

[Shri Raghunath Singh]

10th August, 1959, resulting in injuries to eight persons and the other near Jama Masjid on the 14th August, 1959, resulting in the death of one persons".

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to make a statement in this respect.

The House will have heard with regret of the unfortunate incident that occurred on the night of the 10th August, 1959, near the Jubilee Cinema, Delhi. The facts are that at about 9.15 P.M., a police patrol party consisting of a Head Constable and three Constables heard the noise of an explosion close to the Jubilee Cinema. The police rushed to the spot and found that 8 persons had been injured, of whom one was a Constable. This Constable informed the party that a young boy about 14 or 15 years of age had been holding an object in his hands when it suddenly burst and caused an explosion. A police flying squad was immediately called for and the injured persons including the young boy who had also been injured were taken to the Irwin Hospital for medical treatment. The police made an inspection of the spot where the explosion had occurred and took into possession blood-stained earth, some pieces of glass and some charred rags. The young boy informed the police that he had picked up a bottle from near a weighing machine in the verandah of the Jubilee Cinema at the request of three persons who were standing there. As soon as he did so, the bottle burst causing injuries on his hands and chest. The police registered a case under the Explosive Substances Act and further inquiries are being made.

I might also take this opportunity of mentioning another regrettable explosion which occurred on the 14th August, 1959. An Assistant Sub-Inspector of Police who was on duty at the Red Fort Parade Ground heard an explosion at about 6 a.m. about 100 yards west of the Elgin Road. He

immediately rushed to the spot and discovered a man lying on the ground with injuries on his hand, face and chest. The man was unfortunately unable to make a statement and died within a few minutes. The Assistant Sub-Inspector informed the Kotwall Police Station, and the police immediately arrived at the scene. On a search of the belongings of the deceased, some cotton and a packet containing some powder was recovered. These articles are being examined. A case under the Explosive Substances Act has been registered and investigations are being conducted.

12 15 hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I want to announce a slight modification in the order of business.

The discussion on the Resolution to approve of the Proclamation of the President regarding the State of Kerala would continue upto 3-30 P.M. on August 20, 1959. At the conclusion of the discussion, the House will take up further consideration of the Oil and Natural Gas Commission Bill.

The discussion on the Report of the National Small Industries Corporation (Private) Ltd, on a motion by Shri Harish Chandra Mathur, which was earlier fixed to take place at 3 P.M. on Thursday, August 20, would now be held at 3 P.M. on Saturday, August 22.

12 16 hrs.

RESOLUTION RE PROCLAMATION IN RESPECT OF KERALA— contd

Mr. Speaker: The House will now take up further discussion of the following Resolution moved by Shri G. B. Pant on the 17th August, 1959, namely:—

"That this House approves the Proclamation issued by the

President on the 31st July, 1950, under clause (1) of Article 356 of the Constitution in relation to the State of Kerala"

Shri Easwara Iyer may continue his speech

Shri Easwara Iyer (Trivandrum) Mr Speaker, day before yesterday I was submitting that if a grave situation involving internal disturbance had arisen in the Kerala State, as the Home Minister stated, then action under article 352 was the natural remedy. But, Sir, it won't wipe out the Kerala Ministry. Therefore, that action was not taken.

It cannot be denied that the Congress Party in Kerala has been actually instigating and abetting all the vandalism and rowdyism that has taken place in the name of direct action.

Shri Tyagi (Dehra Dun) No, no.

Shri Easwara Iyer: He may deny it. But I am stating facts, cold facts. The Vimochana Samara Simiti, of which Shri Mannath Padmanabhan, who has often been mentioned by Acharya Kripalani here as the leader is only a stooge in the hands of the Congress Party and the Catholic Church.

Shri Raghunath Singh (Varanasi) No, no.

Shri Easwara Iyer: You intervened there and you are intervening to prevent me from speaking here. I am saying, he is a stooge in the hands of the Catholic Church, I repeat by saying that he is a stooge in the hands of the Catholic Church and the Congress Party. I am not referring to the Praja-Socialist Party, because it is a very negligible quantity there.

The Congress Party having instigated, abetted and conspired to wage war against that State—after doing all this vandalism and rowdyism in the name of direct action—has put on a face of horrified innocence and said 'We cannot be mere observers. We have

got a responsibility; but we won't put down the rebellion. We will march in under article 356'. I believe it is akin to the Daniel, the judge releasing the thug and hanging the complainant'.

The Home Minister said the other day that Chief Minister did not ask for help under article 355 or article 353, for quelling this internal disturbance. I would say that the Home Minister who had by telegram offered help to the Chief Minister of the Kerala State to protect the vested interests of the British planters in Munnar on the assumption that they were in trouble is now coming forward and saying 'I did not rush in because you did not ask for help'. I did not think that the legal acumen of the Home Minister had deteriorated to this level. A nodding acquaintance with article 355 of the Constitution will show that it is the bounden duty of the Union Ministry to protect the State from internal disturbance (Interruptions).

Shri Raghunath Singh: We have done exactly that.

Mr Speaker: Let him go on.

Shri Easwara Iyer: That is how I read article 355. You may read it topsy-turvy. A nodding acquaintance with article 355 will show that there is that bounden duty on the part of the Union Ministry, namely, to come forward for the protection of the State if there is internal disturbance. Now, what has happened? I am saying that the Chief Minister of Kerala had asked for the help, and the Home Minister is not speaking the truth. The help asked for was not in the form of a mighty army to be marched into Kerala but help in the capacity of a real, honest responsible Minister. The Home Minister and the Prime Minister were again and again asked by the Chief Minister to declare categorically that they condemn and disapprove of this direct action technique that was going on in the name of mass upsurge, that they would not interfere, that they would

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not be coerced by any sort of this rowdyism for Central intervention (Interruption). Please do not interrupt. I am not yielding.

Was this not a help that was to be asked for? Why did they not say 'We condemn this action; we disapprove of it'? Because this monster, this frankenstein that they created there in Kerala they wanted to assist.

The Proclamation has now come under article 356. The Proclamation itself says that it relies upon a report from the Governor

Yesterday, the Home Minister produced, if I may say so with respect, like a rabbit out of a hat, a report which is admittedly prepared after the Proclamation and bears no date. He calls it a summary. Summary or not, it is not worth the paper on which it is written and has to be summarily ignored being admittedly prepared after the Proclamation and not forming the basis of the Proclamation (Interruptions) I am saying ..

Dr. K. B. Menon (Badagar): On a point of order, Sir. Is it right on the part of an hon. Member to question the *bona fides* of the Minister? (Interruptions)

Shri Raghunath Singh: Not of the Minister but of the Governor

Shri Easwara Iyer: I am submitting that legally and technically this is a report which came after the Proclamation; and this is a report on which admittedly the Proclamation has not been issued. I say it is legally worthless, factually worthless; and it cannot be relied upon and has to be simply ignored. That is the interpretation I am putting upon it. And, the point of order raised by my hon. friend has really to be ignored.

What about this report itself? Let us go to the Governor's original report. Even the Home Minister has been very careful to say that the President who is an elected Presi-

dent under our Constitution has to act under the aid and advice of the Union Ministry on the issue of the Proclamation under article 356. If the functions of the Governor are controlled by article 163, then, the Governor has to act under the aid and advice of his Ministers. If article 356 deals with the sending of a report by the Governor, and if the sending of the report is one of the functions of the Governor, it cannot but be under the aid and advice of his Ministers. Such of those functions of the Governor which have to be done by the Governor in his discretion have to be expressly and specifically stated to be so in article 356 or in any other article

Now, it may be argued by the Law Minister or the Home Minister there that article 180 is there; they may take shelter or refuge under article 180 of the Constitution. But it is common knowledge that the President's power to make provisions cannot be an over-riding power, over-riding article 163. And the President, in making provisions, cannot take away the function of the Governor to act under the aid and advice of his Ministers. In acting upon the Governor's report sent on his own individual responsibility, I accuse the Ministry of acting unconstitutionally, in violation of the provisions of the Constitution in having issued the Proclamation

Even assuming that they have relied upon this report, what is the satisfaction which the President has otherwise received? He has said he had other satisfaction. We are kept in the dark about that. The summary itself has not given any help, unless it be the satisfaction which has been derived from R. Shankar, the K.P.C.C. President or the General Secretary or the President of the Congress Party. It is embarrassing for me here to comment on their politics.

Under article 355 it is the bounden duty of the Central Government to

render all help but they did not do so. The Home Minister, the other day, was saying that he had to take action under article 356. Article 356 says that there must be a situation involving, if I may say in common parlance, a breakdown of the constitutional machinery. An enumeration of the specific instances of the breakdown of the constitutional machinery was not given to us.

In fact, I was listening with rapt attention to what the hon. Home Minister had to give to us. In fact, I was later on bewildered by the rather childish arguments put forward by him. He referred to a sort of commutation of the sentence of one Vasu Pillai as if it is very material for Central intervention, a Vasu Pillai who had been seen sitting somewhere in the gallery of the Kerala Legislature. What is wrong if he sits there? (*Interruptions*). I say if somebody had issued a pass, is it Government's responsibility, is it a ground for Central intervention? Is it a breakdown of the constitutional machinery. Did he fall upon the head of the legislature members? Is it a matter for intervention? It is made much of

Then, he says there was a general commutation of sentences of death by the Kerala Ministry. And it so happened that Vasu Pillai was also one case. The argument that has been put forward by the Home Minister seems to be that the President had refused it and so they had no power. We say the Governor has concurrent powers with the President also to commute sentences. It is a question of law in dispute. The Home Minister says that Attorney General has given his opinion. Is it infallible? If it is a point of law in dispute. Why did he not refer it to the Supreme Court under article 143 of the Constitution? He says, we pleaded with him. No; we did not plead with him. It is our right to say that; it is the right of provincial autonomy to come forward and say that we have the right to commute

respect of Kerala

any sentence of death irrespective of the fact whether the President has exercised his right or not. There is no pleading.

There seems to be some horror expressed by the Central Government that there had been a number of withdrawals or a number of releases of prisoners involved in heinous crimes. That is what the Home Minister said. The Home Minister might have conveniently forgotten—his memory might be short—what happened in Andhra in 1954. In 1954 there was a wholesale release of all political and non-political prisoners including murderers, dacoits, robbers and persons who had committed rape; the jail gates were thrown open. In fact, if memory is short, I will refer the Law Minister to the decision in 1954 Madras 911 (AIR) wherein Justice Govinda Menon—later of the Supreme Court—had commented upon this by saying that such wholesale releases are not desirable in respect of even cases which have been referred to the High Court for confirmation of sentences of death. That is what Justice Govinda Menon would say

Mr. Speaker: But, after that why was he left?

Shri Easwara Iyer: I will come to that, Sir. We only followed the example of the Congress Ministry. (*Interruptions*).

An Hon. Member: Follow our example

Mr. Speaker: What is the judgment?

Shri Easwara Iyer: Justice Govinda Menon has also justified that even in respect of pending trials if there is a wholesale amnesty it would not amount to an interference in the judicial administration. That he has said.

It has been suggested that we interfered with the judiciary; that we withdrew pending cases. That is what

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is said. Justice Govinda Menon says:—

“The release of the prisoners condemned to death as a result of a general amnesty granted by State Government, when their trials were referred for confirmation of their sentences by the High Court, does not amount to an act of interference with due and proper course of justice, as even after their release the power of the High Court to pronounce upon the validity, propriety and correctness of the convictions and sentences remains unaffected.”

But he condemned such wholesale release in these words:

“As understood in common parlance, the word ‘amnesty’ is appropriate only where political prisoners are released and not in cases where those who have committed felonies and murders are pardoned. But the intention of the Andhra Government in G.O.Ms. No. 26 was to pardon not only political prisoners but those convicted and sentenced to extreme penalty of the law as well as for various terms of imprisonment for non-political crimes involving moral turpitude.”

What has the Kerala Government done? The Kerala Government did not have wholesale releases of robbers and persons sentenced for the extreme penalty of the law.

An Hon. Member: It is not correct.

Another Hon. Member: Please speak the truth. (*Interruptions*).

Shri Easwara Iyer: Please do not interfere. I have got a copy of the order of the Kerala Government. For the satisfaction of the hon. Members who are always intervening here also I will read it.

“All current death sentences to be commuted to imprisonment for life; remission of sentences to be granted as per scaled basis; all political prisoners to be released; all pending warrants against persons involved in political cases to be withdrawn; cases arising out of industrial or agrarian disputes which have since been settled will be withdrawn; cases connected with the hartal at Tellicherry and the Trivandrum Bench agitation will also be withdrawn.”

Is it a very abnormal order—death sentences to be commuted? But the Andhra Government asked them to go out. Here there was only remission of sentences. There the persons in the certified schools, borstal schools, etc. were all let loose. The Home Minister did not interfere in Andhra. But Kerala had a different Ministry and so at this late stage this was shown as a situation which involved the breakdown of the Constitution.

If we look at this position, the action of the Union Ministry in intervening under article 356 is a grave inroad into the provincial autonomy of a State. I say that the Union Ministry had in the guise of interfering under article 356 enlarged the powers of a nominated Governor and made serious inroads into the provincial autonomy, encouraging separatist tendencies which are already there in the south and encouraged the subversion of democracy. If by these separatist tendencies tomorrow the unity of India is destroyed on account of these unconstitutional acts, I would say that posterity will proclaim the Union Ministers and their followers as the Judas of our Constitution. No doubt in the next elections in Kerala State for which my friend Acharya Kripalani is anxiously waiting, all these matters will be settled and we will be returned in a larger majority. I am confident about it; his party will become a complete zero.

The abuse of article 356 had been prophesied by no less a person than Dr. Ambedkar himself. I would refer you to page 177, Volume IX of the *Constituent Assembly Debates*. He said:

"In regard to the general debate which has taken place now, it has been said that these articles are liable to be abused. I may say that I do not altogether deny that there is a possibility of these articles being abused or employed for political purposes..."

Very prophetic words. He proceeds further:

"...But that objection applies to every part of the Constitution which gives power to the Centre to override the provinces. In fact I share the sentiments expressed by my hon. friend Mr. Gupte yesterday that the proper thing that we ought to expect is that these articles will never be called into operation and that they would remain a dead letter. If at all they are brought into operation, I hope the President who is endowed with these powers will take proper precautions before actually suspending the administration of the province. I hope the first thing he will do would be to issue a mere warning to a province that has erred that things were not happening in the way in which they were intended to happen in the Constitution."

That is a solemn assurance given that a warning will be issued before action is taken under article 356. No warning nor even a single telephone call was given informing them of the action that was proposed to be taken... (*Interruptions*). Please do not interfere; you will have your opportunities and I am only showing that here is actually an infringement of even the assurance given on the floor of the House and article 356 had been resorted to, to put down the Ministry which was an eye-sore to the

Congress Ministry and the Praja Socialist Party. In doing so, they have thrown to the winds the Constitution. The Kerala Ministry is accused of adhering to the letter of the Constitution without in any way honouring the spirit of the Constitution. But what have the Congress Party done? They have buried the letter and spirit and body of the Constitution. There is no Constitution at all for them and they want to make the federal set-up envisaged under our Constitution into a unitary set-up so that there may be unguided and uncontrolled power in the hands of the Centre. The Kerala State is made the testing ground for the unguided use of all the giant's powers contained in article 356. The radiation is spreading throughout India and it will destroy the person who used this atom bomb. I would say that those persons who had used the atom bomb against us will know that democracy has its own values and they will be wiped out from entire India.

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): Sir, after the eloquent speech from the proletarian representative or rather the representative of the toiling masses or the lean hungry masses of Kerala, I am happy that I have got this opportunity to participate in this discussion. My hon. friend Shri Easwara Iyer referred in his speech to the outcome of the next elections. We had an inkling of the outcome of the next elections two days back. Mahe is a place—a former French enclave—within the Kerala State and it consists of Malayalee-speaking population... (*Interruptions*). The election propaganda has been that it has to be decided by the results of that election—the Congress Party's propaganda as well as the propaganda of the Communist Party—whether the Central intervention was correct or not. All the seats which have been contested by the Congress and the PSP have been secured by them and the Communist Party did not get even a single seat.

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Shri Dange has said when he was dealing with the police policy of the Kerala Government that if they come to power in Kerala again, they will again follow the same police policy but I may tell Shri Dange that as long as the present generation of Kerala exists, as long as the next generation of Kerala exists, you are not going to come in power in Kerala again. (Interruptions) With the sources of information, personal and otherwise, many and varied that I have, I will be failing in my duty to my State and to my country if I do not share my impressions with this House. It has been admitted that a situation has arisen under article 356 where Central intervention was inevitable, it was also pointed out by the hon Home Minister that not only was Central intervention inevitable but the party which is now said to have been adversely affected by Central intervention has at one stage said if you are going to intervene, have it expedited. (Interruptions)

An Hon. Member: Who said it?

Shri A. M. Thomas: Mr Ajoy Ghosh and Mr Gopalan according to the Press reports, told the Prime Minister. If Central intervention was going to come, let it be expedited. That was not denied either in the Press or in This House or when the hon Home Minister referred to it. (Interruptions)

An Hon. Member: Ask the Prime Minister

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): When the time comes, I shall satisfy hon Members

Shri A. M. Thomas: So, that, it cannot be disputed that the step that has been taken by the Centre is the only

proper, legal and constitutional step. We have to analyse how the situation arose and what was the cause of the situation. I cannot formulate my point better than in the words of my Pradesh Congress Chief. In his Memorandum to the President, he has said

"Kerala Government has subverted democracy they have consistently adopted policies denying the people the fundamental rights guaranteed under the Constitution, they have deliberately upset the apparatus of the law and order, they have rendered the civil service and police impotent and created conditions in which they have to carry out the orders of the Communist Party, they are working on the principle that Government and party are one and the same, they have institutionalised corruption, security of life and property has disappeared to all except the Communists, Government according to the Constitution has disappeared and so, large majority of the people have turned against it on account of its policies and misdeeds"

He closed by saying

"The Kerala Government has demonstrably outlived its mandate"

I now turn to the summary of the Governor's report. My hon. friend Shri Kaswara Iyer has said that it was not worth the paper on which it was written. Sir, it was the summary of the report on which the action taken by the President under article 356 is based. What does the Governor say? (Interruption) Sir, even outside this House it was stated by my hon friends that if I participate in the discussion I will be heckled like anything; therefore, I am not surprised at the attitude of my hon. friends, especially those coming from

Kerala. The Governor says:

"The crux of the legal and constitutional question is whether the Kerala Government has lost the support of the overwhelming majority of the people and whether the allegations made of mal-administration and subversion of democracy are substantially true. I have already expressed my view on both these points. The allegations made against the Government are substantially true and I am convinced also that the Government has lost the support of the majority of the people."

This is the conclusion to which the Governor has come. I will just now narrate certain instances by which it would be borne out that the conclusion that has been arrived at by the Governor in his report is correct to the very letter.

The various policies and acts of the State Government ever since it was installed confirmed even impartial observers that the State Government was pursuing a policy of discrimination, denial of equality before law and also Rule of Law in relation to large sections of the people as a result of which the administration of the State in accordance with the Constitution of India was rendered impossible. I will try to substantiate this point.

Shri Dange said that because of the central intervention, whether it be Congress or whether it be P.S.P., all kinds of people have now a sort of discomfort, they are, rather, unhappy, here is some prick of conscience in their minds. But I might tell this Hon. House that after central intervention the people have breathed a sigh of relief. There was discomfort. When there was discomfort there was suffocation too. There was suffocation throughout the 28 months of Communist rule in Kerala. The discomfort was there then and not now. When there was discomfort, Sir, the people were asking: "Is this our

Constitution? Are we powerless?" There was the powerful indictment before you, Sir, by Dr. K. B. Menon. The people were asking: "If these are the things that are taking place in Kerala, is our Constitution powerless?" That was the question that was being asked. Therefore, the discomfort was existing previous to the central intervention, and there is no discomfort subsequent to the central intervention.

Shri V. P. Nayar (Quilon): Why not have it for all time?

Shri A. M. Thomas: Sir, the Kerala Chief Minister, after taking his Oath under the Third Schedule of the Constitution, saying: "I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or illwill," in his next breath said: "It is a pity that we have to function under this Constitution to which we have now taken our Oath. We have got our own reservations. We do not like so many of the provisions of this Constitution, but we will try to work within the framework."

I may say, Sir, that they have worked this Constitution neither according to the letter nor in the spirit of the Constitution, but according to the spirit of a Constitution which according to them should have been there.

According to Shri Dange the Fundamental Rights are only for the toiling masses.

Some Hon. Members: No, no.

Shri A. M. Thomas: If Shri Dange has not stated that, the ex-Chief Minister of Kerala has stated that on 23rd July, 1957. He said: "The Communist Party hold the view that such use of the police in favouring the owning classes is a violation of the Fundamental Rights of the toiling masses". (Interruption). This is

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what, according to me, Shri Dange has said. I have read his speech again this morning; extracts of his speech came in the *Times of India* today.

Sir, there are certain rights which are protected under the Constitution called the Fundamental Rights. What are those Fundamental Rights which we have to consider in relation to the question before us? The first thing is that the Constitution guarantees security of life and property enabling every citizen to acquire, hold or dispose of property subject to legal deprivations. Secondly, there is the right to practise any profession or carry on any occupation, trade or business subject to reasonable restrictions by the State. Thirdly, there is the right to form associations or unions. The fourth right is equality before law. Then there is the right to have a Government in accordance with the provisions of the Constitution and the Rule of Law.

Sir, the cardinal tenets of the Constitution are: firstly, maintenance of the Rule of Law; secondly, equality before law and, thirdly, equal opportunity for all. Whether the Kerala Government, when it was functioning throughout these 28 months, was able to guarantee these rights which are adumbrated in the Constitution, we shall examine now. I want only to bring to your notice, Sir,—these instances have been narrated in several publications—just one or two instances.

It was made impossible for the police to act, according to their statutory obligations. The police were rendered ineffective, and the law and order position completely broke down. I will cite some instances. At Alleppey, on 30-5-1957—it was one or two months after this instance that Shriman Narayan, about whom my hon. friend, Shri Dange referred, visited this place and heard the rumblings of what was in store for

us. (Interruption)—300 workers of Communist Party controlled coir labourers of the Bombay Company detained the manager in his room demanding an education advance for their children. At Trichur, the Vijaya Industries closed down from August 1, 1957, as a result of labour troubles. The workers then staged a stay-in strike and commenced picketing. The owner of the concern was not allowed to leave his house and the police whom he approached expressed inability to interfere. Another glaring instance is furnished by the attitude of the authorities and the police in the strike in the Malabar Saw Mill which was started by the Communist Party sponsored trade union. The strike began in February, 1958. 20 workers of the Communist union out of a total of 48 workers launched a strike without giving any notice. They resorted to forceful obstruction of lawful workers and caused damage to the machinery inside the mills. Requests by the management for help to the police and the District Collector received no response for several days, and finally on 27th February the management was forced to file a writ petition in the High Court for protection of life and property. Is there a more despicable state of affairs, that one has to file a writ of *mandamus* for getting this elementary right?

Shri Narayanankutty Menon (Mukandapuram): What happened to the writ petition?

Shri A. M. Thomas: Please be patient. In that case the management was forced to file a writ petition in the High Court for protection of life and property. But this police policy was, however, applied differently with regard to disputes sponsored by trade unions of other parties. There are several instances of that, but since I have to refer to so many points I do not want to take up the time of this House on this matter (Interruption).

Apart from the discriminatory application of this police policy, it is clear that the policy itself—the so-called police policy which was sponsored by Shri Dange day before yesterday—is a violation of the Constitution, equality before the law. Every person whether belonging to the tolling classes or not has a right to carry on his trade or business and to hold and enjoy his property. This is an inalienable right which cannot be taken away. By the several instances to which I will be referring presently, that there has not been maintenance of law and order in Kerala.

I will just cite some few recent instances which are not covered by some of these publications.

Shri Narayanankutty Memon: What about the writ petition? What was the decision of the High Court?

Some Hon. Members: Have patience.

Mr. Speaker: Hon. Members cannot go on interrupting like this.

Shri V. P. Nayar: We want to know what happened to the writ of *mandamus*?

Mr. Speaker: The hon. Member knows it.

Shri Punnosee (Ambalapuzha): Sir, I rise to a point of order. When a part of the information is given to the House, I want to know whether it is open to a Member to get up and ask that the whole of the information should be given? We would like to know what happened to the writ petition.

Mr. Speaker: There is no point of order. Hon. Members may marshal their facts in the manner they choose best. It is open to other hon. Members to refute them if they have got sufficient information in their possession. The hon. Member may go on.

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Shri Narayanankutty Memon: Sir, there is a point of order. The hon. Member quoted from document or a statement made by the Chief Minister elucidating the police policy. He read only one paragraph. In the second paragraph, the Chief Minister made it very clear that the right to property should be protected. I want to know whether he will place the document on the Table of the House. He has quoted only part of the document.

Mr. Speaker: Not now; let us see.

Shri V. P. Nayar: It is essential that when a Member relies on a particular document and when a demand is being made for that document being placed on the Table of the House, the document has to be placed on the Table.

Mr. Speaker: Very well; at the end of it.

Shri A. M. Thomas: I will give some recent instances, and I want to know whether my friends will deny them or not. One instance arises from a dispute regarding the non-payment of *thirpu*. 46 communist-controlled labourers engaged in harvesting the paddy field belonging to one Abraham in Mepra near Thiruvalla in Alleppey district, refused to collect and stock straw and left the field without accepting their wages called *padam*. The agriculturists then had it removed the same night inside the barn with the help of some other labourers. The labourers turned out the next day with some persons belonging to the Karshaka Tolial Union demanding wages. About the same time, about 400 labourers belonging to the communist party working in other fields staged a sympathetic strike and went on squatting in front of the residence of the agriculturists. This continued for two days and on the third day they commenced *satyagraha*. Can my friends deny this?

Shri Raghunath Singh: They cannot deny it.

Mr. Speaker: I am really surprised. Some hon. Members are justifying some acts. Some other hon. Members are accusing them for those very acts. Therefore, let them wait patiently. Ultimately, the House will decide who is on the right and who is on the wrong.

Shri A. M. Thomas: It is a very uncomfortable instance. That is why I asked whether my friends coming from Kerala are bold enough to deny this.

Shri Pannose: He is asking some questions. May I reply?

Shri A. M. Thomas: There is another case in which there was an injunction order from the munsiff's court.

Mr. Speaker: After all, diamond cuts diamond.

Shri A. M. Thomas: There was a munsiff's court order issuing an injunction against certain persons from entering a property. Defying the munsiff's order, the person has trespassed into the field and harvested the crop last year and a case of crime was registered by the police and the case is still pending before the court. In the meantime, on 8-3-1959,—very recently, before the agitation had started—with about 100 communist workers, the person trespassed into the field and started agricultural operations, while the owner of the field, with his supporters who are Congressites, had decided to cultivate the land on the strength of the munsiff's order. I ask whether this instance can be denied or not.

Shri V. P. Nayar: Published in the *Manorama*.

Shri A. M. Thomas: It is not in the *Manorama*. It is in the fortnightly report which has been sent by the Namboodiripad Government to the Home Ministry. These are instances which have been made mention of in the fortnightly report of the Namboodiripad Government about the law and order situation in Kerala, which has been sent to the Home Ministry.

Shri Nagi Reddy (Anantapur): On a point of order. Here is a Minister who is trying to quote from a report that has been given from one Government or Ministry to the other. If he is beginning to quote a matter which is not public property, I would very much like the ministers or the Cabinet to place the whole report of that particular date on the Table of the House, so that we would be able to know the truth and verify it whether it is a fact or not. Otherwise, I should take it that it is not the truth that he is speaking and that it is not a true report of the ministers sent from there.

Mr. Speaker: It is not how a point of order is argued. A point of order is on a question of law, as to whether he can do it or not. Whatever is open to the hon. Home Minister to refer to, it is equally open to any other Minister, on being briefed by the Home Minister, to lay those facts before the House.

Shri Nagi Reddy: The point is that he was just quoting from a report that has been received by the Central Government from the Government of Kerala, previously, when that Government was functioning. Is it right on the part of a Member of the House now to fish out a report from the governmental files and read out certain portions of it and not place the document on the Table of the House, and when we are not thus given a chance to go through the report?

Mr. Speaker: The other day, we looked into the matter and found that even with respect to any portion a member may quote he may withhold it from this House. We may once again look into May's *Parliamentary Practice*. Shri V. P. Nayar referred to this matter the other day. Even when a portion is quoted from a report, it is open to the Member to withhold the document. If the hon. Minister feels that he may place the document on the Table of the House, he may do so. Regarding the portions

In question, it is open to the Minister to place them or not to place them. It may be unfortunate, but that was the ruling given the other day.

Shri Nagi Reddy: May I bring to your notice that this report is a report of the Communist Government in Kerala, and there should be no objection for the Congress ministry to place the whole report on the Table of the House, because it is good for us, it is good for them, and it is good for the country. Why should he hide it?

Shri T. B. Vittal Rao (Khammam): We are not in possession of it.

Shri Tyagi: The extract which the hon. Member has read only proves how truthful the Chief Minister has been in reporting against his own party.

Shri Nagi Reddy: It is not the whole truth. I want to see that the whole truth is placed here, not portions of the truth but the whole truth. Let the whole report be placed on the Table of the House. I would take the blame for it or the good credit for it. Let the country know what exactly we had done or we had not done. Let it not be hidden, and it is sought to be hidden behind the curtain.

The Minister of Law (Shri A. K. Sen): Mr. Speaker, Sir, as you ruled the other day, if I may say so with respect, correctly, it is open to a Minister to refer to certain documents without placing them here. But, in this particular case, since it is the report of the Chief Minister, I shall request Shri Thomas to lay that part which relates to Kerala on the Table of the House.

Shri V. P. Nayar: May I raise a point in view of your observations, Sir? Shri Thomas has quoted from a document which is purported to have been or which has been sent by the Chief Minister of Kerala to the Home Ministry of the Government of India.

I want to know whether he is speaking as a Member of the Government and is entitled to withhold the document or as a Member of Parliament.

An Hon. Member: Both.

Mr. Speaker: Any Member who is speaking here, speaks with all the status of different kinds that, as a Member of Parliament, he enjoys.

Shri T. B. Vittal Rao: Let the whole report be placed on the Table of the House.

Mr. Speaker: It is open to him to decide that.

Shri T. B. Vittal Rao: It is not open to him to do so, unless it is in the public interest!

Shri Nagi Reddy: After all, it is the communist minister's statement and the communist minister is in the dock. I would say this in justice and fairness to the communist minister from the communist Benches. We demand that the document be placed on the Table of the House. Let justice be a little bit real at least in Parliament if not elsewhere!

Shri A. K. Sen: I have already requested my colleague to place it on the Table.

Shri Sadhan Gupta (Calcutta—East): He can only withhold the report, as I understood from your ruling, when it is not in the public interest to place the report on the Table. Let him say that what he quotes is only in the public interest and what does not suit him is not in the public interest and so it will not be placed on the Table of the House. Let him say so.

Shri Narayanankutty Menon: This is democracy.

Shri Sadhan Gupta: Let him suppress the truth and not place it on the Table of the House because it is not in the public interest!

Mr. Speaker: Making allegations on the point of order is not proper. All that the hon. Member is entitled to raise is about the legal position. It is open to the hon. Minister to place the document on the Table of the House if he is willing, say, in answer to a question. He will place it on the Table of the House unless he says that with respect to certain aspects, in public interest, he is not prepared to place the document on the Table of the House. We do not assume certain things. It is open to him to say yes or no in this regard.

Shri A K Sen: I will request Shri Thomas to place on the Table of the House that portion of the report which relates to this incident

18 hrs.

Mr. Speaker: This kind of interruption ought not to go on endlessly. The hon. Law Minister has said that that portion which relates to this matter will certainly be placed on the Table of the House. That entire portion will certainly be placed on the Table of the House

Shri Nagi Reddy: He is quoting from the Chief Minister's report wherein he is in the dock, but he is not prepared to place the entire document on the Table

Shri A. K. Sen: The whole document raises so many other things

Shri Nagi Reddy: It is the communist Chief Minister who has written it. I would like to have the whole document (*Interruptions*)

Mr. Speaker: That portion which relates to this matter will be placed on the Table of the House. That portion can be marked and laid on the Table. There is no good going on like this.

[A copy of the relevant portion of the statement in question was laid on the Table, see-Appendix II Annexure No. 91.]

Shri A. M. Thomas: I was referring to the law and order situation that was prevailing in Kerala during the relevant period. Hon. Members are aware of the incidents which have taken place in the Trichur District sometime last year during this period. At this time, there was the famous case of Peringottukara. Some congressmen who took shelter in a well-built house were surrounded by communists. The house was broken open; they were beaten and taken from the house, paraded through the streets, beaten and entrusted to the police. That incident everybody knows I just referred to this incident to indicate how the police was rendered ineffective in that area. When Shri Dhebar was in Kerala investigating into this case (*Interruptions*).

Mr Speaker: Merely because some hon Members are opposed to this, I do not think they should even go to this extent. Every hon. Member, every gentleman, must be given due respect. Let us not go out of the way in this matter.

Shri A M. Thomas: The District Communist Party Secretary of Trichur District presented a memorandum to the then Congress President, Shri Dhebar, in which it has been stated

"Shri Sankaran Narayan took out a dagger and stabbed three persons. The people standing close by rushed to the spot. Shri Sankaran Narayan fled with four of his friends and took refuge in a nearby house. The houseowner is a congressman. People thronged around the house. The matter was immediately reported to the police station. But as there were not enough men, the police did not turn up. The crowd waited for four hours for the police to come. Then it lost all patience and entered the house. The house-owner had already left the place. The people broke open the shelter and got Shri Sankaran Narayan and others and entrusted them to the police."

The police station in Anthikad, which has got a telephone is within a radius of 3 miles from the place of this incident. The Trichur Collector's office was only 12 miles and there was absolutely no difficulty in contacting the Collector or the District Superintendent of Police and get the necessary police force. In fact, the house-owner contacted the Collector and the D.S.P., but help was not forthcoming at the proper time. The policemen came to the spot after 4 hours, after 6 men were beaten till they swooned. This was the sort of police administration that was going on in Kerala at that time. Withdrawals of prosecutions and other things have been referred to and I am not going to refer to them at all.

I would just give one instance to show how the police chiefs were made ineffective and how there was interference with the police. There were two Inspectors-General of Police functioning in Kerala at that time. One Inspector-General of Police was found rather inconvenient and he was sent away as the Secretary of the Police Code Committee. I believe Shri Nayar will confirm what I am going to say at present. I had occasion some two months back (*Interruptions*)

Shri V P Nayar: I am entitled to speak if I am referred to.

Mr. Speaker: When an hon Member says other people will confirm, immediately they ought not to get up. I would also advise the hon Member not to rely on the opposition to support him.

Shri A. M. Thomas: When the Chairman of the Police Code Committee, Shri N C Chatterjee, was holding a meeting in Kerala House in Jantarantar Road, myself and Shri Nayar happened to meet him. We were discussing the questionnaire which was issued. Shri Chatterjee is so well-known; he was a member of this House and he is an eminent advocate. He said, "Never in any part of the country have I heard of

two Inspectors-General of Police functioning". It is like two Commanders-in-Chief functioning. His very words were, "it is rather amazing". He generally used the word "amazing". Shri Nayar will confirm what Shri Chatterjee said at that time.

I now come to the cell courts. There are several instances which have been given in the Pradesh Congress Memorandum as well as in some other publications. A recent instance of the functioning of cell courts came to my notice. Shri Shiva Rao, who has been a respected Member of this House and who is now a Member of the Rajya Sabha, has got a photostat copy of the summons issued from a cell court and that is in Kannada. I will place it before the House. The translation is

"12-7-1958 From Moodambail Raitha Sangha to Dear Chedu Abdulla Beary and Mammade Beary. You are informed, some members of the Committee of our Sangha have gone and seen the plot (belonging to both) regarding which there is a property dispute between both yourselves and Korikodiya Subbanna Rai. On enquiry about you, you were not there and therefore to decide the dispute, it is posted to a future date. Anyway you both the parties shall not trespass on the plot and both the sides shall not effect improvements, etc therein. For this purpose, the Committee may immediately meet to decide. Iti-namaskaras Committee Members."

Shri Raghunath Singh Member of the Communist Party.

Shri A. M. Thomas: Yes, members of the Communist Party. This is just to supplement the other instances.

Shri Kaswara Iyer: Have you brought the matter to the notice of the High Court to initiate contempt proceedings? (*Interruptions*)

Mr. Speaker: Both sides were aware of all these facts.

Shri Tyagi: Was it not a village panchayat regularly recognised?

Shri A. M. Thomas: It was not a village panchayat. Withdrawals and remissions were often made and the only reason alleged is "on grounds of public policy and confidential reasons of State". These were generally the reasons given for withdrawals and that has come up for adverse comment by the court. In the memorandum which has been published by the lawyers, it has been said:

"On grounds of public policy as well as confidential reasons of State, there is . . ."

(Interruptions).

Mr. Speaker: There is too much of noise. I am not able to follow what the hon. Member is saying. The hon. Members make it impossible for me to follow. Hon. Members will hear in silence, marshal facts and be ready I am not going to deny them opportunity to speak. Hon. Members ought not to jump in their seats and go on making noise. The hon. Member may proceed. Let there be no interruption from any side.

Shri A. M. Thomas: I now come to the economic field. As you know, Kerala is a poor State. The unemployment problem is very intense there and so, any discrimination made in the matter of giving employment or in dealing with labour will have great repercussions. There is no doubt about that. It has been pointed out in the publications which have been made by the Congress and other opposition parties that the toddy tappers' co-operative societies have been functioning in Kerala as wings of the Communist Party. They were running a sort of parallel Government by the Communist Party partly through the mechanism of these toddy tappers' co-operative societies. It has been stated in the memorandum that about Rs. 4 lakhs have been lost to the exchequer by entrusting these toddy shops to the toddy co-operative societies. But, then, that fact has been denied by the Kerala Govern-

ment. But I have got facts and figures to show that by giving it to these toddy tappers' co-operative societies, which are wings of the Communist Party, the loss in the current year has been to the tune of Rs. 11 lakhs. How it has been caused, I will presently state. The shops which have been entrusted with the toddy tappers' societies have brought in an income, or are expected to bring in an income, of Rs. 44,68,860 in the current year. Last year these shops fetched Rs. 47,68,770. So that there is a loss of about Rs. 4 lakhs. Also, in the number of shops that have been auctioned there has been an increase of 15 per cent, which has brought in Rs. 8,60,650. So much so that if these shops were also auctioned an increase of 15 per cent, viz. Rs. 7,85,377 could legitimately be expected. Therefore, the loss to the Government can be estimated to be round about 11 lakhs.

The fact that these toddy tappers' societies were functioning as the wings of the Communist Party will be borne out by a report which has been published by a paper called *Naujaveen* to which my hon. friend, Shri Warrior contributes every week, and which is also an organ of the Communist Party of Kerala. Under the heading, "Three Lakhs Fund" there is another heading saying "Toddy tappers have donated Rs. 20,887." So the toddy tappers societies have contributed Rs. 20,887 to the "Three Lakhs Fund". And I will just show how it has been contributed. And we must remember that it was done in one day, on 3rd February. It says.

"The toddy tappers of Trichur taluq have contributed today Rs. 20,887-75 nP towards the Communist Party's Three Lakh Fund.

At the meeting held on 26-1-1959 of the toddy tappers who are party members and sympathisers at Anthikad, the State Committee Secretary Comrade M. N. Govindan Nair appealed to them to donate Rs. 20,000:- . . ."

They asked for Rs. 20,000 and Rs. 20,867 has been donated. That will show that these societies were functioning as the wings of the Communist Party.

Mr. Speaker: It appears that they have also become Mundhras

Shri Sadhan Gupta: We do not donate in crores, we donate in thousands

Shri A M Thomas: Then the report says:

"It is from the amount of Rs 25 paid to each tapper- to-day from the society for purchase of tapping implements that the above mentioned sum was donated by the labourers towards the three lakhs fund of the 2,232 tappers who work under the society 2,066 have contributed to the fund Each tapper has contributed Rs. 10/-. Some of them have contributed the entire Rs 25 received by each to the fund."

This is how Rs 20,000 odd were collected

A lot of things have been said about labour co-operatives how they were formed and all that It is a well-known fact that to each Minister in Kerala is attached a private secretary belonging to the Communist Party The allegation is that when it was contemplated to form labour co-operative societies the bye-laws were typed and before the public could get any idea of the Government, the bye-laws were circulated to their own partymen So, by the time the bye-laws were printed 25 labour co-operative societies have already been formed and the Government ordered that no further co-operative societies should be formed

Some hon. Members: Shame, shame

Shri A. M. Thomas: This is how the labour co-operative societies have been formed in Kerala

Then it has been stated in the memorandum that there has been interference with the coir co-operative societies. The coir special offices was changed and another person was brought in to suit the convenience of the Communist Party, to have rectification committee etc One case went to the High Court of Kerala. That case is from my own constituency and so I know all the details of it Two communist workers were asked to be put as members of the committee And three reasons were given in the order of the departmental head for putting these communist workers as members of the committee. One of the reasons was that the payment of salary to the Secretary was made without the consent of the Government Another charge was that a meeting was held without the necessary quorum With regard to these two points when it came to the allegations, in the counter affidavit filed on behalf of the Government they stated that it was by mistake that they stated that the committee disbursed the pay before getting the sanction of the Government So, that charge goes and it is such a flimsy charge This is how the co-operative societies, for which lakhs of rupees have been given by the Central Government for disbursement, function and communist party men are injected into the committees All these things have taken place Regarding the other allegation it was stated that it was found on verification that the committee meeting held on 22nd September, 1958 had the requisite quorum So, on these two charges the committee was superseded and the learned High Court Judges has quashed the order on a writ that has been filed in the High Court

Regarding how the whole administrative machinery has been demoralised and how the Communist Party played hell with the police force I need not refer in detail and take much time of the House because

[Shri A. M. Thomas]

several other hon. Members would be giving specific instances.

Much has been said about the Education Act and the land reforms Bill—they have been responsible for the agitation and so on. With regard to the Education Act, the agitation would not have assumed such proportion had it not been for the fact that the people were also convinced that the taking over of the entire private schools was for the greater control for such purposes as indoctrinating the school children etc. A committee was appointed to go into this question and the substance of the report of that committee, according to the Kerala Government, was also published. And it was said in that press-note that the committee has found that there has not been any concerted attempt in indoctrinating students or something like that. Soon after the publication of the press-note came a statement from the President of the Text-book Enquiry Committee that justice has not been done to them by the issue of the press-note. The entire facts disclosed by the Text-book Enquiry Committee in their report have not been placed before the public. Reports have also appeared in the newspapers from Trivandrum with regard to the contents of that report. Some of the things which have been stated in that report are very revealing. Although the Committee has stated that it has not found any concerted attempt for indoctrination, it will be worthwhile reading between the lines. They have stated

"We consider that biographical sketches can be considered relevant in Social Studies in text books only in so far as they throw light on the cultural, economic or historical developments relating to the units of study assigned for the class. It is surprising that in the chapter on 'World Famous Persons' introduced into the book which deals mainly with India Mahatma Gandhi's life does not find a place."

Some hon. Members: Shame, shame.

Shri A. M. Thomas: Then, again it says.

"There is a detailed description of the progress of China in Chapter 14, but the description of the progress achieved by India in Chapter 15 is very sketchy and does not do proper justice to her achievements after Independence. Though an adequate account of the achievements of Independent India is given in Book 4, the treatment of India in Chapter 15 in Book 6 immediately following the account of China in Chapter 14 in greater detail, would give a wrong impression of 'India under the leadership of Nehru'. It is also seen that the treatment of China and Russia in Book 6 is more or less a repetition of what has been said in the books for the lower standards. We would also add that when describing the great achievements of Russia and China, a discussion of the methods used in achieving them and their effects in other than the purely material sphere, is necessary for helping the pupils to get a complete picture.

Then, after that it is said

"There are certain lessons and passages in the Social study text-books and Malayalam text-books which may tend to create in the pupils impressions favourable to Communist ideas."

Examples of these have been given in this report. Then, it has also been said that chapters 13, 14 and 15 in Book 6 taken by themselves do not give a fair and correct picture of the achievements of India after the attainment of independence. This is a serious error which does give the impression of belittling the achievements of India in comparison with China. So, this is the nature of the text-books that are being used in Kerala now.

This was the policy of the administration in Kerala. There was a definite shift in the people's opinion and that has been stated in the Governor's report also. I may just mention for the benefit of this House that the Communist Party having come in a majority in Kerala—it had only 60 members in a House of 126—sought the help of five independent members and formed the Ministry. Two independent members were made Ministers. I may inform, for the benefit of this hon. House, that if at that time the Kerala Pradesh Congress, the P.S.P. and the Muslim League were prepared to form the Ministry, two or three independents would have joined them and it would have been possible for them to form the Government. I do not want to mention the name of one independent who became Minister and who was prepared to join the Congress and other parties with the condition that he should be made a Minister. But we were not anxious as the hon. Home Minister, when he moved the Motion, said to be in power. That will evidently be borne out by that fact.

It is clear that some of these independents who have been successful have come with the support of the P.S.P. and the Muslim League. Shri V. R. Krishna Iyer, the Law Minister, fought as an independent and came with the support of the P.S.P. and the Muslim League. He had his independent election manifesto too. His home constituency is Tellicherry. The Tellicherry Municipal Council, which consists of Muslim League members, P.S.P. and others but the Muslim League was in power, passed a resolution to the effect that "Now that you had no mandate to join the Communist Ministry you should resign. These acts cannot be tolerated. You will have to resign." They also sent a telegram to the Law Minister, Shri Krishna Iyer. To that Shri Krishna Iyer sent a reply. This is just to show that he came there with the support of the P.S.P. and the Muslim League and that he betrayed the trust reposed in him. He said in this letter—

"Thank you for your telegram. I am deeply sorry to disagree with the sentiments and cannot therefore accede to the request."

i.e., the request of resignation.

"The authentic leaders of the Muslim League with whom I have had occasion to discuss off and on the developments in Kerala do not, I presume, share the feeling that I have betrayed the Muslim masses. Your telegram—pardon me for saying so—does not represent the feeling of the Muslim masses or the Muslim League in Kerala. But a few Leaguers in the town there probably arrogate to themselves a representative capacity of the whole Muslim League which unfortunately they do not possess. As regards the P.S.P. I have not betrayed them because I have stood by a programme which I placed before the electorate and knowing which the party agreed to back me; perhaps the P.S.P. leadership has betrayed the people of Kerala. It is for the next election to prove this. As for the Municipal Council itself..."

So, his case was that the authentic representatives of the Muslim League had not asked him to resign. Two days after the Muslim League passed a resolution asking Shri Krishna Iyer to resign from the Kerala Government. What is the value of this letter in which he has stated that only two or three persons of the Muslim League have asked and the Muslim League organisation has not asked him to resign?

Now, there has been a shift. In these circumstances when it was definitely known that there was a shift in the public opinion and when it was found that two independent Ministers are there in the Cabinet, namely, Shri Krishna Iyer and Dr. A. R. Menon, who came there with the support of the Muslim League and the P.S.P., and when the P.S.P. and Muslim League asked them to resign

[Shri A. M. Thomas]

it was their moral duty—I do not say that it was their legal duty, but their moral duty—to tender their resignations and face the electorate That was not done.

The hon. Prime Minister was being blamed for a conspiracy or something like that There was a conspiracy in Kerala and that was the conspiracy of the Communist Party to subvert democracy. There was no other conspiracy functioning there When Shri Dange referred to the hon. Prime Minister, he said that he has now become a mortal. He was an immortal but now he has become a mortal According to the sweet will and pleasure of the Communist Party, Pandit Nehru, the Prime Minister of India, will become a mortal or an immortal In 1947-48 he was a bourgeois, he was an imperialistic agent whose Government they wanted to overthrow by violence Was he then mortal or immortal? I ask them So, when times suit them they will say whether he will be mortal or immortal

Shri Dange said (*Interruption*) about the Congress President that she was only a child in politics I just want to inform the hon House that it was the pride of Indian womanhood that she was put in charge of the Congress administration in the country and she had to look after the welfare of 40 crores of people I must say that she had done magnificently well Shri Dange said that wisdom may be either acquired or inherited But I may say for the information of Shri Dange that, whether it was acquired or inherited, it was acquired or inherited in the country and was not as a result of wisdom obtained from anywhere else

Shri Tyagi: Not imported

Shri Raghunath Singh: Not imported from Soviet Russia

Shri A. M. Thomas: I do not want to take more time of the House You

have shown sufficient indulgence to me. The speakers, who follow me, will speak on the other instances. I support the motion moved by the hon. Home Minister.

Raja Mahendra Pratap (Mathura):
May I say.....

Mr. Speaker: I will call him later.

Shri V. P. Nayar: May I say a word by way of personal explanation?

Mr. Speaker: Shri Nayar wants to offer a personal explanation

Shri V. P. Nayar: Shri Thomas was pleased to refer to me when he was speaking and told the House that I will corroborate a statement which he said Shri N. C. Chatterjee made Shri Thomas will agree that my memory is certainly keener than his If I take the House into confidence, nothing of the kind was said by Shri Chatterjee, who, along with us, knew that in Andhra, for example, after the formation of the Andhra State there were two IGs Shri Nambiar and Shri Shiv Kumar Lal A person like me knew that and of all persons to say that Shri N. C. Chatterjee did not know that is the most fantastic lie that I can think of

Mr. Speaker: Hon Member need not have used the expression lie and so on

Shrimati Sucheta Kripalani (New Delhi) Mr. Speaker, Sir, after the long speech of Shri Thomas I do not think that there is much for me to say However, I shall try to touch upon a few points Intervention by the President or suspension of the State Government has not been done for the first time in India It has occurred before But this time for some reason or other the criticism is more severe

The cry is raised that democracy is at stake This cry is raised for the reason that in the Kerala legislature,

the Communist Party still enjoyed a majority of two. It is normally an accepted convention in a democracy that the loss of majority is gauged by defeat in the legislature. Therefore this criticism has been made by the Communists and also by others.

Now, we have to see whether this is the only and invariable method to measure the loss of support. The answer is no. In the speech that Shri Govind Ballabh Pant made here, he has cited an instance in India where though there was the majority, the Ministry was asked to go. There are cases in English history when though the Ministry enjoyed the majority the Ministry chose to resign because in effect they had really lost the majority support of the country. In this case also the fact that the majority support of the State had shifted from the Communist Ministry is without doubt. The majority support of the State was not with the Ministry and therefore they were asked to resign. But the Communist Ministry did not like (*Interruption*). I shall go into it. Do not bother. Therefore the Communist Ministry was advised by Pandit Jawaharlal Nehru to resign. That would have been more in keeping with the spirit of democracy. But that was not done instead this cry is being raised that this act is undemocratic.

The real question before us is: Was this support of the majority of people withdrawn and, if so, why was this support withdrawn? Did this Government function in a manner which subverted the Constitution of India? These are the major questions before us.

When the Communist Government came to power 28 months back, they formed the Ministry with the help of five independents—but they had the support and the goodwill of people outside the Party. Shri Namboodiripad in his own statement said, "I have received innumerable wires of goodwill" etc. So, we do accept that they had the goodwill of the people. It is

said that the people were sick of the Congress and the P.S.P. and so they turned to welcome the Communists. All right, very good. We accept that the people welcomed the Communists and that there was plenty of goodwill for the Communist Ministry when it came to power.

Then it has been said that the Central Government hatched a conspiracy. From the start they were trying to pull the Ministry down. I would like to say that the Central Government gave them all goodwill and co-operation. Rajen Babu visited Kerala and gave his blessings. Pandit Jawaharlal Nehru and Pandit Pant gave their blessings and continuously gave their co-operation and support throughout. In the report of the Governor he has mentioned how they i.e. Central Government were trying to accommodate the views of the State in spite of the fact that there was genuine difference of opinion as they represented different political parties. In spite of that they were tried to give all support. Financially, the Kerala State has been treated at par with the other States. When the Communists came to power they said in their manifesto that Rs. 87 crores are not enough for the Second Five Year Plan and that Rs. 200 crores must be given. But what do we find today? We find that even the Rs. 87 crores they have not been able to spend in three years and they have spent only Rs. 40 crores. They won't be able to spend the whole amount in another two years.

Shri Nagi Reddy: We have spent better than the others.

Shrimati Sucheta Kripalani: They wanted Rs. 200 crores and said that Rs. 87 crores were not enough. Had they spent Rs. 87 crores, some more money might have been given to them. But they have not been able to spend even half of it. So you cannot say that the Central Government was not co-operating with them or was not fair to them.

[Shrimati Sucheta Kripalani]

For all the Members of this Parliament do we need a greater demonstration of co-operation and goodwill for the Kerala Government than what we said during the time when the resolution of Dr K B. Menon was brought before the House? When Dr. K. B. Menon placed his resolution before the House I can say for a fact that the entire House barring the Communists was with the resolution. All of us wanted that a thorough discussion of the affairs of Kerala should take place on the floor of the House. Why? Because for months together we were hearing all kinds of reports and we were getting information how civil liberties were being suppressed, how the police was not giving protection to or how citizens were being given discriminatory treatment. Therefore we were keen that matters should be thrashed out here.

But who prevented the debate? Who stopped the House from getting full information about Kerala? Not the Communists. All their shoutings could not have prevented it. But Pandit Jawaharlal Nehru and Pandit Govind Ballabh Pant prevented it.

Shri Tyagi: That was their mistake.

Shrimati Sucheta Kripalani: I think that was their mistake. But if they did it, in whose favour did they do it? They gave a long lease of life to the Communists.

Shri Tyagi: That was the blunder.

Shrimati Sucheta Kripalani: They soft-pedalled and they showed their softness to the communist Government. So our friends cannot say that the Central Government was hatching a conspiracy. This happened eleven months before.

Shri Nagi Reddy: Better discuss Bengal also.

Shrimati Sucheta Kripalani: We will discuss it fully.

Mr. Speaker: Order please. She is only answering the charge that an earlier opportunity was not given for discussion.

Shri Nagi Reddy: We were prepared for a discussion in case other States were also discussed.

Shrimati Sucheta Kripalani: Sir, I have no desire to cross swords with them. I am merely stating facts, and if my facts are untrue the whole House is there to judge. I know what I am saying, that in this House when Dr K B. Menon's resolution came, the entire House was in favour of discussing the resolution, and Pandit Jawaharlal Nehru prevented us from having a discussion.

Shrimati Renu Chakravarty (Basirhat): Why didn't you have it? Because other States would have also come in and you didn't want it.

Shrimati Sucheta Kripalani: Because they wanted to soft-pedal.

Shri Raghunath Singh: Because of a soft corner for the Communists.

Shrimati Sucheta Kripalani: And they wanted to help the Kerala Ministry. You say that they wanted to hatch a conspiracy. But really they wanted to help. Anyway let us see what happened. Our contention is that this Government which is being charged with conspiracy was, on the other hand, showing too much softness towards the Kerala Government in not allowing the discussion.

Then what do we see? With all this goodwill from the top, from the bottom, from the people, from people who do not belong to the communist faith.

In fact we were looking forward to see how beautifully they carried on the government. After twenty-eight months what do we see? We see that all the political parties, barring the Communists, have turned against them. Almost all the newspapers of Kerala, barring the few papers supporting the Government, have turned against them. All communities,

Christians, Muslims, Hindus have turned against them. All the municipalities, which are elected bodies, passed resolutions asking them to go. A large number of Panchayats—(Some Hon. Members: No, no)—not the majority, but a large number of panchayats, which are also elected bodies, passed resolutions asking them to go. All the Bar associations have passed resolutions asking them to go. The members of the Bar association do not necessarily belong to political parties. Plenty of lawyers are there, just citizens who are conscious of civil liberties, who want to protect the rights of the individual. They passed resolutions.

In the special field of the communists, labour, what picture do we see? Barring the few communist trade unions, all the trade unions have opposed them and all the trade unions participated in the movement. I am coming to another favourite field of theirs—the students. They consider that the students, the young people being progressive and leftists are necessarily with them. Out of forty-three students' unions, barring only one union—and that also was partially with the Communists—all the students unanimously demanded them to go. The two students struggle in Kerala had show them how the Communists were going to treat the students at the time of crisis.

When I visited Kerala, in my short visit I tried to go to as many towns as possible. I went to Trivandrum, Ernakulam, Kottayam, Trichur, Quilon, Calicut, and other towns. I passed through the rural areas. And what did I see? I have myself been in movements. I know what a movement is like. I can tell you that rarely ever during the British days had I seen a movement of this nature.

Shri Nagi Reddy: Catholic church and the ringing of bells!

Shrimati Sucheta Kripalani: Thousands of people were pouring into the streets protesting against the Government. The day I went to Kot-

tayam, one thousand women had courted arrest. I may tell you that, our assessment of the women of Kerala has been that though the women of Kerala are educated and advanced, they do not come to the political scene. What had forced these women to leave their homes and come and court arrest? (*Interruption*). No Sir, there were Brahmans of the highest order, from Namboodri families, Brahmans, Harijans, Christians, Muslims, women of all communities were there who agitated against this Government. On the day I went to Kottayam the women had been drenched with a hose pipe, and they had stood the drenching for hours. They went to jail. They came in pouring rain and stood for two hours with enthusiasm, to listen to our speeches.

Shrimati Bena Chakravartty: You did not see the movement in Bengal and that is why you speak like that.

Shrimati Sucheta Kripalani: What did I see in Trivandrum. One batch of women had just been released from prison. They met me smiling, full of enthusiasm and said, "Mrs. Kripalani, we are here just for a few days, we are again going back". One day before I reached Trivandrum most brutal lathi charges on women had taken place. (*Some Hon. Members: Shame*). It was strongly condemned by all the people.

Shri Tangamani (Madurai): In Punjab women were killed.

Shrimati Sucheta Kripalani: All the political parties had joined together, the Muslim League, the P.S.P., the Congress, the R.S.P., parties among whom not much love was lost?. There was something which united all these parties. All the communities which had been fighting with each other, they joined together; people who live a normal life who have nothing to do with politics they all came out. How did this happen? Something had happened to goad the people into one consolidated whole to protest against this Government.

[Shrimati Sucheta Kripalani]

This is the feeling of every one who has visited Kerala. Rarely has the like of such a movement been seen—which shows that the iron of resentment had gone deep into the soul of Kerala citizens and therefore they rose against the Government in a mass. Who is responsible for this, for this mass movement? Nobody can deny it was a mass movement

12.25 hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

Our friend Shri Dange gave a very interesting explanation. He said that the people of the opposition parties hated Communism and disliked the idea of communism being installed by the method of democracy. Then he said, "Why did they dislike the communist administration? Because administration was very progressive. All others are backward, reactionary, the rest of India is backward and reactionary; so they all combined against the progressive government!" After thumping the table he said that communist power, whenever it comes, will come and work for the benefit only of the workers and the peasants. If they were working for the workers and peasants and giving them benefit, I do not see why the people should have turned against them? On the one side Shri Dange said that they were a very progressive party and therefore the bourgeoisie Congress had turned against them. In the same breath he said that the Communist party was only following the Congress policy. So I do not know whether they were following a progressive policy or a reactionary policy! He said in short that the disgruntled political parties, communalists, reactionaries, vested interests, all joined together to work against this very progressive political party, because the rest of the people were too far behind and therefore could not appreciate the progressive administration of the Communist Ministry.

Let me see who are the vested interests. If you had gone to Kerala, Sir, you would have seen thousands of men, women and children, people from all classes, the poorest, peasants and workers in the movement. Fifty thousand I saw in Ernakulam procession. People from all walks of life, the poorest and the richest, were there. I think Kerala should be a very rich country if there are thousands representing the vested interests!

Shrimati Benu Chakravartty: You do not know the Catholic backing

Shrimati Sucheta Kripalani: I would like to know if one lakh and forty thousand who courted arrest represented vested interests? I would have been very happy. I would then think that if the number did represent vested interest there was no economic problem in Kerala. The second charge is of communalism. Yes, certainly there are communal groups in Kerala. But did they function in a communal way? Whether the movement was communal: that is the point we are discussing. What was the object of the movement? The object of the movement was the protection of democracy, the object was the protection of individual rights, and civil liberties. They were not fighting for Muslim interests or Nair interests. They were fighting to safeguard democracy in Kerala. They were fighting for that and all the communities were working together. I did not hear once any communal slogans raised during the movement. Yes, they may be called communal because Indians do believe in religion, unlike the communists. We are either Hindus or Muslims or Christians. To that extent, it was a communal organisation because all belong to some religion or other.

I would like to ask a question. If their administration was progressive or good or beneficial for the poor, who are in large numbers—how is it that thousands turned against them? In that case, I would say that it is a tremendous failure on the part of the

very clever communists to sell this beneficial programme to the people. They failed to convince the people. The communists are very clever propagandists. They can do much better propaganda than anybody. In this case, where they were put in charge of the administration, they somehow failed to sell the beneficial programme to the people and convince that all that was being done was for their good I have come to the conclusion that the movement that we saw in Kerala could not have been organised by sectional interest or by a few disgruntled politicians, but it was a genuine mass movement rising from the fear of the people that their individual rights were being threatened. The leadership of that movement did not belong to any political party. If any political party comes and says, we take credit for the leadership, I would say, they are wrong. The leadership of the movement belonged to the people. It was a genuine peoples movement. The political parties had to come and join this tremendous movement. So they were there

Shrimati Renu Chakravartty: What about the barricades made by the police?

Shrimati Sucheta Kripalani: I have seen with my own eyes the police manufacturing the barricades. It is God's truth. *(Interruptions)*

Mr. Deputy-Speaker: Order, order

Shrimati Sucheta Kripalani: I wish you had not raised it. It is lying propaganda of the communists. With my own eyes I saw the barricades. I say, I saw the barricades manufactured by the police. *(Interruption by Shrimati Renu Chakravartty).*

Mr. Deputy-Speaker: Order, order. Sometimes there is confusion if there are two simultaneous voices and both the Lady Members wish to be recorded. Let one Lady Member have the privilege at one time.

Shrimati Sucheta Kripalani: I was not deliberately referring to it because

that was a sore point with them. But, if the hon. Lady Member wants it, I shall certainly refer to it. We were proceeding to Kottayam. Somewhere near Changanur, our car was stopped. We were four people. Not I alone. My eyes may have been blind. But four people saw it. Right across the road there was a police van with two policemen with guns on either side. We were surprised as to why we were stopped. Shri E. M. S. in his statement has said, "she was asked to go cautiously, she was not stopped". But, "she was stopped". Our car was not allowed to proceed. There was the police van, and two police men were standing on either side. We were rather surprised. We got down to enquire. We thought there was some lathi charge or firing on the other side which they did not want us to see. Somebody told them that this is Mrs Kripalani. On that one policeman said, "I will go and ask the A.S.P." That is how I came to know that the A.S.P. was also present there. As we stood there, there was no iron curtain so we could see what was going on. Some 100 yards from that place, we saw 7 or 8 people bending and doing something. Big stones were lying across the road. We thought perhaps they were removing the barricade. To my utter surprise, we saw them picking out stones from the gutter and placing them there. Suppose I was blind and I did not see the stones properly. But soon they picked up a tree, a log and put it there which could not be mistaken. Then, a man standing there took a photograph and then they quickly dispersed. On the other side of the barricade also, similarly, just as on this side, there was the police car standing. That means, traffic was closed from either side and the beautiful barricade was being manufactured so that photographs could be sent abroad to people for propaganda purposes. Firing had taken place in the town on the previous day. The shops were closed. We thought there was hartal. Very few people were seen on the streets. As soon as the police disappeared, some people came out and

[Shrimati Sucheta Kripalani]

began to talk They said, "martial law conditions are prevailing here" We asked them about the barricades They said, "you have seen for yourself what they are doing Further on, you will see two bridges damaged by them. Photographs will be taken and the blame will be put on us"

Shrimati Benu Chakravarty: The correspondent of Hindu in his despatch has exposed the hollowness of your charge (Interruptions)

Shrimati Sucheta Kripalani: I am not used to telling lies like you people

Shri P S Daulta (Jhajjar) Why did you not go to Punjab on the Betterment Agitation Day?

Mr. Deputy-Speaker: Order, order: If the hon Lady Member continues to address the Chair, perhaps, there would be less trouble I would request hon Members on my left also that she may be allowed to proceed That is not the way to conduct proceedings in the House of Parliament

Shrimati Sucheta Kripalani: I deliberately avoided this subject because the Communist party had told a deliberate untruth about this I did not want to irritate them They themselves challenged That is why I was constrained to give a description of the nefarious activities of the Communist Government in which they indulged in order to create evidence against the people so that they could shoot the people and resort to severe repressive measures

What was the reason of their unpopularity? The Communist party had come to power under our Constitution They had sworn allegiance to our Constitution They had sworn to conduct the Government according to our Constitution. As has been pointed out very ably by Shri A. M Thomas according to our Constitution, all people are equal in the eyes of law All have equal rights of protection; all people have the right

to equal justice. These are assured in the Chapter on Fundamental Rights. As soon as the Communist Government came into power, though they swore by our Constitution, it was apparent that they were not going to rule according to the Constitution. That is very natural because, they do not believe in this kind of democracy. They believe in the dominance of the party If you will pardon me, I will read out from this book. This is not a publication of the P.S.P or the Congress This is a book of a political student who went to Kerala to study. This is what he says"

"For the communists believe that their party represents the interests of the toiling workers, who constitute the only class worth preserving They believe that Communism cannot be established without the removal of all classes (except the proletariat) and that this can be done only by the Communist Party which is, by definition, the workers' party It, therefore, becomes the bounden duty of the Communist Party to fight for the party's enthronement in power, for victory of the party is considered synonymous with the victory of the workers' cause. Whether, the Communist Party really fights for the workers' cause or not is another matter What is important is that its members firmly believe that it does so. Thus, if the Communist Party represents the workers and the aim is to bring about a classless society, the interests and aims of the State are the interests and aims of the Communist Party. The Party thus becomes equal to the State"

This is what he says This is their theory and believing in this theory .

Shri Sadhan Gupta: Who is the political student?

Shrimati Sucheta Kripalani: I will present you a copy of the book.

Shri Sadhan Gupta: Name.

Shrimati Sucheta Kripalani: Everything you will get.

Shri Sadhan Gupta: Why should you consciously suppress the name?

Shrimati Sucheta Kripalani: There is no need for that. This is by the Diwan Chand Information Centre. You do not think that all wisdom is confined only to the communists. Very little of it, I admit, is also outside the communist ranks.

What actually happened is this. Behind the facade of our Constitution another state was built. A state within a state was created. Behind our State, an extra-constitutional State came to be created, run by party men. What were their sources of finance, I need not elaborate. Shri A. M. Thomas has just said about it. Indirectly finances came from the Government for working this extra-constitutional Government. The new police policy neutralised the administration. Branch secretaries of the Communist party in all localities started dominating over the administration and started giving orders to Government servants. So this state of affairs came into being.

What are the charges that they have levelled against them? They are old charges and I need not go into them. No. I. Unjustified and partisan jail deliveries and withdrawal of cases. Our friends said, this has been done by the Congress. What is the effect? What has happened here? Because of these jail deliveries, an impression was created among the people, among the communists themselves that they were above the law and nobody could touch them. If I may be permitted to refer to the Governor's report, this is what he says:

"This act was not only a political irritant to other parties; but it also created a legitimate feeling among non-Communists that the Government was really putting a premium on violence as long as it related to members of their own party or their sympathisers."

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He further goes on to say

"It did not take a long time for the politically conscious and critical people of Kerala to undergo a process of disillusionment which ultimately led to the present crisis."

This is the result. There is no harm in amnesty.

Mr Deputy-Speaker: The hon. Member should try to conclude now.

Shrimati Sucheta Kripalani: You may kindly give me a few more minutes because I have got much to say.

I am cutting short my speech. The cases as to how they have interfered with the administration, how they have interfered with the judiciary etc. have already been quoted by Shri A. M. Thomas. Information regarding this is published already. I would particularly refer you to the memorandum of the lawyers, which has been submitted to the President, which is also a printed document. At page 12 of that memorandum, you will find references to cases where judges because they did not toe the line were transferred or were demoted. Then cases are cited where members of the Community party have interfered with cases which were pending before the courts. These cases are quoted with numbers etc., and other detailed references are given in that memorandum. This is a matter which can be checked.

What was the consequence? Virtually, two classes of citizens came to be created within the State, one consisting of citizens who were above the law, and another to whom the protection of law was denied, about which also, instances have already been given by Shri A. M. Thomas. I do not want to take much of your time, but I shall give just one or two instances which are within my personal experience.

I was passing through Alwaye, on the 27th of last month—I think it was

[Shrimati Sucheta Kripalani]

the 27th or perhaps the 28th. Mr. Bawa, an M.L.A., who is an eye-sore to the communists, because he was instrumental in exposing the Andhra rice deal case in the Assembly, was sitting in a shop within municipal limits, opposite a big college. He was attacked by people with lethal instruments; he somehow or other managed to go into the shop and close the door. For two and a half hours, these people were banging at the door. His friends from the neighbouring houses telephoned to the police, but no police came. This shop was within the municipal area. It was not a forest where such things could happen. Ultimately, a large number of his friends came there and took him away.

Shri Narayankutty Menon: This is a place where there is no telephone connection.

Shrimati Sucheta Kripalani: It is absolutely nonsense; it was not in the shop, but in the city outside.

Shri Tyagi: They wanted him to take the risk and go out of the shop to telephone.

Shrimati Sucheta Kripalani: He did not, but his friends did.

Two furlongs from this place, the house of one Mr. Andrew, a Congress worker, was attacked by about twenty people. All this happened in broad daylight at three o'clock. His house was attacked by twenty workers. I passed through that town the next day. I was shown the shop, and I was taken to that house. The gate to this house was broken; the glass-panes were all broken. The door and windows had been shattered with stones, all that was lying there. His only son, a small motherless child, was inside cowering in terror. Later on, his friends came and rescued the child.

The Deputy Minister of Labour (Shri AMd Ali): Shame!

Shrimati Sucheta Kripalani: These things happened in broad day-light within municipal limits. No police protection came. These were some of the things which I saw with my own eyes.

I do not want to take up much of your time. But here is a small publication which gives you information about the fifty days' movement. My hon. friends opposite are saying that we were violent, that everybody else was violent but they were non-violent. I would only like to refer to one or two cases.

The following incident happened on the 20th of June.

"Probhakaran Nair (Chandran) a Youth Congress Worker in Chengannur was standing in front of his house and watching a Communist Jatha of women, mostly Pulayas. A Communist who was leading the jatha stabbed him. He fell into the gutter. The women in the jatha began to throw stones at him. Though he was rushed to the hospital he died there.

A Congressman who was returning in the night from a meeting at Ankamah was stabbed to death."

I can give you any number of instances like this.

Then, I might narrate to you the incident which took place, I think, at Kallada near Quilon, where some workers were returning home from a scene of picketing. They were stoned from one side. Some of them jumped into the water; one of them was almost drowning who tried to swim back to the shore but when he came near the shore, he was stoned. He died later on, his body was found downstream. I can give you innumerable instances of this kind. And yet, they are talking of violence on the part of others. I would only say

that not only were their partisans functioning in a violent manner, but the Government denied protection of law to the people. This fact is also borne out by the Governor's report.

As for the toddy tappers, as to how they are organised, how they are getting money and so on, Shri A. M. Thomas has already enlightened you. So, I shall cut that out from my speech, though I had intended to speak about it. I have got personal information in this regard. In Trichur I got personal information as to how these toddy tappers co-operatives function. They have their choppers; they are lethal instruments. Some of these organisations or co-operatives have got their own jeeps. In these jeeps they go about moving from place to place terrorising people. I reached Trichur in the middle of night at about 12 or so. When I reached Trichur, a lot of people were waiting to meet me. Among them were some people from a neighbouring village. They said they were picketing, but the toddy tappers came with their choppers and threatened them so they had to fly to Trichur for safety. Early in the morning, another lot of people came and gave me a similar report. If I may be permitted, I may just read out to you one or two sentences from the summary of the Governor's report, about the way these co-operatives are formed and how they are functioning

"These tappers' societies are organisations consisting of toddy tappers who possess the tapping instruments invariably. They seem to be an aggressive lot and they were prominently employed during the students' agitation by the party to combat their picketing activities. Some of the militant members of the organisation are released prisoners convicted for violent crimes. Besides this, it appears that these societies have liberally contributed to the party fund, one at Trichur alone contributing Rs. 25,000."

These toddy tappers' organisations, under the guise of co-operatives, under the guise of improving the lot of the poor, are functioning as a strong unofficial arm of the party to terrorise the people.

Mr. Deputy-Speaker: Now, the hon. Member should try to conclude

Shrimati Sucheta Kripalani: I am just concluding. I shall say just one or two words and finish, because it is rather important. Shri S. A. Dange justified the partial behaviour on the part of the police, while explaining the new police policy, by claiming that the Communist Party is for the welfare of the people, that all others who do not come within the ranks of the workers are exploiters, and that the police will always work only for the protection of the workers as against the exploiter. We do not agree with this theory of the rights of citizens. However, we accept what he has said, but does he stand by his own declared principles? What is the position? Unfortunately, my opinion is that their police stand by only their own workers. When it comes to workers of other unions, they do not go to their help, they shot them; they lathi-charge them and they do resort to every kind of repression. There is a bitter complaint, about discrimination even among the labour ranks. The INTUC has given me papers to substantiate such cases of discrimination. I am sure the PSP and the RSP spokesmen, when they speak, will bring before you information as to how the police have behaved in a discriminatory manner against their Unions. I shall just refer to one or two instances. First, there is the case of the Adur rubber plantations. There were two co-operatives there, one under the AITUC and another under the INTUC. There were 300 acres of land to be given on contract. The officer there decided that both the co-operatives should get the land equally, that is 150 acres each. But the Minister intervened, and according to the orders of the Minister, the AITUC co-

[Shrimati Sucheta Kripalani]

operative got 250 acres and the INTUC co-operative got 50 acres. This is the equality shown towards workers, not exploiters, not the bourgeoisie, but the workers.

Shri T. B. Vittal Rao: What was the membership of each union? (Inter-ruptions).

Shrimati Sucheta Kripalani: Here is a small pamphlet which contains the reply given by the INTUC president to Shri S. A. Dange. Shri S. A. Dange had charged the INTUC of not keeping to the code of conduct arrived at by the Labour Conference at Nainital. This was the only answer by the president, Mr. Nair. This is an old document....

An Hon. Member: He lost the election

Shrimati Sucheta Kripalani: It may be, he may have lost the election, but that does not matter. That does not make what he says untrue. It is not a recent document, but it relates to the year 1958

In this letter, Mr. Nair challenges Shri S. A. Dange and says:

"Mushroom unions owing allegiance to the AITUC have been set up in almost all Industrial concerns and centres as against the existing organisations enjoying overwhelming support. These unions are propped up and encouraged with the active support of the Police and the Labour Department. Pressure is brought to bear upon the employers to extend support to them.

The employers are prevailed upon to ignore the demands put up and the letters addressed to them by our unions. The officials of the Labour Department play a very active part in giving the necessary advice to the employers....

Very often the Minister for Labour, Shri T. V. Thomas himself, takes over the role of the Conciliator without allowing the dispute to take the normal course beginning with negotiations at the lowest level. He too takes particular care to keep out the other parties and to bestow any advantage that may accrue from such negotiation or settlement on the AITUC union exclusively."

Then, Shri S. A. Dange had said that they never use the police force against the labourers. This is what the INTUC president says. After referring to some demonstrations, strikes etc. he says:

"It is here that the Police come in with orders to arrest, man-handle, lathi-charge and even to open fire, if it came to that. Proceedings are started against the workers on concocted charges and the police are ably helped by the Communist Party and its local followers."

"Under the curious system of criminal proceedings now prevailing in the State, it is the victims who are proceeded against."

This has been told to me again and again by more than one person

"More sorrowful has been the lot of trade union workers under the INTUC. A number of them have been murdered in cold blood, hacked to pieces in broad daylight. Many have been surrounded and attacked by armed gangs and saved from death only by the timely arrival of outsiders"

Like that he goes on. And he says: 'If you like, I will substantiate each and every case with date, time and name of the person'.

14 hrs.

This goes to show that the labour interest has not progressed under the

Communist regime. But the labour interest of the Communist workers has progressed no doubt. The labour interest of other labourers has not progressed. So the claim of Shri S A Dange that though they follow a partial policy, the policy is good because it is in favour of labour is belied by these facts. They only follow a policy of giving protection to their own labour, not to other labour.

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

Shrimati Sucheta Kripalani: I am constrained to stop. But I think I have given you enough evidence to show that the Constitution was subverted. The Communist Ministry were not ruling according to our Constitution. Therefore, it was high time that the President intervened. I should say that the President and the Central Government showed too much patience. They allowed them too much time. Sometimes what happens is that if you give too much time, if you give too long a rope the rope knows where to sit.

Mr Deputy-Speaker: Shri Frank Anthony

Raja Mahendra Pratap rose—

Mr. Deputy-Speaker: I have already called Shri Frank Anthony

Shri Frank Anthony (Nominated-Anglo-Indian): Mr Deputy-Speaker, at the outset, I will deal very briefly with the legal position. I hope that I won't have to put up with this running commentary, either in overtones or in undertones. (Interruptions)

Shri V. P Nayar: I do not think you deserve that at all

Shri Punnose (Ambalaspuzha) Why should he have begun with a warning to us?

Mr. Deputy-Speaker: Every Member gets his turn. He is entitled to a

patient hearing. So far I have found that that has been denied to the Member who has been given an opportunity. Is that fair? Should I stop the proceedings? Should we sit down here or should we withdraw? Whenever an opportunity comes to a Member, he shall have his say, then certainly he can say whatever he likes

Shri V P Nayar: May I submit that Shri Frank Anthony need have no fear because he does not deserve our interruptions?

Mr. Deputy-Speaker: What has happened to the hon Member who preceded him?

Raja Mahendra Pratap: On a point of order. Why rouse passions? Better talk peace. See why they fight. In their heads, something has entered wrong. (laughter)

Shri Frank Anthony: There has been a suggestion—and of course, it has been avidly endorsed by the Communists—that because the Communist Party admittedly had a stable majority, though an extremely tenuous one, therefore, article 356 of the Constitution could not be invoked. May I say at the outset that in my very humble opinion, this is not only a narrow view but a completely untenable view. Perhaps people who thought along these lines—some Congressmen too seem to have thought along these lines or suggested that they thought along these lines—have fallen into this fallacy because the only precedent we have had so far in respect of article 356 is that it has been invoked where there has been no stable Ministry. But I submit with a great deal of respect that if we look at the plain meaning of article 356, the expression used is

“ a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution ”

[Shri Frank Anthony]

You will notice that the dominant word that is used is provisions. Advisedly, the framers of the Constitution used the word in its plural form

I know that precedents are sought to be cited. Shri M. R. Masani has referred to a precedent from the British Parliament. But I am not prepared to look at precedents outside this country, for the very simple reason that we have our own written Constitution and we are bound by express terms of that Constitution. Article 356 has been put into the Constitution because of the special context in which we move in India in the political field. I say that it is not only when there is no stable Ministry but when, in fact, the provisions, and more especially the cardinal provisions, of the Constitution are stultified or superseded, it becomes not only the right but the duty of the President to act under article 356

It is in this larger sense of the breakdown of the Constitution—not because a Ministry may not have a stable majority but because of a breakdown of the Constitution in that the basic provisions of the Constitution have been negated—that article 356 has been put into the Constitution. This, I submit with respect, is precisely what has happened in Kerala. Whether people choose not to accept the Report of the Governor or choose by an *ipse dixit* to say that what the Governor has said is false or not is a different matter. But I am prepared to give, and I think that every right-thinking person in this country will give, to the summary of the Governor's Report the credence that it deserves.

What does that Report make out? It is an extremely damning indictment. My hon. friend, Shri A. M. Thomas, and the hon. lady Member who spoke, have related to this House certain specific incidents. By themselves, they are not sufficient to convey the pattern. It is the Governor's

Report which conveys the consistent, the overall, sort of concatenated pattern. What is the pattern that the Governor's Report conveys? It is an irresistible pattern which amounts to an orgy of calculated lawlessness by the State Government. That is the pattern which the Governor's Report has indicated.

I know that there must be lapses. My hon. friend said that the Andhra Government did this, the U. P. Government are doing that and the West Bengal Government are doing the other. But here we have a people who committed hideous crimes—sentences were remitted, the withdrawal of cases and, what is more, the destruction of the Constitution, of the rule of law at its very roots. Offences are not registered. There is no investigation. The police are completely paralysed. They cannot begin to invoke the Criminal Procedure Code. At its very roots, the whole rule of law is destroyed. The whole upper judiciary is rendered functionless. How can the judiciary begin to consider writs when writs will have no basis on which to be presented? It cannot, for the simple reason that all the provisions of the law have, as I said, been rendered nugatory.

And there is this difference that we must bear in mind. Look at this pattern. Look at it in a broader way. I say this pattern leads to one irresistible conclusion. It is a systematised, if you like, in a perverted way, a scientifically systematised, debauching of the whole political, constitutional and legal machinery.

Shrimati Sucheta Kripalani: Quite right.

Shri Frank Anthony: That is what I want my hon. friends to bear in mind. Look at it in this larger context. What has happened in Kerala has happened in no State in this country. It can happen in no State where the government subscribes at

least to the minima of democratic conventions and decencies. But it was bound to happen in Kerala because you had there a Government whose doctrine is the very incarnation of the negation of democracy. You had there a Government whose practice and precepts represented the destruction of hostile classes. That is what has happened in Kerala, and it was inevitable. As I said, you had this organised terror, you had this organised corruption of the services, you had the organised demoralisation of the police, and you had the systematised corruption, of getting hold of the tax-payers' money by devious means and putting it into the coffers of the Communist Party.

Shri Dange is not here. I do not want to say anything behind his back. But he has treated us—and I expected it—to his usual communist clichés. I hope my communist friends won't feel unduly offended. But I have read a good deal about communist literature and communist precept, but I do not know anything about communist practice. What I have noticed is this. This communist jargon is typical, it is conditioned, it is regimented whether the jargon emerges from China or whether it is echoed by our communists in this country, it runs to a certain form. Everybody who is anti-communist is either an imperialist or is a reactionary or he is a criminal reactionary. And, we saw this jargon this sort of conditioned and regimented jargon used by our communist friends not long ago with regard to Tibet. With almost treasonable deliberation, they echoed this communist jargon, these communist stock phrases, that is that Indians are imperialists that Kalimpong is the commanding centre of reactionary intrigue. So, it was not unexpected.

Shri Dange made this pretentious claim that all this upsurge is the work of reactionaries. But I do not think he used the words 'criminal reactionaries'. It is the work of reactionaries of communalists who are seeking to undo the great good that the com-

munist are bringing to the toilers and working masses of Kerala. I was a little amused. I looked all around; I looked at Shri Dange and all the other Members of the Congress party (Interruptions)

An Hon. Member: Communist party

Shri Braj Raj Singh (Ferozabad): They were carrying out the programme of the Congress.

Shri Frank Anthony: And quite frankly I was unable to identify anyone of them as being either a toiler or a member of the working masses. I say this with all respect to my friends that they know communist history perhaps better than I do. But the communist history has worked to a single pattern. The Moloch of the communist revolution has, when the revolution has been completed, always destroyed the high priests, and the high priests of communism everywhere have been, in the first stages, the intellectuals, the quasi-intellectuals and the bourgeoisie. And here, today we have the high priests of Indian communism, the members of the bourgeoisie, the petty bourgeoisie, the quasi-intellectuals. And God forbid, if ever a communist revolution was consummated in this country that the Moloch of the revolution would completely liquidate Shri Dange and his fellow bourgeoisie friends.

Shri Dange has in the usual communist way indulged in these epithets. Give a dog a bad name and you think you have destroyed it. So this upsurge has been stigmatised in the usual communist way as one which has been instigated by communalists. But Acharya Kripalani nailed this typical communist canard to the counter. He asked, what is the definition of communalism? He said communalism consists in one community aggressing against another community, communalism consists in one community seeking self-aggrandisement at the expense of the other community or communities. What we

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have seen in Kerala is that the different communities have got together. We have seen the very negation of communalism. We have found, for the first time, people, irrespective of caste, religion, community or political complexion coming together to fight the real communalism in this country, the frankenstein of the communist communalism.

Who are more communal than the communists? They trade in communalism. They trade in the hatreds of communalism. At first they sought, and perhaps a little successfully, to divide the Nairs from the Christians. Then the Nairs have found them out. Now, today they seek to divide, the Aryas, the Pulyas and the Ezhavas from their fellow Hindus. They trade in communal hatred. The very life and inspiration of communism is communal hatred. They trade in it. Without communalism communism cannot exist. There is this lesson that Kerala has for us.

May I say this too? Shri Dange was very concerned about the workers and toilers of Kerala. I was a little amused because from what we have heard and from what we have seen, what of the workers and toilers who are not prepared to accept communist regimentation. What has happened to them? (*Interruptions*) They have been exposed to all the discrimination and the oppression and all the instruments of political thugery, which is communism.

I would ask my Congress friends to remember this and not to miss this lesson of Kerala. It is a significant lesson. Communist history has run to a consistent pattern throughout the world. Everywhere communists have seized power from a minority position; and they have been able to do that only because they have been able to confuse first and to divide next. They have played this game successfully in Kerala and they are hoping to play it successfully again, playing community against

community, religion against religion, party against party. And that is why they pose the seemingly innocuous question, 'Will the Congress join hands with the Muslim League? How can you do it? Look at these communalists.' And some of my Congress friends appear to be confused. But, on this issue, everyone irrespective of his organisation, irrespective of the label he bears, has joined in fighting a party which is essentially and always communal. Remember that when the question of the next election comes

We have seen in this House—and I say it with a great deal of respect—the normal communist technique, on one side the quarter truth, on the other side the three quarters lie, the vilification and character assassination. This time the Prime Minister also has not escaped. Look at the quarter truth. Jawaharlal Nehru is the greatest Indian, he represents something which all Indians look to. And the three quarters lie, Jawaharlal has betrayed himself; Jawaharlal has betrayed democracy, Jawaharlal has, in fact, betrayed India. That is typical communist technique.

Shri Dange has said that if the Prime Minister went to Kerala and had told the Congress and the other parties to withdraw their agitation, overnight, they would have withdrawn this agitation. With a great deal of respect I say that these people had reached the limits of their endurance; they had passed beyond the limits of their endurance. If the Prime Minister had gone and with folded hands asked them to withdraw, they would not have withdrawn it. (*Interruptions*)

Mr. Deputy-Speaker: Order, order.

Shri Frank Anthony: I say the Congress party was not in the vanguard of the movement. If the Congress party had withdrawn, because of the strength of the implacable feeling of the people who were determined that they would not carry this

incubus of organised terror and organised lawlessness any longer, the Congress would not only have gone into the wilderness but they would have been wiped out as a political party. That is the position as it was in Kerala.

The Prime Minister was abused and the members of the Cabinet were abused. In fact, they were accused of following double standards—you condemn direct action in a Congress State; but, indirectly, you bless it or at least you connive at it in Kerala. And they followed it up with the normal technique of bluster and blackmail both in this House and outside. They said: All right you apply article 356 and we will show you what we are going to do in Bengal, Maharashtra and Uttar Pradesh. I am glad that the Government did not submit on this occasion to communist bluster and blackmail.

This is the way some of my Congress friends are confused on this issue. They are worried. They say, can it not be said that we have indirectly blessed direct action. I say that if you see the issue clearly, it was your duty, it was your duty directly to bless direct action in Kerala because the thesis that I am proposing is this. As against a democratic Government, with some basis and semblance of democratic decency, direct action to remove that Government may be described as a rebellion. I concede that. But that is against a Government where it has not completely abandoned all democratic values and decencies. But as against an avowedly totalitarian Government, as against a Government which is avowedly committed to the destruction of the democratic values, direct action is not only a right but it becomes a moral duty. (Interruptions.) Some of our people have talked of co-existence in India of communists and those who believe in democracy. Quite frankly, I cannot analyse or accept this proposition. Co-existence? Yes, in the international field, between the democracies

on the one hand and communists on the other because in the international field the compulsion of events and the threat of total war and the threat of total destruction may compel them to evolve a *modus vivendi*. But how do you, in a democratic pattern seek to make the communists co-exist with democracy. Then, they cannot be communists because communism, if it is to be true to itself, is committed to the destruction of democracy and that is precisely what it does. It is a contradiction in terms to talk of co-existence in a single democratic pattern in the same country of those who stand for the destruction of democracy and those who subscribe to its basic values.

I do not know whom they are going to mislead in this country. Unfortunately here we have a large percentage of people who are perhaps a little credulous; they may seek to mislead them. But what is the history of communism? I can understand that intellectually and academically. We may be prepared to discuss the principles of communism. But what is the history of communism? Why do we assume for one moment that the history of communism in this country is going to be in any way different from the history in any other country, from their history in Russia or China. It has been a history of mock trials, a history of murders without trials, massacre of millions of people, a history of slave labour camps. What is happening in China today? Is not China one vast slave labour camp? What about little Tibet? What is Tibet today but a vast concentration camp? That is the history of communism. It is an unvarying and persistent history.

I do not understand some of my communist friends when they say that before 1947 they had their Calcutta thesis but they now subscribe to the Amritsar thesis. Why do they? Because they found that it did not pay them to subscribe to the Calcutta thesis; in Telangana it did not pay. They were locked up and they were

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shot. So, under compulsion, the communists have accepted the Amristar thesis. But what is this thesis? Acharya Kripalani has spelt out its real meaning—not only the first part of the Amristar thesis—that they are going to work within the Constitution. The Amristar thesis spelt out to its logical conclusion is just that they are going to work within the Constitution to destroy the Constitution. That is the full significance of the Amristar thesis.

There is again another rather interesting experience in this House. We have seen persons who are avowedly to destroy democracy, who have been correctly described as murderers of democracy, posing in this House as champions of democracy. This is what amazes me. I know that communism is synonymous with cynicism. It is the apogee of cynicism that the murderers of democracy should keep on mouthing in season and out of season the word democracy.

May I end on this note? I know that there are differences of opinion as to whether the Central Government intervened too late or whether it was over-indulgent to the communists. It might have been over-indulgent to the communists. Perhaps the Government could have intervened earlier and could have satisfied themselves that the rule of law had broken down, that the Constitution had in fact been completely destroyed. But what would have happened if the Central Government had taken action one year ago? There would have been scenes in this House which perhaps we have never witnessed. There would have been all kinds of simulated gnashing of teeth and you would have found—my communist friends are very capable of that—that they would have produced cascades of crocodile tears. They would have come here. You, Sir, from the Chair have to deal with them. They are constantly bobbing up and down; this time they would have

been bobbing up and down with self-anointed halves of martyrdom and say: look at this, reactionary, criminally reactionary Government of India, imperialists, the people in Kerala have not even protested; there has not been any disturbance; yet the Government seek to invoke article 356. I think the Government was extremely well-advised to wait till the people of Kerala not only protested but protested in this no uncertain way. Now, every right thinking person can say here was a mass upsurge, an unprecedented upsurge, as Shrimati Kripalani put it. Every section of the people sunk their differences, whatever there were and proclaimed to Kerala and to the world, if I can use a fairly well known metaphor, if necessary, in Kerala, we will die, but we will die standing on our feet, but we will not live on our knees in the communist-created mire.

Sir, it gives me very great pleasure to endorse the motion made by the hon. Home Minister.

Shri A. K. Gopalan (Kavergod)
Mr Deputy-Speaker, Sir. As far as the constitutional propriety of this Proclamation is concerned, Shri Easwara Iyer has spoken about it and I do not want to deal with it any more. My friend Shri Thomas, has spoken on some points and so, Sir, you will allow me to point out the other side of the picture so that both sides of the picture may be appreciated by the Members of this House and the public and they may give a proper judgment. He made certain points about the release of prisoners, about the text-books, co-operative societies and other things. I request you to allow me, as far as these matters are concerned, to place before this House the reply of the Government. That Government is not represented here and I want that the reply of the Government to these charges which had been given where they say that there had been no losses at all in these co-operative societies and explain what

the function of these societies were, should be placed on the Table of the House.

Mr. Deputy-Speaker: Every hon Member has got it by now.

Shri A. K. Gopalan: I want it to be recorded here, Sir. It is not that everybody has got a copy or not. Only one side of the picture had been given and the other side is not here. I am, therefore, making a request that the relevant portions of the answer marked may be kept here.*

Mr. Deputy-Speaker: Yes, yes.

Shri A. K. Gopalan: They say that there was no mention of Mahatma Gandhi in the books. I shall quote a passage from Social Studies Book III—pages 73-74.

"Free India is the outcome of the untiring efforts of Mahatma Gandhi, revered and respected by the entire humanity, and also by the unequalled sacrifices of his disciples. Our Bapu, the Father of the Nation, is undoubtedly that great saintly humanist. He comes in the great line of Buddha, Asoka and Christ who had spread the messages of peace and love. The world will never forget that man of action who had only non-violence and power of his soul as his weapons."

This fact has been suppressed and I want to ask Shri Thomas if he had not understood that. Why the Catholic schools refused to accept *Letters from a Father to his Daughter* by Shri Jawaharlal Nehru, as a non-detailed text is a classical instance to show why they did not allow this. As far as selection of textbooks is concerned, it is not the Government that selects textbooks, there is a committee for that purpose where majority of the members are non-communists. It is they who prescribe textbooks for schools. In reply to the charges levelled against the Government as far as text-books are concerned, I wish to place this memorandum, Sir,

on the Table of the House, where I have marked the relevant portions, so that hon Members can find our replies as far as "Gandhiji" and other references made about text-books are concerned.

Now, I come to the Governor's Report. I do not want to go into it in detail. When I heard my hon friend, Shri Anthony, I thought that we were discussing Marxism, we were discussing something about other countries and not about the Proclamation and the Report of the Governor, whether in the report it has been substantiated that a situation has arisen for such an action on the part of the President, whether certain provisions of the Constitution had been violated, what are the provisions of the Constitution that have been violated, where actually did the Kerala Government deviate from the provisions of the Constitution and where actually was the encroachment made on the Constitution. If the Governor's report had mentioned all these things, we could have approved or disapproved it on the basis of that.

As far as the Governor's Report is concerned, I only want to point out one thing, because I will not have much time at my disposal. The Governor's Report says "It is alleged." Is it not the responsibility and duty of the Governor to say whether it is true or not? Not in one place but in several places he has said "It is alleged that such and such a thing has been done." He has said "the allegation is that the re-constitution of co-operative societies was being done with a view to infiltrating Communists into the society." He has given the report on the basis of certain allegations. Sir, it is the duty of the Governor, when he is giving a report, to ascertain facts and then say "In my opinion..." He must say in the report whether what he says is a fact or not.

Again, Sir, there is something behind the Governor's Report. We asked for a copy of the Governor's Re-

*The document was not treated as laid on the Table as the Speaker, subsequently, did not accord the necessary permission.

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port. It was never presented to us. It was said that it will not be presented. We asked for a discussion on the Proclamation immediately after it was issued. It was said that the discussion will only be on the 17th. After that, Sir, the Home Minister very cleverly comes and says that he will give a summary of the Report. The summary of the report is only an essay on the allegations, the transfer of a sub-inspector or some such things. It is on the basis of this summary that we are discussing today. The material for the Proclamation is the Report of the Governor

The Report of the Governor must specifically point out that there is an emergent situation, such and such provisions of the Constitution have been violated, he gave his opinion and reported them to the Government but the Government disobeyed and did not take his opinion, and the Report also should have mentioned when he reported the matter to the President.

Did this grave situation arise only after 12th June? Where was this situation before? Were the Communist Party isolated from the people only after 12th June, or were they isolated even before that? Therefore, Sir, if this Report taken as the basis of discussion, then, on the basis of this Report of the Governor—I sympathise with the Governor—there is no situation for issue of a Proclamation under article 356 of the Constitution

I only want to take up some political points mentioned in the Report. What is the sum and substance of the Report of the Governor? The Report says that the Communists are completely isolated and the Ministers by their policies and conduct have crushed democracy in Kerala. That is a very serious thing. The conduct of a Ministry is followed by its policy. If the policy is bad, its conduct will also be bad. But not one instance has been cited to show where democracy was crushed in Kerala. If the Governor

had taken each policy and explained how democracy was being crushed, that would have satisfied us. Unfortunately, on the opening day when the Assembly met in Kerala, in his opening speech the Governor applauded the policies followed by the Kerala Government. At that time he said that these policies were good. I can understand the difference that has come about between then and now. What I say is, if the policy had been bad after that, he should have pointed it out. What is the policy that has crushed democracy in Kerala? What is the policy that has isolated the Communist Government from the masses? If that had been made clear, it would have been a lesson not only to the Communist Government in Kerala but it would have been a lesson to the Congress Governments in other parts of India also, so that they could have pursued a policy where they would not be isolated from the masses

What are the two things that have been mentioned in the Governor's Report? One is, using of governmental machinery to serve the interests of the Communist Party. The most important thing is, it is said that by their policies and conduct they have crushed democracy. Sir, has democracy any shape or colour? What is the shape and colour of democracy? My hon friend, Shri Anthony, may have his conception of democracy. He has already expressed that here. But there may be difference in the essence of democracy being implemented by each party, by each group.

What is the shape and colour of democracy, I again ask? In what way has the Communist Government in Kerala crushed democracy? I am at least glad that the Report of the Governor, the speech of the Home Minister and the speeches that have been made here, have all levelled one charge, that we have not been supporting the vested interests in this country and we have been supporting the toiling masses in the country.

I am proud of that; let that be recorded. Our fault was that we had been supporting not the vested interests but the toiling masses in the country. That is the charge that has been made against us

First of all, take the police policy. It was said here that the police policy was supporting only one section. Here is a copy of the statement which the Chief Minister of Kerala made on 28th July, 1957, which also, Sir, if you will permit me, I shall place on the Table of the House. That shows what is the police policy, the new policy enunciated by the Kerala Chief Minister. There are two aspects of this police policy. One aspect is that as far as life and property of the people are concerned, whether they belong to any political party, whether they belong to capitalists or landlords, or whether they belong to any particular religion, as long as they are citizens of Kerala their lives and properties will be safeguarded. Therefore, as far as this question of saving of life and property of the people is concerned, there is equality before the law. I do not want to read this out, because I have only very limited time. I have marked the important portions. It is said here "Protection and assistance to persons belonging to the owning class to which they are entitled as the citizens of the State". So every citizen in the country will be guaranteed protection to life and property.

What is the change that has come? The change that has come is that as far as the masses are concerned, as far as the Harijans are concerned, as far as the Backward Classes are concerned, as far as the workers and peasants are concerned, there was a policy that was being followed before and there is a change in that policy after 1957. How many evictions have there been in India? Lakhs and lakhs of evictions have taken place. From the reports you will find that in many places, it was the police who helped the landlords to evict the tenants. It was with the help of the police that the tenants were evicted. Therefore,

as far as the democratic rights of the people are concerned, as far as the democratic rights of the political parties are concerned, as far as the rights of the peasants who have been denied protection by the Government and the landlord and who want protection to show that they have been living at a place for years together, are concerned, the Communist Government said that equality before law will be extended even to the toiling masses. It was there only for the capitalists and for the landlords.

When there is a strike in a factory, even if it is a peaceful strike, the police comes there at the request of the capitalists for removing the strikers. If it is a question of plantations they are removed from the Estate. Therefore, this peace policy, this new police policy was not a policy for protecting one section of the people, it was to protect every section of the people, the life and property of every section of the people. This right to protection was extended to that section of the people to whom it was previously denied.

Sir I do not want to deal with it further. Today it is the 19th day after the proclamation. What is the position today? What is the position with regard to the life and property of the poor people? Here is a copy of a letter sent to the Prime Minister where one Badungkali, a 60 years old Harijan woman describes how her house and other things have been destroyed. I have received many other letters written after the abolition of the Communist Government.

So far as the Governor's Report is concerned, instead of "democracy", he ought to have used another word. I do not know whether it was a slip of the pen. If he had said "crushing of bureaucracy", it would have been correct. The policy was not to crush democracy. The policy was to crush bureaucracy, the bureaucracy which only helped the vested interests and which wanted to see to the interests of capitalists and the landlords. So, as far as the police policy is concern-

[Shri A.]

ed, it is very clear, and the Government wanted to make it clear,—and they made it clear—that the rights conferred by the Constitution would be protected: that the rights of freedom of the press, assembly and association being the essence of democracy and guaranteed by the Constitution of our Republic shall be allowed to be exercised by every political party in the country and that the police will not be allowed to use their power in maintaining law and order in such a way as to suppress or resist the democratic activities of any political party, whether big or small and that the rules and practices which are contrary to the essential basis of democracy will be changed. That was the policy. The policy is not a policy which is against democracy.

What is the other policy? Take the food policy. What is it that the Kerala Government has done which has crushed democracy? As far as the fundamentals of the Constitution are concerned, there is the right to equality, the right against exploitation, and article 40 of the Constitution says—it is a directive:

“The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.”

As far as the directive principles of the Constitution are concerned, I do not know whether in any other State in India, any legislation has come in, giving power to the panchayats. The Panchayat Bill was introduced, and the main principle is decentralisation and democratisation of the administration. The Panchayat Bill was introduced and the District Councils Bill was also introduced. Is it crushing democracy? I want to know how the communist government has been isolated from the masses. What are the actions that made that government to get itself isolated from the masses? They said, “Stop eviction”

When they said, “Stop eviction” and told the people that “We will help you if you stop eviction”, then they became isolated from the masses. The landlords wanted eviction.

Then the Government started co-operatives. There are about four or five lakhs of cashewnut workers and toddy tappers. When they were asked to form co-operatives, when the landlords and the others were isolated from the masses, how can it be that the government there got isolated from the masses? Arguments are put in here saying that these co-operatives have given money to the communist party, and so on. What is the harm in a worker, if he is a communist, getting Rs. 4 or Rs. 5 more per day and if he gets a bonus of Rs. 100 or Rs. 200, what is the harm?

I do not want to go into all the questions that have been raised here. For instance, the question about the contractors. After all, how many contractors are there?

As far as the Education Bill is concerned, are we isolated from the teachers? Are we isolated from the lakhs of teachers who are in Kerala when we tell them “We will give you security of service. We will give you the salaries”? The point is, we are isolated from the managers, we are isolated from the landlords.

The Debt Relief Bill is passed. About 20,000 people in Kerala have been benefited by it. When we passed the Act, when we implemented the Act, we are isolated from the masses! In fact, we are isolated from the Hundi people who give money to the peasants and harass them.

Take food policy. There, the essence of democracy was worked out. I do not know what the other States have done in this regard. As far as the work regarding shramdan is concerned, 321 minor irrigation works had been completed with the help of the people. Every one of these minor

irrigation works had been carried out with the help of the people by *shramdan*. Even electrification had been carried out this way.

I do not know whether in any other part of the country in India, there is a State where a munsiff's court was built by *shramdan*. The people there had to walk about 50 to 100 miles to go to the munsiff's court. The Government, therefore, said that "you do *shramdan* and give us a building. Then we will give you a munsiff's court and also a magistrate" *Shramdan* was carried out. So, it was not a crushing of democracy. It was crushing the bureaucracy. It was done with the help of the people. This was a help given to the masses which were denied freedom and denied even the fundamental rights under the Constitution and which were not able to earn their livelihood and get a portion of the results of their labour

There is a right against exploitation also which is guaranteed under the Constitution. That was preserved in this case. I do not want to deal with it any longer. I only want to say that the impression created on this score is not correct, but incorrect.

As far as the policies and the conduct of the ministers are concerned, as far as the basic policies of the Government are concerned, such as the labour policy, the education policy, and in fact any policy of the Government, nobody can say that it was crushing of democracy. It may be that the right, if it is a right, of exploitation of one section of the people by another section of the people might have been crushed and also the bureaucracy has been crushed.

I may now refer to another aspect. Shri Rangaswami, the Hindu correspondent, visited Kerala, and he has been writing so many things about it. He has mentioned about the toddy co-operatives which has been attacked here. He went to Kerala and found

out the things for himself. He said that it is not only an economic gain as far as the co-operatives are concerned, but it is something very important. It has brought about a psychological change among the poor toddy tappers. I am very sorry to say this, however, about the reference to toddy tappers by Acharya Kripalani. I have great respect for him. But he does not know about the toddy tappers and others there. The toddy tappers belong to a community. They are about 40 lakh people who only do this work. They are the people who were hit by prohibition. Prohibition is there. Now, they are forming themselves into co-operatives, and a psychological change has been brought about. In the past, the poor toddy tapper had to take away his head-gear when he saw the contractor, and he would not get the full fruit of his labours if he did not do so. Now, today, he can keep his head-gear. The psychological change is there. That is why even today, as far as these people are concerned, after the proclamation, a number of telegrams and letters received by me show that they have lost their hopes. The poor agriculturists had a love for and had hoped that the communist government would give protection to them and the police would not be allowed to run after them. They knew that the landlords would not harass them. They had a new lease of life and they attained freedom. That is a psychological factor. As far as the Kerala State was concerned, where casteism was predominant and where feudal slavery was prevalent, especially in Travancore-Cochin, it is feudalism that was crushed. I want to know in which way democracy has been crushed.

I do not say there was no mistake. There may be omissions and commissions as far as the government is concerned. There may be omissions; there may be commissions; there may be mistakes. But as far as the crushing of democracy is concerned, I say definitely it is wrong and there is no question of isolation from the masses.

[Shri A. K. Gopalan]

Even on this question of isolation from the masses, I may point out that after the passing of the Nagpur resolution, it is not the Congress that got itself isolated from the masses. Only, the Congress was isolated from Shri Masani, Shri Ranga and Shri Rajagopalachari, and others. If you say that there is a big upsurge after the Nagpur resolution, I may say one thing. Rajaji, as a leader of the Swatantra party, went to Ahmedabad. He was addressing a lakh of people. There is a big upsurge. Then, are you going to say that there will be no implementation of the Nagpur resolution? Certainly not. So, when there is any social legislation, when there is any political legislation, which checks the exploitation of the social order, does it mean that it is crushing the people, whether it is done by the Congress Government or by the communist government. Wherever it may, those sections which are opposed passed to it will come together.

I do not want to dwell on it any longer because my time is short. About the upsurge, I will say later. But I would ask, what was the kind of upsurge that was witnessed in Kerala and how this upsurge came about. What was the grave situation in Kerala and who created that situation? How did that situation come about? The most important point brought forward here by the Home Minister and by the other speakers is that there was a very grave and serious situation in Kerala and that was the reason why the Centre intervened. I have got the statement of the Prime Minister here and if you want, I can read it out. The Kerala Government, the Kerala Chief Minister, did not say, "Please intervene". I was with Shri Ajoy Ghosh when he talked with the Prime Minister. Nobody said, we want central intervention. It has been said that the Communist Party leaders and the Kerala Government wanted central intervention. If that is the reason, if we request the Home Minister today to intervene in Bengal,

where there is a mass upsurge, so that the Bengal Ministry may go, will you intervene? It is a very lame excuse, which need not be stated again and again. I will deal with that afterwards.

You speak of democracy and fundamental rights. What has happened in Kerala? You say, there was so much repression and suppression there. But we can be proud that as far as Kerala is concerned, for 2½ years, in spite of making open speeches saying that the noses of the Ministers must be cut, they must be whipped in public, in spite of these speeches delivered openly, in spite of saying to the I.A.S and I.P.S. officers that "The Central Government is ours; you must be careful and you must not obey the State Government", in spite of such treasonable speeches, the Kerala Government has not used the Preventive Detention Act, because as a matter of policy, we said it should not be used by any Government.

But what is happening in Bengal today? Hundreds of persons are detained without trial. There is no violation of fundamental rights there! Hundreds of persons have been arrested nobody knows what the charge is; not even the man has got an opportunity to say what he wants.

Acharya Kripalani (Sitamarhi): When thousands of people were willing to go to jail, where was the necessity for promulgating the Preventive Detention Act?

Shri A. K. Gopalan: What has happened in Punjab regarding the betterment levy agitation? The Kisan Sabha said, "We want to talk with you and discuss with you", but never did the Chief Minister allow that. In Kerala, the Government said, "In spite of the fact that the Education Act has been passed and the Supreme Court has given its consent saying that it is not unconstitutional, if somebody wants to have any change, let us sit and talk it out". They even

asked the Prime Minister, "Wherever there is difference, you, not as the leader of the Congress Party, but as the leader of the country, act as arbitrator and give your decision. We are ready to abide by that". But when I went to Punjab and there was firing in Narur village, then the Punjab Government said, "You must go from here". But in Kerala, Shrimati Sucheta Kripalani was allowed to go to every place, she went to every place, saw the blockades and other things. Shri Sadiq Ah was ready to lead the struggle. Other Congress leaders went from place to place. We told everybody, "You go and study the position and whatever you find, you may say to the people". That privilege was given. But still, there is no democracy in Kerala and there is democracy in Punjab and other places."

What were the kinds of speeches that were made openly in Kerala?

"We are now getting ready for a fight different from those of the past. The object of this meeting is not merely to express our protest against the Education Act or to get it withdrawn. But our object is to force the Communist Government to resign. I wish to inform you that Kerala is going to create a precedent in pulling down a Government through means other than the ballot box."

This was the speech made by Shri P S George, treasurer of the KPCC. He said, we are not going to do it through the ballot box, but there are other means, violent means, by which we are going to do it. Then, Shri Mannath said:

"If the people wrest power from these Ministers and subject them to trial, their ears and noses will have to be chopped off or they will have to be whipped in public."

This was the open speech given to the people before the "non-violent"

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movement. The leader of the Congress Party gave a speech in which he said, "We are ready for a civil war". In this House, we hear discussion about "civil war". The leader of the Congress Party said:

"If it is a civil war, we will resort to that to drive away the Government."

I do not want to quote more. The leader of the KPCC said, "We are ready for a civil war" and there were open speeches about beating the Ministers and all those things (interruption)

What was the grave situation? It was a pre-planned conspiracy to see that Communist Government was thrown out. The plan did not come up all on a sudden. It was done very cleverly. We have got the clever Home Minister here. Very silently, slowly, one by one, the rehearsal of the drama of liberation struggle was begun. If you have time, I will show how.

Mr Deputy-Speaker: I have no time.

Shri A. K. Gopalan: There was the boat struggle and there were other struggles. The ex-Congress Chief Minister of Kerala, Panampilla Govinda Menon, said there was a liberation struggle coming. It started long before. There was a dispute in a mill and there was an adjudication. He and a section of the workers did not like it. He said, "Here I am declaring a liberation struggle". Was it a liberation struggle after June 13? No, there were small liberation struggles conducted before. There was the student boat struggle. Government said, "If a committee is appointed and if they say these changes must be made, we would make the changes". They did not agree and there was a violent struggle. But there was not even a condemnation of that violence by the Central Government or by the Prime Minister.

[Shri A. K. Gopalan]

The conspiracy began at Ooty. The Congress leaders went there. I do not want to go into the details....

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

Shri A. K. Gopalan: I had already requested the Speaker that I want some time, because certain points have been raised and they have to be explained.

Mr. Deputy-Speaker: The Speaker has told me that the hon. Member must be given 25 minutes. After 30 minutes, I have rung the bell.

Shri A. K. Gopalan: I want to show how it began. At Ooty the Members of the Communist Party in Parliament met the Prime Minister and submitted a memorandum to him. We told him, "This is the background of the struggle that is going to come". We also quoted instances of the speeches made, organisations of volunteers, organisations with weapons, etc. We told him how on the hope of central intervention, the struggle was being carried on. We also told him how communal organisations in Kerala had been joining together. I do not want to enter into details, because I have no time.

As far as Central intervention is concerned, I do not want to quote the report in the papers about what the Prime Minister said. We said, the Centre should not intervene. The Centre must say, if there is direct action anywhere in the country to overthrow and paralyse a Government, it is against parliamentary and democratic methods; it is unconstitutional and undemocratic whether the Congress does it or Congress helps it to be done and it must not be there. So, democracy was in danger. After 1947, there has been no direct action anywhere and no struggle for paralyzing and overthrowing a Government. There were struggles—as Acharya Kripalani said—struggles should be on specific issues. As far

as struggles are concerned, they can be on certain demands and there can also be compromises. Here is a declaration that there is a struggle. The object of the struggle is to paralyse the Government. But when it is said that there is paralysation of a Government then this Government does not say anything; this Government does not give a warning. So, we said that the danger is that this Government did not like their policy. What did the Prime Minister say after that? On July 6th, at Coimbatore, the Prime Minister said that all kinds of forces are at play, casteism and communalism, all that. It is a very good statement. But when he said that all kinds of forces are at play, on the same day Mannath Padmanabhan, the reactionary leader and the leader of the Nair Service Society, was being taken in a chariot along with Congressmen. The Congress organisation and the Prime Minister could have at least told them not to sit along with Mannath Padmanabhan especially when he has said that he does not want violent conflicts as violence is objectionable and should not exist in a democratic state. At that time, when the Prime Minister said this we all thought that the Prime Minister would give a warning, he would have asked the Congress Party, or whatever may be there, for the sake of principle which the Congress says it had accepted that the Congress would have nothing to do with this. Now 26 schools have been burnt.

15 hrs

An Hon. Member: Question.

Shri A. K. Gopalan: 26 schools have been burnt. I can give you the names of the schools and places. I can lay it on the Table to show what are the schools that have been burnt. Buses have been burnt. Anywhere in India have you seen a struggle where the struggle is to burn schools, where the struggle was to see that the students do not go to the schools? Where the managers have opened the

schools stones were thrown, boys were pushed out of the schools and the blouses of the girls were torn and they were sent out of the schools. I cannot understand it. It is anti-social and unpatriotic to prevent the boys and girls from attending the schools. When the managers are prepared to open the schools, when the boys want to attend the classes and the parents are sitting there, half a dozen people enter the schools and beat up the students. The students get scared and come out

Why not the Prime Minister say something about this? He has said that violence is bad. Then why did he not prevent it? After that, on June 10th, there was a press conference in Delhi where the Prime Minister has given expression to very fine sentiments. He said that he was disturbed that communal organisations of Catholics and Nairs were being brought into actions. He declared his opposition to picketing, especially to school children. At that time, the school children were picketing. So, even on June 10th, when he made this remark, the apprehension was there that the Congress was a component of the liberation struggle committee.

He also said on June 10th, and this is very important:

"I am opposed to unconstitutional means at any time, anyhow, because once you adopt them they would be justified in another context. So far as I am concerned, I do not propose, nor intend, nor look forward to, nor expect any Government falling down except through normal democratic process."

This was the danger and so the Prime Minister said this. But what was the position of the Cabinet? What was the position of the Congress leadership? Nothing was done by them.

Regarding the intervention, what the State Government asked for was not the imposition of the military.

What they wanted was intervention to save democracy. The Prime Minister acted what he said on June 6 and June 10 namely, that violence should not be countenanced so that after Kerala there may not be another instance where people may point out and say that this is the way in which we want to drive out this Government so that there will be no parliamentary democracy. In a parliamentary democracy the battle is at the time of the elections.

Shri Thomas asked: who will win? Let not myself and Shri Thomas dispute it. Let the people of Kerala decide it. They will decide who should win. Let us leave it to the people of Kerala.

So what I say is that this principle was there when this was happening in Kerala. Buses were not allowed to move and the picketing of schools was there. Every day the Chief Minister reported to the Prime Minister that there was a great danger. So he said, you intervene under article 355. What is the intervention? Not intervention by the issue of a proclamation. He said: you intervene here and now; you tell the Congressmen that Congress will have nothing to do with this. Instead of doing that, they encouraged direct action against an established government. The Home Minister has quoted Rajaji. Here I am quoting both Rajaji and Patanjali Shastri and other people. They have all said: no, as far as direct action to overthrow a Government is concerned, it is unconstitutional, it is undemocratic, it cannot be used and it must never be allowed. The Prime Minister has also said it, not once or twice but many times.

Mr. Deputy-Speaker: The hon. Member should conclude now.

Shri A. K. Gopalan: I am concluding. I want two or three minutes.

Mr. Deputy-Speaker: I am afraid he would be pushing out one Member of his party from getting an opportunity.

Shri A. K. Gopalan: On the 23rd when the Prime Minister came there, the Chief Minister met him and there was discussion. Unfortunately, when the Prime Minister came what he saw was a mass upsurge. What was this mass upsurge? On the previous day all the buses, lorries and trucks were busy transporting people for this. The church bells tolled the whole day to get people. New umbrellas were provided, because it was a rainy day. New dresses were provided and Rs 2|8|- per head was given to march to the airport. I am sorry, it was Rs. 2|8|- per male and Rs 1|8|- per female. Shri Mannath Padmanabhan has said that they have spent Rs. 50 lakhs for this agitation. I will not go into the details of that. I just wanted to mention how these people were brought. Some placards were printed with the words "dismiss this Government" and distributed to the people. So, there was a big crowd. It was not a mass upsurge? It was a partisan mass upsurge. Was it a political upsurge? Was it an upsurge of all sections of the people, Catholics, Mussalmans and others? Was it an upsurge of certain Hindus and Muslims against the policy of the Government? No. It was an upsurge by the tolling of the bells in the church in the name of God saying religion is in danger. Look at the statement that has been issued by the 16 Bishops where it is said: "in the name of God, in the name of religion, if you want your religion, which is in danger, go there, ready to sacrifice and die". The Vatican Ambassador was in Bangalore at that time. I will not go into those details. So, this mass upsurge was just a religious frenzy. When Master Tara Singh was arrested, a jatha came in Delhi. Do you call it mass upsurge? The same thing happened in 1948. Do you call it mass upsurge? In 1936 the Prime Minister

went to Spain and he saw there a mass upsurge. The Catholic church made that upsurge. He came from there and said that it was not a mass upsurge. He said that it was something organised to overthrow a Government. He said that he could not support a mass upsurge to overthrow a constitutionally elected government. That was what was stated by the Prime Minister in 1936 but not by the Prime Minister of 1959.

An Hon. Member: Prime Minister of 1936?

Shri A. K. Gopalan: I am sorry, Shri Jawaharlal Nehru of 1936 and 1959. When he came there the Chief Minister of Kerala said: if there is a danger, there is a way out of it. Three suggestions were made. One was an enquiry into the firings. We are ready to do it. Then there is the round table conference. We are ready to discuss in a round table conference and if there are points where there cannot be any settlement we are ready to appoint the Prime Minister as the arbitrator. We are ready to obey what the Prime Minister says.

But when the Prime Minister came to Delhi and the Congress Parliamentary Board met, the whole thing was changed. They said there was a mass upsurge and a shift in the people's views. So they asked for mid-term elections and token picketing. They said that token picketing is allowed. What is token picketing? It was not token picketing that we witnessed there. It was burning of flags, marching towards the Collectorate, seizure of the Collectorate, hoisting of flags, seizure of the offices, these were the things that occurred there. Then the Parliamentary Board said, suspension of the Education Act and repudiation of all that was said in Trivandrum. At the Press conference of July 7th the Prime Minister said: it is not my intention that the whole of the Education Act should be suspended; I and my colleagues are very greatly opposed to picketing; nor do we like picketing.

of offices; we completely oppose picketing of schools and transport vehicles. Again, Sir, this is on the 7th July, What is the position there? It is not only picketing of offices but it is seizure of the Collectorate. It is an announcement of the 9th August. Shrimati Sucheta Kripalani had gone there and then there was a new programme of seizure. One lakh people going there and seizing the Secretariat. That was the programme. So, when the hon. Prime Minister was saying here again and again. "We oppose this thing", what was happening in Kerala was that it was not only a violent movement but it was a movement of non-payment of taxes. Do not cultivate the land. Do not give loans. Do not work. Non-co-operation was there. Work in community projects and other things should stop. I say that not a single word has been said against this. If the policy is to paralyse and overthrow a Government, if the Opposition parties talk of non-payment of taxes, no cultivation, if tomorrow a legislation is passed by Parliament whereby certain rights of the exploiting sections are curtailed, if there are riots in Ahmedabad and if under the orders of Shri Rajagopalachari we say that we will not open the factories if the Nagpur resolutions are implemented, what will happen? It was not only a violent action, it was not only the burning of schools but it was an action by which they wanted to paralyse the Government.

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

Shri A. K. Gopalan: Only one thing more and I shall stop. We met the hon. Prime Minister on the 29th July. In fact, when the hon. Prime Minister was sitting here, yesterday the hon. Home Minister said and today Shri Thomas also said that we had asked for intervention. I was with Shri Ajoy Ghosh. We went there tell him that even in spite of his warnings and other things, 9th August was there and what was he going to do. Was the hon. Prime

Minister to condemn these actions at least now? What will happen if the people come there, sit there and do violent things? The Government will have to act. Today that is taken as the Kerala Government having sought Central intervention. As far as the Government are concerned, they were prepared to face it if it came to that. But as there were reports in the papers we wanted to ask the hon. Prime Minister, "Have you taken a decision to intervene?" The hon. Prime Minister said, "Some kind of intervention must be there but we have not taken a decision." To say that the Chief Minister of Kerala, who is not present here, wanted it, well so many things can be said about him. He requested the hon. Speaker by a telegram saying that at least he must be represented to say something. Because there is no practice or convention here he is not here. The Chief Minister said, "I never told the hon. Prime Minister please intervene." The hon. Prime Minister also, in his statement in the *Times of India* categorically said that there was nothing like it. Even then, again and again Shri Thomas and others go on saying like this, that is, that it was the will of the Chief Minister of Kerala and everybody wanted the Centre to intervene because it was in danger. It was created by the Congress Party. It was created by their leadership. The hon. Prime Minister, I would say, instead of stopping it, abetted and aided this thing. The hon. Prime Minister certainly wanted that this thing should go on. When we asked him, "Will you intervene?" he said, "How can I say that I will never intervene?". He did not say that the Central Government will never intervene.

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

Shri A. K. Gopalan: One minute more. With your permission I will complete the sentence and sit down.

[Shri A. K. Gopalan]

The hon Prime Minister said, "I cannot say that we will never intervene." We did not want a categorical statement from him that as far as the Central Government is concerned, at any time when any occasion arises, it will never do that but we wanted only to know whether direct action and things like this had been permitted, whether it had been persuaded, whether it had been abetted, whether it had been begun at the initiative of the Congress Party and the Central Government, whether it had been inspired

An Hon Member: Conspired

Shri A K Gopalan: I am glad—by Acharya Kripalani, also by Shrimati Sucheta Kripalani and also inspired by the Congress Secretary This was done. So, not only do I disapprove of this Proclamation but I say that it was as a result of a conspiracy to overthrow the Government by using the words democracy and other things When the legislature was functioning, when the judiciary was functioning, when the executive was functioning, when everything was there, for the first time in the history of India, after 1947 this article 356 was used It was very bad and the people of Kerala will certainly oppose it

Shri Jawaharlal Nehru. Mr Deputy-Speaker Sir, I shall endeavour to the best of my ability to avoid the present excitement and distemper that comes from Kerala and to adhere to certain basic considerations which we have to consider Many things have been said here on both sides of the House which perhaps were not wholly relevant to this debate It is difficult to draw hard and fast lines in such a debate Nevertheless a great deal has been said

Shri Dange, who spoke with his usual fluency and ability—and spoke for a fairly considerable time—said many things But then I wondered

and thought how much can be said with what little content I tried to catch hold of what he had said. There were long disquisitions about democracy, about various other matters, about conspiracies but not too much about the points in issue The whole argument is—and to some extent Shri Gopalan's has been—of a deep laid conspiracy to put an end to the Kerala Government

The word democracy has been used a great deal here on every side of the House, more especially on the opposite side Shri Dange accused us of being—I forget his words, but he said something to the effect of being—the murderers of democracy. A story comes to my mind of an unfortunate youngman, who went and killed his father and mother When he was hauled up before the court he asked for clemency on the ground of being an orphan

Shri Sadhan Gupta: Do you ask for the same clemency after killing democracy?

Shri Jawaharlal Nehru. Shri Dange was good enough to say some very nice things about me and to condone with me that I had been removed from the pedestal on which our people had put me I do not personally believe in people being put on pedestals and if any persons had mistakenly put me on a pedestal it is a good thing that they have removed me It is good for me and good for them

Shri Dange referred also to the great deal of disquiet among various people in India including the members of the Congress Party about the step taken in Kerala He was perfectly right in referring to it or rather in mentioning this fact He probably knows because the newspapers have recorded it that the Congress Party of Parliament met for three long sessions confidentially to consider this matter and people spoke there

frankly and fully without any inhibitions as they should. Why? And what was the meaning of that? The meaning was because the Congress Party, being wedded to democracy and constitutional procedures, having been conditioned by them, was anxious to understand and know why something has been done which was criticised as being undemocratic. It shows the texture of the Congress Party. Even when its own Government had taken a step of this kind—a big step, an important step—it did not take it for granted. It wanted to argue. It wanted to criticise. It wanted to get out all the facts and then to decide in their individual or in their group minds. We found in those long discussions for three evenings that broadly speaking people who knew about what had happened in Kerala—and many of them had been there—were of one opinion. Immediately they had no doubts. Some people who had not been there perhaps did not know all the facts and were among the original doubters. But as the facts came out before them during these long talks there was no doubter left so far as I know. But what I was laying stress on was that this is the approach of the Congress rank and file as well as the important members of it. This is the critical approach now. If that was the approach of the rank and file of our Party, I would beg of you, Sir, to consider whether those who are honoured by the leadership of this Party could do something which was so radically opposed to that conditioning through which we had gone in the last generation or two specially. It was obvious that any such thing would give us the greatest disquiet and it was only when we were compelled by circumstances that we could take such a step. Now I venture to say that in this matter not only we, but all of us, were compelled by circumstances. How did those circumstances arise is another matter which can be considered.

Shri Gopalan, towards the end of his address, laid some stress on re-

pudiating a remark that has been made that even the leaders of the Communist Party at that juncture wanted intervention. He referred to a visit which he and Shri Ajoy Ghosh paid to me just about three or four days before this Proclamation of the President. I would not normally like to refer to a private meeting, but it is he who referred to it and therefore you would permit me and I hope he will permit me...

Shri Punnoose: The hon. Home Minister referred to it.

Shri Jawaharlal Nehru: I do not know about the hon. Home Minister. I am talking about a visit by Shri Ajoy Ghosh and Shri Gopalan. There are no secrets involved in it, but I would not have mentioned it if that particular incident had not been mentioned.

Now, I stated in public later, lest there might be any misapprehension, that the Chief Minister of Kerala had not asked us to intervene. Of course not, obviously not. Mr. Ajoy Ghosh and Mr. Gopalan did not in as many words ask us to intervene. But I say definitely that they left the impression upon me that nothing would be more welcome to them than intervention. (Interruptions)

Mr. Deputy-Speaker: Perhaps hon. Members did not follow what the Prime Minister said. He said that is the impression left upon him. It is on him that the impression has been left, not on the hon. Members.

Shri Tangamani: How does he know our mind?

Shri Jawaharlal Nehru: In fact, Mr. Ajoy Ghosh and Mr. Gopalan referred to that threat which had been made by that Samiti, the Vimochana Samara Samiti, that they would go on the 9th of August to the Secretariat with a large crowd and try to capture it.

Naturally, this was, I thought, a highly improper thing to do. But I

(Shri Jawaharlal Nehru)

was asked, in effect: you must stop not only that, but practically this movement, or else, the sooner you act the better. Now, it is quite beyond my capacity—one could express one's feelings and any that it was undesirable and all that—but it was quite beyond my capacity at this stage, or even earlier for the matter of that, to stop this tremendous movement. I could, if I was in charge and if our Government felt so inclined, of course, meet, if I may say so, that type of movement with the coercive apparatus of the Government. That is a different matter. But I knew that no word of mine would suddenly stop this movement where it had gone at that stage. And they knew it too very well

So the impression left on my mind was that the sooner this is done the better, the sooner this proclamation is issued the better.

Shri Pannose: The sooner you condemn the better.

Shri Jawaharlal Nehru: May I also say that when this proclamation came out—naturally I am referring to my own impressions—as I have said, there was a fair amount of disquiet in the minds of many of my colleagues in the Congress Party, but there was great relief in the Communist Party. And this is natural; this is quite natural. I do not mean to say (Interruption)

Mr. Deputy-Speaker: Order, order

Shri Jawaharlal Nehru: I do not mean to say that they wanted Central intervention all along. I do not say that. But I do say that a situation had arisen which it was becoming exceedingly difficult for them to face

I was told it meant, might have meant, well, very serious consequences, large-scale killing, something. And no government—communist, non-communist—likes doing that. It is obvious. Therefore they were in a

great difficulty. I can quite appreciate that difficulty, because any government would have been in that difficulty if it had arrived at that stage. And there was no way out of it, either this or to face it and those tremendous consequences, apart from the tremendous damage done, I mean to say lives lost, etc., the consequences and the ill-will raised among the people, ill-will that would last a long time, maybe till the elections and after, which obviously as reasonable politicians they did not like. Therefore, what were they to do about it? What could they do? There was no relief for them except by Central Government action

Shrimati Renu Chakravarty: So it is being justified?

Shri Jawaharlal Nehru: I am not justifying it. I am analysing as much as I can

Shrimati Renu Chakravarty: Analyse it yourself without bringing in others

Mr. Deputy-Speaker: Order, order. Shri Gopalan is all attention, but the other Members are going on interrupting. I should think that the Deputy Leader should exercise his influence on the others

Shri A. K. Gopalan: The Deputy Leader is not saying anything because he does not want to do it now. I wanted to repudiate and say it was not correct

Shri Jawaharlal Nehru: I would like to know his repudiation, so that I may know what it is

Shri A. K. Gopalan: The repudiation is that even now you are saying that we have said "please intervene to relieve us" That is what you are saying

Several Hon. Members: No (Interruption)

Mr. Deputy-Speaker: He has not said that

Shri A. K. Gopalan: I was present with Mr. Ajoy Ghosh. What he said was not that...

Mr. Deputy-Speaker: Order, order. Perhaps he has not understood the Prime Minister correctly. So far as I could understand, he has not said that.

Shri A. K. Gopalan: I did not talk anything, because the situation was rested and I wanted ...

Mr. Deputy-Speaker: Order, order

Shri Jawaharlal Nehru: The actual words used, to my recollection, were: "If you cannot stop all this, the sooner you act the better" These were the words used the sooner you act the better I am not saying

Shri A. K. Gopalan. The actual words used were "Can you tell us what is the decision you have taken? Are you going to intervene?" That is the actual word that he said, "What is the decision that the Central Government has taken?" We wanted to know the decision taken by the Central Government (*Interruption*)

Mr. Deputy-Speaker: Order, order Now I will request hon Members on both sides to have patience Let us listen to the Prime Minister

Shri Jawaharlal Nehru: What the hon Member said also were the words used: not exclusively Of course, he used those words too My reply, as he has already stated, was that we have not come to a final decision, but everything is driving us in that direction (*Interruptions*)

Mr. Deputy-Speaker Order, order

Shri Jawaharlal Nehru: I do not wish to enter into verbal exchanges, because the matter is beyond merely verbal cleverness But, I do submit that round about the time when this Proclamation was issued, we had arrived at a stage when there was no other way out except disaster on a big scale in Kerala, a holocaust or something like that. I do say—this is my

impression—that this was not only the view of a large number of other people, but by the compulsion of events, many of our Communist friends had arrived at the same conclusion, not willingly, but by the compulsion of events

Coming to the stage when this Proclamation was issued, I may well say, it was issued not only because there was no other way out, but because there was almost unanimity that it should be issued

Shrimati Renu Chakravartty: From your side

Shri Jawaharlal Nehru: I am prepared to admit that the argument is, and it should be met, it is all very well to issue it at the stage it was done, what about the preceding stages? (*Interruption from Shrimati Renu Chakravartty*) I am putting the hon Member's question What about the preceding stages? It was a conspiracy and instead of stopping it, under article 352 or some such thing, you encouraged it in various ways?

Just a little while ago, Shri A. K. Gopalan was good enough to quote from numerous speeches of mine, which I said at Press conferences again and again condemning the direct action that was going on in Kerala, condemning the picketing of schools, condemning the stopping of buses, condemning the so-called direct action in Government offices I said that on three or four separate occasions I may say, of course, this was not enough I should have said so more often and more forcibly (*Interruptions*)

Shri Asoka Mehta: We are here to hear the Prime Minister, not to hear the communists It is time they stop

Mr. Deputy-Speaker Order, order I will request the hon Members Majority of the House is anxious to hear the Prime Minister They are not interrupting the Prime Minister alone but the whole House They want to listen I will request them now (*Interruptions*) Order, order

[Mr. Deputy-Speaker]

I should warn hon. Members now that I shall have to take severe action if this is not stopped. I will make an appeal to all others also.

Shri Jadhav (Malegaon): Shri A. K. Gopalan was not interrupted.

Mr. Deputy-Speaker: I would make an appeal to all.

Shri Jawaharlal Nehru: I started by saying that I hope to avoid bringing in the present Kerala excitement and distemper here. In so far as I am concerned, I shall still endeavour to do so.

The cases may be isolated from the final act which had become inevitable and the preceding six weeks or six months or one year or two years or whatever you like.

We are accused of some kind of deep laid conspiracy to get others to do things which would bring about a situation which would enable us to act in this way. I hope that is a correct representation. The conspiracy goes back according to them to within 48 hours when the Kerala Government into power, when, according to S. A. Dange, Shri Shriman Narayan went there and gave out his opinion that there was insecurity and law and order was in danger. Shri S. A. Dange is not quite correct about that. It is true that Shri Shriman Narayan went there because of a previous engagement to attend a meeting there of the Kerala Pradesh Congress Committee. He did not make these remarks then. He made some such remarks five or six months later.

Some Hon. Members: No, no

Shri Jawaharlal Nehru: On the first occasion, what he referred to was—I have enquired from him and on the strength of what he said. I am saying—on the first occasion, just at that time, large-scale releases had taken place of people convicted of murder, etc. About that he said, this is caus-

ing a good deal of apprehension. Five or six months later, he went again and then he said that there was a widespread feeling of insecurity. As a matter of fact, I forget when, about a year ago, last year, some time, I also ventured to say that it had come to my knowledge that among the people in Kerala there was this feeling of insecurity. There was no doubt about that. I am not saying about what the position was; but many people felt that way; that is what I say. I cannot say; I do not know. But, many people felt this way; this was a widespread and growing opinion.

Then, Shri Dhebar is brought into the picture as another villain in the piece who excited. I am sorry the way his name is repeatedly brought out, because I think that Shri Dhebar is a man of the highest integrity for whom I have the greatest honour.

An Hon. Member: Can't help. (Laughter) (Interruption).

Mr. Deputy-Speaker: Order, order. Then, I shall have to take some action.

Shri Jawaharlal Nehru: Hon. Members who laugh at this would do themselves no credit by laughing when I refer to an honoured person and a man of integrity. It is not a laughing matter. You may agree or disagree. There are certain conventions to be observed in decent society.

I cannot go into those details, but I will say this. The House knows, last year the matters came up here on the motion of a Member from the opposition and, as has been pointed out, the Government's attitude, my hon. colleague, the Home Minister's attitude was not to encourage that matter here in the House, discussion, etc. Ultimately I do not quite know—it has sort of faded out—what happened to it. Not that we were not getting disquieting reports about various happenings there. The Home Minister's personal file is full of letters from the Governor and of letters to and from, not so

many, but a number—to the Chief Minister he wrote friendly letters—who asked why was not a warning sent under some article of the Constitution before the Proclamation. As a matter of fact, many times friendly letters were sent pointing out something which could be done. Sometimes his suggestions were accepted by the Chief Minister, sometimes not. So things were going on.

So, we were disturbed. But, the idea, the whole conception of intervention never came into our mind. It was quite remote. We had not thought of it. The thing that we did consider when the matter came up here was, when so many charges are brought, would it be desirable or advisable to have an enquiry into this. But, the question of intervention, never came into our mind.

To skip over a lengthy period, I do not wish to go into details, two months or three months ago, I forget, when we were at Ooty, I had been reading in the papers and got some broad reports about friction in Kerala. But I had no real idea of how much the situation had developed. The first intimation I got about this new Kerala situation was from a Minister of the Kerala Government. It was then that I realised from his words how serious it was and how big it was. In fact, I remember some rather odd words he used. He said that 'We have been used, in the past years, to what we call the Nehru crowds, which attracted so many people, but now we see the opposition people bringing these crowds on us'. He said 'This is amazing, this is surprising'. That remark and a lot of other things he told me impressed me that something unusual was happening there and I had not realised it. Later on of course, other facts and impressions came to me from other sources, from Congress people and others.

But the first impression I got was from a Minister of the Kerala Government, first of all, a personal report. I had a vague idea that perhaps by

visiting Kerala, I might be able to do something at that stage.

Then, when the matter came up, the question then was, I think, that this gentleman, Mr. Mannath Padmanabhan had announced or threatened to have picketing of schools or rather to stop the opening of schools by picketing and other ways. This was the sole matter which came up before us; some Congressmen had brought it. We said this was utterly wrong and absolutely wrong, and 'on no account can you participate in it'. That was the advice that we gave. There was no other issue before us.

We began to realise, however, that whatever advice we may or may not give, events that were happening in Kerala were gradually getting beyond any reasonable advice. It was just then that I issued, I believe, a statement, coming down from Ooty or from Coimbatore, in which what I said was—I think Shri A. K. Gopalan has already read out a part of that statement—(and this was the first time that I used that word) that this was a big upsurge. There it was. I came back.

Later we found to our surprise that this thing was growing bigger and bigger, and one thing which I had not expected, none of us had expected, was that some of the Congress people there had been prohibited from picketing of schools, they did not do so. I cannot speak about individuals, individual Congressmen might have done so. I cannot say, but officially they did not do so. They did not indulge in this bus business also. They did what they call token picketing, six persons performing some token picketing of Government offices. I did not approve of this at all. None of us did. But I confess to you and it may have been a wrong thing for us to do that we were in difficulty. When the matter came up later here, some days later, we were in a difficulty because people had got entangled in this thing. And here was this thing growing bigger

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and bigger; and what we were anxious about very much was, in so far as it was possible, to check this movement, so far as direct action and all that was concerned, and by progressive limitation or something of that kind, because we realised that just a command 'Don't do it' had no effect in those circumstances.

So, what was said, if you remember, in that resolution of the Congress Parliamentary Board was a fairly strong condemnation of picketing buses etc. etc. and all direct action of any kind, in fact, but there was a proviso—and you may agree or disagree that that proviso ought not to have been made; that is a different matter; but in the circumstances, and considering the situation as it was, there was this entanglement; we said, get out of this entanglement, the most you can do for the present is to gradually withdraw, is to carry on your token thing and then withdraw. That was what we said, because we wanted them to get out of it completely and to influence others also to do so. We said, you can have any other demonstrations if you like, public meetings if you like and such like things, but not this; because, speaking, for myself, as I stated previously, I was against all this direct action. It is a wrong thing.

Acharya Kripalani in the course of his speech two days ago said a number of things in praise of satyagraha and direct action. I am not competent to argue metaphysical and philosophical matters with him. I do not know if I can say honestly that any kind of satyagraha should be prohibited; I am not sure in my mind; there may be occasions when it is justified. But when we use the word 'satyagraha', surely, we should have in mind the basic elements of what is satyagraha. Surely, this House will remember that in the old days, when satyagraha and all these direct action movements were pretty common, how Gandhiji stopped the whole movement, because he thought that it was going wrong; he stopped it. He even said that he was the one and only man in India who

could perform satyagraha, nobody else. That was what he said. Others were not competent; or they could come in individually, one by one. With all deference to everybody concerned, I may say that if what I have said is satyagraha, then there was no satyagraha in Kerala, none at all, because I have seldom seen any place so thick with hatred and incipient violence; it is amazing; it was a case of thick walls of hatred everywhere, group hatred. I say so with all respect, not being, or considering, myself an expert in this; but if there is so much hatred and so much bitterness about it, then it is dangerous to conduct any satyagraha; you may call it by some other name; it is not satyagraha.

Shri A. K. Gopalan referred to my going to Kerala. I might say that I had vaguely thought of going to Kerala earlier. But the Chief Minister said publicly that for the moment he was not anxious that I should go there. So, I did not take up the question of my going there. Shri S. A. Dange is not here at the moment; he asked 'Why did he not go there at the invitation of the Congress or what not?'. Well, as a matter of fact,—except for any very special reason, I do not know, I cannot think of it, I do not visit any State except on the invitation of that State Government, whether it is a Congress Government or a PSP Government or a Communist Government. So, the question of my going there did not arise. Shri Namboodripad said that I need not go. But later in the month he wrote to me that he would like me to go there. So, for three days, I think, for three clear days, I went there. Shri A. K. Gopalan referred to an organised demonstration when I had gone there. Of course, it was an organised demonstration. I know that much of politics and that much of demonstrations as to know that. But organised demonstrations are also of various types, sizes, tempers and all that. And to some extent, I judged by them, but not much of course. I could realise that it was conceivable that a rival demonstration could also be organised,—if not on

that scale,—maybe a little smaller, but big enough, it is quite possible I spent those three days there, talking to lots of people, hundreds of people, I met them in groups and as individuals almost every person concerned, and I had long talks, of course, with the Ministers of the Kerala Government. But more than these talks, I was trying to sense in some capacity, to sense public feelings, public events, public meetings, crowds and demonstrations, I was trying to sense them, and the impression grew upon me that the situation in Kerala was much worse than what I had thought worse in a particular way, that there was absolutely no meeting-ground left between these rival groups big or small, and the bitterness and hatred and anger at each other was prodigious, I was amazed, I did not know how I could get a move on with all this, and this movement going on. I criticised direct action etc. whenever I spoke. I spoke to the Congress there and I told them too, but the problem before me was not to give a philosophical opinion but how to deal with a particularly difficult situation. I suggested rather as a side issue, which might do some good, in regard to the Education Act why not talk to the critics of this Act in regard to the controversial clauses? I was glad that they agreed to do so. Thereafter, I met the managers and bishops and various people concerned, the Nair Service Society and others—the Congress had nothing to do with this because the Congress as such was not concerned with the schools at all. Those peoples—I regretted then—were not enthusiastic about this proposal to have talks. The reason they gave was not without force. They said that previously they wanted to have talks, but they did not take place, and now with all this controversy when the atmosphere was so thick with suspicion, how could they have talks, there must be something in it.

Nevertheless, I reminded them that the lesson I had learnt from Gandhiji was always to be prepared to talk even with the enemy. Do not give up. You need not give up what you consider you principles, but talk. How-

ever, I could not convince them. I am sorry. But I realised that that was not the major issue. The Education Act had long ceased to be the major issue. Therefore,—I saw no way out—I suggested to the Chief Minister and the other Ministers of the Kerala Government that their only way was an election. Mind you, not Central intervention. There was no question of Central intervention, but an election asked for by them. That was a proposal I said that I thought that this position could not be dealt with merely by admonition or by strong language because—I use the word for both sides—it was a hysterical position. Everybody was in a state of hysteria. I am leaving out the question of justification or otherwise. There was this hysteria, anger and hatred and incipient violence, breaking out of violence. May I say—a fact which I did not quite know—that people in some parts of Kerala are in the habit of carrying about long knives with them and they are not averse to using them if their tempers rose? This kind of thing was happening from day to day, we heard of stab-

So I suggested elections. I did not expect elections—of course, I am not so simple-minded as to expect it—to solve this problem. But what I was aiming at was—to use a word which has been used in connection with European and world problems—some disengagement. This word, as you know, has been used in Europe about Germany and other problems. I said I wanted some disengagement and if they decided to have elections, then the situation would change. They would not set about to embrace each other, but this bitterness would change, people would, in a month or two, begin to think of the elections and start preparing for them. No doubt, they would use strong language, but it would be a different thing. This movement etc. would also be over and then it would be time to talk about the Education Act and other matters. This was the suggestion I made before I came away.

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After I came back, here on two or three occasions I repeated this either in Press conference or, I think, in a letter to the Chief Minister and in various ways, because I felt that was the only thing one could do. After all, what else could one do? There were two courses open. One was to try to crush this agitation by coercive methods. I did not think it was feasible; it was possible with the help of the police and the army to crush any agitation, however big, but the cost would have been frightful and the consequences would have been even more frightful. Maybe, I am wrong in this. The Kerala Ministers said that if this happened, the whole thing would fade away. But I think they were quite wrong, at that stage any way; I do not know about some early stage

The other alternative was for the agitation etc. to continue and continue and continue; which also was terrible, because government, as it was, became impossible. The House can well imagine that there was not much of a normal government functioning. It was functioning in the sense of the officers and other people being there, but the normal work of Government could not go on when every Minister had to deal with the situation and did not know what might happen—with stabbings going on, firings going on somewhere, demonstrations, arrests, jails full, etc. It could hardly go on in a small State like that with the percentage of people arrested being tremendous.

So that I would see no outlet except some disengagement. And I thought that the only way of disengagement was elections. I would again beg to point out that elections did not mean Presidential Proclamation at all. In fact, it would have been, more or less, on their initiative, an advantage to them in many ways. I put it to them in this way. No doubt, they must have considered it among themselves, but ultimately they were not agreeable to that. I stuck to this advice even to the last. Once or twice I thought that was a possibility of their accept-

ing this advice. But ultimately they did not. When they knew that the alternative was Presidential Proclamation and elections—the first was only elections—they realised that completely, because in spite of sometimes wrong notions, we can think intelligently about these consequences. They knew that

Now, the clear choice before them was to ask for elections or to permit the President to take action and then have elections. I have no doubt that they must have considered this choice carefully and long. And they came to the conclusion, I imagine—this is *guesswork*—that asking for elections would be some kind of a confession of failure

Shri C. D. Fande (Naini Tal): Danger of losing

Shri Jawaharlal Nehru: and they would not be able to blame the Central Government so much. 'We will stick to the end. The think will come. But then we can hold the banner of democracy against the Central Government.' That is a clear and unvarnished account of things that happened. Here we were struggling for preventing this thing happening, trying to find some way out, because, naturally, not merely because of our love for theoretical democracy but because of the practical aspects of this and the possible consequences of it, we did not want that

Now, think of another little thing. But it is important. It would have been greatly to the advantage of the Central Government if it wanted to put the Kerala Government and the Communist Party more and more in the wrong. It would have been greatly to its advantage to have stayed this action a few days, because by so doing the situation in Kerala—I have no doubt—would have become much worse. It was going forward towards disaster. That would have forced the Government there to take more and more action, suppressive, coercive action.

Shrimati Bona Chakravartty: You talk of saving the Communist Party at every stage!

Shri Jawaharlal Nehru: That was realised by Shri Ajoy Ghosh. When he came to me, he said: 'If you want to act, act quickly; don't delay'. Because it was obvious that the situation had become such that there was not a shadow of a doubt that—President's Proclamation or not—we would have to come in whether with the police or whether with the Army, call it what you like.

It has been repeatedly said—and I hope I am not referring to wrong articles—that under article 352 of the Constitution

16 hrs.

Shri C. D. Pande: 355

Shri Jawaharlal Nehru: 352, 353 or 355, that we should have helped. It is not quite clear to me what is meant by that. Even before the President's Proclamation I put it straight to the Chief Minister, 'What kind of help do you expect from us?' They never asked for any kind of help which we did not give. He said: 'We are thinking in terms of moral help and not physical help', moral help meaning thereby that we should have condemned this movement much more strongly than we did. I did condemn it. But I was quite clear about it. I condemned the form of the movement because I objected to this picketing business. But I did not condemn the expression of the people's will. I think they were justified. I said, you can do it any way you like; but these forms at least are not right. I used these very words. Do not for Heaven's sake call it satyagraha or anything because in my opinion a movement which was full of anger and hate cannot be called satyagraha. I said, have your movement. How can I condemn a movement which is people's expression? But let it be apart from this kind of

direct action. Nobody listened to me; and, probably, nobody would listen to me in those circumstances. It has been repeatedly said that under some article or otherwise we should have come to their rescue.

About a year or more than a year ago, that is just after a year of the coming into power of the Government in Kerala, the Chief Minister delivered a speech which attracted a good deal of attention at the time simply because in his speech the words 'civil war' came in. It was not really important. But, nevertheless, it was an interesting speech, interesting in the sense of the working of the mind behind it. I have got a note about it.

"The Chief Minister of Kerala warned the opposition parties that if they jointly tried to oust the communist Kerala Government, it would divide the people into two camps and create disruption in the country. This, Mr Namboodripad felt will inevitably lead to a situation in which the two contending groups will be forced to embark on a policy of mutual annihilation leading to a national tragedy. It was a similar situation, he added, that led to the protracted civil war in China." (Interruption)

This speech was delivered on the 31st May, 1958, more than a year ago. But now forgetting as to whose fault it was, the fact is that in Kerala a situation arose when not only all the Opposition groups but, if I may say so, all the people, the people who belong to no groups, the neutral people—they are non-political people—all of them joined together against the Government and its supporters. And this very thing, in a sense, the then Chief Minister referred to, that there will be two contending groups facing each other. This situation was, in fact, created. Sometimes, even leading members of these groups talked in amazing terms of annihilating the other group as if it was conceived at all possible, as if the communist party or Government could annihilate the rest of Kerala or as if the opposi-

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tion groups put together could annihilate all the communists and their sympathisers. They are both ridiculous propositions. But it shows to what extent the feelings had gone when people talked in this way.

Now, I read this little speech of Shri Namboodripad, which, in the context of civil war, he subsequently explained somewhat. But I attached really no importance to it, the civil war part of it, at that time, that is 15 months ago in May—to his thinking of everybody else combining against his Government. This way of thinking of the communist party and its supporters being one group against the world, against everybody else, one the selected and the elect and the other having the presumption to come together to oppose it, is a line of thinking which seems to be slightly odd.

When I met some of the members of the Kerala Government I put it to them. How is it that you have managed to make everybody against you—everybody meaning apart from their own party and supporters—all parties outside your group and your supporters, even some people—I do not know who they are—who call themselves Marxists or Revolutionary Marxists or Socialists, the RSP? I asked. By what alchemy have you made all these people your opponents? I used this word in this context. They were, as usual, taking it out of the context and putting it in the papers in their own context. I said, this is an astonishing failure on your part—I was not referring to the governmental measures or others. I said, you are losing support of all these people who are not intimately attached to you. I said, I was astonished. I do not think they gave me an adequate answer. I do not think it is an adequate answer to say that the communal institutions, the capitalists and the Nairs and the other people have abused and misused the people and incited them to do this. That is not the answer.

Of course, people who were opposing the communist party and the communist Government were all sorts of people. There are plenty of reactionaries in them. Who denies that? There are plenty of communalists in them not functioning communally, but those at other times functioned communally. You may say today they are functioning communally. It is immaterial. The point here is, all these people—remember however, though you divide all people into organised parties, but most of the humanity remains outside organised groups, whether it is in election or whether it is a movement—were opposed. Much depends upon on which side the sympathy of that unorganised, non-political mass, goes.

I have no doubt that in the present instance, these non-political lot, such as they are in Kerala, had all shifted over to the opposition groups.
(Interruption)

An Hon. Member: Wrong.

Shri Jawaharlal Nehru: I may be wrong. I am only giving my impression.

Shri Tyagi: Not the toddy tappers.

An Hon. Member: Except the toddy tappers.

Shri Jawaharlal Nehru: Shri Gopalan read out in the course of his speech an old lady's pathetic letter. I do not know what his purpose was in reading it. If he likes, I can send him many letters from old ladies and old men which I get from day to day from various places, including Kerala. Unfortunately, many of these communications from Kerala are disturbing. The other day in this House, Shri Gopalan and his colleagues rather warmed up on one occasion on a question of an adjournment motion because he wanted to put in an adjournment motion about something which, according to him, was happening: some attacks were being made on communists in Kerala. I think that some of the

statements have probably some truth in them. I tried to enquire into every-one of them. Some—I found—had no basis; some had some truth. But the other aspect was this; a number of messages, telegrams and letters have been coming in about attacks of communists on the others—stabbing, this and that. In fact only two or three days ago, one of the oldest persons I know in Kerala, a friend and colleague with whom I stayed 29 years ago at Trichur, Kuroor Namboodiripad

Shri V P Nayar: He is also called Kambi—kambi means telegram—Namboodiripad, which means that he is capable of sending any number of telegrams

Shri Jawaharlal Nehru: Anyhow, on Independence Day, he was going to attend the celebration of Independence Day or coming back—I forget. The poor man was pulled out of his car by people who are described as communists. He was given a thrashing. He was rescued and taken to a hospital and he is still in a hospital. That is the kind of thing (Inter-ruptions) I want you to visualise this picture in Kerala, with this tremendous anger, hatred, discontent anger with each other, polarisation of two groups and so on. Leave out for the sake of argument which is the bigger and which is the smaller. I have no doubt that in the circumstances one was much bigger than the other but leave that out. Here was a situation and a tendency to use knives—not only a tendency, but the actual use of knives. Now it is a grave danger. One could see it happening. This would go worse and worse and in fact stabbing all over the place, this man stabbing that man and thus a situation arises which it is not easy for even the best of police to deal with. You cannot deal with this, if all individuals have to stab somebody else. It is not a question of a crowd. Because of this we felt that something had to be done to stop this and we took this action. We advised the President rather to take

this action. We might as well, as I said before, waited because every day that we waited would have made the justification of that action more. But that would not be proper because that would have been at the cost of the people of Kerala and at the cost of greater bitterness and conflict. As a matter of fact, ever since this action has been taken—I do not say that there is complete peace all over Kerala, but—the situation is infinitely better. Occasionally, something happens in two or three districts. But broadly speaking, people have quieted down and they are getting out of the terrific condition in which they were in. As I said, I cannot expect them suddenly to develop an exceeding love for each other quickly.

Now, in the course of the debate, reference has sometimes been made to communism and communist party and all that. In connection with the Communist Party in Kerala or the Government in Kerala, naturally that subject has to be considered. But I do not think that this is the time or occasion for us to discuss communism or Marxism or even the wider implications of the communist parties in the world or even here. Not that I am averse to any talk on the subject but it must take place in the proper context, but not tied up to an important local issue like Kerala which arouses so much passion. I do not agree with much that has been said on this side or on that side. I am no communist. I do think, if I may say so with all respects, that what may be called communist theory is rather out of date. I do feel so. One big virtue in it—not so much the communist theory—is the normal socialist approach, being for the underdog. That is, the normal socialist approach. Whether you come up to it or not, that is a big thing. There is much good thing in communism that people should learn and certainly in the advanced communist countries. Nevertheless, I think that the communist theory is out of date and more especially, the application of it in various odd countries, the application

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based on some other application, is
utterly wrong.

Shri Dange accused or rather said that he objected to being told that he had no roots, in this country—he, meaning, a communist. Now that charge, not referring to Mr Dange or to any particular individual, has a very great deal of relevance to the group. I am not for a moment criticising anybody. But I say it almost inevitably follows—this kind of thing and that is the basic difficulty. It is not the communist theory, the economic theory. We may agree with it; we may not agree with it. It does not matter. We may vary it as even communist countries are varying it—but not the communist outside the communist countries! This business of not having roots—I think—is a dangerous thing. I do not say that because you have no roots, you are powerless. You may gain all kinds of authority and power but the result is this. Not having roots, your power is not easily used for the basic construction. It is power for destruction, rather than for building up from the roots. That is a long argument and I am not going into it. Whatever it is, it is. I do believe this applies not to India only but to other countries. It is only on the roots—you may call them what you like, cultural roots, national roots, basic roots—you may add anything from outside. Otherwise, you may remain static, so you must add. Add anything you like to it but build on these roots. If you are uprooted in mind or body, then anything you have is like a pot unconnected with earth—separate pots. That is the difficulty. And the real difficulty is all these suspicions in these which had come here; they have little to do with the basic economic approach. You may agree or not. But this difficulty of rootlessness and looking elsewhere—it is that which creates these difficulties and suspicions in those minds.

Shri Punnose: Is it our fault that we look to Delhi from Trivandrum?
.. (Interruptions).

An Hon. Member: Not to Moscow? They look more to Moscow than to Delhi.

Shri Jawaharlal Nehru: I did not quite follow, Sir.

Mr. Deputy-Speaker: Is it our fault that we look to Delhi from Trivandrum?—that is what he is saying.

Shri Jawaharlal Nehru: You do not look to Delhi; you sit in Delhi. But apart from this, let us look at it from another point of view.

I am no communist, but I am certainly not an anti-communist either and I want to declare it. I do not believe in this anti-ism, people get frightened of these things. I am a positive individual, not a negative individual. I hold a certain faith.

Acharya Kripalani: They do not accept you are not an anti-Communist.

Shri Jawaharlal Nehru: We have arrived at a stage in the world, trying to shift ourselves for a minute or two to a larger stage, when every attempt is being made for this kind of disengagement, disentanglement, to get out of the cold-war in order to avoid the hot-war. Well, so far as we have been concerned, in this country, we have endeavoured in our own small way to help in that process, because it is patent to any thinking person that the idea of these mighty groups in the world, one of them trying to crush out of existence the other, is no longer feasible, if it ever was. It means total destruction. Therefore, whether you like it or not you have to think in terms of, call it peaceful co-existence, call it what you like. There is no other way. The other way is common disaster.

16.21 hrs.

[Mr. SPEAKER in the Chair]

I am very glad that recently some things have happened, or are going to happen, which bring out that this idea is more and more widely accepted in the great countries of the world; the idea that Mr. Khrushchev is going to visit President Eisenhower and President Eisenhower is going to pay a return visit to Mr. Khrushchev, which was difficult enough to envisage a year or two ago. More or less it shows not a conversion of one to another but a conversion to the idea that problems cannot be solved by fighting and trying to kill but by more or less friendly approaches.

Well, if that is so to the world, surely it is even more important that that should apply in the narrowest sphere, in the national sphere. It is obvious. It is not a question of giving in. But this approach that some people have of trying to annihilate and crush the other, this approach to which reference was made in Mr. Namboodiripad's speech which I read out to you—this is the phrase used, that each party try to annihilate each other—that is not an intelligent approach in modern life. You may like or dislike it, but you have to accept some ways of dealing with them apart from the normal jungle way of breaking each other's head or shooting each other down. It is from that point of view that I would like you to consider this.

I can also give you another, in Communism or Markism. Those of us who are interested in history read about crusading religions often full of vitality, full of the desire to conquer and convert the whole world. Well, they show considerable results. But they gradually tone down. The world still remains multi-religious; no single religion has conquered the world in spite of the army, the faith, the energy and the crusading spirit. They tone down. If you go to the letter of the religion, it is: "Go; convert everybody with the sword if neces-

sary". But you see in practice they are quite individuals professing that religion, may be liking others to be converted but not at the point of the sword or lathi or conflict.

So these great impulses that come to the world from time to time for doing good, sometimes they upset things, sometimes they may bring in a bit of evil, but gradually they adapt themselves, they become less and less fierce, if I may say so with all respect, less crusading, less upsetting. They adapt themselves wherever they are, in their own countries or elsewhere. This process always go on and they are going on now, whether it is communism or anything else; and it is only people who take to narrower view of this, whether they are Communists or anti-Communists, who prevent the growth of these normal and natural forces.

So far as we are concerned, we have tried to follow our own policy, international, national or domestical. We approach such things as we consider wrong, national or inter-national. But we do not make our policy one of fighting an opposition to everybody who does not fall in line with us. That certainly has not been the genius of the Indian people. The genius of the Indian people has been "live and let live" and not give in wrongly. But I do think that nowadays, not when political and economic matters arouse passions to a high level, we should stick to what we believe right, we should discuss and come to terms, but finally we should "live and let live" and not try to solve them by annihilating each other.

We live in the present. But, obviously, we live in the present thinking of the future. We want to have a stake in that future. We won't have that future at all if we, more or less, in the present put an end to ourselves, if not to ourselves to much that we stand for.

Sir, before I finish, may I say a word about something quite irrelevant that was brought into the pic-

[Shri Jawaharlal Nehru]

ture? I think Shri Khadihar brought in my colleague, the Finance Minister, Shri Morarji Desai, what happened in Bombay and so on. Now, much can be said on that subject, but, surely I would say there is no time for it, and I do not think it is quite fair of Shri Khadihar to bring that in and in the way that he did it

Shri Siva Raj (Chingleput—Reserv-
ed-Sch. Castes). Mr Speaker, Sir,
after the speeches made from every
side of this House on this question,
my few remarks will be like a torrent-
dwindling into a trickle.

Some Hon Members: Come to the
front We can't hear you

Shri Siva Raj: Sir, in the face and
in the spate of the literature that was
supplied to us both on the side of the
Communists and, what were called,
the non-Communists, it is, indeed,
very difficult for anyone of us to
arrive at, a correct conclusion. It is
very difficult for us to arrive at the
truth from what we consider to be an
over-statement of facts. In fact, it is
very difficult for us to come to any
precision between two sets of lies.
That is the way everyone, from what
ever side he may be, spoke. I now
feel, Sir, representing as I do the
Republican Party of India, I must
make mention in this House that our
first article of faith is a parliament-
ary system of Government particu-
larly on a two-party basis. We are
averse to any act or conduct on the
part either of an individual or an
institution or a party which aims in
the slightest manner to cut at the
root of the system because we
sincerely believe that placed as we
are in the present conditions of
Indian society, of all the systems that
will help us to develop, more particu-
larly our mind, the parliamentary
system of Government will be the
best system. We do not in our devel-
oping stage want to surrender our
minds to any kind of ideology. I

think the hope for the masses in this
country and for their development lies
in the fact that they must have free-
dom to develop their minds in a free
way and not be subject to domination
of either one ideology or the other.

But in this respect it is our experi-
ence that the Congress party, in spite
of its professions of democracy and
democratic practice, in actual admini-
stration, allowed these principles to
go by the board and acted in such a
manner that it created an impression
on us that they are no less dictatorial
than our friends, the communists. So,
as far as we are concerned, we can
only say that this long-drawn dis-
pute, between the parties in Kerala
and also these expressions of charges,
each against the other, has left us
with this question, namely, a question
of choice between two evils. Quite
naturally we will choose the lesser
evil. At the present moment, having
heard the many statements made
by the different Members from differ-
ent sides, we welcome the decision
taken by the President to impose the
President's rule in Kerala, if for no
other reason than that at least tem-
porarily this tempo of agitation in
Kerala may be stopped.

We believe that a Government,
whether of the State or the Union, if
it is to be called a Government, must
govern, and if it is not to govern, it
must yield place to some other Gov-
ernment. In the case of Kerala—it
does not matter who created the agi-
tation and it does not matter who
created the chaos—it looks as if it
was not possible for the Kerala Gov-
ernment to control the situation. I do
not know how far the Kerala Chief
Minister or the Kerala Government
confessed to the Central Government
their inability to control the situation.
Nevertheless, it looked as if that at
least for quite a period of time, about
one and a half months, the Kerala
Government did not know what
exactly to do with the situation that
was developing very fast there from

what accounts we have been able to get from impartial sources.

So we felt that though late it was right that the President should have taken over charge of the administration. One might go to the extent of charging the Centre for not having taken action earlier. Had it taken action earlier, probably there would not have been much loss of life and property in Kerala.

I do not blame one side or the other for this state of things. As the Prime Minister just now said, having had a personal contact with the situation and on account of his personal visit to Kerala, almost every day the tempo was increasing and the parties were coming to clash. In that situation, I might even suggest—I do not know how far it is good for the development of democracy in our country—that the Constitution may be so amended as to make it possible for a Governor or the President, in a case where after the elections no stable Government could be formed on account of the lack of sufficient majority,—and in fact it is quite possible for the Constitution to be amended in such a way—instead of immediately forming a Government, to have Governor's rule and fix a period for re-election within six months or something like that. It looks like a reactionary and probably an unprogressive suggestion, but it is not in all countries that people understand, particularly in our country, how a democracy ought to function. There are so many other principles and provisions laid down in the Constitution for the successful running of democracy, but we have not yet learnt to understand the other man's point of view or the opposition's point of view.

We always think that the opponent has got a motive and we suggest motives for the opponent's actions and words. We are not afraid of resorting to methods other than those permissible under a parliamentary system of government for disposing of our political opponents. Particularly in the

East, it is very unfortunate that when they want to dispose of political opponents, they resort to all sorts of things. Thank God, in our country it has not happened so far; I hope it has not. But we must know that in order that democracy may function successfully, we must adopt, not merely at the election time, not merely during parliamentary debate, but almost every day in our daily life, certain conventions, so far as our political opponents and political relations are concerned. We must understand the other man's point of view, we must try to accommodate the other man's point of view and thirdly, we must also learn the art of give and take in politics, which has not been done so far.

I would like to make another suggestion. All these doubts, difficulties and suspicion about the action of the Union Government arise, in my opinion, by reason of the fact that the Congress Party adopt a policy of taking their own party men for official preferments, whenever they appoint persons to the posts or offices of Governor or some other important officers on whose reports and recommendations, some of the provisions of the Constitution should be acted upon, as for instance, in this case. It may be true that the Governor of Kerala is a perfect gentleman and can rise above partisanship; he may be an honest man and a man of integrity and ability. But human nature being what it is, it is very difficult to avoid the suspicion that he has carried out, not necessarily the mandate of the Union Government, but the mandate of the Congress High Command.

So, it is also necessary that in these official preferments, care ought to be taken to see that you put in those offices persons whose integrity cannot be doubted and who can be trusted to have fairplay and justice as their guiding principles in their daily administration. We also feel, as members of the Republican Party, that we should take care to see that

[Shri Siva Raj]

in future parliamentary system of democracy must be developed by all the parties. I will only appeal to the Congress Party and also to my friends in the Communist Party that it is not enough that they profess democracy, but they must act democratically in their daily life. There is a fear cast amongst the people, which I think is very justifiable here, that if the Communist Party succeeds, a type of life will be introduced by the Communist Government in India where ultimately the individual will be subjected to the State and that he will be for all time to come an **unthinking human** being. We in the Republican Party are against that ideal and consequently, we welcome any action on the part of the Central Government which will go to see that parliamentary democracy is preserved in this country.

Dr. M. S. Aney (Nagpur): I rise to support the motion that has been moved by the hon. Home Minister on the 17th instant. It approves the proclamation issued by the President on the 31st of July 1959 under clause (1) of article 356 of the Constitution. My reading of the public opinion, as reflected in the leading journals of India, English as well as vernacular is that the Indians of all shades of opinion, of all political parties except the Communist Party have overwhelmingly expressed their approval of the action taken by the President. If there is any dissatisfaction in regard to it, it is not because it is issued by the President but because it was issued rather late and not early.

I admit that the promulgation of the proclamation is an extreme step, and the President's power can be invoked by the Union Government only in the case of such emergency as has been specifically mentioned in the provision itself. **The President has to satisfy himself** "on a report from the Governor of a State or otherwise" "that a situation has arisen in which the gov-

ernment of the State cannot be carried on in accordance with the provisions of the Constitution".

The hon. Member from Ahmednagar has tried to show in his speech that the framers of the Constitution desired that this provision should be a dead letter. He read a quotation from the speech of Shri Kamath, who was previously a very active Member of this House. I do not want to dispute the accuracy of the quotation but I certainly dispute the interpretation of the quoted passage by the hon. Member in this House. The framers of the Constitution certainly expressed a pious wish that there would be no occasion to use it as no State of the Union would carry on its administration in utter disregard to the provisions of the Constitution itself. They surely did not mean that it should never be used whatever might be the nature of the situation in the State. The very fact that the makers of the Constitution took care to precisely define the nature of the situation in which the use of the powers would be justified, proves that the exceptional power conferred on the President was real and meant by them to be used. And he has virtually used it before on more than one occasion, as one hon. Member from this House has stated.

As I mentioned, the provisions of articles 355 and 356 are not ornamental but very essential from the point of view of the unity of the Indian nation. One of the objects of the Constitution of India is to promote among all the citizens of India a spirit of fraternity, assuring the dignity of the individual and the unity of the Indian Nation. In the sovereign democratic Republic the unity of the Nation is symbolised firstly in the Constitution, secondly in the President and thirdly in the Parliament itself, i.e. two Houses of the Union Legislature. Bearing in mind that it is the Constitution that enables the people to elect their Pre-

sident and the House of Parliament, the Constitution of India which the people of India have given to themselves is the main foundation of the unity of the nation. Our Constitution is federal. The units of the federation are autonomous. This autonomy has the potential power of creating disintegration and disunity. It is only by ensuring loyalty of the States to the provisions of the Constitution in carrying on the administration that the unity of the nation can be preserved and upheld. It is for this reason that article 355 of the Constitution throws on the Union certain duties, namely, to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the Constitution. In case of the first two the Union can make use of its defence forces, but in case of the third, namely, non-compliance of the State with the Constitution in carrying on the Government of the State, the Constitution provides the remedy in article 356. The President, who is the second symbol of the nation's unity, is empowered by the Constitution to step in and promulgate the Proclamation. The spirit of disloyalty to the Constitution cannot be allowed to grow. It must be nipped in the bud. No Government of the State can assume authority and power without first solemnly pledging loyalty to the Constitution and thereby to the four great principles of justice, liberty, equality and fraternity which constitute the very foundation on which the unity of the Indian nation stands. It is through these stern, strong but salutary provisions that the autonomous States and the Union legislatures are all kept bound together and stand before the civilised world as one undivided and indivisible entity. I feel sure that Members of this House will realise the importance and urgency of this provision for the preservation of the unity in this country, and in discussing the President's Proclamation will always bear in mind the solemn and supreme importance of the duty

which the President is called upon to discharge.

The only question before the House in expressing its opinion on the Proclamation in respect of Kerala is to see whether the situation had arisen in that State in which the Government cannot be carried on in accordance with the provisions of the Constitution.

16.47 hrs.

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

That is the only point which the House has to consider. I am sure that the emphasis is not on simply carrying on the Government in the State but it is on carrying on the Government in accordance with the provisions of the Constitution. That is a point which I would like to emphasise in this connection. So many people while making their speeches have said that Government was going on and could have gone on. But whether it was going on in accordance with the provisions of the Constitution or not is a point which the President has to consider and which this House has to consider in expressing its opinion on the Motion placed before it.

The ministry of a State is formed expressly on its subscribing to the oath that it shall be loyal to the Constitution. The wording of the oath is:

"I do swear in the name of God or solemnly affirm.." I think this provision has been specifically made excepting people not believing in God and are likely to be in power.

"solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully and conscientiously discharge my duties as a minister for the State and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour or affection or illwill."

[Dr. M. S. Aney]

It is this oath that brings the Minister in the position of power and prestige as a Minister, and he therefore naturally forfeits that right by any breach of this oath on his part. The oath requires the Minister individually and the Ministry collectively to do right to all manner of people in accordance with the constitution and the law established. These words in the oath are inserted to prominently bring to his notice his duty to observe in the discharge of his duties as a Minister the greatest importance of the principle laid down in Part III of the Constitution, namely the Chapter on Fundamental Rights. It also refers to the principles of equality of all citizens in the eye of law and equality of opportunity to all also.

While I am on this point, I may invite your attention to article 365 also which specifies some of the conditions under which "It shall be lawful for the President to hold that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of the Constitution". The condition as contained in the provision, is: non-compliance with or failure to give effect to any direction given in the exercise of the executive power of the Union under any of the provisions of the Constitution. If the State does not comply with the direction given by the Union Government, that also is a condition which gives the President power to hold that the situation is such as cannot be carried on in accordance with the provisions of the Constitution.

Having placed before you the main provisions which ought to be carefully studied and understood, I shall now discuss the other problems that arise out of it.

In the pamphlets published on the Kerala situation in the last few months one gets instances of a number of incidences in Kerala and acts

of the Kerala Government which amount to a flagrant violation of the provisions of the Constitution. But I will only make a passing reference to two or three instances only. Other matters have been mentioned by many others who know things much more intimately and accurately than I do myself. So I do not want to go into the other details. But I will mention only two or three points which strike me as points of importance from the point of view of complying with the provisions of the Constitution.

The first is the indiscriminate release of a large number of prisoners, including thirty-four murderers who have been guilty of very heinous offences of a hideous character, of murdering policemen. The second is the enunciation of the police policy which called upon the police to refrain from giving protection to certain kind of people in certain situations though under the law that exists throughout the Union they are entitled to have it

I will take only these two instances. As regards the first, I learn that the sentences of death passed by the courts have been upheld by the High Courts and the Supreme Court also, and their petitions for mercy to the President have also been rejected. Release of such prisoners from jail, instead of carrying out the sentence of death in accordance with law, is undoubtedly the most dangerous departure from the provisions of the Constitution. The Kerala Government flouted the Constitution deliberately. To my mind this instance by itself was sufficient to prove that the Kerala Ministry was befriending murderers in the interest of its party and putting a premium on the act of violence.

Similarly, the open enunciation of the police policy meant utter disregard for the principles laid down in the Chapter on Fundamental Rights and an indefensible departure from the

oath that it will do right to all manner of people without fear or favour. The main object of this policy was to create an impression in Kerala that the communist regime has begun and the communists will use the authority to consolidate the position of the communist party by all means, fair or foul, constitutional or unconstitutional. A murderer released adorns a seat in the Speaker's Gallery in the Kerala Assembly. I have read that in the pamphlet distributed. It shows that the Kerala Government had a code of ethics and a code of conduct entirely different from the one on which the Constitution of India is based. It treats oath not with solemnity, but with frivolity. It has therefore no right to exist and continue as a Government of a State governed by the Constitution of India. There are instances of indisputable discrimination and I find that they are defended in an unabashed manner on the floor of this House.

My grievance against the Union Government is that it has been failing in its duty under the Constitution whenever it had tried to accommodate the communist state of Kerala, knowing full well that their act was in violation of the Constitution. One act of accommodation led the Nambudiripad Ministry to commit another violation hoping that the Union Government, in its desire to give chance to the new Kerala State to grow will condone it also. It went on in that way for two years and a half. All hopes of the Union Government that due to lenient attitude and their generous desire to help the State, a new sense of responsibility will grow and the naughty new State Government may develop into a social and reliable associate of their to shoulder the responsibility of the Government of the new India which the Union Government desire to create, failed. It was misplaced leniency. It was, to translate a well known Sanskrit phrase, feeding a serpent with milk (शरीरिणम् दधेः) The action of the Government means that.

communist cannot shed his colour and change his spots. This one lesson, I wish the Union Government should learn from this regrettable episode.

I am reminded of a famous couplet in Hitopadesh as I read the story of Communist administration in Kerala two years and a half. The Sanskrit couplet is very simple and you can understand it without translation.

यौवन्म् धन सर्पति . प्रभुत्वमविवेकिता
एकैकमप्यन्यथा च हिमवत् चतुष्टयम्

Every one of the four qualities mentioned below, namely youth, plenty of wealth, power and indiscreetness is capable of creating a dangerous situation. What to say when all the four are combined? The Communist Party is the youngest political party. The Communist party is rich. I do not know from where they get money. The party has no anxiety about getting money. There is plenty of wealth. The third thing is, it has come into power. Prabhutvam is there. About avivekita, utter disregard for law, utter disregard for morality or any higher principle except the principle of expediency to turn everything to their own ends—that is their cult. All these four qualities, each of which is fraught with danger, are combined here and they are fraught with dangerous consequences to the safety of the State itself. We find a most terrible combination of all these attributes in the new cult of communism and it is therefore proper that that Government is dismissed and succeeded by President's Proclamation.

The Sanskrit motto is "सन कपाने
बहुद्वहारे" an extreme step
no doubt—a blow with a good stick
on the head of dog is the only way
of getting it out of the way. I hope
the Union Government will strictly
observe this policy in future.

The nation will feel grateful to the Union Government for having given a proper advice to the President, though

[Dr. M. S. Anaj]

somewhat late, and also to the President himself for having taken the step which was proper and inevitable. This Proclamation is also a warning to all the States whether Congress or other, that the Union Government treats the Constitution as very sacred and a State can depart from it only at its peril.

I support the motion.

Mr. Deputy-Speaker: Now, Shri Braj Raj Singh. The hon. Member is absent. So, I now call upon Shri P. K. Deo.

17 hrs.

Shri P. K. Deo (Kalahandi): After all these highly controversial and at the same time eloquent speeches of the previous speakers, I do not think I can do justice to the heat that has been generated in this House. I did not have the good fortune of visiting Kerala during these troubled days and I did not have a first-hand knowledge of the situation. The basis of my knowledge is from the various press reports that have appeared from time to time in the various place. Again, the various controversial and contradictory literature that has been issued from both sides, with charges and counter-charges are most misleading. So, I am not going to attach any weight to this literature.

Knowing this fully well, some time back, we requested in this House for a verbatim copy of the Governor's report and also the other information on which the President was satisfied that the Government of Kerala could not be carried on according to the provisions of the Constitution to be supplied to us. Of course, even though the Home Minister had the inherent power to withhold the production of any official document, still, the Home Minister has given us a summary of the Governor's report. I think it was summarised after the Proclamation was given effect to, and

after Central intervention had taken place.

Even then, going through the summary of the Governor's report, we come across cases of corruption, mal-administration and interference in routine administration, misuse of power and in general, insecurity prevailing regarding life and property in that State, and which was precipitated by this unprecedented mass un-surge.

I do not claim myself to be a constitutional pundit. At the same time, I have not been convinced as to which are the provisions of this Constitution which could not be worked out in Kerala. My hon. friend Shri A. M. Thomas has cited certain instances of infringement of fundamental rights. For those cases, the proper forum would have been the High Court and the Supreme Court. The High Court and the Supreme Court were there, and the persons affected could have gone there and sought justice if there were any infringement of the fundamental rights.

After going through the different provisions of the Constitution, I personally feel that if at all the Government of India were convinced that insecurity was prevailing in Kerala they could have acted under article 352 of the Constitution which clearly says

"If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect."

Pandit Thakur Das Bhargava (Hissar) Article 352 does not speak of fundamental rights and government according to the provisions of the Constitution. It is only article 353 which deals with that.

Shri P. K. Deo: I am speaking about the security part of it .

Pandit Thakur Das Bhargava: The article for that is different.

Shri P. K. Deo: I am referring to internal disturbance and insecurity. The President could have acted under article 352. The plea that has been taken by the Government of India is that as no request came from the Kerala Government, therefore, they did not like to act under article 352. It is the duty of the Central Government to protect every State against internal disturbance, under article 355 of the Constitution. So I do not know why the Central Government should wait till they receive a formal request from the State Government. Anyway, these are immaterial.

Now, I would like to come to the political aspect of the whole situation. Whatever justification there may be for Central intervention, it has created a precedent in this country which will have far-reaching effect. Democracy in this country is in the crucible and in the process of evolution. So incidents like this generally create grave doubts in our minds if the parliamentary system of Government, specially of the Westminster model, is suitable to Indian conditions and the temperaments of the people. I hold no brief for any party or individual, but I would like to discuss the whole thing in a dispassionate way.

After democracy has been eclipsed in the neighbouring States of this continent, India is the last bastion which has been keeping the flag of democracy flying and all eyes all over the world are riveted on the working of democracy in this country, and we are all pledged to make it a success. It is in this country that independence was won by non-violent means; it is in this country that 500 odd princely States were integrated most peacefully, and it is here that the largest number of voters exercise their will in electing their

government. Further, it is cant that in this country alone, the Communists chose to enter the parliamentary field, contrary to their accepted international creed, came to power through the ballot box and pledged themselves to work under the Constitution.

All this was possible due to the democratic creed accepted by us. Why then this departure from it? Democracy is a way of life. It has its growth from various precedents and conventions we leave for posterity to follow. I simply shudder to think that an Assembly could be dissolved and a Ministry dismissed, even though it enjoyed the confidence of the House.

In this country, we had Central intervention on previous occasions, but never when there was a stable Ministry and that Ministry enjoyed the confidence of the House.

Pandit Thakur Das Bhargava: It happened in the Punjab.

Shri P. K. Deo: First, it happened in the Punjab during the time of the provisional Parliament when Dr. Gopichand Bhargava resigned. No alternative Ministry could be formed. The Congress Party had a substantial majority, but it failed because of factions and various groups and sub-groups in it. Secondly, it came in PEPSU where the ruling party lost its majority because 9 of its members including the Chief Minister were unseated by an award of an election tribunal. Thirdly, it came in Andhra when the Congress Ministry headed by Shri Prakasam was defeated on the question of Prohibition by a PSP Communist alliance. The fourth instance was in Travancore-Cochin where the Congress, after one year of tolerance, withdrew its support to the PSP Ministry which had a strength of 19 in a House of 118 and it later failed to maintain the required strength when 6 of the members resigned from the Congress Assembly Party.

[Shri P. K. Deo]

It is for the first time that a Ministry has been dismissed, even though it enjoyed a majority in the House. It has no precedent in history. Probably it has some likeness, as I pointed out the other day, to the situation when Charles the First came one fine morning and said 'I dismiss the Long Parliament' Perhaps a situation had arisen at the end of last month when there was no way out to restore orderly life except by direct rule of the Centre. But these are questions of fact, and all sorts of misleading facts have been supplied to us by both sides.

So I beg to submit that at least before taking such a drastic step the Central Government should have consulted this Parliament. This august House is the watch-dog of the Constitution and of the democratic rights of the people.

Heavens were not going to fall within those 4 days, they could as well have waited and taken the House into confidence and they could have been benefited by the deliberations of the Members in this House—the representatives of the Kerala State who are both in the Opposition as well as in the Treasury Benches.

I cannot appreciate the hurry with which it was rushed through and it does not speak well of the *bona fides* of the Government. At this stage it would be no use flogging a dead horse.

There has been no patent breakdown of the Constitution as in the previous cases quoted by me. We do not have any first-hand knowledge of the situation, whether the circumstances justified Central intervention or not. However, it has a disagreeable beginning, and it has created a bad example.

The people of Kerala had experienced the rule of the Congress Party, for a short period, the rule of the PSP, and the direct rule of the Centre. The communists, as it seems,

held out a promise of better Government and they were voted to power and a communist Government was legally constituted under the Constitution and they enjoyed the majority till the moment they were dismissed by the Centre. Even the bye-election at Devicollam has proved that they had the backing of the people. The opposition parties, smarting under the frustration of defeat, plunged into an all-out agitation regardless of constitutional proprieties and democratic conventions.

Even Pandit Nehru has expressed himself in clear terms against picketing Government offices, schools and transport vehicles. The Congress Central Board had permitted—and this has been admitted by our Prime Minister—that Congressmen may take to token picketing, if not in paralysing the Government.

Adversity makes strange bed-fellows. P.S.P. and others who were short-sighted have also plunged headlong into the agitation without realising for a moment that they were leaving such precedents which will be applied as boomerang against them, if at all they ever form a Government in any State and the Congress happens to be in the Centre.

Acharya Kripalani: Why do you call it short-sighted?

Shri P. K. Deo: It is most painful to see our national leader, Pandit Jawaharlal Nehru in his emotional conflict being pulled in opposite directions by the obligations of the two roles merged in himself as the Prime Minister of India and as the leader of the Congress Party. The country has full faith in him and we hope that he will rise to the occasion and will be the saviour of democracy in this country.

At this cross-road of Indian democracy the misfortune was that the Congress made the communists the defenders of democracy and they took

to the creed of mobocracy. These are not my quotations but these are quotations of prominent Congressmen in this country today (Interruption).

Is it not the Congress party which once condemned the agitational approach, in connection with the States Reorganisation, of the Samyukta Maharashtra Samiti themselves took recourse to similar movements to achieve their own ends? The question is, 'Is Central intervention justified?'

When Dr Harekrushna Mahtab took recourse to all sorts of dubious methods in forming his erstwhile Congress Ministry

An Hon. Member: He is your colleague there now

Mr. Deputy-Speaker: Order, order I think it would not be advisable to criticise Mr Mahtab just at this moment

Shri P. K. Deo. Sir, even when Dr Harekrushna Mahtab took recourse to all sorts of dubious methods to form a Ministry having secured less than 39 per cent of the votes at the polls and having secured only 56 elected M.L.As in a House of 140 was not Central intervention necessary?

Mr Deputy-Speaker: But now there must not be any complaint

Shri P. K. Deo: Now, there is no complaint

When M.L.As elected on Ganatantra Parishad, communist and independent tickets after defeating the official Congress candidates, crossed over the floor of the House in the hope of fishes and loaves and formed an artificial majority, was not the Centre a silent spectator of the whole drama? Shri Himansu Sakhar Parhi, one of the renegades, was made overnight a Minister and a member of the AICC on his threat of going back to his original party. Is it not a betrayal of the voters? Then why ask Shri Ranga to resign his seat when he forms another party? After all

sauce for the goose is also sauce for the gander.

In the last Budget session in the Orissa Legislative Assembly, the Government survived defeat by a single vote on the voting on demand on taxation and next day four Congress M.L.As resigned from the party in power, to make the fall of the Ministry certain Is it not that three M.L.As and one M.P were put in the jail on bogus charges which could not be proved in a court of law? (Interruptions)

Mr. Deputy-Speaker: I have already asked the hon Member to avoid observations about that Ministry

Shri Sadhan Gupta: It is very apt, Sir, because the Kerala Government has been accused of creating conditions of insecurity and all that In a similar case, the Central Government did not intervene I am not justifying intervention in that case or otherwise and that is a different matter But in a similar case, it did not intervene and that show discrimination

Mr Deputy-Speaker: If it had been a general observation that there had been cases where such circumstances had existed and even if the name of the State had been mentioned, I would not have objected But he takes up the name of the Chief Minister and makes certain specific accusations against him I cannot allow that at this moment

Shri P. K. Deo: Some of the hon Members had spoken about UP and I am speaking about my State.

Mr Deputy-Speaker: Now, he should see if there are some smoother relations rather than going into these things . (Interruptions)

Shri P. K. Deo: Is it not that this House ruled out a discussion on the ground that law and order are State subjects and the Central Government also kept quiet over the matter? Is

[Shri P. K. Deo]

this connection, I would draw your attention to the various strictures that have been passed by the Orissa High Court regarding the administration of the Orissa Government in that State

The Minister of State in the Ministry of Home Affairs (Shri Datar): Are we considering Orissa here? (Interruptions.)

Mr. Deputy-Speaker: I have already observed just now that if it is a passing reference or even an instance of illustration, that may be a different thing. But he is taking all the details. (Interruptions)

Shri Sadhan Gupta: It is a parallel case, Sir

Mr Deputy-Speaker: Anyway, he should conclude now, I cannot give more than 20 minutes

Shri P. K. Deo: Lastly, when the Orissa Government was defeated in a prestige legislation by 8 votes, is it not a fact that it was called a snap vote and the Ministry was asked to continue? Even though they had no majority in the House, they carried on. What happened in UP. (Interruptions) When the majority of the members of the UP Vidhan Sabha expressed their no-confidence in the existing Ministry, is not the Centre throwing the usual mantle of protection saying that it is the look-out of the UP Assembly

With all humility, I beg to say that an unfortunate impression has been created that the Congress is the only party which can rule in this country and not any other party

My story will not be complete without a reference to the communists. I am not going to spare them. Even though the Communists in Kerala used unusual restraint in not promulgating section 144 of the Criminal Procedure Code or taking recourse to Preventive Detention Act while deal-

ing with the agitation, I feel that they should have resigned long before. They should have asked for a fresh mandate from the people through a mid-term election. Democracy does not mean rule by the majority always. The ruling party has also to carry the minority with it. In Kerala, the ruling party failed to carry the Opposition, and when there was such a mass agitation they should have resigned. Their sticking to the office to the last file give us an impression that they were so much power-loving. The fact that 16 persons were killed in police firing, 1,25,000 persons courted arrest, cashew-nut factories were transformed as sub-jails is not a joke, though Shri Mannath Padmanabhan might have spent Rs 50 lakhs for the agitation. It is a mass upsurge, whatever the beginning might have been. The Communists should have yielded to the popular demand for a mid-term election. I cannot reconcile myself to the arguments of the Communists in this respect.

Sir, I have to make one suggestion. For such maladies the answer is not central intervention but a provision for "Recall" in our Constitution. Confronted with such cases one has to appreciate the wisdom and farsightedness of Sir Laxminarayan Sahu, a Constituent Assembly member from Orissa, who moved an amendment in the Constituent Assembly to provide a clause for the right of recall, which was later withdrawn by him after a speech of Sardar Patel. In the Swiss Constitution, we come across the provision for the right of recall. In the Constitution of certain East European countries like Yugoslavia, Hungary, Rumania, USSR and China, there is a definite provision for recall if an elected member acts in a manner prejudicial to the interests of the constituency or detrimental to the mandate on which he was elected. As early as in 1922, Mr. Madhusudan Das of Orissa, when a Minister for Local Self Government, introduced the provision for recall in the Bihar and

Orissa Local Self Government Act which was enacted in the then Bihar and Orissa Legislative Council. Even though this provision was hardly used, it provided an adequate check on the elected members to work within the limits of the mandate on which they were elected. If there would have been a similar provision in our Constitution, the Communist Ministry would have resigned long before, and members like Himansu Sekhar Parhi and others would not have dared to cross the floor of the Assembly to become a Minister.

Sir, I beg to submit that the right of recall may be provided so that this may be the last occasion for the House to discuss a similar measure. I would also like to submit that early steps should be taken to have a parliamentary system of government in Kerala and to revive the rule of the people, by the people and for the people

Shri Nathwani (Sorath) Sir, I rise to support this motion. The controversy has two aspects: one is political and the other a constitutional one. I will deal first with the constitutional aspect

In this connection, Sir, two points have been raised. This morning, Shri Easwara Iyer accused the Governor of having acted unconstitutionally in submitting his report, and this charge was levelled not for the first time. I find that the former Minister for Law in the Communist Government of Kerala had levelled the same charge the other day in Delhi. It is very serious charge, and I was surprised that such a charge should be levelled against the Governor in such a flippant manner, because there is no basis whatever for suggesting that the Governor has acted unconstitutionally.

If we look to article 352, it states that the President has to be satisfied on the report of the Governor or otherwise that a situation has arisen, etc. The argument is that in submitting his report the Governor is acting constitutionally and therefore he must act on the advice of the Ministry, and

in this particular case it is stated that he did not consult the Ministry. If we were to read article 352 in the manner in which it is suggested by these friends that it should be read, it makes an utter nonsense of this article. Sir, he has to make a report saying that the Government is not being run in accordance with the provisions of the Constitution. How can he make such a report on the advice of his ministry? Their argument comes to that; that he can act only on the advice of the Government and he has to make a report saying that the Government is not being run....

Shri Easwara Iyer: Read article 356. It says: "the government of the State cannot be carried on". Not any other thing. There is a difference in the wordings.

Shri Tangamani: Where does the Governor get the material from?

Shri Nathwani: He gets the material, and he has a right to send for information and he keeps himself in touch with the manner in which the Government is being run. My submission is that in submitting his report, the Governor is not discharging any executive function. That is my first point.

Then, in what capacity is he submitting his report? I submit that he was discharging his duty, and that duty has been clearly laid down and explained by Dr Ambedkar when the relevant article of the Constitution was being discussed in the Constituent Assembly. It was very surprising when I read it and when I realised how the framers of our Constitution had in mind a contingency like this. He said that a Governor has got functions only, and in exercising those functions he must be advised, and he must act on the advice of his ministry. That is true. But he has also to discharge his duties. What are those duties? It is very surprising that he referred to corruption, nepotism etc. He said:

"A distinction has been made between the functions of the Gov-

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ernor and the duties which the Governor has to perform. Having regard to these duties the Governor has to see that the proposals enunciated by the ministry are not contrary to the wishes of the people, to see that the administration is kept pure without corruption and impartiality"

So, it is his duty to see that the administration is impartial, above corruption, and so on, and that it is being run according to the Constitution. Therefore, when he finds that the administration is not being run according to the Constitution,—

Shri Easwara Iyer. What does the Constitution say?

Shri Nathwani: The hon Member had his say. He has spoken already. I did not try to interrupt him.

Mr Deputy-Speaker. The hon Member might continue. It is my business to stop the interruptions.

Shri Nathwani: Their argument is this. Every time, if any reference to the activity of the Governor is mentioned, the Governor must act on the advice of the ministry.

May I point out two other articles where the Governor discharges his functions? There is article 200 which says that once a Bill is passed by the legislature it must be presented to the Governor and the Governor is authorised either to assent to that Bill, or to withhold his consent or refer it to the President for his sanction. In discharging this function, has he to act on the advice of his ministry?

Here, in this case, in Kerala itself, the Education Bill was sent to the Governor for his assent. Now, if he was to act only on the advice of the ministry he was bound to assent to it. But he did not do it. Is it suggested, therefore, that everytime the Governor has to take any action it must be only on the advice of his ministry?

Agam, under article 167, the Governor has the right to call for information from the ministry. Therefore, even before calling for information, he must take the advice and get the approval of his ministry. That is their argument, that is what their argument comes to. It is, first of all, not an executive function. It is a duty which he has been discharging. If you consider it a function, then it falls within his discretion because it is implied in the article itself that in submitting his report he must exercise his discretion.

Then I come to the other constitutional point. They say that we cannot resort to article 356 because it is confined to what is known as ministerial crisis. Sir, I want to dispose of it by referring only to a sentence given by way of an answer by Dr Ambedkar in the Constituent Assembly. Shri Easwara Iyer referred to the proceedings of the Constituent Assembly. He referred to the answer that Dr Ambedkar gave on that day. But only he did not read the first three lines. When this article was being discussed, Pandit Kunzru, with his accustomed carefulness, asked Dr Ambedkar this question. He asked what was Dr Ambedkar's idea of the meaning of the phrase "in accordance with the provisions of the Constitution." Shri Easwara Iyer may read that debate—page 277.

Shri Easwara Iyer. I have read it.

Shri Nathwani: But you did not quote it. Dr Ambedkar said:

"It would take me very long to go into a detailed examination of the whole thing referring to each article and say, this is the principle which is established in it and if any Government of a Province does not act in accordance with it, that would be an act of failure of machinery."

He did not refer to two or three articles which refer to the formation of Ministry. He would take each and every article and show how its

principle can be violated, but time did not permit him to do so. So, Dr. Ambedkar's idea was, if any provision of the Constitution is violated, the Government is not acting in accordance with the provisions of the Constitution. So, it is no use arguing that article 356 is confined only to ministerial crisis. They may have a majority; people might have returned the Ministry to power with an overwhelming majority; they may maintain the form or facade of democracy, but they may disregard the very basic principles of the Constitution. It is to meet that contingency that article 356 was devised.

Then, it was stated that recourse should have been taken to article 352 and that article should have been invoked. First of all, I doubt whether it would have any application. It refers to the security of any part of the territory of India. Here when there was a tremendous upheaval of the people, nobody wanted the integrity of any territory to be violated. Nobody wanted Kerala to join another independent State. It was not like that. Even if you say that article 352 has an application, it could have application only if article 356 was not to be brought into operation or did not apply. Suppose there is a Government which has a majority and which has people's support, but still there is violent internal disturbance, then only you can have recourse to article 352.

In this controversy, an attempt has been made to dissociate the events. We must view the whole chain of events culminating in this tremendous upheaval as a whole. It is not as if merely because there was this mass upsurge this Proclamation has been enunciated. We must also go into the circumstances and causes that led to it. Shri Khadiolkar said the other day, of course it became inevitable for the Central Government to intervene, but what about the antecedents? What about the agitation? I ask him, what about the antecedents to those antecedents? How was the Government of

the State being carried on? Of course, it is open to those who argue that article 356 ought not to have been invoked, to deny the correctness of the factual material that has been placed before us. They have tried to do that, but we are not satisfied. Some specific instances were cited, merely by way of illustration. The summary that has been circulated puts the whole picture in proper perspective and shows how from the very beginning, the Constitution was being subverted with a view to serve the purposes of the party and how a situation was being created in which people were afraid about the safety of their lives, property, etc. It is not my purpose to go into all those details. I would take up only one test, and that is the test laid down in our Constitution in article 14. What are the grounds, what are the reasons because of which you say that it has not been worked according to the Constitution. Take article 14. What does it say? It assures equal protection of laws and equality before the laws. Shri Dange's argument was that laws are impartial, laws are neutral, there is no discrimination in the laws, but we want to withdraw (we mean the Communist Government there) the favour which is being shown to a certain class of people. He called them exploiters. This is what they sought to do by the police policy. Here I want to invite the attention of the House to the fact that not merely in enacting your law you can discriminate, you can violate the principle underlying article 14, but in administering it also you can discriminate, and that is also what is not allowed under article 14. I want to read only one passage, because an impression has been sought to be created that in the passing of the laws there has not been any discrimination. But there have been cases, there have been illustrations given here to show how in administering the laws they have discriminated in favour of their own party and how they have discriminated against others who do not belong to their party.

Shri Easwara Iyer: You can go to the courts.

Mr. Deputy-Speaker: Let the hon. Member be allowed to continue his speech.

Shri Nathwani: At page 119 of the Commentary on the Constitution of India by Shri Basu it is stated:

"Under our Constitution, executive or administrative acts are included by the express provision of Art. 12 which defines a 'State' as including not only the Legislatures but also the executive and other 'authorities'. This is further made clear by defining 'law' in Art. 13 as including among other things, any 'order' or 'notification' so that even executive orders or notifications must not infringe Art. 14. This trilogy of Articles thus ensures non-discrimination in State action both in the legislative and the administrative spheres in the democratic republic of India"

This is a quotation from the Supreme Court decision. Let us test whether in administering their laws they have violated this principle or not. From the very start not merely have they violated it, but, from what Shri Dange has stated, it is very clear that if they are returned to power they will repeat the same thing. He reiterated his faith in the police policy that was followed by the Government of Kerala. What is that policy? I will read from their own reply. If you look at page 25—because they themselves have quoted their policy—it says thus. I am referring to the Kerala Government's reply to the K.P.C.C. memorandum. It says,

"The police is there to step in only when there is a conflict between parties and when there is violence or imminent threat to violence. Where there is actual threat to violence or imminent threat to violence, the police is there to avert it."

Of course, they say this policy is to be followed in respect of disputes arising out of strikes.

Shri Narayanankutty Menon: He is quoting from a book. Will you kindly ask him to lay it on the Table?

Mr. Deputy-Speaker: It has already been referred to.

Shri Nathwani: Of course, they have qualified it by saying that this policy was to be applied in cases of strikes etc. But I ask them: what is the ordinary law of the land? What does our Criminal Procedure Code say? It enjoins a duty not only upon the police officers, not upon the magistracy alone, not merely upon the citizens of the country but upon every person to prevent a breach of peace. And if they do not assist in the prevention of that, it is made an offence. Here they say: yes, it is a duty cast upon us under the ordinary law of the land. They may look at section 42 of the Criminal Procedure Code. It enjoins upon every person to assist in the prevention of a breach of peace. But, here are the custodians and the guardians who will protect the security and maintain law and order who are asked not to intervene unless there is an actual violence or an imminent threat of violence.

Again, kindly look at section 127 of the Criminal Procedure Code. This is what is stated there.

"An officer in charge of a police station may command any assembly of five or more persons likely to cause a disturbance of the public peace to disperse."

I emphasise the words "any assembly likely to cause a disturbance of the public peace". Here, according to their own policy they say that the Police should not intervene at that stage. If they have any objection against this law, of course, it is open to them, if they were authorised under our Constitution, to change the law or

to alter the law and then to give directions to the Police authorities not to intervene till an imminent threat arose to the peace or order. But they do not propose to do that. On the contrary, from what Shri Dange stated, laws are neutral; laws are impartial; they have no quarrel about the laws, but in administering the law, of course, they are determined to follow their own view about the situation.

I was surprised when I heard Shri Dange. In order not to make any mistake I propose to read out four or five lines from his statement. He reiterated his faith in this policy. He says, "If we are returned to power we would follow it." Then, he says on page 4460 —

"So, the police statement was there and that irritated them again. But what was wrong?"

He justifies it, and goes on to say—

"There was a scare that the police would remain neutral and that there would be murders and loot and dacoities, insecurity and so on. If the police are not let loose against the workers how can there be insecurity?"

What is enjoined upon by our law under sections 42 and 127 is the duty to prevent a breach of peace but Shri Dange chooses to call it "the police are not let loose against the workers." He says further—

"How can there be insecurity? For whom is there insecurity? For the exploiters who want to suppress the workers? No. We are not going to give them security."

He says that they will not protect them. They will not secure them in a situation like this. It is open to the Party to expropriate or to nationalise if they like and to pay them any compensation that they like because it is not a justiciable issue now. There

may be a nominal compensation. They may not even grant any compensation. But unless they pass a proper law, how can they say, "We are not going to give protection to these persons" whom he chooses to call as exploiters? But according to him it is the workers who count only and who are the people. They solemnly affirm by this Constitution but the very first word of our Constitution is not acceptable to them. Open our Constitution and on the first page you will find in the Preamble who are the people of India. They are not equated with the workers there. They would not accept that definition of the people that is there.

There is one thing more to which I would like to refer. Of course, several speakers have referred to the consideration or the leniency that has been shown by the Central Government. I also feel that this Proclamation has come rather late. It should have come a little earlier.

There is another issue which is sought to be mixed up with this issue. What is to happen if a duly elected legislature or the duly constituted Ministry has to face public agitation whether it should be compelled to resign or not? Here, of course, the events led to this tremendous upheaval and that is a circumstance to be borne in mind. But in hypothetical cases like this the provisions of article 356 do not come in the picture. In a case like that that is where though the Government has got the majority there is overwhelming opposition to certain measures of theirs and they have forfeited the confidence of the people, what would be the proper action to be taken either by that Government or by the Centre is a question which is wholly irrelevant to this Motion. It would depend upon a number of circumstances, and I need not go into that.

I may say lastly before I sit down that this communist rule in Kerala has a lesson. The mask has fallen. The communist party has shown its cloven hoof. They are shedding tears,

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and strangely enough in the name of democracy and in the name of the Constitution.

Shri Narayanankutty Menon: That we deny. No tears are shed at all.

Mr. Deputy-Speaker: He feels like that.

Shri Nathwani: As Mr. Anthony stated, it is the wisdom of the crocodile which sheds tears before devouring its victim. What startles me is not the reiteration and repetition or the avowed object of the communist party to adopt police policies hereafter also if they come to power. What startles me is the tendency on the part of some of us to ignore such statements and to be lulled into a false sense of security believing that if they are given a chance hereafter or further, perhaps they may be satisfied with our Constitution, that they may come to believe genuinely in our Constitution and they may co-operate with us in working the Constitution. That is a danger against which we should guard.

श्री बजराम सिंह उपाध्यक्ष
महोदय, केरल की घटनाओं ने हम बारह मास से चल रहे एक नाटक का पटाक्षेप किया है। इस बीच में कलकत्ता की तीमरी कांग्रेस जो कम्युनिस्ट पार्टी की हुई थी और उसके बाद कम्युनिस्ट पार्टी ने जो अपनी नीतियाँ बदली उनसे कम्युनिस्ट पार्टी और कांग्रेस पार्टी के बीच एक गठबन्धन सा चलना रहा और हिन्दुस्तान की जनता ठगी जानी रही, हिन्दुस्तान की जनता पर जुल्म होने हे फिर चाहे वह कांग्रेस का सूबा रहा हो या केरल का सूबा रहा हो जहाँ पर कि कम्युनिस्ट पार्टी ने सन् १९५७ में अपनी शासन कायम किया। लेकिन जो एक उद्देश्यप्रद सबक मिलता है केरल में केन्द्रीय हस्तक्षेप से वह यह मिलता है कि सम्भवतः जब कम्युनिस्ट पार्टी के सोम अपनी नीति में कुछ परिवर्तन

करना चाहते हैं और उस परिवर्तन को करके हिन्दुस्तान की शोषित व पीड़ित जनता के लिए लड़ाई लड़ना चाहते हैं और उसका शासन कायम करने की कोशिश करना चाहते हैं। अगर ऐसा किया गया तो भाये जाने वाले हिन्दुस्तान के लिए यह एक अच्छी बात होगी।

लेकिन मुझे लतरा है कि वे हिन्दुस्तान के जादूगर के जाल में फिर न फँसें। बार बार कहा जाता है हिन्दुस्तान के प्रधान मंत्री की तरफ से और आज भी उन्होंने अपने भाषण में कहा है कि जब वह केरल के मंत्रियों से मिलें तो उनसे उन्होंने पूछा कि आखिर यह कैसे हो गया कि सब विरोधियों को तुम ने अपने खिलाफ कर दिया। मैं समझता हूँ कि सम्भवतः वह अपनी कलापीरी दिक्काना चाहते हैं कि किम तरह से विरोधियों को आपस में बटवा कर, एक दूसरे से लडा कर शासन किया जा सकता है। सम्भवतः कम्युनिस्ट शासक हिन्दुस्तान में नए थे और उनके लिए ममदीय परम्पराये नई थीं। वे नहीं जानते थे कि किस तरह से शासन किया जाता है विरोधियों को आपस में लडा कर तथा किस तरह से ऐसा करके कुसियों पर जम रहा जा सकता है। इस तरह की नीति को बर्नना वे जानते नहीं थे। इसी वजह से सम्भवतः कि आध्र में हुए राइस डील के सम्बन्ध में श्री गोपायल ने तार भेज दिया जब कि इस तरह की घटनायें हर सूबे में हुई हैं जहाँ पर कि कांग्रेस का शासन रहा है, जहाँ पर टेलिफोन से बातें होती रही हैं और लोगों को बुना करके कहा जाता रहा है कि तुम इस तरह में करो और इस तरह से न करो, लेकिन चूँकि हमारे मित्र श्री गोपायल इस काल के लिए नए थे, वह जानते नहीं थे कि किस तरह में काम को किया जा सकता है और बचा जा सकता है, इसलिए उन्होंने तार द्वारा यह बात कहना मुनासिब समझा।

लेकिन फिर भी जहाँ तक केन्द्रीय हस्तक्षेप का प्रश्न है, हम उसका विरोध करते हैं। लेकिन केन्द्रीय हस्तक्षेप का विरोध करते वक़्त, यह हमें मानना होगा कि हिन्दुस्तान की कम्युनिस्ट पार्टी ने एक ऐसा ज़रूरी मौका हाथ से छोड़ा है केरल में जिस मौके का फायदा उठा करके कि वह हिन्दुस्तान की जनता के लिए एक नया संदेश दे सकती थी और वह यह संदेश था कि जब भी जनता शासन के खिलाफ हो जाए, जनता का बहुमत उसके खिलाफ हो जाए तो वह जनता से कहे कि हम तुम से फिर विश्वास प्राप्त करने के लिए तैयार हैं, फिर चुनाव कराने के लिए तैयार हैं। यहाँ पर यह कहा गया है और बार बार कहा गया है कि केरल में पुलिस को सरकारी मशीनरी के पक्ष में इस्तेमाल किया गया है और कम्युनिस्ट पार्टी को इस तरह का बना दिया गया था जिस से कि लोगों को यह सोचने के लिए मजबूर होना पड़े कि उनको क्या नहीं मिल सकेगा, लेकिन मैं इस मामले में जाना नहीं चाहता हूँ और इसको धरम रख करके कहना चाहता हूँ कि केवल एक घटना को ले करके ही कम्युनिस्ट पार्टी को इस्तीफा दे देना चाहिये था और वह घटना है पुलिस द्वारा गोली चलाये जाने की। हम देखते हैं कि सन् १९५७ से ले कर, जब हिन्दुस्तान आजाद हुआ आज तक सैकड़ों बार जनता पर गोलियाँ बरसाई गई हैं, निर्दोष लोगों पर गोलियाँ चलाई गई हैं और हमेशा ही कांग्रेसी सरकारों ने इस्तीफा देने से मना किया है। हिन्दुस्तान की कम्युनिस्ट पार्टी हिन्दुस्तान की राजनीति में एक नया अध्याय यह जोड़ सकती थी कि गोली चलने के दौरान बाद इस्तीफा दे देती और कह देती कि हम कटोल नहीं कर सके अपनी पुलिस को जिस ने जनता पर गोली चलाई। पता तक कि उसने न्यायिक जांच करने तक से इन्कार कर दिया, इस्तीफा देने की बात तो दूर रही। वहाँ के मुख्य मंत्री ने कहा कि जब तक प्रायोजन प्राप्त नहीं किया जाता है, तब तक किसी तरह की कोई जांच करवाने का प्रश्न ही नहीं

उठता है। मैं कहना चाहता हूँ कि कम्युनिस्ट पार्टी ने अपनी गलत नीति की वजह से न केवल कांग्रेस की पिछलग्गू बनने की कोशिश की बल्कि एक बार नहीं बार बार गोली चलाई और कोई नई नीति हिन्दुस्तान को देने की कोशिश नहीं की। न्यायपूर्ण बात तो यह थी कि वह इस घटना के बाद इस्तीफा दे देती और दूसरों को रास्ता दिखा देती और कहती कि हम इस बारे में असफल रहे हैं और हमारे राज में गोली चली है, इस वास्ते हम इस्तीफा देते हैं।

इस सन्दर्भ में मैं यह भी कहना चाहता हूँ कि कोई भी पार्टी हकूमत करती हो, जब भी कोई गोली चलने की घटना हो, तो उसके दौरान बाद न्यायिक जांच होनी चाहिये और प्रवचन होनी चाहिये। मुझे लगना है कि इन सब घटनाओं के बाद कांग्रेस पार्टी के लोग भी इस बारे में सोचने लगे हैं और चाहते लगे हैं कि ऐसा हो और अगर उन में यह बुद्धि आई तो मैं समझना हूँ कि हिन्दुस्तान के भविष्य के लिये यह एक अच्छी चीज़ होगी। एक सोचने वाली यह भी बात है कि गोली कितन परिस्थितियों में चलनी चाहिये। जब तक भीड़ इस तरह की न हो जाये कि किसी पुलिसमैन को मार डाला हो, पुलिस को अधिकार नहीं है कि वह कभी भी जनता पर गोली चलाये। जब हम केरल की स्थिति को देखते हैं तो पाते हैं कि यह साफ है कि वहाँ पर भले ही कुछ पुलिसमैनो को घायल कर दिया गया हो या कुछ को चोटें आई हो, लेकिन कोई भी पुलिसमैन मारा नहीं गया है। ऐसी मूरत में गोली का चलाया जाना उचित नहीं ठहराया जा सकता है और न्यायिक जांच करवाने के लिये इन्कार करना और कहना कि हम सन्तुष्ट हैं कि गोली उचित रूप से चलाई गई है, उसी तरह की बात हो जाती है जिस तरह से कि आज गृह मंत्री कहते हैं या दूसरे लोग कहते हैं कि केरल में केन्द्रीय हस्तक्षेप संविधान की भावनाओं के अनुसार संविधान

[श्री भद्र राव सिंह]

की व्यवस्थाओं के अनुसार ही किया गया है, वहाँ की सरकार संविधान के अनुसार नहीं चल रही है, इसलिये हम ने वहाँ पर केन्द्रीय हस्तक्षेप किया है।

तो हमें देखना होगा कि अब तक पुलिसमैन की हत्या न हो जाये, जब तक कोई भीड़ हथियारबन्द न हो, हम गोली न चलायें। जब तक कोई हथियारबन्द भीड़ क्रान्ति के लिये उतारू न हो, तब तक गोली चलाने का मौका ही नहीं माना चाहिये। गांधी के देश में भी अगर इस तरह से काम हम नहीं कर सकते हैं जिन्होंने कि हम को अहिंसक रूप से लड़ाई लड़ना सिखाया है विदेशी सत्ता के खिलाफ जब तक हम दुनिया वालों को भी नहीं कह सकते हैं कि वे इस तरह से करे और वह हो नहीं सकता है। मैं समझता हूँ कि कम्युनिस्ट पार्टी ने एक बहुत ही अच्छा मौका अपने हाथ से खोया है। कम्युनिस्ट पार्टी जानती थी कि जब तक केन्द्र में कांग्रेस की हकमत है, तब तक वह ज्यादा दिन नहीं चल सकती है। वहाँ पर उसका २८ महीने तक शासन रहा है और इस बीच में बार बार यह भावशासन दिलाया गया है कि हम तो कम्युनिस्ट पार्टी के घोषणापत्र पर नहीं चल रहे हैं, हम तो कांग्रेस पार्टी के घोषणापत्र को अमल में लाना चाहते हैं, यह सब दिखाता है कि उनको कभी न कभी पांच साल पूरे होने से पहले ही हटाया जा सकता था। जब उनको पांच साल से पहले ही हटाने का विश्वास था और यह विश्वास था कि उनको हटना ही पड़ेगा तो क्यों न वह सिद्धान्तों का प्रतिपादन करके हटते। उस ने ऐसा नहीं किया, वह बहुत दुर्भाग्यपूर्ण और दुःखद घटना है हिन्दुस्तान के विषय के लिये। असल बात यह है कि पिछले दिनों जबकि कांग्रेस पार्टी और कम्युनिस्ट पार्टी में दोस्ती बनी तो उस दोस्ती के बारे में उन्हें गलत-समझियाँ थीं और मुझे खुशी है कि वे गलतफहमियाँ सम्भवतः कुछ हदती बनी जा रही हैं

और उसके दृष्टिकोण में परिवर्तन प्राप्त जा रहा है।

हिन्दुस्तान की कम्युनिस्ट पार्टी के विषय में यह बड़ी दुर्घटना रही है कि उसने कभी भी हिन्दुस्तान की परिस्थितियों को देख करके अपनी नीतियाँ निर्धारित नहीं की हैं और हमेशा ही मास्को की तरफ बह देखती रही है और अब पेकिंग की तरफ देख करके भी वह अपनी नीति निर्धारित करती है। अक्षेप और नेहरू की दोस्ती है तो हिन्दुस्तान की कम्युनिस्ट पार्टी और कांग्रेस पार्टी की दोस्ती है और उसके खिलाफ उसने कोई काम नहीं किया और न ही वह कर सकती है और जहाँ तक गृह नीति अथवा विदेश नीति का सम्बन्ध है, वह कांग्रेस का बहुत बुरी तरह से समर्थन करती रही। इसीलिये नम्बूदरीपाद सरकार बार बार यह कहती रही है कि हम तो कांग्रेस पार्टी के मैनिफेस्टो को लागू करना चाहते हैं, कोई नई चीज करना नहीं चाहते हैं। जो मौका था या उमका वह विदेशी कारखाने अपने हाथ में लेने की उनका राष्ट्रीयकरण करने की बात कह सकती थी और मैं जानता हूँ कि उनके सामने यह बात उटायी जाती कि हिन्दुस्तान में मीठदा संविधान के लागू रहने इस तरह की बात नहीं की जा सकती है लेकिन मबाल यह नहीं था कि यह किया जा सकता था या नहीं किया जा सकता था मबाल यह था कि २८ महीने में २४ महीने में या ६ महीने में ही मही जब उसे जाना था तो एक मित्रान्त का प्रतिपादन करके जाना चाहिये था और यह माबित करना चाहिये था कि जो काम हिन्दुस्तान की कांग्रेसी सरकारने १३ सूबों में नहीं कर सकी है, देशी छोड़ विदेशी कैपिटल को नैशनलाइज करने का, वह काम कम्युनिस्ट पार्टी कर सकती है। लेकिन उपाध्यक्ष महोदय, कम्युनिस्ट पार्टी की भ्रान्त सत्ता पर थी। इसीलिये जब हम देखते हैं कि केरल में भी वही काम हो रहा है जोकि यू० पी० में हो रहा है, एक जगह पर साइड जैन के साथ और दूसरी जगह पर बिड़ला के साथ और उन्हें सुविधायें दी जा रही हैं और उनके

साथ पक्षपातपूर्ण व्यवहार किया जा रहा है तो दोनों की नीतियों में कोई अन्तर नहीं रह जाता है। कम्युनिस्टों की नीति में एक गलती यह थी कि वे समझते थे कि कांग्रेस पार्टी से दोस्ती करके वे शासन की कुर्सी पर बने रह सकते हैं, अपना काम चला सकते हैं। मुझे खुशी है कि उस में कोई परिवर्तन आने को है, लेकिन जब मैं कहता हूँ कि परिवर्तन आने को है, तो मैं साफ कह देता हूँ कि जब तक हिन्दुस्तान की कम्युनिस्ट पार्टी पीकिंग या मास्को में अपनी जड़ों को समझेगी, यह समझेगी कि मास्को और पीकिंग में जो कुछ होता है उसी के ऊपर उसे नीति निर्धारित करनी पड़ेगी, तब तक वह परिवर्तन नहीं आ सकता है। तिब्बत के सम्बन्ध में जो कुछ यहाँ की कम्युनिस्ट पार्टी का रवैया रहा है, उस से हम यह खतरा रहता है कि सम्भवतः अपनी उस चीज़ को वह छोड़ नहीं सकेगी, पीकिंग और मास्को का उसे समर्थन करना पड़ेगा। लेकिन जहाँ तक केरल का सवाल आता है, कांग्रेस पार्टी की तरफ से कहा जाता है कि केरल में इस तरह की स्थिति पदा हो गई थी कि संविधान की भावनाओं के मुताबिक शासन चल नहीं सकता था। लेकिन इस तरह के उदाहरण और भी दिये जा सकते हैं। अभी उत्तर प्रदेश की घटना है, ६८ कांग्रेसी सदस्यों ने असेम्बली की फ्लोर पर यह कह दिया था कि यह सरकार हमारा विश्वास खो चुकी है, यह कुछ भी सरकार हो सकती है, कांग्रेस की सरकार नहीं है, उस का बहुमत खत्म हो चुका है, इस के बाद कोई कार्रवाई हो नहीं सकती। केरल में तो हो जायेगी

एक माननीय सदस्य : जनता ऐसा नहीं कहती।

श्री ब्रजराज सिंह : जनता नहीं कहती ? जहाँ तक जनता का प्रश्न उठता है, सन् १९५७ के बाद पिछले दिनों में हिन्दुस्तान के हर सूबे में आन्दोलन चलते रहे हैं, और ऐसे चले हैं कि जिन में १५,०००, १५,००० आदिमियों ने

कलेक्टोरेट को घेर लिया है। राजस्थान में बांसवाड़ा की कलेक्टरी को १५,००० आदिवासियों ने घेरा, किन्तु आदिवासियों ने कंकड़ी नहीं चलाई, फिर भी साढ़े पांच सौ जते उन के छीन लिये गये हैं। उन आदिवासियों को जो कि बिल्कुल अहिंसक थे, भगा दिया गया लाठी चार्च कर के। वे वहाँ की हवालात में मौजूद हैं। इस तरह के जन विद्रोह हो रहे हैं। आप कहेंगे कि यह जन विद्रोह नहीं हैं। आप के जन विद्रोह की कोई परिभाषा भी है ? आप के केरल में जन विद्रोह हो सकता है। मैं मानता हूँ कि केरल की जनता उठ खड़ी हुई थी इसलिये कम्युनिस्ट पार्टी की मिनिस्ट्री को स्तीफा दे देना चाहिये था। लेकिन इस प्रकार का जन-विद्रोह उत्तर प्रदेश में हुआ है, इस तरह का जन विद्रोह मध्य प्रदेश में हुआ है, इस तरह का जन विद्रोह राजस्थान में हुआ है। उस की शकल दूसरी हो सकती है। सवाल ऐसा हो सकता है कि उन के पास ५० लाख रुपया हो, मन्थन पचनाभन के पास ५० लाख रुपया हो सकता है, किस प्रकार से वह आया, मैं इस में नहीं जाना चाहता। मैं चाहता हूँ कि हिन्दुस्तान के भविष्य के लिये आप नियम बनाये कि राजनीतिक पार्टियाँ कहां से चन्दा पाती हैं, किस तरह से वह खर्च होता है, इस सब का जनता के सामने प्रकाशन हो। यह सब को मालूम होना चाहिये कि यहाँ से रुपया आया और इस तरह से खर्च हुआ। तो मैं कह रहा था कि केरल में जन विद्रोह हुआ, इसे हम मान लें, लेकिन दूसरे सूबों में भी हो रहा है, इसे हम न मानें, यह एक ऐसी बात है जो हिन्दुस्तान की जनता के गले नहीं उतारी जा सकती। यह कहना कि हम सिविल डिस-ओबिडियन्स की थ्योरी को, सत्याग्रह के उसूल को नहीं मानते हैं, हम नहीं मानते हैं कि जनता को अधिकार है कि वह जनता की चुनी सरकार के खिलाफ विद्रोह कर सकती है, यह ठीक नहीं है। मैं तो मानता हूँ कि जनता को अधिकार है कि जिस टाइम के लिये उस ने सरकार को चुना है, उस के बीच में भी उस सरकार को उखाड़ फेंके, जन विद्रोह द्वारा,

[श्री ब्रजराज सिंह]

अगर वह समझती है कि सरकार की नीतियों से उसे सन्तोष नहीं है, चाहे वह कम्युनिस्ट सरकार हो या कांग्रेस सरकार हो। लेकिन अगर यह नियम कम्युनिस्ट सरकार पर लागू हो सकता है तो इसे नेहरू सरकार पर भी लागू होना चाहिये, सुखाड़िया सरकार पर भी लागू होना चाहिये, काटजू सरकार पर भी लागू होना चाहिये, सम्पूर्णानन्द सरकार पर भी लागू होना चाहिये, यह नियम डा० राय की सरकार पर और सिन्हा सरकार पर भी लागू होना चाहिये। मैं किसी पक्ष की बात

नहीं कहता हूँ, मैं तो एक नियम की बात कहता हूँ, जब तक हम सब पर एक नियम लागू नहीं कर सकते हैं

उपाध्यक्ष महोदय : बाकी सरकारों पर भी लागू करना चाहते हैं तो कल कीजियेगा। कल जारी रख कर आप ऐसा कर सकेंगे।

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 20, 1959/Sravana, 29, 1881 (Saka).