor sent for everybody. I have already informed the House as to what the P.S.P. people said. I have read to you a press cutting. I also told you what the K.L.P. leader Mr. Lachna said. So far as the Communist Party is concerned they know what they said. They said that they will show a majority. Goodness knows how they will

show a majority and the Governor thought it all to be funny. As a general rule this Parliament has laid down under article 356 when a Government is defeated on a vote of no-confidence, the Ministry goes out, it advises dissolution of the legislature and it is not agreeable to form a Care-taker Government, when it can do so under all these books—it is open to the Cabinet in Britain to advise the King to dissolve the Parliament and continue in office—the Governor or the Rajpromukh should send for the leader of the other party. Supposing a Government says: "We will not continue in office", I quite agree that the democratic convention should be that the Governor or Rajpromukh should send for the leader of the other party. But, if they are in gross splinter groups of ten or twenty, and each party can get only three or four votes, then, I tell you, it will become impossible for the Governor to make up his mind as to whom to choose. My hon. friend Dr. Krishnaswami said that the Governor should form an all parties' government.

Dr. Krishnaswami: All parties Care-taker Government.

Dr. Katju: It presupposes that people are prepared to join in that government. Here a Communist will not look at a Congressman and a Congressman will not look at a K.L.P. man. Each one of them love each other from a distance. How can a government be formed with them? My hon. friend was talking purely in the air. I tell you he was talking something purely theoretical. How to bring them together? Do you mean to say that Mr. Prakasam would love Mr. Gopalan? It is absolutely impossible. Then how can that government be formed?

My friend Dr. Lanka Sundaram said: "I want an assurance that there would be an election" I am most anxious to have the elections by about the middle of February and you may take it from me that not a single day will be allowed to expire if it can

be avoided. My friend said: "The Delimitation Commission has done something else and you may put it off to June or July". Sir, if there is one man in this House who is more anxious than anyone else to have general elections at the earliest possible date, it is myself.

Dr. Lanka Sundaram: May I interrupt you? Why not you put down a date now?

Dr. Katju: I will tell you in the course of the next week; I will have to look up the dates.

Shri Raghuramajah: It is not a matter purely between Dr. Lanka Sundaram and the Home Minister; others are also interested.

Dr. Katju: I agree.

Then Sir, there was a lot of forensic eloquence and democratic eloquence shown as if the Governor, was a sort of dictator. But the Governor, the 'poor Governor' is subject to the President and the Central Government. On every matter he has to ask for Finance Minister. The Home Minister does not come into the picture. About railways he goes to the Minister of Transport and Railways. I am speaking from experience. In PEPSU the House approved the resolution and for one full year we carried on. Now, hon. Members who may be interested may look up the *Parliamentary Debates* and find out how many questions were asked on important matters. The House showed the utmost anxiety. The hon. Members from Andhra will be most anxious, whether they be on this side or that side, to see that the interests of the people are protected. If a stranger were listening to our debate he would run away with the impression that a Governor is some sort of a real Governor of olden days. He may do whatever he likes; he may behead anybody's head, but he cannot be touched.

Shri S. S. More: That is correct.

Shri Algu Raj Shastri: That is not correct. (Interruption)

Mr. Deputy-Speaker: How can I allow a discussion like this?

Dr. Katju: A Parliamentary form of government is as much subject to democratic control as anybody else. In spite of the fact that the local legislature in Andhra is not functioning for two or three months, the whole of India will be most anxious to see through the representatives here, that the people of Andhra do not suffer: their affairs are properly managed and so on.

Lastly, Sir, my friend made some very sound propositions which are all unworkable. He brought about one theory. He said: "According to my reasoning there can never be action taken under Article 356 within a period of less than six months." I wonder how he said that. He says that it is open to the Governor to constitute a Cabinet of his own. Just look at it. He says: "Assembly is gone, very well, do not call them advisers. Make a Cabinet of all non-sitting Members." Anyone can be appointed a Minister or Prime Minister. You may have an entire Cabinet of non Members of the Lok Sabha provided they can become Members within six months. Therefore, my friend got the inspiration of 'six months' from that provision. With all due respects and with my little knowledge of politics, I say that I do not agree with this proposition.

4 P.M.

Therefore, I ask the House not only to approve of the Proclamation but also approve of the general proposition that I am submitting, that article 356 being there, where a Ministry is defeated and that Ministry tenders resignation and is not prepared to carry on within the administration of the country, if the Governor finds that no single party is there in the opposition which can command a majority, then it is open to the Governor to report the matter, because the Governor purely reports. It is a factual report, and it is open to

the President to say that the Assembly can be dissolved and that we can carry on much better. I do not want to trouble the House any further.

Mr. Deputy-Speaker: I find that all the substitution amendments to the resolution are out of order. They are all of a negative character. Therefore, I do not think it is necessary for me to put any of these substitute resolutions to the vote of the House.

Shri Raghavachari: I think my amendment No. 8 is in order. It is certainly open to this House to pass a Resolution expressing a feeling of disappointment.

Mr. Deputy-Speaker: Yes. It is in order. Do you want to press it and do you want me to put it to the vote of the House?

Shri Raghavachari: Yes.

Mr. Deputy-Speaker: The question is: That in the original resolution, the following be added at the end, namely:—

"but would express a feeling of disappointment at the failure of the adoption of the constitutional and conventional formalities which should precede the assumption of powers under article 356 of the Constitution."

The motion was negatived.

Shri N. Raghiah: There is my amendment—amendment No. 9. It is not a substitution amendment.

Mr. Deputy-Speaker: Hon. Members should not be too late. They must stand up and tell me.

Mr. Deputy-Speaker: The question is:

That in the original resolution, the following be added at the end, namely:

"as that was the only proper constitutional remedy for the crisis that arose on the resignation of the Prakasam Ministry."

The motion was adopted.

Mr. Deputy-Speaker: Let me now put the original resolution, as amended, to the vote of the House. The question is:

"That this House approves the Proclamation issued by the President on the 15th November, 1954,

under clause (1) of Article 356 of the Constitution, assuming to himself all the functions of the Government of Andhra, as that was the only proper Constitutional remedy for the crisis that arose on the resignation of the Prakasam Ministry.

The Lok Sabha divided : Ayes 154; Noes. 35

Division No.]

AYES

[4-30 P.M.

Abdus Sattar, Shri
Achal Singh, Seth
Achuthan, Shri
Alagesan, Shri
Alteker, Shri
Azad, Maulana
Badan Singh, Ch.
Balmiki, Shri
Barupal, Shri P. L.
Basappa, Shri
Bhagat, Shri B. R.
Bhargava, Pandit Thakur Dass
Bhatt, Shri C.
Bhawaniji, Shri
Bidari, Shri
Birbal Singh, Shri
Bose, Shri P. C.
Chaliha, Shri
Chanda, Shri Anil K.
Chandrasekhar, Shrimati
Charak, Th. Lakshman Singh
Chaturvedi Shri
Chaudhary, Shri G. L.
Chaudhuri, Shri R. K.
Chineria, Shri
Choudhuri, Shri M. Shaffee
Dabhi, Shri
Das, Shri B. K.
Das, Shri N. T.
Datar, Shri
Deshmukh, Shri C. D.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Dube, Shri Mulchand
Dube, Shri U. S.
Dubey, Shri R. G.
Diwivedi, Shri D. P.
Eacharan, Shri Z.
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Gautam, Shri C. D.
Gohain, Shri
Hem Raj, Shri
Hyder Hussain, Ch.

Ibrahim, Shri
Jain, Shri N. S.
Jayashri, Shrimati
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri M. D.
Kale, Shrimati A.
Karmarkar, Shri
Katju, Dr.
Keshavaiengar, Shri
Khongmen, Shrimati
Kirolikar, Shri
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnappa, Shri M. V.
Kureel, Shri B. N.
Lal, Shri R. S.
Lallanji, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Madiah Gowda, Shri
Mahodays, Shri
Mahtab, Shri
Majhi, Shri R. C.
Majithia, Sardar
Malviya, Pandit C. N.
Masuodi, Maulana
Mehta, Shri Balwant Singh
Minimata, Shrimati
Mishra, Shri S. N.
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri Lokenath
Misra, Shri B. N.
Misra, Shri R. D.
Moloo Akbar, Sofi
Nar. Shr. C. K.
Narasimhan, Shri C. R.
Natawadkar, Shri
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Pant, Shri D. D.
Parikh, Shri S. G.
Patazkar, Shri
Patel, Shri B. K.
Pathrikar, Dr.
Pewar, Shri V. P.
Prabbakar, Shri Dyal
Rackiah, Shri N.

Raghuraj Sahai, Shri
Ragunath Singh, Shri
Raghuramaiah, Shri
Raj Bahadur, Shri
Ram Dass, Shri
Ram Saran, Shri
Ram Subhag Singh, Dr.
Rane, Shri
Ranjit Singh, Shri
Rao, Diwan Raghavendra
Rup Narain, Shri
Sahu, Shri Bhagvat
Sahu, Shri Rameshwar
Saksena Shri Mohanlal
Samanta, Shri S. C.
Sanganna, Shri
Satyawadi, Dr.
Sen, Shri P. G.
Sen, Shrimati Sushama
Shahnawaz Khan, Shri
Sharma, Pandit Balkrishna
Sharma, Shri K. R.
Sharma, Shri R. C.
Shastri Shri Algu Rai
Siddananappa, Shri
Singh, Shri D. N.
Singh, Shri L. Jogeswar
Singh, Shri M. N.
Singh, Shri T. N.
Singhal, Shri S. C.
Sinha, Dr. S. N.
Sinha, Shri A. P.
Sinha, Shri Anirudha
Sinha, Shri G. P.
Sinha, Shri Jhulan
Sinha, Shri Nageshwar Prasad
Sinha, Shri Satya Narayan
Siva, Dr. Gangadhara
Somana, Shri N.
Subrahmanyam, Shri T.
Suresh Chandra, Dr.
Tek Chand, Shri
Telkikar, Shri
Thimmiah, Shri
Thomas, Shri A. M.
Tiwari, Pandit B. L.
Tiwary, Pandit D. N.
Tulsidas, Shri
Uikey, Shri

[Mr. Deputy-Speaker]

Upadhyay, Pandit Munishwar Datt
Upadhyay, Shri Shiva Dayal
Upadhyay Shri S. D.

Vaishnav, Shri H. G.
Vaishya, Shri M. B.
Vidyalankar, Shri A. N.

Wilson, Shri J. N.

NOES

Amjad Ali, Shri
Basu, Shri K. K.
Chatterjee, Shri Tushar
Chatterjee, Shri N. C.
Chaudhuri, Shri T. K.
Chowdary, Shri C. R.
Choudhury, Shri N.B.
Das, Shri B. C.
Das, Shri Saranpadhar
Gadlingana Gowd, Shri
Gam Malludora, Shri
Gidwani, Shri

Gopalan, Shri A. K.
Gupta, Shri Sadhan
Kripalani, Acharya
Krishnaswami, Dr.
Mehta, Shri Asoka
Menon, Shri Damodar
More, Shri S. S.
Mukerjee, Shri H. N.
Muniswamy, Shri
Murthy, Shri B. S.
Nambiar, Shri
Narasimham, Shri S. V. L.

Nayar, Shri V. P
Raghavachari, Shri
Rao, Dr. Rama
Rao, Shri P. Subha
Rao, Shri Mohana
Reddi, Shri Madhao
Subrahmanyan, Shri K.
Sundaram, Dr. Lanka
Trivedi, Shri U. M.
Veeraswamy, Shri
Waghmare, Shri

The motion was adopted.

Mr. Deputy-Speaker : Let the hon. Members take their own time for going from one corner of the House to the other corner. I am not going to stand up so long as a single hon. Member is on his legs. It is all very wrong to waste the time of the House.

An Hon. Member: The Minister of Parliamentary Affairs is standing.

Mr. Deputy-Speaker: Whoever it is, all should sit down. The House will now take up non-official work. Before that, there is one item.

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

MOTION RE FOURTEENTH REPORT

Shri Gidwani (Thana): I beg to move:

"That this House agrees with the Fourteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 18th November, 1954."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Fourteenth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 18th November, 1954."

The motion was adopted.

RESOLUTION RE SECURITY OF SERVICE TO GOVERNMENT EMPLOYEES.—*Concl'd.*

Mr. Deputy-Speaker: Further discussion of the Resolution moved by Shri Hirendra Nath Mukerjee on the 24th September 1954 will take place now.

I may have to make an announcement. The time allotted for this Resolution was 25 hours. The time taken up on 24th September 1954 was 40 minutes. There is a balance of one hour and 50 minutes. I will allow time at the rate of fifteen minutes per Member. The Mover spoke for 32 minutes and concluded his speech. Pandit Munishwar Datt Upadhyay spoke for eight minutes.

A representation was made to me that, as in the case of lunch interval when no motion is put to the vote of the House and when the Members or the Chair will not have to point out want of quorum, in case, after 5 o'clock, the House sits, nobody should raise the question of quorum. Only in the cases where the division bell is rung or a division is called for, there must be a quorum. If the House agrees, we can go on; otherwise I will insist upon a quorum.