

MR. SPEAKER : That means that the hon. Member will be satisfied with his hearing the speeches and then going away and doing what he thinks is right.

SHRI S. KANDAPPAN : Before the discussion, let him rectify things.

SHRI H. N. MUKERJEE (Calcutta North-East) : It is a matter of principle which is involved. Let the Home Minister be in a position here and now to contradict the report which has come, namely that the House there has been prorogued and so many other things have happened. Unless he is in a position to contradict that, the matter of principle remains. Therefore, whatever information he may get from Madhya Pradesh not affect the matter of principle concerned, and he will have to make up his mind on that. Therefore, we should begin this debate at 2 p. m. so that our attention is not diverted to any other subject to which we cannot do justice.

MR. SPEAKER : If the desire of the House is that the discussion should begin at 2 p. m. then no other business can perhaps be transacted, because in the mood of excitement speeches on other subjects may not be useful.

SHRI M. L. SONDHI (New Delhi) : It is a question of conviction and not of excitement. It is a question of a democratic convention.

MR. SPEAKER : Therefore, we shall have the discussion at 2 p. m. The Home Minister may get the information late in the evening, some time at 6 p. m. or 7 p. m. and then give his reply. Naturally, Government have to say something ultimately at the end of the day. So, now, instead of the Home Minister making the statement and Members beginning a discussion on it, the Madhya Pradesh issue may be discussed at 2 p. m. It will be on a party-basis, the Congress as well as the Opposition participating in the discussion alternately. The discussion will begin at 2 p. m.

13.00 hrs.

*The Lok Sabha adjourned for Lunch
till Fourteen of the Clock*

*The Lok Sabha re-assembled after Lunch
at Eight Minutes Past Fourteen of the
Clock*

✓ (Mr. Speaker in the Chair)

MOTION RE : MADHYA PRADESH
GOVERNOR'S ACTION WITH REGARD
TO FORMATION OF MINISTRY

श्री मधु लिमये (मुंघेर) अध्यक्ष
महोदय, ...

THE MINISTER OF HOME AFFAIRS
(SHRI Y. B. CHAVAN) : Sir, may I place
the information before the hon. House
proceeds to discuss ? (*Interruptions*)

MR. SPEAKER : He is giving you the
information.

श्री मधु लिमये : वे बाद में दें। मैं भी
जानकारी दे सकता हूँ उनको।

श्री प्रटल बिहारी वाजपेयी (बलरामपुर) :
हमें भी जानकारी है। हमारी भी सीक
मिनिस्टर से टेलीफोन पर बात हुई है। हमें
भी सुनेंगे तब आप।

श्री मधु लिमये : अध्यक्ष महोदय, आपकी
अनुमति से मैं निम्न प्रस्ताव इस सभा के
विचारार्थ पेश करना चाहता हूँ :

"That this House disapproves the
unconstitutional act of the Governor of
Madhya Pradesh in not inviting immedi-
ately the new leader of the S. V. D. to
form a Government which only very
recently had proved its majority on the
floor of the Assembly."

अध्यक्ष महोदय, मैं सबसे पहले साफ कर
दना चाहता हूँ कि मेरा प्रस्ताव श्री गवर्नर के
द्वारा जो सत्र को भवसान कराया गया है, इन
दोनों का प्राप्त में कोई सम्बन्ध नहीं है।

SHRI SHEO NARAIN (Barth) : Sir,
we are demanding your ruling on this point.
यह अब कैसे हो गया है।

श्री रवि राय (पुरी) : काम रोके से पहले
का दिया हुआ यह सवाल है।

श्री मधु लिमये : मैंने जब यह प्रस्ताव नैयार किया था उस समय मेरे पास सत्रावसान की खबर भी नहीं पहुंची थी। प्रस्ताव का सीधा सम्बन्ध, सीधा ताल्लुक उस भौतिक चीज से है कि गवर्नर का ऐसी परिस्थिति में, ऐसी हालत में क्या कर्त्तव्य होता है। संविधान की दृष्टि से आज मैं श्री बेंकटा-सुब्बया साहब को बधाई देता हूँ इसलिए कि आज पार्लिमेंट की जो सही धावाज है, वह उनके मुंह से निकली है। आज वह न केवल बिरोधी दल की ओर से बल्कि पूरे सदन की ओर से बोले हैं और पचास करोड़ भारतीय जनता की धावाज उन्होंने यहाँ अभिव्यक्त की है।

MR. SPEAKER : Very embarrassing compliments.

श्री मधु लिमये : ज्यादा नहीं, लेकिन जो प्रशंसा जरूरी है, वह मैं जरूर करूंगा। मैं उसका कारण बताता हूँ।

जब कल मैंने यह सवाल यहाँ पर उठाया, तो उस समय से ले कर आज सबेरे 11 बजे तक मेरे मन में बड़ी चिन्ता उत्पन्न हो रही थी कि हमारे देश में लोकसत्र का भविष्य क्या होने वाला है। आज तक कांग्रेस पार्टी के द्वारा बहुत से पाप हुए हैं, लेकिन यह खुशी की बात है कि आज उसमें कम से कम एक आदमी ऐसा निकला, जिस ने लोकसत्र की धावाज को सदन के सामने पेश किया।

शुह मन्त्री जी ने कहा है कि इस मामले में मैं बिल्कुल सदन के हाथ में हूँ। उसका भी मैं स्वागत करना चाहता हूँ। ऐसे कम ही मौके मिलते हैं, जब कि हम शुहमन्त्री की राय से मुत्तफिक होते हैं। लेकिन शुह मन्त्री के इस वचनब्य के कुछ निष्कर्ष भी निकलते हैं। अगर वह अपने आपको सदन के हाथ में गौप्य देना चाहते हैं, तो आज उन्हें पार्टी या अनुशासन के नाम पर कोई गृहप जारी नहीं करना चाहिए, ताकि सदन मेरे प्रस्ताव पर अपनी सही राय व्यक्त कर सके। अगर

गृहप के बिना, बहुमत से, मेरा यह प्रस्ताव ठुकराया जाता है, तो वह बात दूसरी है, लेकिन अगर वह गृहप दे देते हैं, यह आदेश दे देते हैं कि कांग्रेस पार्टी के सदस्यों में से किसी को भी मेरे प्रस्ताव के हक में वोट नहीं देना चाहिये, तो मेरा ख्याल है कि श्री चव्हाण ने आज सबेरे हमको जो आश्वासन दिया है, यह बात उसके विपरीत होगी।

मध्य प्रदेश में वे जो घटनायें हुई हैं, वे कोई नई घटनायें नहीं हैं। वहाँ इतिहास की पुनरावृत्ति हो रही है। करीब करीब दो साल पहले, जुलाई अगस्त में, इसी तरह की घटनायें हुई थीं और उन घटनाओं में वहाँ की विधान सभा के अध्यक्ष और गवर्नर, इन दोनों का, जो रोल रहा, मेरा ख्याल है, और बहुत से लोगों का ख्याल है, कि वह संविधान के अनुसार नहीं था, लोकनन्त्र-बिरोधी था। क्या घटनायें हुईं ?

श्रीमती जयाशेन शाह (अमरेली) : अध्यक्ष महोदय, लंच आवर से पहले इस सदन में जो चर्चा हुई थी, उसमें मध्य प्रदेश की विधान सभा के प्रीरोग किये जाने पर आपने और कुछ सदस्यों ने कुछ चिन्ता प्रकट की थी। मेरा सजेसन है कि अगर उमी विषय पर यह चर्चा हो रही है, तो इस बीच में होम मिनिस्टर साहब के पास जो कोई नई इनफर्मेशन आई हो, वह हमें बता दें, ताकि इस सदन में इस बारे में वास्तविक चर्चा हो सके।

श्री मधु लिमये : मैं माननीय सदस्या की बात सुन ली है। वह औरत है इसलिए मैं बैठा।

दो साल पहले मध्य प्रदेश में क्या हुआ था ? मध्य प्रदेश विधान सभा का बजट-सत्र बुलाया गया था और उसमें शिक्षा मंत्रालय की मांग पर वोट होने जा रहा था। उसी दिन कांग्रेस पार्टी में विद्रोह हुआ और कांग्रेस पार्टी का एक बहुत बड़ा हिस्सा संयुक्त विधायक दल के साथ आ गया। इसलिए उस

[श्री मधु लिमये]

दिन बिल्कुल गैरकानूनी ढंग से और औचित्य का भंग करते हुए अध्यक्ष ने सदन में वोट नहीं होने दिया और सदन की बैठक को स्थगित कर दिया।

दूसरे दिन क्या हुआ ? जैसा कि आज हुआ है, पहले अध्यक्ष के द्वारा सदन की बैठक को स्थगित कर दिया गया और दूसरे दिन गवर्नर के द्वारा सदन को प्रोरोग कर दिया गया। उस के बाद पार्लियामेंट में उस पर बहस उठी और यहाँ पर विधान सभा की बैठक तत्काल बुलाने की मांग की गई। इन लोगों की इस मांग को कुबूल करना पड़ा और विधान सभा की बैठक हुई। मैं भी उस समय भोपाल गया था।

फिर ताज्जुब की बात है कि विधान सभा की बैठक हुई, चर्चा हुई, वोट होने वाला था, लेकिन फिर अध्यक्ष ने श्री द्वारिका प्रसाद मिश्र को मौका देने के लिए वोट नहीं होने दिया और विधान सभा की बैठक को स्थगित कर दिया। उस दिनों रात में मैं उन से मिला और मैंने उनसे कहा कि उन्होंने यह बहुत अनुचित काम किया है और यदि वह इस तरह का काम करेंगे और सदन को अपनी राय व्यक्त करने का मौका नहीं देंगे, तो लोकतन्त्र के लिए खतरा उत्पन्न हो जाएगा। तो काका पांडेय जी ने मुझे अस्वासन दिया कि कल चाहे जो भी हो, कल वह वोट करवायेंगे और उसके नतीजे के अनुसार चलेंगे। उन्होंने मुझे अपनी गैलरी में आकर सदन की कार्यवाही देखने के लिये कहा। उस दिन वोटिंग हुआ। श्री विद्या चरण शुक्ल के भाई, मेरा ख्याल है कि उन्हें श्याम बाबू कहते हैं, और श्री द्वारिका प्रसाद मिश्र ने उसमें अड़ंगा डालने की कोशिश की मैं गैलरी से देख रहा था, लेकिन काका पांडेय उस दिन बड़े मुस्तैद रहें। उन्होंने वोट के लिये कहा और वोट हुआ।

उसके बाद मैं उनसे मिलने के लिए उनके चेम्बर में गया और मैंने उनका अभिनन्दन किया। उस समय उनकी घाँलों से अर्ध बह

रहे थे और उन्होंने कहा कि... (व्यवधान) यह सही बात है संयुक्त विधायक दल के नेताओं ने मुझसे कहा था, वे ऐसे अध्यक्ष को बदल देंगे। मुझे यह याद है कि मैंने उनको यह सलाह दी थी कि चूंकि अध्यक्ष ने अपनी गलती को महसूस किया है और आज उन्होंने वोट करवाया है, इसलिए हमको ऐसे व्यक्ति के खिलाफ दूष से प्रेरित होकर कार्यवाही नहीं करनी चाहिये और उन्हें अध्यक्ष बने रहने देना चाहिए।

लेकिन आज मुझे पश्चाताप हो रहा है कि ऐसे आदमी के खिलाफ कार्यवाही करने की जो बात संयुक्त विधायक दल के नेताओं के मन में थी, मैंने उसमें रुकावट-रुकावट बाधा क्यों डाली। अगर ऐसे अध्यक्ष को निकाल दिया जाता, तो मध्य प्रदेश की दृष्टि से और देश में लोकतन्त्र की दृष्टि से अच्छा होता।

SHRI SRADHAKAR SUPAKAR (Sam-
balpur) : On a point of order. Can we
criticise the action of the Speaker of a State
Assembly in this House ? It is proper?

MR. SPEAKER : No.

SHRI S. M. BANERJEE (Kanpur) : Shri
Bijoy Kumar Banerjee was criticised here.

SHRI P. G. SEN (Purnea) : That is not
the subject-matter of discussion.

The Speaker of the Assembly is not the
subject-matter of discussion.

SHRI SONAVANE (Pandharpur) : When
the Chair agrees, can the hon. Member refer
to the action of the Speaker of the Assembly
again ?

SHRI SRADHAKAR SUPAKAR : We
are discussing the present situation, not what
was done some time back.

MR. SPEAKER : Whatever it is, he can
question the facts, but not criticise the
Speaker of the Assembly here, because it is
for that House to criticise and not for this
House. There is no doubt about it.

श्री ब्रह्म लिखते : अध्यक्ष महोदय, मैं केवल ऐतिहासिक घटनाओं का क्रम रख रहा हूँ, और कुछ नहीं कर रहा हूँ। इसके साथ ही मैं अपनी गलती पर पश्चानाप व्यक्त कर रहा हूँ। इस पर माननीय सदस्य को क्यों तकलीफ हो रही है ?

मैं अर्ज कर रहा था कि मध्य प्रदेश में इतिहास की पुनरावृत्ति हो रही है संयुक्त विधायक दल के नेता के परिवर्तन के बारे में एक अरसे से चर्चा चल रही थी। वह परिवर्तन कुछ ही महीने पहले होने वाला था, लेकिन नहीं हुआ। इस बार सर्व-सम्मति से निर्णय हुआ और मारगगढ़ के राजा को सर्व-सम्मति से नेता के पद पर चुना गया। (व्यवधान) इसमें आपत्ति की क्या बात है ? कांग्रेसी राजा अच्छा होता है और विरोधी राजा बुरा होता है, यह कौन-सी नीति है। प्रधान मंत्री के अगल-बगल में, आगे-पीछे सब तरह का राजा ही राजा है। इसी समय मैं उनके नजदीक बैठे हुए श्री भानुप्रकाश सिंह को देख रहा हूँ। राजा मारगगढ़ का नाम सुनकर इस प्रकार उपहास करना इन लोगों को शोभा नहीं देता है। मैं यह अर्ज कर रहा था कि जब नया नेता चुना गया तो उसको लेकर गोविंद नारायण सिंह और संबिंद के नेता गवर्नर से मिलने के लिए गए। लेकिन खेद की बात है, कल विजया जी से मेरी बातें हुई थी और उन्होंने कहा कि गवर्नर साहब ने उन से मिलने से इंकार कर दिया और बहाना बताया कि मैं बीमार हूँ। मुझको लगता है कि द्वारिका प्रसाद मिश्र ने बहुत उपाय स्वीपिंग टैब्लेट्स का उनको डोज दे दिया है। मेरी समझ में नहीं आता कि गवर्नर का पद एक इज्जत का पद है, उसकी संवैधानिक जिम्मेदारियाँ हैं तो क्या उन जिम्मेदारियों को उन्हें पूरा नहीं करना चाहिए था ? अगर वह बिमार थे तो केन्द्र से कहते कि मुझे छुट्टी पर जाने दीजिए। बड़ा कंजीस चीफ जस्टिस हैं उनको बरामबानी अरसे के लिए गवर्नर बना दिया जाय तो चीफ

जस्टिस साहब गवर्नर के माते नये नेता को मुख्य मंत्री की शपथ दिला सकते थे और उन को न्योता दे सकते थे कि आप अपना मन्त्री-मंडल बनाए। सदन की बैठक चल रही थी। अब सभापति जी को मेरी राय में सदन की बैठक को स्थगित नहीं करना चाहिये था। गवर्नर का कर्तव्य बिल्कुल साफ था। संबिंद का नेता कौन हो इसमें देखल देने का न राज्यपाल को अधिकार है न केन्द्रीय सरकार को अधिकार है, यह तो उस दल का अन्तर्गत मामला है। कल यह हो सकता है कि कांग्रेस पार्टी स्वयं फैसला करे कि इन्दिरा गांधी जी हटे या इन्दिरा गांधी फैसला करे कि अब मैं प्रधान मंत्री नहीं रहना चाहती हूँ, तो क्या होगा ? जिम किसी को कांग्रेस पार्टी नया नेता बनाना चाहती वह बनाता... (व्यवधान) —अरे भाई, राजा दिनेश सिंह को बनना चाहेंगे वे लोग, या हो सकता है कि मोरारजी भाई को बनाना चाहें या यह गृह मन्त्री भी बैठें हैं, वह भी उम्मीदवार हैं तो इसमें अगर किसी को बनाना चाहते हैं तो क्या राष्ट्रपति हमेंतरह कह सकता है कि मुझे देखना पड़ेगा कि नये नेता के चुनाव के बाद कांग्रेस पार्टी का पानियामेंट में बहुमत है या नहीं, उसकी मैं जांच करूँगा और जांच के पश्चात अगर मैं उस नतीजे पर पहुँचता हूँ कि नये नेता के पीछे भी बहुमत है तभी जाकर मैं उसे भोका दूँगा ?

अब मैं कोई लम्बा चौड़ा संबिधान की किताबों का हवाला देना नहीं चाहता हूँ क्योंकि इसके बारे में मेरा ख्याल है कि एकदम एक राय है, यह सभी संबिधान के जितने भाष्यकार हैं इनका कहना है कि गवर्नर को दो तीन धाराओं को छोड़कर अन्य धाराओं में कोई विवेकपूर्ण अधिकार नहीं है। अब संबिंद का बहुमत था या नहीं, आपने स्वयं कहा है, सभापतियों के सम्मेलन का निर्णय है कि किसी दल को या दलसमूह को, बहुमत का समर्थन प्राप्त है इसका फैसला राजभवन में नहीं होगा, इसका फैसला विधान सभा की बैठक में होगा। विधान सभा चल रही थी। विधान सभा की

[श्री मधु लिमये]

बैठक को स्थगित किसने किया ? सभापति जी ने किया। गोविंद नारायण सिंह जी ने नहीं किया, संविद की सरकार ने नहीं किया। तो ऐसी हालत में गवर्नर के सामने रास्ता बिलकुल साफ था कि राजा सारंगगढ़ को वह नया मंत्री मंडल बनाने के लिए बुलाते। नया मंत्रि-मंडल बन जाता और उसके बाद वह अविश्वाम का प्रस्ताव लाते या बजट सत्र में कोई स्थगन प्रस्ताव लाते या दूसरी किसी शकल में इस सवाल को उठाते तो फिर एक दफा इसकी कसौटी हो जानी कि संविद के पीछे बहुमत है या नहीं या नई स्थिति उत्पन्न हुई है या नहीं। लेकिन मैं यह मानता हूँ कि यह गुस्ताखी हो गई राज्यपाल के द्वारा कि उन्होंने बहुमत है या नहीं, या नई स्थिति उत्पन्न हुई है या नहीं, इसका फंसला राजभवन में करना चाहा। तीन दिन तक मैं मिल्गुा नहीं, इस तरह की बात करना मैं समझता हूँ कि बिलकुल संविधान के विपरीत है। एक घंटा भी नहीं जानें दना चाहिए था क्योंकि बिना सरकार बनाए हमको चलना नहीं चाहिए।

अब यह कहेंगे कि गवर्नर के द्वारा जो प्रोरोगेशन का निर्णय हुआ है वह तो गोविंद नारायण सिंह की सम्मति और राय से हुआ है। सबसे पहले मैं यह कहना चाहूँगा कि प्रोरोगेशन वाली स्थिति उत्पन्न क्यों हुई ? इसीलिए उत्पन्न हुई न कि उमी दिन रात को नये नेता को शपथ इन्होंने नहीं दिलाई। अगर नये नेता को शपथ कल दिला दी जानी, नया मंत्रि-मंडल बन जाता, विधान सभा की बैठक सुचारु रूप से चलती तो कोई झगड़ा, कोई बखेड़ा इस तरह का न उठता और संवैधानिक संकट उत्पन्न नहीं होता और हमको यह प्रश्न यहां पेश करना नहीं पड़ता। मैं आपसे यह निवेदन करना चाहता हूँ कि वहां पर सवाल क्या है ? सवाल यह है कि गवर्नर साहब दलीय राजनीति में दखल दे रहे हैं। गृह मंत्री जी न कहें कि राज्यपाल को हमने कोई सलाह नहीं दी है। मेरा ख्याल है 3 तारीख को, जब

मैंने कालिग प्रोटेशन में सवाल पूछा था, तो उस वक्त उन्होंने कहा कि

"The Government of India does not function as adviser to the Governor".

तो अध्यक्ष महोदय, मेरी समझ में यह चीज नहीं आ रही है। गवर्नर के दो किस्म के कार्य हैं, एक कार्य जो बहुत बड़ा कार्य है उसमें उनको सिर्फ अपने राज्य मंत्रि-मंडल की सलाह से चलना है। लेकिन आसाम वाला मामला है या किमी विधेयक को राष्ट्रपति की अनुमति के लिए सुरक्षित रखने का काम है या 356 धारा के अन्तर्गत अगर संविधान टूट चुका है, लोक-नायक तरीके से सरकार का गठन करना या चलाना असंभव हो गया है तो वह 356 धारा के अन्तर्गत राष्ट्रपति के पास अपनी रपट भेज सकता है। लेकिन दोनों स्थिति में गवर्नर तानाशाह नहीं है। एक स्थिति में वह राज्य मंत्रि-मंडल की सलाह से चाहता है और दूसरी स्थिति में केन्द्रीय सरकार की सलाह से चलता है जिसका दायित्व हमारे इस सदन के प्रति है। तो हर हालत में पूरे संविधान में मैं कोई चीज नहीं देख रहा हूँ कि जिसमें राज्यपालों पर अन्ततोगत्वा जनता के प्रतिनिधियों का नियंत्रण नहीं है या तो विधान सभा का और राज्यीय-मंत्रिमंडल का या लोक सभा का और केन्द्रीय मंत्रिमंडल का।

लेकिन इनकी बात से पता चलता है कि वह राज्य के मंत्रिमंडल की सलाह पर भी नहीं चलेगा और यह तो कहते हैं कि हम सलाह देते ही नहीं हैं। अब इनका टेलीफोनिक कन्-सेसन टैप करने के लिए तो हम नहीं आते हैं, नहीं देखते हैं; कि यह क्या-क्या करते हैं, लेकिन मुझे बहुत दुख है कि इन सब बातों का नतीजा यह हो रहा है कि एक नया संविधान हम लिख रहे हैं और गवर्नर को तानाशाही अधिकार दे रहे हैं कि वह राज्य-मंत्रिमंडल की भी राय न माने। और केन्द्र से सलाह मशविरे का तो कोई सवाल नहीं है। इसलिए गवर्नर मनमानी करे, स्वेच्छाचारिता से काम करे और

लोकतन्त्र को मिट्टी में मिला दे। प्रोरोगेशन चीफ मिनिस्टर को राय स किया या नहीं, इसके बारे में यह बोलेंगे, इसलिए मैं पहले ही कह देना चाहता हूँ कि इस तरह की चतुराई में आप न जाय। मैं आपसे निवेदन करता हूँ कि जब राजा सारंगगढ़ को नये नेता के नाम बुलाने से गवर्नर ने इनकार किया या विलम्ब किया तब स्थिति यह उत्पन्न हुई कि गोबिंद नारायण सिंह के अग्र टंकर मुख्य मंत्री बन गये उनका अस्ल में इस्तीफा यह स्वीकार कर चुके थे, तो जब वह सलाह दे देते हैं तो जिसका इस्तीफा मंजूर हुआ है उसकी राय में कोई निर्णय नहीं लेना चाहिए था। लेकिन अगर जित भी है तो इस प्रस्ताव को जो मुख्य बात है वह बिलकुल अकाट्य है, इसको कोई काट नहीं सकता है। लम्बे चौड़े भाषण की जरूरत नहीं है। इसलिए अन्त में मैं चम्पारण साहब से और प्रधान मंत्री से निवेदन करना चाहता हूँ कि आपके द्वारा जो गलती हुई है उसको आप मुधारें। आप दो काम अगर करेंगे, आप दो आश्वासन अगर इस सदन को देंगे तो मैंने दूसरों से राय तो नहीं की है, लेकिन मेरा क्माल है कि मेरे साथी भी इन दो आश्वासनों के बाद आग्रह नहीं करेंगे कि यह प्रस्ताव पास हो। सबसे पहला तो यह कि आज तत्काल राजा सारंगगढ़ को नया मंत्रि-मंडल बनाने के लिए गवर्नर न्योता दें और दूसरा यह कि चूंकि गवर्नर ने इस तरह दलीय राजनीति में हस्तक्षेप किया है, एक सत्ताधारी दल जो यहां पर है उसकी मदद करने की कोशिश की है इसलिए जल्द से जल्द राज्यपाल को वापस बुलाने की बात पर भी सरकार सोचे। इतना अगर यह आश्वासन दे देते हैं तो आज जो वातावरण बेंकटसुंदरिया साहब ने पैदा किया है यहाँ पर, उसकी मैं दाद दूंगा। जो लोग कहते हैं कि कभी कभी आप भी रचनात्मक बनेंगे, मुलायम बनेंगे तो अच्छे रहेगा, उनसे मैं कहना चाहता हूँ कि आज मैं बहुत मुलायम बन रहा हूँ यदि दो आश्वासन मिल जाते हैं तो मैं अपने प्रस्ताव के बारे में आग्रह नहीं करूंगा। अन्त्यवाद।

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Sir, I would just like to give certain facts. There was no occasion for me to give any information because I found that facts were not before me this morning. I can understand the mood of the House, and I am very glad that Shri Madhu Limaye, for change's sake, has become constructive today.

AN HON. MEMBER : He is always constructive.

SHRI Y. B. CHAVAN : The facts are that as far as the prorogation of the House is concerned the Governor told me—normally I would not have talked to the Governor—and I hope this hon. House will accept this position. (Interruptions) You may laugh at it. You will be only laughing at yourself. The point is that the Governor was in the Raj Bhavan. He was not keeping good health yesterday. He has developed some fever. He has got some trouble. In the morning the Chief Minister called on the Governor and advised him in writing to prorogue the House and it was only on the advice of the Chief Minister. . .

AN HON. MEMBER : Who was the Chief Minister ?

SHRI Y. B. CHAVAN : . . the Governor prorogued the House. That fact the Governor told me and I am conveying this to the hon House. The Governor has already invited Raja of Sarangarh, Raja Naresh Singh. . .

AN HON. MEMBER : Raja Naresh Chandra Singh.

SHRI Y. B. CHAVAN : I am faithfully reporting what I have heard on the phone. He had invited Raja Naresh Chandra Singh to meet him to form the Government at 3 O'clock to-day.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, आपने यह मंत्री महोदय को जानकारी देने के लिये अनुमति दी है, वह जानकारी मेरे पास भी है। राज्य के उप-मुख्य मंत्री से मेरी टेलीफोन पर बात हुई है और मैंने उनसे पूछा था कि असेम्बली का सत्रावसान किस तरह से किया

[श्री अटल बिहारी वाजपेयी]

गया है। उन्होंने इस बात को माना है कि मुख्य मंत्री ने राज्यपाल से कहा था कि असेम्बली का सत्रावसान कर दीजिये, लेकिन यह कहने से पहले मुख्य मंत्री ने यह भी कहा था कि वे अस्टेकर गवर्नमेंट असेम्बली का सामना नहीं कर सकती, असेम्बली को बजट पास करना है, आप राजा नरेशचन्द्र जी को शपथ दीजिये, ताकि हम गवर्नमेंट बना कर असेम्बली को फेस कर सकें, लेकिन राज्यपाल ने इसको नहीं माना उसके बाद असेम्बली के प्रारोह की बात कही गई।

MR. SPEAKER : I understand it, It may not be clear to you. He has categorically stated that at 3 O'clock Raja Naresh Chandra Singh is being invited to form the Government. Am I correct ?

SHRI Y.B. CHAVAN : Yes.

MR. SPEAKER : There are only two facts. Forget about the prorogation now, I am not myself a constitutional lawyer to say whether a dismissed Chief Minister can ask the Governor to prorogue the House. The other fact which is more important and which is the main point is that the new leader elected has been invited to form a Government to-day at 3 O'clock, (*Interceptions*)

SHRI S.M. BANERJEE : Mr. Speaker.

MR. SPEAKER : I do not think our shouting would have reached Bhopal now. Shri Banerjee shouts very well. Even his voice cannot reach Bhopal.

SHRI S.M. BANERJEE : Through Mr. Chavan, Sir.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, एक बात और कानी है। आज सुबेरे जब संयुक्त बिवायक दल के नेता राज्यपाल से मिले और उनसे कहा कि आप राजा नरेशचन्द्र को बुलाइये। राज्यपाल महोदय ने कहा कि हम कुलने के बारे में विचार करेंगे। मैं उन्हें सलाह करने के लिये बुला रहा हूँ। सुबह यह स्पष्ट नहीं था कि वह शपथ दिलाने के लिए बुला रहे

हैं। अब यह मंत्री जो जानकारी दे रहे हैं, वह शायद बाद की जानकारी है, इसलिए हमें उस पर बिश्वास करना पड़ेगा।

SHRI KANWAR LAL GUPTA : rose.—

MR. SPEAKER : I will not allow. The hon. Member does not even care for his leader. When he is talking everytime he gets up.

SHRI H.N. MUKERJEE (Calcutta North-east) : Quite apart from these details, the fact of the prorogation is there. Prorogation of an Assembly by the Governor is a very serious matter, with some implications. Therefore, the seriousness of the subject under discussion remains unimpaired. Whether X is called at 2 O'clock or Y is called tomorrow is a different proposition. The fact is that the Governor has prorogued the Assembly in circumstances which this House as the overall guardian of the working of parliamentary democracy in this country has got to take into consideration. Therefore, I submit that whatever effect the Home Minister's communication might have, this House is in possession of this matter and the discussion should be proceeded with.

MR. SPEAKER : That is what I said, It is a constitutional point whether a Chief Minister who has resigned can advise the Governor. I cannot give my opinion on it. That can be discussed. We have begun it at 2 o'clock and we shall finish it at 5 o'clock I will give 3 hours. The point whether the head of a caretaker Government can advise the Governor to prorogue the Assembly can be discussed.

SHRI J.B. KRIPALANI (Guna) : On a point of information, Sir, who was the Chief Minister who advised the Governor ?

MR. SPEAKER : This can be raised in the discussion. There cannot be two Chief Ministers at a time. There can be only one. The Chief Minister who is heading the caretaker Government continues to be Chief Minister till a new Chief Minister is sworn in. He advised the Governor.

SHRI J.B. KRIPALANI : Can the head

of a care-taker Government advise the Governor on an important issue ?

MR SPEAKER : That is exactly the point to be discussed.

SHRI P.G. Sen (Purnea) : the Home Minister has said that the Governor is going to call the Raja at 3 o'clock. So, what is there to be discussed ?

SHRI C.K. BHATTACHARYYA (Rajganj) : This motion seeks to disapprove of the conduct of the Governor of the ground that he has not invited the Leader of Opposition to form a Government. The Home Minister says, the Governor has called the Leader of the Opposition to form the Ministry. What is the meaning of moving this motion now? You give your ruling whether this can at all come after what the Home Minister has stated. I submit this motion cannot come after the Home Minister's statement.

SHRIMATI SARDA MUKERJEE (Ratnagiri) : The situation over which the opposition were exercised does not exist any more. Are we going to have a debate on constitutional technicalities in the House ?

MR. SPEAKER : The motion says :

"...the act of the Governor of Madhya Pradesh in not inviting immediately the new leader of the S.V.D...."

Having taken up the discussion, you cannot stop it in between. The House can discuss whether the head of a care-taker Governor can advise the Governor. That is why I reduced the time. It will not go on for the whole day. I appeal to the hon. members to be brief so that we may finish it by 5 O'clock. There are some amendments.

Motion moved :

"That this House disapproves the unconstitutional act of the Governor of Madhya Pradesh in not inviting immediately the new leader of the S.V.D. to form a Government which only very recently had proved its majority on the floor of the Assembly."

SHRI S.M. BANERJEE : I beg to move

That at the end of the motion, the following be added, namely :—

"and recommends to the President to remove the Governor" (1)

SHRI K. LAKKAPPA (Tumkur) : I beg to move

That at the end of the motion, the following be added, namely :—

"and requests the President to recall the Governor of Madhya Pradesh" (2)

SHRI NATH PAI (Rajapur) : I beg to move

That at the end of the motion, the following he added, namely :—

"and of prorogation of the State Assembly and recommends to the President that the Governor should be recalled forthwith" (3)

SHRI GEORGE FERNANDES (Bombay South) : I beg to move

That at the end of the motion, the following be added, namely :—

"and recommends to the Council of Ministers to advise the President to dismiss the Governor forthwith,"

SHRI SHIVA CHANDRA JHA (Madhubani) : I beg to move

That at the end of the motion, the following be added, namely :—

"and recommends to the President to dismiss the Governor at once." (5)

SHRI RANGA (Srikakulam) : Mr. Speaker, Sir, there is nothing else to be expected of the present Home Minister. It certainly stands to his credit that he has brought the institution of governorship into disrepute and contempt. Some time ago, last time when the Madhya Pradesh affair was being discussed here, I said that the Home Minister was becoming the hangman of democracy. Both go together in the light of what has happened and what is happening today.

During those days we were not discussing Governor at all because the Governors as well as the Chief Ministers belonged to the same party. Another very strong reason was that at that time the Home Minister as well as the Prime Minister used to take themselves more seriously as the custodians of democracy and the Constitution. They used to try their best to behave as the

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trustees on behalf of the people in order to see that these various institutions that have come to be established by our Constitution are helped to discharge their duties and their prestige was maintained. All that has been given the goby by the present Home Minister.

He started his career from Rajasthan, his career of showing disrespect, covertly or covertly, to the Constitution and bringing down this institution, which we thought at that time—you were also in the Constituent Assembly, Sir—would be kept as an august institution, in to disrespect. I need not go into all the details. He tried to allow the same sort of game to be played in Madhya Pradesh. At that time also this House had to intervene in time and then it was that the S.V.D. leader came to be invited to form the Ministry. Then also the House was prorogued. There is an evil genius there. I have no objection to their continuing their affection for him because he has been one of their veterans both in the Opposition as well as on their side. Therefore they are very much attached to him. But that should not be a reason that they should allow themselves to be deflected from their duties.

My hon. friend, Shri Kripalani was asking, who is the Chief Minister who has the right to behave as the Chief Minister. Once a Chief Minister resigns he has supposed to perform one other duty as he takes leave of the Governor. This convention has come from England. We have been trying to observe it. There were certain breaches. All those breaches were due to the bad advice of my hon. friend, Shri Chavan. His one and only duty while taking leave is that he could advise the Governor whom to call to take the oath of office as the Chief Minister. It can be argued by some people that he may give the advice but it is for the Governor to accept it or not. But the other part of it is, how could he give that advice? He could give that advice only on the basis of certain facts. One of them would be to name the accredited leader of the established majority party in that legislature if that is already clear. If that has already happened, he need not have any doubts at all, he can give the advice and the Governor is expected to honour that advice.

Beyond that, he has no other advice to give, no other power to exercise, except to that extent that he is asked to be a kind of

care-taker; therefore, for three days papers for formal orders are put before him for his signature; nothing more. Now, here is my hon. friend who volunteers the information, either by himself or through others, that it is the retiring Chief Minister who had advised the Governor to prorogue the Assembly. The Governor has no authority at all, no moral sanction, to accept that advice, to act upon that advice and to depend upon that advice and, to that extent, the advice that has been given to the Governor, covertly or overtly as I have said advisedly, was unwise, and unconstitutional.

My hon. friend wants us to believe all that he said and when some of us were not inclined to put so much faith in what he has said—of course, we were not prepared to dismiss what he has said outright—he said you can laugh as you like; it is not that. But my hon. friend cannot disclaim the fact and the fact is that the Home Minister, whenever necessary is in contact with the Governor. May be, according to the kind of constitutional *miansa* the Home Minister is not supposed to be in touch with the Governor at all, but in actual practice the Home Minister is generally in touch with the Governor.

SHRI SURENDRANATH DWIVEDI :
The Governors are in touch with him,

SHRI RANGA : Yes, the Governors are also in touch with the Home Minister. How long can we go on deceiving ourselves in this manner? How long can my hon. friend go on asking us "Please accept my words"? Now, words they are; quite right—word which is open, word which is not open, word which is tied to the apron strings of the Governor and *vice versa*. They are words all right. But I am prepared to accept a word which is open, not a word which is tied.

What we have to examine is this. Has this Home Minister been behaving as a trustee of this Constitution and not merely as the Home Minister of a party-led government? We want him to behave as a trustee act as a trustee, rise far above the momentary interest, good or bad, real or imagined; because, he may imagine that something is in the interest of the party but really speaking it may not be in the interest of the party at all; he may imagine the interest of

the party may be going this way or that way, but that may not come to be true. But he should rise above those interests and then look at those problems as a Home Minister is expected to do. That is why the Home Minister occupies a very special position in this government, in any parliamentary government for the matter of that.

But there is a Home Minister who has not risen up to that standard at all. He has been bringing it down and down and God alone knows to what level he is going to bring it down.

The whole of the opposition was enraged and shocked with the information that was given to us this morning so suddenly and I began to wonder what might be the attitude of my Congress friends. Not long ago I was also one of them. For many years I put up with many of their bad things, as they are putting up today. One has got to do it as part of party life ; there were so many good things that I put up with those bad things. Yet, there were occasions when such bad things are done by any one of their Ministers, we used to have the courage in those days to rise in our seats and protest against that, even when Shri Jawaharlal Nehru was the Prime Minister. So, I was hoping against hope that there might be some body among them who would suddenly get himself stung by the prompting of conscience and protest against it. It is because of that hope and that confidence also that I dared this morning—Sir, you were witness to it—to appeal to their conscience. Is there any wonder at all, fortunately for our democracy but unfortunately for this Home Minister and unfortunately for the Governor, there was one member who rose ; but there were many many more also, sure as anything because I had previous experience in that way, who wanted to get up.

SHRI D. N. TIWARY (Gopalganj) : He is the Secretary of the Congress party.

SHRI RANGA : That is why I say there must have been many more. It happens like that in any gathering. Those several members were also stung by the injustice of it all, by the unfairness of it all, with the shamelessness of what is happening that they supported him spontaneously, even silently, and yet even that silence was eloquent, so much so that the Home Minister was

prepared to respond to that silent yet eloquent protest that was made in harmony with Shri Venkatasubbaiah's spoken word. That is the way Parliament should function. This Parliament has certainly functioned today and I feel honoured to have been witness to this wonderful exuberance and exhibition of the conscience of this party as well as of the whole of this Parliament.

But I cannot excuse my hon. friend, the Home Minister. He nods his head. He is satisfied with his power. He does not seem to realise the seriousness of the blunder that he has committed. May be, because during those days when we were witness to similar scenes in this House, exhilarating and exciting, he did not have the good fortune to be present here or may be because he was brought here in order to save us from the enemies abroad, he has taken it into his head that he should see an enemy in every non-Congressman in the whole of India though he has not had the strength to fight our enemies abroad. He seems to be using the unused powers that were given to him against those non-Congre men who may be there. That is why he has committed this blunder. Personally I like him very much. That is where my trouble also comes and that is the beauty of the parliamentary system, Man to man he is one of the best but as a Home Minister he is one of the worst. Therefore I would like him to take this warning. For God's sake do not touch these Governors. They are like the electric instruments which give you shocks. They are your instruments, it is true, but treat them carefully, honourably, decently otherwise they will smite you and will smite us also.

SHRI C. C. DESAI (Sabaskantha) : These Congress Governors are like snakes in the grass.

SHRI RANGA : What are these Governors ? My hon. friend has brought this Governorship into the discussion. Who are these Governors to be ? Are they to be the nominees of the ministry which is in power everywhere ? I am not in favour of it. They ought also not to be the nominees of this party in power. No ; it is dangerous. Kindly imagine for yourself. I need not go into details. Therefore, from now on at least see to it that these Governors are not ex-Congressmen or present Congressmen

[Shri Ranga]

or Congress Ministers, because as my hon. friend, Shri C. C. Desai, is suggesting, the feeling is growing all over the country that these Congress Governors are acting like vipers or cobras in the grass; you do not know when they would hit you, poison you, destroy you. Do not allow this feeling to get the better of our affection for the institution of Governorship. We want this institution of Governorship. Please do not allow this atmosphere to grow to such an extent that people do not want any institution of Governorship at all. Please also see that they are no longer chosen from among Congress people alone.

Here is this gentleman, Shri K. C. Reddy. He also is an old friend of mine. We were together in the national struggle. I went to aid him in our struggle against the Maharaja those days. He was also a labour leader. He was the Chief Minister of the State and a Minister here over a long, long time. He should have left much earlier, but he would not. Then, in the end, anyhow, they thought that they had found a very good job for him, a very good responsibility for him. I also felt happy because I thought really that he would make an excellent Governor in the light of all the experiences that he has had, even as a Chief Minister. But now I pity that Governor. I am extremely sorry for my hon. friend, Shri K. C. Reddy, because he has been turned into, what should I say, a letter without an address. He does not know where to go, in which way to turn, whose advice he has to seek, how to behave, whether to go to sleep or whether to remain in bed.

He has been put in an unenviable plight of having to say to an ex-Chief Minister, to the chosen leader of the S.V.D., and also to Rajmata that he cannot meet them. He is a very chivalrous man. I have known him so well. And my friend has robbed him even of that chivalry with the result the poor man had to send a message to Rajmata, "I cannot meet you Mom." What a shame. What a degradation to which the institution of Governorship has been brought on the advice, on the dictates, on the expressed or un-expressed, spoken or unspoken wishes of my friend the Home Minister. This is not fair. Please, for God sake, learn to deal with Governors, honour them, treat them as human beings, as dignified people, and also

help them to discharge their duties with dignity, with decorum and becoming of the Constitution and also of the State Government.

SHRI P. VENKATASUBBAIAH (Nandyal) : Mr. Speaker, Sir, today, I would like to make an appeal to this honourable House that we are discussing a very important constitutional issue that will help us in preserving the parliamentary democracy in our country. When this matter was brought up in the House in the afternoon, I rose to express the feelings of not only myself but of the party to which I belong. I echoed the sentiments and the deep concern expressed by members of my Party to which I belong.

SHRI RANGA : Very good.

SHRI P. VENKATASUBBAIAH : I must congratulate the Home Minister for he has demonstrated that he is the Home Minister who upholds the dignity of not only this House but also upholds the parliamentary democracy in this country when he said, "I am in the hands of the House. I would like to be guided by this House."

After all this, I am very much pained to to hear from some hon. friends in trying to cost aspersions on the Home Minister. That has pained me much more than anything. The Home Minister has stated categorically that he has not sent any advice to the Governor and the Governor has acted on his own according to the circumstances prevailing. But here, the Opposition parties, in their ever-enthusiasm, are trying to secure a debating point rather than discussing the constitutional propriety involved in this.

The whole matter, as Mr. Madhu Limaye has correctly put it, is not the prorogation of the Assembly, the propriety or otherwise of it, whether the care-taker Chief Minister has got a right to advise the Governor to prorogue the Assembly—it is not germane at all to the present problem—but the problem is very simple.

SHRI J. B. KRIPALANI : May I tell you that that is the question ?

15 hrs.

SHRI P. VENKATASUBBAIAH : Please allow me to speak. The whole point is whether the Governor has acted in a constitutional manner when he did not heed the advice tendered by Mr. Govind Narain Singh in calling upon Raja Naresh Chandra Singh to swear him as the Chief Minister as he has been elected as the leader of the S. V. D.

This is the crux, this is the point, which, in my opinion, has to be discussed dispassionately in this House. As you said, we need not now go into the point whether the caretaker Chief Minister has got a right to advise the Governor. In my mind, I strongly feel that there should not have been any occasion to have a caretaker Chief Minister at all. That is the point under discussion. Therein the constitutional propriety of the Governor comes in. That is the point, to put it in a nutshell. A point was raised whether in this matter the Home minister has got a hand in advising the Governor to act in this manner or that manner. Under the Constitution, the Governor is appointed by the President and he has been enjoined under the Constitution to perform certain duties. The Opposition have imagined certain things which have not taken place, and that, I am afraid, clouds the entire issue. So, I would make an appeal to the hon. members, especially to the Mover of this motion, that bringing this sort of a motion is not very appropriate to this very important occasion when we are holding this discussion. So, this is the point. There has been an instance : when you laid down your office as the Chief Minister of Andhra Pradesh, you advised the Governor to swear in Shri Brahmananda Reddy as the Chief Minister though Shri Brahmananda Reddy had not been elected by the party members then. So, this point has to be borne in mind when we discuss this situation which has arisen in Madhya Pradesh. Shri Brahmananda Reddy became the Chief Minister and you continued to be the Leader of the Congress Legislature Party for some time. This is the point which I want to bring home to the hon. members here, whether in this respect the Governor has acted in a manner that is in accordance with the Constitution. With deep regret I have to say that there has been an impropriety on the part of the Governor. About the other matters that follow, these are things on which I am not in position to say anything since I am neither

a Constitutional expert nor a lawyer; I do not know anything about constitutional proprieties, whether the caretaker Chief Minister has got a right to advise the Governor to prorogue the Assembly. Here the only point is this that, whatever may be the political complexions in this country .. (Inter-upt on) it is the duty of every one of us who believes in Parliamentary democracy to uphold the Constitution and the Parliamentary democracy, and the party affiliations should not come in our way. This is the point which I wanted to impress on the House, I would like to say this. I am not tendering any advice to the Opposition because I am not competent to do that, but I would also appeal to the Opposition that they should also realise that some of those acts or some of those things that have been done by their parties in power should also be in consonance with the provisions of the Constitution. I would feel very happy if any one of those Opposition members gets up on that occasion and criticises their Ministry's or their Government's action; I would be only too happy on that day and I would congratulate them. In fact, I congratulate them in advance in the hope that they will do so. Every one of us should try our best to uphold the Parliamentary democracy in this country.

SHRI S. KANDAPPAN (Mettur) : In effect, the hon. Member, Shri P. Venkatasubbaiah, is supporting the Motion.

श्री जगन्नाथ राव जोशी (भोपाल)
ग्रह्यशत महोदय, मध्य प्रवेश के माननीय राज्यपाल महोदय के आचरण के बारे में जो प्रस्ताव श्री मधु निमये ने मदन के सामने पेश किया है, मैं उस का समर्थन करने के लिये खड़ा हुआ हूँ। पिछले दो सालों के अन्दर कई समय ऐसे आये जब राज्यपालों के आचरण के बारे में इस मदन में चर्चा हुई है और बार-बार हमारे माननीय गृह मंत्री ने यही कहा है कि हम ने उन्हें गवाह नहीं दी थी।

15.06 hrs.

[Mr. Deputy-Speaker in the Chair]

किन्तु आचरण चाहे राज्यपाल के राज्यपाल का हो, चाहे पंजाब के राज्यपाल का हो,

[श्री जगन्नाथ राव जोशी]

आचरण चाहे बंगाल के राज्यपाल का हो चाहे बिहार के राज्यपाल का हो, अथवा मध्य प्रदेश के राज्यपाल का हो, स्व-विवेक से काम करने की जो खुशी छूट उन को है, उस के अनुसार राज्यपालों में भी व्यवहार किया है वह हमेशा ही कांग्रेस के पक्ष में कैसे जाता है, यह बात मेरी समझ में नहीं आती। देवर सीम्स टु डी ए मैथव इन बंट मैडेनस। यानी जब भी स्व-विवेक से राज्यपाल महोदय ने आचरण किया वह कभी भी विपक्ष के सम्बन्ध में अच्छा नहीं रहा।

पहले राज्यपाल महोदय का आचरण राजस्थान से ही प्रारम्भ हुआ जब कि राजस्थान की 184 सदस्यों की विधान सभा में विपक्ष के साथ 92 सदस्य थे और उन सबों में दिल्ली आ कर राष्ट्रपति के सामने प्रपनी संख्या ताकत प्रकट भी की, तो भी राजस्थान के राज्यपाल महोदय ने यह कहा कि जो वहाँ के स्वतन्त्र उम्मीदवार हैं मैं उन को गिनती में नहीं लेता, और इस तरह से वहाँ पर मंत्रिमण्डल नहीं बनने दिया गया।

अभी श्री पैकटमुब्ब्या ने कहा कि वह कोई कांस्टिट्यूशनल लायर नहीं हैं, किन्तु यह मंत्री महोदय ने इस बात को कहा कि जब किसी प्रदेश का मुख्य मन्त्री राज्यपाल को कोई सलाह देता है तो राज्यपाल महोदय को उसे स्वीकार कर लेना चाहिये। किन्तु पंजाब में जो आज के मुख्य मन्त्री हैं और भूतपूर्व मुख्य मन्त्री भी, जस्टिस गुरनाम सिंह, जब उन के पास सदन में बहुमत था और उन को पता लगा कि उन के दल के लोग दूटेंगे, ऐसी स्थिति में बहुमत होते हुए भी उन्होंने पंजाब के राज्यपाल महोदय को यः सलाह दी थी कि विधान सभा भंग की जाय। मगर उन की राय मानी नहीं गई। आज भी जब मध्य प्रदेश में संविद शासन ने दूसरा नेता चुना तथा राज्यपाल महोदय से जा कर यह बात कही गई कि जो दल के नये नेता राजा नरेशचन्द्र सिंह हैं उन को आप शपथ

दिला दीजिये, तब वास्तव में राज्यपाल महोदय का कर्तव्य हो जाता है कि वह उन को शपथ दिलाते और उन को नया मंत्रिमंडल बनाने दें। सदन तो चालू ही था और सारी कार्रवाई मंत्रिधानिक तरीके से चलती है। दूसरी ओर हम यह भ्रम हैं कि बिहार के अंदर कांग्रेसी सम्प्रदाय श्री हरिहर सिंह को बुलाया जाता है, उन को शपथ दिलाई जाती है और आचरण दिन का भौका दिया जाता है कि तुम अपना मंत्रिमंडल बनाने के लिये सब को इकट्ठा करो।

मेरे कहने का मतलब यह है कि हमेशा राज्यपाल महोदय का आचरण कांग्रेस के ही पक्ष में जाता है।

मैं अर्ज करना चाहता हूँ कि हमारा कांग्रेस दल या भासक दल कहना है कि हम सम्प्रदाय-निरपेक्ष हैं। लेकिन सम्प्रदाय-निरपेक्षता छोटे से दायरे में नहीं चलती। संविधान जो बना है वह पूरे देश के लिये बना है, यदि संविधान का उपयोग एक दल जिस के हाथ में शासन है, बार-बार अपने लिये करता जाय तो भाई बिस् कंसिडर इट वि वर्स्ट फार्म ऑफ कम्प्युनलिज्म। जो संविधान देश के लिये बना है उस का उपयोग एक दल अपने लिये ही करे यह कहाँ तक ठीक है ?

पिछले दो सालों के अंदर राज्यपाल महोदयों का आचरण, राज्यपाल की प्रतिष्ठा और उम के पद की प्रतिष्ठा बहुत चर्चित हुई। इसी समय में जो देश के सभा अध्यक्षों का जो अखिल भारतीय सम्मेलन हुआ उस ने बहुत से निर्णय लिये। उन में से एक निर्णय यह था कि किस के पास बहुमत है यह राज भवन में नहीं तय होना चाहिये। किस के पास बहुमत है यह विधान सभा के सदन में तय होना चाहिये। हमारा जो संविधान है उस की धारा 160 बिस्कुल स्पष्ट है कि राज्यपाल महोदयों को कुछ विशेष बातों में केन्द्र से राय लनी चाहिये।

उपाध्यक्ष महोदय, धारा 160 बिल्कुल साफ है। गवर्नर का जो आचरण है वह बहु चर्चित रहा है इस बात को ले कर कि मुख्य मंत्री के साथ सदन के सदस्यों का बहुमत है या नहीं है, यह चीज राज भवन में तय नहीं होनी चाहिये, यह विधान सभा में ही तय हो सकती है। मैं जानना चाहता हूँ कि यह जो सिफारिश श्री डम को क्या गृह मंत्री जी ने राज्यपालों तक पहुंचा दिया था ? क्या उन्होंने उनको बता दिया था कि बहुमत किस के माथ है और किस के माथ नहीं है, हमका निर्णय विधान सभा में होने दीजिए और यह जो जिम्मेदारी है, इसको राज्यपालों को अपने ऊपर नहीं लेना चाहिये। यदि यह सलाह उन्होंने उन तक पहुंचा दी थी तो इस सलाह के विरोध में, इस सलाह के खिलाफ जा कर मध्य प्रदेश के गवर्नर ने काम क्यों किया ? मैं जानना चाहता हूँ कि क्या मध्य प्रदेश के गवर्नर ने इस सलाह के विरोध में जा कर काम किया है या नहीं किया है ?

जब संविधान बना था तब राज्यपाल के चुनाव की बात भी आई थी। किन्तु इसको इसलिए स्वीकार नहीं किया गया था कि मुख्य मंत्री वृं कि चुनाव हुआ व्यक्ति होता है, इसलिए अगर राज्यपाल का भी चुनाव होगा तो दोनों के बीच में उस अवस्था में झगड़ा पैदा हो सकता है दोनों के बीच में ननाव पैदा हो सकता है। इसलिए यह तय किया गया कि केन्द्र द्वारा मनोनीत किया गया कोई आदमी ही गवर्नर नियुक्त हो। केन्द्र द्वारा मनोनीत सदस्य के नाते केन्द्र की जो धारा 355 के अंतर्गत जिम्मेदारी आती है संविधानिक तरीके से या प्रजातन्त्र के आधार पर प्रदेशों के अन्दर राज्य चलता है या नहीं उसको देखने के लिए वहां राज्यपाल महोदय होने हैं। लेकिन आप यह भी देखें कि राज्यपालों के इम्पीचमेंट की व्यवस्था संविधान में नहीं की गई है, राष्ट्रपति के इम्पीचमेंट की ही व्यवस्था की गई है। यह व्यवस्था इसलिए नहीं है कि केन्द्र द्वारा मनोनीत वह व्यक्ति होता है और उस नाते से वहां कार्य करना है।

शायद यह भी देखें कि समय समय पर राज्यपालों के आचरण को ले कर जब बहस यहां पर हो जाती है, तब गृह मंत्री जी यह दिया करते हैं कि यह सलाह हमने नहीं दी है, जो भी काम उन्होंने किया है स्वविवेक से किया है। स्वविवेक से जो भी काम वह करे यह संविधान के आधार पर तो होना चाहिए यह बहुत आवश्यक है। इसलिए मैं आपका ध्यान इस ओर खींचना चाहता हूँ कि स्पीकर का कार्यक्रम में जो निर्णय लिया था क्या वह निर्णय सभी गवर्नरों को कनबे कर दिया गया था और उनको कह दिया गया था कि वे इसका पार्लैमेंटरी पालन करें। यदि यह आपने नहीं किया तो मैं जानना चाहता हूँ कि धारा 160 का मतलब क्या निकलता है। जब जब राज्यपाल महोदय के सामने कुछ ऐसी परिस्थिति आ कर खड़ी हो जाए जिस में कि उसको कोई सन्देह पैदा हो तो

कि वरमं किमकर्मैति कवयोऽप्यत्रमोहिताः ।
तत्तेकमं प्रवक्ष्यामि यजात्वा मोक्षसेषुभात् ॥

इसके लिए राज्यपाल महोदय हमेशा राष्ट्रपति महोदय की ओर देखेंगे या काउन्सिल आफ मिनिस्टर्स जो हैं वे उनको जो सलाह देने हैं या मुख्य मंत्री उनको जो सलाह देते हैं, उनको मानेंगे ? हम केस में उन्होंने जो कुछ किया है वह संविधान के और स्पीकर का कॉन्फेंस के जो निर्णय थे, उनके खिलाफ किया है।

अब केयरटेकर गवर्नमेंट का सवाल है। जब विधान सभा चालू न हो तब केयरटेकर गवर्नमेंट का सवाल आता है। लेकिन जब विधान सभा चालू हो और संविधान का उस में बहमन हो, संविधान ने दूसरा नेता चुन लिया हो और पहले नेता ने जा कर राज्यपाल से विनती की हो कि यह दूसरे नेता है, इनको आप शरय दिलवाइये तो इनका होने के बाद भी क्या केयरटेकर गवर्नमेंट स्थापित हो सकती है। ऐसा नहीं हो सकता है। विधान सभा के अध्यक्ष महोदय ने जो किया है वह भी मैं समझता हूँ नए नेता शपथ न ले सकें, इसलिए मुझे लगता

[श्री जगन्नाथ राव जोशी]

है कि उन्होंने विधान सभा को स्थगित कर दिया है, एडजन कर दिया है। जब विधान सभा नहीं होनी तब केयरटेकर गवर्नमेंट की बात समझ में आती है; लेकिन जब विधान सभा चालू है, जब हमारा नेता बहुमत वाली पार्टी का शपथ लेने के लिए तैयार है ऐसे समय में उनको शपथ न दिलाना और यह कहना कि मैं स्थिति का अन्वयन कर रहा हूँ, ठीक नहीं है।

पहले खबर यह आती है कि राज्यपाल महोदय का स्वास्थ्य ठीक नहीं है। किन्तु अभी डेढ़ वजे के रेडियो पर हमने सुना है कि राज्यपाल का स्वास्थ्य बड़ी तेजी के साथ ठीक होना जा रहा है। यह रेडियो की खबर है। यह भी आश्चर्य की ही बात है।

SHRI M. L. SONDDHI : The Home Minister has sent some miracle medicine ?

श्री जगन्नाथ राव जोशी . ऐसी अप्रिय घटनायें न हों, इसको दृष्टि में रखे हुए मैं कहना चाहता हूँ कि राज्यपालों की नियुक्ति के लिए नामों के जब मुझाव दिये जायें, उसके लिए एक प्रोजेडेंट्स काउंसिल होनी चाहिये जिस में विधि विशेषज्ञ हों, सर्वोच्च न्यायालय के पूर्व न्यायाधीश हों तथा प्रमुख नागरिक हों। यह काउंसिल नाम देने के साथ-साथ राष्ट्रपति को राष्ट्रपति राज लागू करने तथा विधान सभा भंग करने के बारे में भी सलाह दे सकती है।

अन्त में मैं कहना चाहता हूँ कि मध्य प्रदेश के राज्यपाल महोदय ने एक बार नहीं बल्कि दो बार जो यह अमरवैधानिक कार्य किया है, उनको इसके लिए मुन्त वापिस बुलाया जाए और जो प्रस्ताव मेरे मित्र श्री लिमये ने पेश किया है, उसका मैं हृदय से समर्थन करता हूँ।

MR. DEPUTY-SPEAKER : Now, Shrimati Sharda Mukerjee. I would now request hon. Members to take not more than ten

minutes. We have hardly 1 hour and 45 minutes more left.

SHRI SEZHIYAN (Kumbakonam) : We can extend it till 6 p. m.

MR. DEPUTY-SPEAKER There will be no extension.

SHRIMATI SHARDA MUKERJEE (Ratnagiri) : As I said earlier, in view of the developments which the Home Minister has made known to the House, this debate seems rather more academic than real, because the situation has changed. Of course, it may be of some help so far as the Opposition Members are concerned for future guidance.

I think that it is just as well to remember that in essence, in the final analysis, the responsibility of the government of this country rests unquestionably on the Central Government. Can it be denied that the Governor holds office at the pleasure of the President and that he has certain responsibilities to fulfil, which responsibilities he derives under direction from the President ? Is it the suggestion of hon. Members that the Governor is just passive agent ? Is that the suggestion of hon. Members ? When an unusual situation develops, when the constitutional machinery breaks down, the Governor does assume discretionary powers which are provided by our Constitution. And what is more ? The Constitution also lays down that his actions cannot be questioned.

We are having a federation in our country. If hon. Members question this federation itself, then I can understand their objection. But as long as we have a federation and the responsibility for the internal and external security of this country rests upon the Central Government, it is no use saying

SHRI M. L. SONDDHI : Is the Indian border in Madhya Pradesh ? I thought that it was in NEFA, Ladakh etc.

SHRIMATI SHARDA MUKERJEE : I referred to internal security also. A law and order situation can arise anywhere, and it can arise even in Madhya Pradesh.

SHRI RABI RAY (Puri) : Law and order is a State subject.

message from Bhopal that he has not been invited for taking the oath.

SHRIMATI SHARDA MUKERJEE : The final responsibility for internal security does rest upon the Central Government. If my hon. friends expect the Central Government to absolve itself of that responsibility, then they will be the first to get up and accuse the Central Government of not carrying out that responsibility.

MR. DEPUTY-SPEAKER : The Home Minister has given us an assurance. (Interruptions)

AN HON. MEMBER : Law and order is a State subject.

SHRIMATI SHARDA MUKERJEE : I understand that. When there is a break-down of the constitutional machinery, what do they expect the Central Government to do ?

श्री कंवरलाल गुप्त : मेरे पास अभी-अभी भोपाल से टेलीफोन आया है, जो कि मैं ने लाबी में सुना है। मुझे बताया गया है कि राजा मारनगढ़ को आज छः बजे केवल गवर्नर से मिलने के लिए बुलाया गया है। उन्होंने मिनस्ट्री बनानी है और श्रोध लेनी है, इस की कोई सूचना नहीं है। गृह मन्त्री जी ने इस बारे में तीन बजे का समय बताया था। अब तीन बज कर बीस मिनट हो गये हैं। इस की कोई सूचना नहीं है कि उन्हें श्रोध-टैकिंग के लिए बुलाया गया है।

A situation has arisen where, according to the information that we have received from the Newspapers, certain Members had defected from the SVD. (Interruptions) My hon. friends opposite may probably know better who has defected and who has not. We get our information only from the newspapers. Therefore, a certain constitutional situation had developed. Without having the patience to wait and see what was going to happen, they immediately got up and said that the Governor had not acted rightly and that the Central Government had unnecessarily intervened. Should they not have had the patience to wait and see how the situation was developing ? Are we in a position, sitting here, to know what situation prevails in Madhya Pradesh, how many people have defected, how many people are likely to defect and what constitutional situation has developed ? How are we to determine this ?

SHRI Y. B. CHAVAN : I would like the hon. Member to understand what I said. I still want to say it again. I said that the Governor had invited Raja Naresh Chandra Singh and when he comes to see him, he is going to ask him to form the Government. I did not say that there was going to be swearing in at 3 O'clock.

श्री कंवरलाल गुप्त : होम मिनिस्टर साहब ने तीन बजे का समय दिया था और अब तीन बज कर बीस मिनट हो गये हैं, लेकिन राजा मारनगढ़ के श्रोध लेने की कोई सूचना नहीं है इस की वजह क्या है ? यदन को गुमराह किया जा रहा है।

So, the Home Minister said that there was no point in rushing with that and that meanwhile he would get some information and share it with the House, but the hon. Members were wnot prepared for that but they wanted the debate to start at 2 p. m., and we have seen that this debate has proved premature. That is my only submission

MR. DEPUTY-SPEAKER : The Home Minister has made it clear that he will be invited and then he will be asked to form the Government. Now it is not fair. (Interruptions)

SHRI NATH PAI : It has saved us from a debacle of democracy.

SHRI SURENDRANATH DWIVEDY : Our friends should not be perturbed, because already there are demands for the recall of the Governor, and once the Home Minister said that he was seeing the Governor at 3 O' clock when he would be asked to form the Government, we should wait.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : I have just received a telephone

MR. DEPUTY-SPEAKER : Mr. Dwivedy, the Home Minister has clarified the position. His message was, as I have understood him, that he would be invited and later on, he would be asked to form the Government.

Shrimati Sharda Mukerjee, you please conclude. (*Interruptions*)

SHRI SEZHIYAN : Mr. Deputy Speaker, I rise on a point of order. If you go through the record, when the Speaker was here ... *interruptions*.

MR. DEPUTY-SPEAKER : I know, I was here.

SHRI SHEO NARAIN : Sir, I also rise on a point of order.

MR. DEPUTY-SPEAKER : Mr. Sheo Narain, I shall listen to you. (*interruptions*)

SHRI SEZHIYAN : If you go through the record, the hon. Speaker made it clear that the situation had changed and that at 3 O' clock the new S.V.D. leader would be asked to form the Government. (*interruptions*) Now, please ask him to honour the word that has been given to this house.

MR. DEPUTY-SPEAKER : Have some patience. Let the debate go on till 5 O' clock. Please wait.

SHRI M.L. SONDHI : But let it be clarified.

MR. DEPUTY-SPEAKER : He has clarified it.

SHRI M.L. SONDHI : We must develop some procedure. It is now 3.20 p.m. but still we do not know the correct position. The other day it so happened that at the time of the Budget Speech the hon. Prime Minister came five minutes late. What is all this ?

श्री शिव नारायण : उपाध्यक्ष महोदय, मेरा भी पायंट आफ़् घाडेंडर है। जब यह डिस्-कशन शुरू हो चुका है, तो अब इस को चलने दिया जाये। अस्त में होम मिनिस्टर साहब की

तरफ़ से इन सब बातों को जवाब दे दिया जायेगा।

MR. DEPUTY-SPEAKER : So far, every hon. Member of this House has said about it. And once the Home Minister has given some information with a full sense of authority and responsibility, I think that we must be guided by that. Let there be no more questions raised on it.

SHRI J. B. KRIPALANI : The time 3 O' clock is not relevant. At 3 O' clock, the Governor might have fallen ill. So, let us wait. You are very impatient.

SHRI S. KUNDU (Balasore) : It does not matter; the time is immaterial. The feeling which we want to convey to you is that this House is concerned over this matter. I request you to ask the Home Minister to come again with some additional information at 4 O'clock or 4.30 and say if the Governor has called a meeting and whether is going to be a swearing in ceremony tomorrow.

MR. DEPUTY-SPEAKER : We have yet sometime till 5 O'clock. Let us proceed with the debate now (*Interruptions*).

SHRI H.N. MUKERJEE : We can only give consideration to some matter on record, a communication which can be creditably conveyed to the House. What the Home Minister said is something which is to be taken as conveyed authoritatively. Some of us may or may not have got telephone messages but we cannot ask the entire House to accept it. Therefore, if creditable information is forthcoming, it is really the duty of the Government to give it. Let us not try to hold up the proceedings of the House... (*Interruptions*)

श्री कंबरलाल गुप्त : उपाध्यक्ष महोदय, मैं माननीय सदस्य से इतिफ़ाक़ नहीं करता हूँ। मैं भी इस सदन का एक सदस्य हूँ। (व्यवधान)

SHRI M.L. SONDHI : We have heard other Members; he must be heard.

श्री कंबरलाल गुप्त : एक जिम्मेदार धादमी ने मुझे सूचना दी है। मैं ने लाबी में टेलीफ़ोन पर यह बात सुनी है। उन्होंने मुझे

जो कुछ डिबेट किया, मैं उस को पढ़ कर सुनाया चाहता हूँ। (व्यवधान)

श्री शिव नारायण : इन दो घंटों में गवर्नमेंट की तरफ से कोई जवाब नहीं दिया जायेगा। इस डिस्कशन के अंत में ही गवर्नमेंट की तरफ से जवाब दिया जायेगा।

श्री कंवरलाल गुप्त : उपाध्यक्ष महोदय...

MR. DEPUTY-SPEAKER : Please resume your seat. I had ruled yesterday when this point was raised by Mr. Limaye that this House will not be guided by messages received by private Members. I do not want to allow anybody to raise a point of order on the basis of some private information. (Interruptions).

श्री कंवरलाल गुप्त : उपाध्यक्ष महोदय, अभी आप ने मुझे धपनी बान कहने की इजाजत दी और अब आप मुझे रोक रहे हैं। यह ठीक नहीं है।

SHRI M.L. SONDHI : If the statement is incorrect, how can you allow it? The House was being misled. It is more than 3 O'clock now.

MR. DEPUTY-SPEAKER : The proceedings of the House should not be held up like this if you want to communicate some private information. Mrs. Mukerjee.

SHRIMATI SHARDA MUKERJEE : It has been our sad experience in the past that when our colleagues have been busy making ministries, we have had peace in the House. If this is an indication of what is happening there, I say that the constitutional machinery has broken down and we see evidence of it. We have never had peace in the House when they were not busy in the State. (Interruptions). I was saying that the constitutional machinery seems to have broken down and in those circumstances the Governor had to use the discretionary powers given to him under the Constitution. They should hear me patiently. It is easy to form a Government but difficult to keep it. It is very difficult to keep a Government; it is very easy to form a Government. If you have not got the patience to wait for 24 hours,

how will you have patience to run a Government?

Sir, may I read out, as the last thing, what the discretionary powers of the Governor entail? (Interruptions).

MR. DEPUTY-SPEAKER : Order, order. Please conclude. The hon. lady Member should address the Chair.

SHRIMATI SHARDA MUKERJEE : Let me quote :

"...the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion."

It is the submission of my hon. friends that the Governor should not have prorogued the Assembly. I ask you, how we are in a position to be able to say whether the Governor should or should not have done it, apart from the fact that constitutionally he enjoys the right to prorogue the Assembly, because (Interruptions).

MR. DEPUTY-SPEAKER : Order, order. Please conclude.

SHRIMATI SHARDA MUKERJEE : he can decide whether the constitutional machinery has broken down. Even the reports we have had in the papers have given us enough evidence that the majority held by Mr. G. N. Singh was not the same, and therefore, a certain situation had arisen. If my hon. friends in the Opposition could have waited for a day or two, maybe the situation would have become clarified and people could have argued on a better basis. Today, we do not know what we are arguing about.

SHRI J.B. KRIPALANI : Sir, even the Home Minister did not say that the Constitution there had broken down. There was a Government which was the care-taker government. Therefore, the Constitution had not broken down.

MR. DEPUTY-SPEAKER : Shri Sezhiyan.

SHRI SEZHIAN (Kumbakonam) : Sir, I rise to support the motion brought forward by my friend, Shri Madhu Limaye. I see

[Shri Sezhiyan]

that the hon. Members in the House here irrespective of their party affiliations unanimously agree with the concern that has been shown by a section of the Members here. I do not want to use this occasion to cast any aspersion on any Minister. This is an occasion to show our protest against the anti-democratic measures that are being taken, and to protest against the autocratic way in which the Governor has behaved in Madhya Pradesh. Therefore, nobody needs to have any qualms that they are being singled out.

Here, by a whole procedure, an office has been brought to ridicule for the past two years especially. After the general election the Congress found itself in a minority, and ousted from the pedestal of power in many States whereas the Centre continued to be controlled by the Congress. In the States where the power went to the non-Congress parties, the office of the Governor was used unscrupulously to topple down the various Ministries that have been set up there.

The authentic message that we have received so far about the happenings in Madhya Pradesh is from a PTI news agency at about 1 O'clock, which reads like this :

"The MP Assembly was prorogued today under orders of the Governor. As soon as the House, now in budget session met at 11 a.m. the Speaker, Mr. K.P. Pande, said that he had received a message from the Governor to prorogue the Assembly under section 174 (2A) of the Constitution. The announcement was greeted with shouts of 'shame, shame', 'Rajyapal Moradabad' from S.V.D. Benches".

The next sentence is even more revealing :

"There were counter-shouts from Congress Benches".

While I appreciate the concern shown by the Congress Members here in Parliament, I am sorry to note that the same sentiments and the same concern have not been expressed or felt by their partymen in the State of Madhya Pradesh.

I do not like the word 'prorogue' itself. It is in the Constitution. As a layman—I am not a constitutional expert—when I read the word 'prorogue' sometimes it looks like 'a o-rogue'. (*interruption*)

SHRIMATI SHARDA MUKERJEE :
It is unparliamentary. (*Interruptions*)

SHRI SEZHIYAN : When the Constitution of this country was framed by our founding fathers in the year 1948-49, when the office of Governor was discussed in the Constituent Assembly, even then Members of standing like Dr. Kher, Shri Biswanath Das and Pandit Kunzru expressed grave doubts about the office of Governor and how it was going to fare in the future. Here I can quote Shri Biswanath Das. He was the Chief Minister of Orissa and he was a Member of the Constituent Assembly at that time. He said :

"In the provinces you are going to have democracy from toe to neck and autocracy at the head. I would have cited how the Governor who was an agent of British imperialism has all along been attempting to smash my party. What was being done by the Governor under British imperialism may also be repeated."

These are the words expressed by Shri Biswanath Das, a leading Congressman, on 30th September, 1949 in the Constituent Assembly. About 20 years have passed. What he feared under the British imperialism has come too true. And another imperialism is here.

Different standards are adopted in different States. The office of Governor has been chosen in some States to adjourn the Assembly, in some States to dissolve the Assembly, in some States to dismiss the Ministry and in some States to topple the Ministry. The very first act the Present Government under Mrs. Indira Gandhi, did, was to approve the action of the Governor of Rajasthan to suspend the Assembly. At that time the Congress was not returned in majority in Rajasthan. There the Assembly was suspended till better times were available to usher in a Congress Government. A week later in Pondicherry, where there was a Congress Government tottering, the Assembly was adjourned. Now we know what the people's verdict is. In the recent general election, there, the Congress has been defeated and the DMK Government has come. (*Interruptions*). In Haryana the Governor simply dissolved the Assembly. In the

Report he sent to the President, he has stated :

"Rao Birendra Singh still commands a majority of 40 members in an effective House of 78."

Though the Chief Minister had the majority on his side, still the Governor dissolved the Assembly.

We know too well what happened in West Bengal. The Ministry was unceremoniously dismissed. This the office of the Governor has been brought to disrepute by indiscriminate use of some constitutional lacunae or other.

The second point is the practice of appointing Governors. Persons who are defeated at the polls, and disgruntled Congressmen are chosen for this high office. If he is a leading Congressman, if he is elected, he becomes a Minister, if he is defeated, he is elevated to the post of Governor. The office of Governor is not a sanatorium for sick persons. It is not an asylum, probably the Governor of Madhya Pradesh is sick of every thing that is happening under the aegis of the Congress regime. I appeal to the Congressmen to view this dispassionately. Today they may be in power at the Centre and non-Congress parties in power in some States. Tomorrow, if some non-Congress party comes to power at the centre will, the Congressmen relish it if the office of Governor is utilised to topple its Governments in a State ?

I am told today is the Home Minister's birthday. I want him to give a real birthday present to the people. Once Tilak said, Swaraj is my birth-right. At least on his birthday, let the Home Minister say that democracy will be his birthday gift to the country. Democracy should be saved not only in form but in spirit. If they evolve a democracy with such Governors, it will not be a democracy but it will be an autocracy perpetrated by pro-roguing Governors in this country.

श्री शशिभूषण (खारगोन) : उपाध्यक्ष महोदय, यह जो संवैधानिक प्रश्न खड़ा किया गया है, इसके सम्बन्ध में मैं आपको एक पुरानी याद दिलाना चाहता हूँ। जब श्री डी० पी० मिश्र चीफ मिनिस्टर थे, उस वक्त सारे देश को पता है कि किस तरह से बोझा दे कर डिफिक्ट्स

तैयार कर के, लोगों को महलों में छुपा कर सरकार को गिराया गया था। उस समय श्री डी० पी० मिश्र ने चीफ मिनिस्टर के अधिकार के अनुसार गवर्नर को राय दी थी कि असेम्बली को भंग कर दिया जाय। मैं उससे सहमत था। लेकिन हमारी कांग्रेस के बहुत से नेता उससे सहमत नहीं थे। हार्ड-कमाण्ड ने उस वक्त मिश्र जी से कहा कि आप यह एडवाइस वापस ले लीजिये, क्योंकि चीफ मिनिस्टर को गवर्नर को सलाह देने का अधिकार है। अब अगर गवर्नर चीफ मिनिस्टर की बात मानता है, तो भी हमारे अपोजीशन के नेता एतराज करते हैं और नहीं मानता है तो भी एतराज करते हैं। धर्म-दार जी ने जो कुछ निखा गया था, उसका कुछ हिस्सा नहीं पड़ा—बहुत बढ़ा गुनाह किया, लेकिन चीफ मिनिस्टर ने जो सलाह दी, उसको उन्होंने मान लिया, तो भी बहुत बुरा किया। उनको इस पहलू से देखना चाहिये कि चीफ मिनिस्टर ने जो सलाह दी, यह किस नियत से दी, उनका मकसद क्या था। वह क्यों चाहते थे कि असेम्बली को प्रीरोग किया जाय...

श्री मधु लिम्बये : किन्होंने सलाह दी ?

श्री शांशु भूषण : चीफ मिनिस्टर ने।

श्री मधु लिम्बये : चीफ मिनिस्टर कौन है ?

श्री शशिभूषण : गोविन्द नारायण सिंह ?

श्री मधु लिम्बये : वह तो हट चुके हैं।

श्री शशिभूषण : वह एक्टिंग चीफ मिनिस्टर थे। चीफ मिनिस्टर रहते हुए उन्होंने वह सलाह दी थी कि आप असेम्बली को थोड़े समय के लिये भंग कर दीजिये।

श्री मधु लिम्बये : लेकिन उसके पहले उन्होंने क्या कहा था ?

श्री शांशु भूषण : ऐसा उन्होंने इसलिए कहा था कि राजा सारंगगढ़ के साथ मेजोरिटी नहीं थी। गोविन्द नारायण सिंह चाहते थे कि उनको समय दिया जाय ताकि वे अपने अंको-

[श्री शशि भूषण]

रिटि बना लें। हालांकि मैं इसे बुरा समझता हूँ, गवर्नर माहूब को ऐसा नहीं करना चाहिये था, लेकिन फिर भी उन्होंने मिनिस्टर की एडवाइस को माना और इसके लिये वह धन्यवाद के पात्र हैं।

हालांकि इससे कांग्रेस पक्ष को नुकसान हुआ है—नुकसान यह हुआ है कि उनको समय मिल गया और उन्होंने अपने लोग जोड़-नोड़ लिये। लेकिन जिस प्रकार मे राजा मारंगढ़ को समय दिया गया, मुझे तो मारंगढ़ में भी इसलिये विश्वास नहीं है कि वे असेम्बली के सैम्बर भी नहीं हैं, अभी चार दिन पहले कांग्रेस में आना चाहते थे, दो महीने पहले कांग्रेस में बाहर चले गये थे, कल वह क्या करेंगे—न गोविन्द नारायण सिंह जानते हैं और न हमारे जनसंघ के भाई जानते हैं। गोविन्द नारायण सिंह को ही बहुत कष्ट कहा गया, आज जो दिन आया है, उसका एक कारण यह भी है कि जनसंघ के लोग रोज उन पर चाँज लगाया करते थे, स्वतन्त्र पार्टी के असेम्बली के सदस्य रोज चाँज लगाते थे, वहाँ की कम्युनिस्ट पार्टी ने तो संविद को छोड़ ही दिया था और यह कहा था कि वह करस्ट है। वहाँ के एक स्वतन्त्र सदस्य ने कहा कि गोविन्द नारायण सिंह ने 40 लाख रुपया बिरला जी को दे दिया और उनसे फंसला कर लिया। वहाँ के लोग उसे तंग आ गये थे, जिसके कारण आज यह दिन आया। इस लिये मुझे गोविन्द नारायण सिंह में भी कोई विश्वास नहीं है। फिर भी गवर्नर ने उनकी बात मानी है, तो मैं समझता हूँ कि उन्होंने एक संवैधानिक कार्य किया है और इसके लिये वहाँ के गवर्नर धन्यवाद के पात्र हैं।

SHRI H. N. MUKERJEE (Calcutta North East) : Mr. Deputy-Speaker, Sir, in spite of certain irrelevances having crept into our discussion this afternoon I am happy we are having this debate because it underlines some important aspects of the role of this House in regard to our duty of safeguarding the fundamental aspects of

parliamentary functioning in this country. As far as I am concerned, I am not too exaggeratedly enthusiastic about the parliamentary system I belong to a movement which believes, and I think believes, with truth, that force is the midwife at the time of the birth of the new society which is yearning to be born out of the body of the old. But we are ready and willing, and in the changed circumstances of the world today it is important for us to give a trial to parliamentary democracy if it can deliver the goods.

It is, therefore, rather significant that damage to parliamentary democracy, by which they swear not I, is being done deliberately and in a sustained fashion in this country, and there an open invitation is being given by this Government to the people of this country to go out into the barricades. If that happens some of us might not be too unhappy, but we feel that there are conditions today where we can go ahead, but the responsibility for failure of parliamentary democracy would rest on the shoulders of those who are today treating with impunity the principles of parliamentary functioning.

I had occasion in this House, I think it was last year, to say one thing which I wish to repeat, that I would rather be overtaken by the bandits of Chambal Valley than by the political operators of Madhya Pradesh. I have no particular love for the political personalities involved on either side in the game which seems to be going on in Madhya Pradesh, but certain very basic principles, as Mr. Speaker said so significantly, are involved in the debate that we are having today, and that is why I wish the House to give this matter the attention that it deserves.

On this occasion we have found that the Central Government is utilising an office supposed to be non-partisan for its own purpose. The Central Government learn nothing and forget nothing. They have not learnt from what they have experienced in West Bengal into the details of which I need not go. But they learn nothing and they forget nothing. The other day we had the delectable pleasure of listening to the Home Minister saying that it was not his business to advise Governors. I applauded that sentiment. I hope and trust that the spirit of that statement is observed.

But we know how Governors behave. It is not a secret, it is public property, when Governors come to Delhi who they go to hob-nob with. We know how Governors' conferences are held in Rashtrapathi Bhavan and who else go there. There is no need to talk about this bunkum Central Government having nothing to do with Governors. The Central Government is abusing its position in regard to Governors and employing them for its own nefarious political partisan purposes and the most egregious example of that conduct has come in the case of Madhya Pradesh.

I happen to have known our friend, the present Governor of Madhya Pradesh, since 1952 and I think whoever knows Shri K. C. Reddy knows also that this very dignified and diffident gentleman would normally not act decisively of his own, particularly in the situation, physically and otherwise, that he is in at the present moment. In this case, I have no doubt whatever that he has done whatever he has done on the advice of the Home Minister. I cannot possibly disabuse my mind of the suspicion in this regard. And what has happened? What has happened is that in Madhya Pradesh the leader of the majority party, who had been the Chief Minister, he has resigned and he continues as a care-taker Chief Minister. It is on record—nobody denies it—that he had advised the Governor to call the other man Raja Naresh Chandra Singh or somebody, who had been elected democratically I presume, as the leader of that party; that was his advice. There is no statement, no hint of a suggestion in that statement, that that was not the advice given by the Chief Minister to the Governor. Now it is said that he had given an alternative piece of advice, which was that he might prorogue the Assembly. I do not know, I have never seen, as far as I remember, Shri G. N. Singh's face, nor do I wish to do so, but I cannot understand this. The Chief Minister who continues as a care-taker person, cannot possibly have any right to advise prorogation when the Assembly is in session. We could understand a courageous Chief Minister advising the Governor to dissolve the Assembly and go to the electorate; we could understand it. That is principled parliamentary conduct and if we are going to work the parliamentary system it is better that we take recourse to principled conduct. But this particular person, Shri Singh' says,

according to them, "I give you an alternative piece of advice, which is that you prorogue the Assembly." And he does it in what circumstances? I circumstances when the gentleman who was mentioned by Shri Shashi Bhushan, Shri D. P. Mishra, was in the office, was waiting, not behind the scene but fairly on the centre of the stage, when he was there right on the map; he wanted to come back, he wanted to perform some particular political perambulations and all sorts of corrupt practices and that sort of thing, and it is in these circumstances that we are told that, on the advice of the Chief Minister, which was an alternative advice, the Governor has prorogued the Assembly. This is the most extraordinary proceeding which cannot be accepted, which cannot be countenanced.

This brings into focus a matter which was brought by my hon. friend, Shri Sezhiyan about the position of the Governor in the Constitution. There is no doubt whatsoever about it that the makers of the Constitution wanted a dignified office, wanted an attractive white-elephant office, wanted a non-partisan person to be put there, more or less as an ornamental decoration of the parliamentary set-up. But now the office of the Governor is being used as an instrument of central authority. Whether in West Bengal, or in Bihar, or in Uttar Pradesh, or in Punjab or in Madhya Pradesh, or wherever the Congress Government have any opportunity of doing so, they are using the office of the Governor as an instrument of Central authority. I could understand the Governor being used as a channel of communication. The Governor reports to the President regarding the circumstances which ought to be known to the Centre. I do not mind the Home Minister, as the person who is the real power behind the throne of the President getting to know what is the state of affairs in Madhya Pradesh, or Assam, or any other State for that matter, through the Governor. It is their responsibility and their duty and that is why the Governor is a link, but then he works in a non-partisan fashion and it is in that way alone that the Governor can work.

But we have seen so many things. In the case of West Bengal we were told, for instance, that the Governor could not go against a judicial decision. In the case of Bihar we have seen how the Raja of Ram-

[Shri H. N. Mukerjee]

garh, about whom there is a judicial decision. of the Patna High Court, was included in the Cabinet and nothing happened in the moon time.

The powers of the Governor—and this is the point which I wish very seriously to stress—which are there in the Constitution should be interpreted in the manner they should, but if they are expanded or added to at the cost of the powers of the Legislature that would mean the death of parliamentary democracy. The powers of the Governor, whether in Punjab or in West Bengal or anywhere for that matter, have been utilised in party interest. They have been used only and obviously to bolster the Congress in the different States. That is why this must stop.

The action of the Governor has been egregious. In principle it is absolutely objectionable. That is why I have to give a warning, with which I conclude my speech, to the government of the day, the Central Government and the leadership of the Congress Party which runs the Centre. I sometimes have a feeling that I should recall the old proverb that those whom the gods wish to destroy they first make them mad. What has happened to this Government? What has happened to them that they behave in this fashion, that they come before Parliament flabbergasted not knowing what to say? The Home Minister, who at one time was the example of authority and all that sort of thing, talking in stentorian tones about his position, coming before the House and suddenly wanting to be guided by the House, which he has almost refused to do so many times earlier, it is because the Central Government is behaving in this manner which is partisan to a degree and which the people cannot possibly tolerate. I am not using other kind of language because it is a constitutional debate. If you are going to observe the proprieties of the Constitution, it is their responsibility to do so. If they do not do so, the people would draw their lesson and they would know how to treat this Government with the kind of sentiment that it deserves.

श्रीमती सुशीला रोहतगी (बिल्हौर) :
मान्यवर, आज सदन के सामने एक बहुत ही

महत्वपूर्ण प्रश्न उपस्थित है। मैं सदन के सभी माननीय सदस्यों से निवेदन करूंगी कि वे बड़ी गम्भीरता के साथ इस प्रश्न पर विचार करें। मैं बधाई देना चाहती हूँ कि वाजपेयी जी ने श्रीर मधु निमये जी ने इस प्रश्न को इस सदन में उठाया और महत्वपूर्ण विषय पर इस माननीय सदन का ध्यान आकृष्ट किया। मैं चाहूंगी कि दलगत राजनीति से ऊपर उठकर, राष्ट्रिय हित में तमाम नोकतंत्र की पद्धतियों पर विचार करते ही इस पर विचार किया जाय।

जहाँ तक इस बात का सम्बन्ध है कि राज्यपाल महोदय ने कोई अनकांस्टीट्यूशनल काम किया या नहीं किया, मेरा निवेदन यह है कि राज्यपाल महोदय ने जो कार्य किया है वह भले ही समायिक न रहा हो या जल्दबाजी में वह कार्य किया गया हो परन्तु यह नहीं कहा जा सकता कि वह अनकांस्टीट्यूशनल है या उन्होंने वह कार्य अपनी पादों के बाहर किया है। यह उनका डिस्क्रेशन है। यदि उन्होंने अपने स्वविवेक से सोचा कि यह कार्य करना जरूरी है तो उन्होंने वह कार्य किया। मैं स्पष्ट कहना चाहूंगी कि आज उसकी कोई आवश्यकता नहीं थी परन्तु यह जरूर है कि उन्होंने जो सदन प्रीरोग किया है, उनके सम्बन्ध में हमारे गृह मंत्री ने पहले ही स्पष्ट कर दिया है कि उसमें केन्द्रीय सरकार का कोई संकेत नहीं था और न गृह मंत्री का ही कोई हाथ था और न कोई आदेश ही था। बल्कि उन्होंने अपने स्वविवेक से मुख्य मंत्री की सलाह पर किया है, उनके आग्रह पर किया है। अब मैं विरोधी दल के मामनीय सदस्यों से पूछना चाहती हूँ कि अगर राज्यपाल महोदय मुख्य मंत्री की सलाह को मानने न होते तो सबसे पहले विरोधी दल की ओर से ही यहाँ पर कहा जाता कि राज्यपाल ने मुख्य मंत्री की राय क्यों नहीं मानी, यह तो अन-कांस्टीट्यूशनल काम है, गवर्नर को उनके पद से हटाया जाये और आज जब राज्यपाल महोदय मुख्य मंत्री की सलाह को मानकर

संबैधानिक कार्य करते हैं तब भी आप उनको हटाने के लिए कहते हैं ।

16 00 hrs

इस का मतलब वह है कि आज बुनियादी तौर पर आप यह हमला कर रहे हैं । यह चाहे राज्यपाल का पद हो और जो और लोकतांत्रिक पद्धति के त्भारे इस्टीम्युशंस है, चाहे वह हमारे राज्यपाल हों, चाहे हमारे स्पीकर हों या चाहे हमारी यहां लोक सभा के, राज्य-सभा के या हमारी असेम्बलियों के जितने मेम्बर हों उनके ऊपर तरह-तरह के आरोप लगाये जाय कि वह डिफेंस करतें हैं, वह पदोन्नतता के पीछे जाते हैं, वह रुपये, पैसे की लालच में जाते हैं, वह इस तरह के हमले किये जाते हैं और यह अटक केवल इन राज्य-पालों के ऊपर ही नहीं है बल्कि उन सभी पर लगाये जाते हैं । कल बंगाल में हुआ आज मध्य प्रदेश में हो रहा है । तरह-तरह के आरोप किये जा रहे हैं । यह जो सारा हमला है यह लोकतंत्र की पृष्ठभूमि में हो रहा है । आज हमारी सारी चीजों पर यह मारे हमने हो रहे हैं । आज विरोधी दल जिससे कि हम इस बात में महमत हैं कि दरअसल राज्यपाल को यह कार्य नहीं करना चाहिए था यह नहीं कि उन्होंने कोई असंबैधानिक कार्य किया है, लेकिन यह जरूर है कि उन्होंने जल्दीबाजी में कार्य किया है । जो कार्य तीन वजे करने वाले थे वही कार्य किया होता और अगर हाउस को वह उससे पहले प्रीरोग नहीं करते तो ठीक रहता । जब इस मामले पर हमारी सभ की करीब-करीब एक राय है है तो श्री मधु लिमये से मैं आग्रह करूंगी, जिन्होंने कि शायद दो वर्ष में पहली मर्तबा, मैं इसके लिए बधाई देना चाहूंगी कि उन्होंने अपना नाम के अनुरूप मधु की तरह मधुर होकर सदन में आज अपने विचार प्रकट किये हैं । मैं उनकी मधुरता का स्वागत करती हूँ और उन से निवेदन करूंगी की चूंकि उनके प्राण्य को हमने स्वीकार किया है इसलिए वह अपने इस प्रस्ताव को वापिस ले लें ।

SHRI NATH PAI (Rajapur) : Mr. Deputy-Speaker, Sir, today will be remember as a very memorable day in the history of our Parliament, not because of the quality of speeches that have been made but because of something more substantial than that. In the morning, many hon. Members felt very despaired about the future of democracy. My very redoubtable friend, the defender of democratic rights, Mr. Madhu Limaye, in sheer despair as to what was likely to happen in Bhopal, even threw away his papers and asked : What is the use of being in the Lok Sabha? We seemed to be hovering on the precipice of a very great fall. We were going to witness or to acquiesce in—I do not like to use very harsh language—what was going to be a slaughter of basic democratic principles in Bhopal. But if it did not happen, if at 2 O' Clock Mr. Chavan could come and make the announcement that the leader of the party who commands a majority in the Legislature has been asked by the Governor to come and form the Government, we owe it to the vigilance of the Lok Sabha. Had it not been for what happened in the morning, I doubt very much if Mr. K. C. Reddy would have retraced his steps. I, therefore, regard it as a major achievement of the Lok Sabha. This should justify if I say, what a wonderful thing the Lok Sabha is of which Mr. Madhu Limaye in the morning seemed to be so despairing.

Mr. Deputy-Speaker, Sir, I will refrain from saying harsh things I was reminded that today is his birthday and let us try to make it, if not more pleasant, a little pleasant for him.....

SHRI S. M. BANERJEE : Happy birthday to you.

SHRI NATH PAI : Mr. Chavan, with his rare acumen tried to complete the debate at a crucial stage by announcing the decision of the Governor to summon the leader of the S. V. D. I want to make it very clear I am not going to shed any tears if the S. V. is demolished on the floor of the Madhya Pradesh Assembly. I do not regard that Government as a shining example of democracy. I do not regard that Government with any particular glory. That is not my concern. Whose Government it is, what is the colour of the Government is not my

[Shri Nath Pai]

concern. It is something deeper we should try to concern ourselves with.

We are told about the health of Mr. K. C. Reddy. I hope he is not really seriously ill. But my worry is not about the health of the Governor of Madhya Pradesh. My worry is about the dangerous symptoms of illness of our country. The kind of periodic infection from which the Governor of Madhya Pradesh is afflicted with seems to be a chronic type of epidemic with which Governors become invariably afflicted whenever a Congress Government is in danger, be it in Jaipur, be it in Bhopal, be it in Patna or be it in Calcutta. This kind of affliction, by a sudden kind of onslaught of illness, is not a new phenomenon. It is this thing we should try to go into.

We, on the previous occasion, tried to raise the basic issue which we are trying to avoid. Mr. Chavan's announcement was welcome. It was a healthy announcement. We are very happy. But that is not the issue. The basic issue is still valid which remains in the form of my amendment. If failure to call the leader of the party which claims to have or has proved its claim that it still has a majority, if that part has become irrelevant, the second part of my amendment remains. Dada will be pleased to support it. It is :

"Disapproves of the prorogation of the State Assembly and recommends....."

'Disapproves'. This is my amendment to Shri Limaye's original motion :

"Disapproves of the prorogation of the State Assembly and recommends to the President that the Governor should be recalled forthwith."

I do not bear a particular grudge against Mr. K. C. Reddy. We had him here and, as ministers go, he also left ; he was not a particularly bad Minister ; he tried to be very honest and if he could not be very brilliant and very convincing, it was not his fault ; it was something he could not, but he tried to be honest and fair.

As far as this is concerned, we must take the facts first and then, behind the facts, the deeper issue. Let us first take the facts. Here is the Governor of Madhya Pradesh— I am constrained to make this kind of criticism : I know the precedents and practices

that we are trying to evolve in this House—. Mr. K. C. Reddy, who has over the past 20 months completely forgotten the oath which he took under article 159 when he took the office of Governor. He only remembers that he was once a Congressman, he never remembers that he is the guardian of the Constitution of the country there, that he has his constitutional duty, but perennially, perpetually, all the time he has been trying to use every strategy and means to get the Congress into power. You will ask, how is it relevant to what he has done today. It is. In the first place, he tried to feign illness. Nobody is convinced by that illness. I hope that he has really restored if he was seriously ill. But we are not convinced by his feign illness. He refused to see ; he avoided calling, It was at this stage today after what had transpired in the Lok Sabha that he called. By agreeing to prorogue the Assembly once again he has shown the basic weakness of the position that he has been taking. I want to submit to you by reading what Mr. Santhanam has said in this. That is the basic issue, how should Governors function. Everytime a debate comes, you, Mr. Chavan, try to justify yourself by the particular facts of the case and sometimes you succeed and sometimes you do not succeed. But then what we do is this : go on living from hand to mouth. Instead of going to the basic issue of the powers, duties and responsibilities of the Governor, you try to take shelter under the phrase, 'discretion of the Governor'. We are seeing that new conditions, new situations and new challenges are emerging. We need to create healthy precedents. There are some gaps and lacunae in the Constitution, Everything could not have been foreseen by those who framed the Constitution. New situations have developed, and Mr. Chavan, this Government and this Parliament should seize every opportunity to strengthen the democratic content of the Constitution by ensuring that every opportunity becomes a challenge to us which we meet firmly and not in.....

Mr. DEPUTY-SPEAKER : The hon. Member will try to conclude.

SHRI NATH PAI : Mr. Deputy-Speaker. I would beg of you to give me a couple of minutes.

I was submitting that we take this occasion not to score a debating point. I will not try to do that. But why does this crisis come? This crisis has come because we are not evolving the kind of instructions which, at that time Sir B. N. Rao and others thought, should be available to the Governors. Mr. Chavan is not prepared; he said that he would be prepared to do whatever the House wanted him to do. We have been pleading for this. In an emergency like this, in a case like this, in a twilight case, Governors do not do. The only thing that they remember is not the oath to the Constitution which they took when they became Governor but they remember only the colour of the cab I am sorry, this is what has invariably happened. This happened to no less a person than Dr. Sampurnand, who was basically a scholar and a man who nothing but the good of our democracy, but he manoeuvred to see that Congress got into power; had it not been for his partisan spirit, Congress would not have come to power in Rajasthan. I do not know if Swatantra would have done better than Congress, but the basic fact is not that; the basic fact is that the voice of the people.....(Interruptions) They have done some good things, but I am not very satisfied. But that is not the issue today. The issue is which is the forum, which is the platform, on which the fate of the Government should be decided. Once this issue came—this dodging of the issue by the Governor. First it was to be Governor's chamber. Now it is tending to be the bed-chamber of the Governor where the fate of the Government is to be decided. I have claimed when we raised this famous motion on the 15th November, 1967, that it is the floor of the House; it is the Assembly, it is the chosen representatives of the people, who must decide the fate and future of Government. But this is not happening. You will try to get away saying, 'Who advised?'. This is what the charming lady did. Portias are very dangerous when they come to defend.

I quite admire the skill and charm with which she spoke. But what is the issue? She tried to turn the tables against us, and Shri Chavan was nodding very approvingly. It does not matter if the Assembly was prorogued at the request of Shri G.N. Singh. The point is that the Assembly ought not to have been Prorogued at all. It should have continued in session. Today he may be favouring Shri G.N. Singh. Tomorrow he

will, by the same tactics, be favouring Shri D.P. Mishra. It is not a question of favouring this individual or that individual, this party or that. It was his duty to let the Assembly continue and give it a chance to decide the issue.

At the very outset, I want to make it clear how much importance we attach to certain basic principles, and I hope we shall succeed in persuading the other side to fall in line with that stand. This is what Shri Santhanam has said :

"It is entirely wrong to think that it is the duty of the Governor to take note of the increase or decrease in party strength from day to day."

In the condition which are prevailing in Bhopal today, prorogation is an incitement, an invitation, a blessing, to that dangerous disease from which the country is suffering—defections. When he ordered this prorogation, he was inviting defections.

Therefore, once he has formed the Ministry, it is for the State Assembly to decide whether or not it should continue in office. Here the Assembly is not given a chance to decide whether it shall adjourn or not.

Let us not use this opportunity to score a debating point. The Home Minister can succeed in deflating the debate by his announcement; he is entitled to take credit for that. But I would like to make this plea. Every now and then, in every session, this issue has been coming up. Shall we not apply our mind and see that there is some lacuna in the Constitution and we shall try to remedy it by issuing clear-cut instructions and directives to the Governor that it is the Assembly which shall decide this issue and not the Governor, not his prejudices, not his predilections? If we use this debate to that purpose, it will have served a good purpose so that nobody tries to emulate Shri G. K. Reddy who has been guilty...

AN HON. MEMBER : Shri K.C. Reddy.

SHRI NATH PAI : Did I say 'G.K.' Reddy? I am sorry—He is a good friend of mine.

SHRI Y.B. CHAVAN : Perhaps he was addressing the press gallery.

SHRI NATH PAI : I do not know the names of all the Governors by heart. I never appoint them.

I therefore, recommend to the House that since the Governor has been guilty of an impropriety, he should be recalled. To this end, I have moved my amendment to Shri Madhu Limaye's original motion, for the acceptance of the House.

SHRI KRISHNA KUMAR CHATTERJI (Howrah) : The purpose of the debate has been lost by the disclosure made by our Home Minister. Even so, as the debate is proceeding, I have to give my views.

I am sorry I cannot agree with the views expressed by my hon. friend, Shri Venkatasubbaiah, who happens to be General Secretary of the party to which I have the honour and privilege to belong. I yield to none in my adherence to the tenets of democracy. But democracy can survive in this country in this great Parliament of ours can steadfastly uphold the sanctity and solidarity of constitutional provisions without being swayed by considerations of political expediency.

We have to remember that in the present circumstances when the political pattern of the country is undergoing a basic change, the office of Governor is assuming a new significance. At no distant date, the Governors will have to perform a national service by maintaining the solidarity and unity of India by the exercise of their constitutional rights without fear or favour.

In this case of Madhya Pradesh, what do we find? The Speaker adjourned the House as soon as it met without assenting any reason. Later, talking to newsmen, he justified his decision on the ground that a caretaker Chief Minister and Government were all right for the purpose of running the administration, but not for transacting legislative business. Here the Governor was faced with a situation in which it was impossible for him to continue the Assembly in session. The Constitution has given certain rights to Governors. This Parliament must be considered supreme in upholding the verdict which the other day we have given in this House while debating on the Governor's Address in West Bengal. That verdict was very clear. This constitution gives the Governor certain discretionary powers. And under Article 163(2) the discretionary power

is full and complete. Then again under Article 174(2), the Governor may from time to time prorogue the House. That very right is there. And maybe the Governor might have exercised that right. But, we have not got all the facts. But, from the short statement that we have heard from the Home Minister the *de-jure* Chief Minister, Shri Govind Narain Singh, while communicating to the Governor that he has resigned, might have advised him that under the present circumstances, since the Assembly had been already adjourned by the Speaker, the House should be prorogued. We do not know the facts of the case. Therefore, I think that this Motion has lost its purpose and I feel that we should not convert the Office of Governor into some kind of a thing so that he cannot even take an independent decision when faced with a particular situation in the State. Under the present political situation in the country, I think that it would be not only folly but a folly of a great magnitude also and we shall be facing such a situation when, probably, the integrity and solidarity of the nation might be jeopardised.

Therefore, I think that the mover of this Motion should withdraw it in view of the fact that there is a possibility of a new Government being formed there. There is an indication from the Home Minister's statement that the Governor had already asked the new leader or the S.V.D. party to form the Government. Although it is all publicised in to-day's paper—the National Herald—that 48 Member of the S.V.D. have already defected and a plenty of them have formed a progressive legislators' front and are going to join the Congress Party, to me, to all these are irrelevant. But, we must consider dispassionately the Constitutional propriety involved here. Only the other day, the Parliament had given this verdict that the Governors had got the constitution rights. So, let us not go back upon that verdict. To-day when we are in such a situation, I would recommend to this House that we should reject that Resolution together with all the amendments that have been moved in this House.

SHRI NAMBIAR (Tiruchirappalli) : Mr. Deputy Speaker, Sir, during the last three months, three new records have been created. First is the skipping over of a portion of the Address by the Governor to West Bengal

Legislature. Second record is the prorogue of the Madhya Pradesh Assembly by the Governor while the Assembly is in its budget session. The budget session is going on. And I think this is the first of its kind that we hear in so-called Parliament Democracy in this country. All this has happened; but still the Home Minister does not hold upon himself his responsibility for anything that was being done by the Governor of West Bengal or what was being done by the Governor of Madhya Pradesh to-day. He thinks that this House consists of urchins; and we are all sitting here simply to hear his talks as if nothing is known to him. For instance the Madhya Pradesh Governor prorogues the Assembly while it is in session and the Speaker is informed by the Governor that this Assembly is prorogued. All this was happening. But, still, the Home Minister, in the name of honourable Y.B. Chavan, says that he has nothing to do with that.

He wants us to believe that. He thinks too much of himself and thinks that we are urchins. If this is a compliment on the birthday, let it be accepted by him. As Mr. Nath Pai has said, my party or I are not enamoured about the sort of the Government that ruled Madhya Pradesh, not because they belong to a different party but because their performance was not satisfactory from our standard. But what I say is that the Assembly cannot be prorogued in the manner it was done. This House is in session today and in the evening you adjourn it to meet again tomorrow. Tomorrow at 11 O'clock when the Speaker or you yourself come here, if we get a letter from the President saying that Parliament, is prorogued, what will you think? It may be that this Government fails and another Government may be formed. But that is all to be decided by the Parliament.

Hon. Members on this side speak of article 174. That is exactly the article I rely upon. It says that the Governor shall from time to time summon the House to meet at such and such place. He has summoned it: it is in session and discharging its duties. Sub-paragraph 2 says that the Governor may prorogue. He has got that right. But is it unrestricted? A superintendent of a jail has the right to hang a person. But can he hang any person or even any prisoner he likes? When the Minister of jail visits or inspects the jail, can he catch hold of him and hang him and

say: I have a right to hang him. It looks as if he can when we see what is happening. There is a time to prorogue the Assembly, after the assembly finishes its work which it was scheduled to do and when he is advised by the Speaker that it has done so. Not that he can do it at his sweet will and pleasure. The hon. lady Member Sarda Mukerjee says: he was exercising his right. But is it his right to do so when the Assembly is in session? Their arguments under article 174 have no value and what the Governor did was absolutely unconstitutional and incorrect. He should not have prorogued. There is a clear case of political manoeuvres behind it. That is the reason. With the defectors from the SVD they want to bring the Congress back to power through the office of the governor through Mr. K. C. Reddy. Whether it is K. C. Reddy or Dharma Vira, they are paid by the Central Government and true to the salt they eat, they must behave and should not throw the constitutional provisions to the winds and run after the Home Minister who dictates to them to behave like that. That is what is done in both these cases Dharma Vira and K. C. Reddy.

MR. DEPUTY-SPEAKER: Two minutes more.

SHRI NAMBIAR: I must have my party's full ten minutes. There are two newspapers which give this news; if only one newspaper gave it, you may say it is partial or biased. This is what they say:

In his letter, Mr. G. N. Singh stated that the SVD majority was intact and that it was an internal arrangement within the SVD that the Raja should succeed him. If that was so, if he had a majority,—as is reported in today's *Statesman*, then, under what circumstances he could have asked for prorogation? Even if he had asked for prorogation, when there is a clear letter written by Mr. G. N. Singh, who is the Chief Minister in the caretaker government that there is a majority, he could have simply accepted it.

Then comes the other part wherein you will find the real purpose of this prorogation. The report says:

"When the Governor did not invite Raja to form a Ministry, presumably on account of his illness, some SVD sources reacted sharply and said Mr. Reddy, by not seeing the Chief Minister last night

[Shri Nambiar]

and by not inviting the Raja, was playing the Congress game, Mr. J. C. Joshi (SSP) went so far as to demand his recall."

This is the game, the Congress game, of toppling the Ministry by purchasing fellows. The Home Minister was speaking of Ayarams and Gayarams. Mr. Chavan, what is this? Is this not Ayaram business? You are making 40 fellows Ayarams. Mr. Chavan has incited the whole arrangement and he had advised Mr. Reddy who is his stooge so that the prorogation is done. And after the prorogation he could get a majority and form a Congress Government. This toppling business must be put and end to. If they want this method to be practised throughout India, the day is not far off when the Congress itself will get toppled. The symptoms are there about their breaking at the headquarters. The papers say, "CWC—Congress Working Committee—is cracking into pieces." Investigations are going on, and the Prime Minister, the Deputy Prime Minister and the Home Minister are crossing swords and fighting with each other. I tell them, do not try to use this weapon, the weapon which would be used against them. Let them not play this trick of political manoeuvring and gambling and what not. Let us be true to the people and discharge our duty to the people if there is any meaning in what you call democracy.

SHRI R. D. BHANDARE (Bombay Central): Mr. Deputy-Speaker, Sir, having heard the debate very carefully, I have come to the conclusion that this debate should not have been raised on the floor of the House at all. After the explanation or the information given by the hon. Home Minister, there was no necessity or occasion whatsoever to discuss this matter before the House.

So far as the general proposition is concerned, or the general principles which ought to govern a majority rule in a parliamentary democracy are concerned, there can be no dispute and there can be no two opinions at all. My hon. friend Shri Venkatasubbaiah has given expression to a thought on the basis of the information which was not correct information, but he had mentioned the general principles and the general propositions on which parliamentary democracy must function. These

are the principles which they have been enunciating, which principles have not been violated in this case at all.

There is a mixture of facts and constitutional law here. What are the facts? They have been trying to mislead the House and mislead the world. I will come to the facts first. I crave your indulgence for some time. On the 10th night, the Chief Minister of Madhya Pradesh submitted his resignation. He went to submit his resignation to the Governor on the morning of the 11th. He went along with the Rajmata and Mr. Saklecha to the Governor and handed over the resignation, along with the letter of the Rajmata. What happened later on? The Governor accepted his resignation but asked Mr. G. N. Singh to continue to act as Chief Minister. That was the position on the 11th.

What happened on the 12th, that is, to-day? To-day the House was prorogued. Prorogued for what? On the advice given by the acting Chief Minister, the *de jure* Chief Minister. These are the facts. If the facts are not true and if they have any evidence to disprove the facts, they have every right to disprove the prorogation. So long as these facts are true, we have no business whatsoever to discuss such a matter in the House. Hon. Shri Madhu Limaye will do good even at this stage to withdraw his Motion.

Shri Nath Pai may also withdraw his amendment because he has misunderstood the Constitution. (*Interruption*.) Let me repeat. So far as the general principles are concerned, we have accepted them. We would like them to be the basis of parliamentary democracy in this country. Can the Governor, so long as he is a Governor, reject the advice given by the acting Chief Minister, *de jure* Chief Minister and act unconstitutionally? Here, there is no question of discretion of the Governor under Art 163. Here, it is not a question of discretion. Here, there is the question of the acceptance and the fulfilment of the constitutional obligation. When the Chief Minister gives the advice to the Governor, has he any right, any constitutional obligation, to reject the advice given by the Chief Minister? Therefore, the Governor is perfectly justified (*Interruptions*) in accepting the Chief Minister's advice and proroguing. (*Interruption*.)

Time will not permit me. Otherwise I can quote both from the Constitution and the debates that had taken place on the floor of the Constituent Assembly as to what are the duties, what are the functions and what are discretionary powers of the Governor. *(Inter-uptio n)* He has brought an empty bag and is trying to mislead the House. *(Interruption)*. Let him show here any copy of the debate. *(Interruptions)*. I am talking of hon Shri Banerjee who had shown, very demonstratively shown, an empty bag. They have misunderstood or rather are trying to mislead the House by giving wrong facts and because of their lack of knowledge of constitutional law, they are unnecessarily wasting the time of the House. Let me be permitted to say so. Otherwise there could not be any useful debate in this House. If you want to know the constitutional law—which I have the honour of teaching for the last 12 years—I am prepared to do that. Why should we waste the time of the House on academic discussion.

A point was raised as to whether the Governor was right in proroguing the House.

SHRI NATH PAI : Not at all.

SHRI R. D. BHANDARE : The fact is that the Governor acted on the advice of the Chief Minister. Now the point has been raised that the Chief Minister had resigned and how the Governor could, therefore, accept his advice. So long as he had been asked by the Governor to act as Chief Minister, he continued to be the Chief Minister and, therefore, he must act under the Constitution according to the advice of the Chief Minister. This is the factual position and that is the constitutional position also. Therefore, the House will do good to reject both the amendment and the original motion. With these words, I have done.

SHRI TENNETI VISWANATHAM *(Visakhapatnam)* : I am very sorry I am not able to agree with Mr. Bhandare. *(Interruption)*. I generally agree with him on many things, but not on this occasion. The question is : as soon as Shri G. N. Singh resigned, suppose an election was held and a new leader was elected, what should happen ? As it was a fact known to the gentleman who was ex-Chief Minister it should be made known to

the Governor that a new leader has been elected and it was so done.

When a new leader has been elected and when it has been said by the ex-leader that it was an internal affair, there was no alternative for the Governor except to invite the new leader to form the government. In Madras, between 1946 and 1951, three Chief Ministers took office. The first Chief Minister was defeated in the party in 1947. An election was held within the party—I was in the Congress then—and a new leader was elected. The old leader immediately sent his resignation. Next day there was no proroguing or adjournment of the Assembly. Only a Gazette Extraordinary was issued early in the morning and the new leader took office. Two years later, the same thing happened. In those days, every two years, the Congress Party had to elect its leader. Two years later, a new leader was elected. Again, there was no proroguing and immediately he was accepted by the Governor. So, this is what has happened then. In this case, particular after it was said that it was an internal affair, there was no constitutional question which should have bothered the Governor anybody else.

The question has been raised about the Governor's discretion. That is not relevant here. The question is whether he has used his discretion correctly or not. In this case he has not used it correctly, because he knew the entire position. There was no doubt as to who was the leader of the ruling SVD. Once he was officially made known of it, there was no constitutional intricacy. It was only a question of not being misled by somebody who is interested, either at Bhopal or at Delhi.

Therefore, I believe the Governor did not use his discretion correctly. The sentiments expressed by the opposition are correct I only hope the Home Minister would be kind enough to see the correctness of the position taken by the opposition. I do not know about recall. But if Governors continue to behave here, there and everywhere like this, perhaps Lok Sabha will soon have a Bill for saying good-bye to the institution of Governors.

THE MINISTER OF HOME AFFAIRS *(SHRI Y. B. CHAVAN)* : Sir, I do not think it is necessary for me to make a long speech. I would confine myself to certain

[Shri Y. B. Chavan]

facts and to specific constitutional issues raised by the mover and supported by some members. I personally feel that after the explanation I gave about facts, this discussion was not necessary. But even then, this discussion is welcome. It shows the vigilance this House wants to exercise over the political developments in the country and in the States. Therefore, certainly I am glad this discussion has taken place. It also gives an opportunity for the Government of India and for me personally to explain certain things. Whether hon. members opposite accept them or not is a different matter.

I entirely agree that if that if the House is in session and if there is a doubt about the certainty of the support the Government enjoys, it is the legislature which can and should decide the issue, and not the Governor I have absolutely no doubt about it. If it is done, parliamentary democracy will become a farce. But in this particular case, that situation has not arisen. If the Governor had not allowed the new leader to form the government and if he had in fact exercised his right to take into account defections here and there, possibly I would have said that he would have qualified for a recall. When the House is not in session, that too particularly before the House is called after the elections, etc., in such a situation alone the Governor has perforce to use his discretion and find out who has the necessary support.

AN HON. MEMBER : As in the case of Bihar.

SHRI Y. B. CHAVAN : As in the case of Bihar or any other State where elections have recently taken place.

On this point, on this theoretical issue, I think hon. Members of the opposition are not holding any different position from the one that I have got.

The issue about prorogation of the House has been raised.

SHRI KANWAR LAL GUPTA : When the new leader was elected why was he not called in the beginning ?

SHRI Y. B. CHAVAN : The Hon. Member is merely asking for his pound of flesh. There is no question of beginning or

end. The whole thing is a process. It has not ended. He is so impatient that at 3.20 he asked me what had happened at 3.15. I would like to state it here and now. The Governor called Raja Naresh Chandra Singh at 3.00 pm., he met him, and asked him to form the Government. The Raja of Saranagarh said : "Thank you, I will require time till tomorrow morning".

SOME HON. MEMBERS : Shame, shame.

SHRI Y. B. CHAVAN : There is nothing for which it can be said "shame". It is no use becoming impatient about this matter. We are dealing with a very important issue. About prorogation one can take any view because everybody has the right to interpret the Constitution as he likes. I would like to be consistent with myself. A similar situation arose in Madhya Pradesh itself when there was a Chief Minister of the Congress Party. He advised the Governor to prorogue the House and the Governor accepted that advice. I have defended here on the floor of this House that once the Chief Minister gives an advice for prorogation the Governor is bound to accept it. This is my position today. I do not want to change it because the party of the Chief Minister has changed. An hon. Member said that the Home Minister is playing here the Congress game. When Shri G. N. Singh gave the advice to prorogue the House was he playing the Congress game ?

Shri J. B. Kripalani made a point that when Shri G. N. Singh was the Care-taker Chief Minister how could he have given this advice. But the Constitution does not recognise a care-taker Chief Minister.

SHRI J. B. KRIPALANI : It is a convention that the care-taker government only does routine business.

SHRI Y. B. CHAVAN : It is accepted. Therefore, whoever is the Chief Minister must advise with a sense of responsibility to the Governor.

SHRI H. N. MUKERJEE : When the Chief Minister advised the Governor to call the other person who was elected leader of the party, which was the substantive advice

given in the first instance, why was that not accepted ?

SHRI Y. B. CHAVAN : He had not finally decided about it. When the Raja was called to form the government he wanted time.

SHRI BAL RAJ MADHOK (South Delhi) : The Governor was out of Madhya Pradesh. The Chief Minister sent a special plane and brought him saying that some developments were taking place. He asked the Governor how long he would be available and the Governor said that he would be available up to 11.00 in the night. But when the Chief Minister and leader of the party went to him at 10.30 they were told that he was asleep. It was a political sleep.

SHRI Y. B. CHAVAN : The hon. Member has a tendency of merely accepting the stories that his workers give him.

SHRI H. N. MUKERJEE : I do not want to interrupt but I want to be clear on one thing. I hold no brief for Shri G. N. Singh or anybody. Is it, or is it not, a fact that Shri G. N. Singh had advised the Governor to call his successor, who has been elected by a democratic process as a leader of his own party, to form the government ? That was his first advice. In that case, why is it that the Governor refused to accept that advice and peremptorily accepted the alternative advice, which was in regard to prorogation ? That is the only point.

SHRI Y. B. CHAVAN : I have dealt with it. It is true that the Chief Minister, Shri G. N. Singh, with the Deputy Chief Minister and also the leader of another party, possibly the leader of SSP went to call on the Governor and offer his resignation. At the same time, they did tell him that there was a new leader; that is true, as far as facts are concerned. I have no doubt about it and I have not tried to conceal those facts. But the point is this. The Governor had not taken any decision on that
(Interruptions)

SOME HON. MEMBERS : Why? Why?

SHRI Y. B. CHAVAN : The point is that he had not taken a decision. Without taking a decision, how can he act on it
(Interruption).

SHRI BAL RAJ MADHOK : He gave two days to Shri Mishra to do horse trading.

श्री शशि भूषण : अध्यक्ष महोदय, यह बात गलत है। डी० पी० मिश्रा ने दो दिन पहले गवर्नर को लिख कर दिया था कि हमारी मेजोर्टी है और इसलिए गवर्नर कोई फैसला नहीं कर सकता था।

SHRI Y. B. CHAVAN : What happened between them, I have no details with me. But when he had not taken a decision, how can he act on it? Possibly, he might have wanted time to study the matter. What is wrong about it? (Interruptions.) If you want to take your argument about taking a decision to its logical conclusion, may I ask you one thing? When Raja Naresh Chandra Singh was invited to form a government today and when he asked for time to take a decision, was it not (Interruptions). Why are you impatient? (Interruption). I am not trying to justify or criticise. My only point is that the Governor has acted logically when he accepted the prorogation recommendation of the previous Chief Minister and he has not done anything wrong. (Interruptions.) I am sure if the Governor has rejected the advice of prorogation of the Chief Minister, these very members would have stood up and said that the Governor acted wrongly because two years ago the same Governor had accepted the advice of prorogation of the Congress Chief Minister and it is only because the advice has come from the SVD Chief Minister that he has not accepted the recommendation of prorogation, so, please recall him or impeach him. They would have raised all those points. You must be gracious enough to concede that there were no political considerations in the mind of the Governor in this matter. And what can be the political consideration? When he has accepted the advice of the SVD Chief Minister, Shri G. N. Singh, what can be the political motive? (Interruptions.) There can be no political consideration. He acted logically.

SHRI UMANATH (Pudukkottai) : Why has he taken the second advice and not the first advice?

SHRI Y. B. CHAVAN : He has accepted that advice also.

SHRI UMANATH : You say that the action of the Governor was in order when he readily accepted the second advice of the Chief Minister. But you have not explained how is it that the same Governor was not readily deciding immediately on the first advice of the Chief Minister.

SHRI Y. B. CHAVAN : He has accepted the advice of the Chief Minister. It is a fact. That is the first point I made. If he had been invited (*Interruption*) If Professor Ranga does not want me to speak, I will sit down but you would like to make all the speeches, all the points and all the criticism and do not want to listen to others! It is a wonderful democracy!

I had made the point that if the Governor had not accepted this position of deciding the fate (*Interruption*)

SHRI R. K. AMIN (Dhaudhuka) : Supposing, the temporary man will ask for the dissolution of the Assembly.

SHRI Y. B. CHAVAN : I am not supposed to stand your examination on hypothetical issues like this.

My only point is that the Governor has already invited the other leader and whether the Government has a majority or not will be decided ultimately on the floor of the House. As that position is there, I do not think there is any justification for this motion.

So far as the prorogation is concerned, I personally feel that there was no political motivation in the mind of the Governor. He has acted logically as he did on the past occasion.

SHRI TENNETI VISWNATHAM (Visakhapatnam) : May I ask for a clarification on a question of fact and not on a question of law? The new leader was shown to the Governor; they went together.

SOME HON. MEMBERS : No, no.

16.52 hrs.

[Mr. Speaker in the Chair.]

SHRI TENNETI VISWANATHAM :

The Chief Minister who wanted to resign and the virtual leader of the party and the real leader of the party went and told the Governor the name of the new leader. On the second occasion when he advised the Governor to prorogue, why did it not occur to the Governor that he should consult the new gentleman whose name was already before him?

SHRI Y. B. CHAVAN : I have no information.

श्री शशि भूषण : राजा नरेश चन्द्र तो वहां पहुंचे ही नहीं।

श्री मधु लिमये : (गुंजर) अध्यक्ष महोदय, जहां तक तथ्यों का सवाल है, गृह मंत्री जी ने कहा है कि तथ्यों के बारे में कोई मतभेद नहीं है। क्या तथ्य है—10 तारीख की रात को ये नेता लोग गवर्नर से मिलने के लिये गये, गवर्नर ने मिलने से इन्कार कर दिया, कहा गया कि वह सो रहे हैं, उठेंगे नहीं—यह बात इन्होंने मान ली है। दूसरे दिन सवेरे ये लोग फिर गवर्नर से मिलने के लिए गए। उस समय श्री गोविंद नारायण सिंह ने अपना इस्तीफा पेश किया और कहा कि नरेशचन्द्र सिंह जी को हमने सर्वममनि से अपना नेता चुना है, उनको आप बुलाइयें, कौन नेता रहे, यह हमारा आन्तरिक मामला है। अब गवर्नर साहब उस वक्त इतने स्वस्थ थे कि गोविंद नारायण सिंह का इस्तीफा उन्होंने मंजूर कर लिया, लेकिन जो दूसरी बात थी, जिसे केवल गोविंद नारायण सिंह जी ने ही नहीं, विजया देवी जी ने, हमारे दल के नेता चनपुरिया जी ने, सकलेचा जी ने सभी ने कही थी, उसको मानने से उन्होंने इन्कार किया। बल्कि कल मुझे पता चला और आज हिन्दुस्तान टाइम्स की रिपोर्ट से उसकी पुष्टि भी हुई, उसको यह भी नहीं काट सकते हैं कि :

"Mr. Reddy, however, informed the leaders that he will like to make his own assessment before taking the next move. Meanwhile, he asked the Rajmata to send him the proceedings of the meeting of the SVD last night presumably to see if

the Raja had the support of the various constituents of the SVD."

अध्यक्ष महोदय, मेरी समझ में नहीं आता है कि गवर्नर असेसमेंट करने वाला कौन होता है, उसको कोई अधिकार नहीं है कि वह राजमाता को कहे...

श्री शशि भूषण . अध्यक्ष महोदय, मेरा प्वाइंट ऑफ़ ऑर्डर है। राजा नरेशचन्द्र से जब पूछा गया तो उन्होंने कहा कि हमें कोई इत्तिला नहीं है और उन्होंने टाइम मांगा। जब टाइम दिया गया तो उनके पास पूरे लोग भी नहीं थे... (व्यवधान)...

श्री मधु लिमये : यह कुछ प्वाइंट ऑफ़ ऑर्डर नहीं है, बैठ जाइये। यह गवर्नर कौन होता है कहने वाला कि हम असेसमेंट करेंगे, मूल्यांकन करेंगे, किस चीज का मूल्यांकन करने वाला था? उसको नये नेता को तत्काल तुलाना चाहिए था। इतना ही नहीं, इस सविद के जो घटक दल हैं उनके नेता वहाँ पर मौजूद थे और उन सभी लोगों ने मिलकर कहा था कि इस नये नेता का हम समर्थन कर रहे हैं, फिर भी गवर्नर अपने को तानाशाह बनाकर कहता है कि लिखित रूप में दीजिये, इसका मतलब—वह नेताओं के शब्दों पर अविश्वास कर रहा है, संदेह प्रकट कर रहा है कि वाकई इन दलों ने समर्थन दिया था या नहीं। इसलिए मैं कहता हूँ कि गवर्नर संबंधित प्रमुख के नाते काम नहीं कर रहा था, बल्कि हस्तक्षेप कर रहा था, दखल दे रहा था, राजनीति खेल रहा था, सिंघासन चला रहा था, इसीनिये उसका जो काम है, वह बिलकुल सविधान के खिलाफ है।

अध्यक्ष महोदय, शारदा मुखर्जी ने और गृह मंत्री जी ने गवर्नर के अधिकार का सवाल उठाया। एक और गृह मंत्री जी ने कहा कि विधान सभा चल रही है तो उसको मुलतवी सही करना चाहिए, सरकार का बहुमत है या नहीं, उसका फंसला विधान सभा ही में होना चाहिए। लेकिन साथ ही साथ वह कहते हैं कि प्रोरोग करने का निर्णय भी बिलकुल

वैध है। हम दोहरे मापदण्ड की बात नहीं करते। दो साल पहले श्री डी० पी० मिश्र के कहने पर जब उन्होंने हाउस को प्रोरोग किया था, तब भी हमने उसकी आलोचना की थी और आज भी आलोचना करते हैं। जिस आदमी ने इस्तीफा दिया था, जिसका इस्तीफा मन्ज़ूर हुआ था, उस मुख्य मंत्री की सलाह को मान कर हाउस को प्रोरोग करना सभावसान करना बिलकुल अनुचित काम है। हम लोगों की नीति में कोई असंगति नहीं है, कोई दोहरा मापदण्ड नहीं है।

डिस्क्रिशन की बात आजकल बहुत की जाती है। शारदा मुखर्जी ने 163 (बी) का हवाला दिया, लेकिन 163 (ए) को अगर वह पढ़ती तो डिस्क्रिशन के मायने क्या हैं, उसकी मर्यादा क्या है—यह स्पष्ट हो जाता। उसमें यह कहा गया है—

"There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions on any of them in his discretion."

इसका मतलब साफ़ है।

श्री खन्नाजीत यादव . (आजमगढ़) : यी को भी पढ़िये।

श्री मधु लिमये ठीक है, मैं यी को भी जानता हूँ—except in so far as he is required, कैसे आलाम, दफा 200 और 356 धम बाकी चीजों के बारे में मेरा कहना है—He is not required to use his discretion. नेता के चयन में अगर परिवर्तन होता है, नया नेता आता है तो उसमें इनको दखल देने का कोई अधिकार नहीं है, डिस्क्रिशन का कोई मर्यादा नहीं है।

इसलिए, अध्यक्ष महोदय, मेरी मांग है कि सरकार गवर्नर की नियुक्ति के बारे में उनके अधिकारों के बारे में एक संयुक्त प्रस्ताव यहाँ पर पारित की... इस सदन और राज्य सभा में... जिसमें गवर्नर के लिए

[श्री मधु लिमये]

स्पष्ट निर्देश दिया जाय कि धारा 366 और कानून राष्ट्रपति की मान्यता के लिये अरक्षित करना... इन दो बातों को छोड़कर उसको कोई डिस्कशनरी पावर्स नहीं है विवेकपूर्ण अधिकार नहीं है। अध्यक्ष महोदय, लोकतन्त्र के लिए यह जरूरी है।

मैंने चव्हाण साहब से दो आश्वासन मांगे थे—एक आश्वासन मांगा था कि तत्काल नये नेता को बुलाया जाय। उन्होंने कहा है कि 7 म बुला रहे हैं। लेकिन मैंने दूसरा आश्वासन मांगा था—चूंकि गवर्नर ने असंवैधानिक काम किया है, इसलिये आप यह भी आश्वासन दें कि हम गवर्नर को वापस बुलाने की मांग पर जल्द विचार करेंगे। उन्होंने यह आश्वासन नहीं दिया, इसलिये प्रस्ताव वापस लेने का कोई सवाल उत्पन्न नहीं होता है। मैं नाथ पाई जो के सशोधन को इसलिए स्वीकार करना चाहता हूं कि गोबिंद नागयण सिंह का इस्तीफा मंजूर होने के बाद प्रोरोगेशन के बारे में उनकी सलाह की कोई तुरु नहीं थी कोई मतलब नहीं था। मैं उसको भी पसन्द नहीं करता हूं।

17.00 hrs.

अध्यक्ष महोदय, मैं एक बात और कहना चाहता हूं कि वहां की एस० वी० डी० सरकार ने जो किया है उसका समर्थन करने की हमको आवश्यकता नहीं है। मेरी व्यक्तिगत राय यह है कि एस० वी० डी० के जो सदस्य नहीं हैं या जो विधान सभा के सदस्य नहीं हैं, ऐसे किसी भी बाहरी आदमी को मध्य प्रदेश में या अन्य राज्य में मुख्य मंत्री या मंत्री बनाने के पक्ष में न तो मैं पहले ही कभी था और न आज ही हूँ। अगर विधान सभा की बैठक बुलाने के पश्चात् एस० वी० डी० की सरकार गिर जाती है तो हम विधान सभा के सामने सिर झुकाने के लिए तैयार होंगे। लेकिन किसी कीमत पर भी अगर गवर्नर विधान सभा के अधिकारों को या जनता के अधिकारों को छीनना चाहते हैं तो

हम लोकतन्त्र की हत्या नहीं होने देंगे। आज मैं गम्भीर चेतावनी देना चाहता हूँ यह मैं मानता हूँ कि आज लोक सभा ने जो दखल दिया उससे लोक सभा की जीत हुई, लोकतन्त्र की जीत हुई, लेकिन अगर किसी ने संविधान के साथ खिलवाड़ करना चाहा तो मुझे ऐसा लगता है कि जो पाकिस्तान में हो रहा है, वही यहाँ पर भी होगा। अगर पाकिस्तान की जनता फौजी शासन की जड़ों को हिला सकती है तो मुझे पूरा विश्वास है कि महात्मा गांधी और नेताजी सुभाषचन्द्र का यह देश लोकतन्त्र की हत्या करने वालों की गर्दन पकड़ कर उनको उखाड़ कर फेंक सकता है।

MR. SPEAKER : There are some amendments. Is Mr. S. M. Banerjee pressing his amendment? The difficulty is that if I put to the vote one of them, the others get barred.

SHRI S. M. BANERJEE : I withdraw mine in favour of Mr. Nath Pai's.

Amendment No. 1 was, by leave, withdrawn

MR. SPEAKER : Mr. Lakkappa ..

SHRI K. LAKKAPPA : I also withdraw.

Amendment No. 2 was, by leave, withdrawn.

MR. SPEAKER : I shall then put Mr. Nath Pai's amendment to the vote of the House. Mr. Fernandes has come late.

I now put Mr. Nath Pai's amendment to the vote of the House : His amendment reads :

"and of prorogation of the State Assembly and recommends..."

SHRI NATH PAI : It is :

"disapproves of the prorogation of the State Assembly and recommends to the President that the Governor should be recalled forthwith."

MR. SPEAKER : I put Mr. Nath Pai's amendment to the vote of the House.

The question is :

That at the end of the motion, the following be added, namely :—

“and of prorogation of the State Assembly and recommends to the President that the Governor should be recalled forthwith.”

The Motion was negatived

MR. SPEAKER : I now put Mr. Limaye's motion to the vote of the House. The question is :

“That this House disapproves the unconstitutional act of the Governor of Madhya Pradesh in not inviting immediately the new leader of the S.V.D. to form a Government which only very recently had proved its majority on the floor of Assembly.”

The motion was negatived.

17.04 hrs.

GENERAL BUDGET—GENERAL DISCUSSION—Contd

MR. SPEAKER : Now we resume the general discussion on the General Budget. Shri Naval Kishore Sharma was on his legs. He has taken three minutes.

श्री नवल किशोर शर्मा (दीसा): अध्यक्ष महोदय, मैं कह रहा था कि वित्त मंत्री जी ने जिस संदर्भ में यह बजट पेश किया है और जिन परिस्थितियों की पृष्ठभूमि में वित्त मंत्री का भार सम्भाला है, उस दृष्टिकोण से यदि हम इस बजट को देखें तो हम इस नतीजे पर पहुँचेंगे कि वित्त मंत्री जी ने निश्चित तौर पर ऐसा काम किया है जिसके लिए वे मुबारकवाद के पात्र हैं। उन्होंने देश की अर्थव्यवस्था को सुधारने के दायित्व को लेकर उसमें सफलता प्राप्त कर के देश की बिनाहती हुई आर्थिक दशा को सुधारने के लिए वर्ष देश का उत्पादन बढ़ा है, उद्योगों में सुधार हुआ है, कीमतों में सुधार आया है, हमारा आयात कम हुआ है और निर्यात बढ़ा है। इस तरह से देश में एक नई आशा और विश्वास पैदा हुआ है। इस

वर्ष के बजट द्वारा भी मैं कह सकता हूँ कि उन्होंने पिछले साल के कार्यक्रम को जारी रखने की कोशिश करने का प्रयास किया है। मुझे इसमें कोई सन्देह नहीं है कि इसमें भी उनको सफलता मिलेगी। उन्होंने देश के आयात-निर्यात के बारे में जो कदम उठाये हैं उनसे निश्चय ही हमारे विदेशी व्यापार का सन्तुलन सुधरेगा, यह निश्चय के साथ कहा जा सकता है मैं वित्त मंत्री द्वारा प्रतिपादित लक्ष्यों व कर-नीति का आमतौर पर स्वागत करता हूँ। यद्यपि मैं मानना हूँ कि इस कर-व्यवस्था के द्वारा मध्यम वर्ग पर बोझ पड़ेगा। परन्तु इस देश में हमें पंचवर्षीय योजना की शुरुआत करनी है इसलिए उस संदर्भ में हमें प्राथिक साधन जुटाने पड़ेंगे और ऐसी दशा में जो लोग इस देश में ऐसी स्थिति में हैं जोकि तकलीफ उठाकर भी कुछ दे सकते हैं उनको देश के लिए देना ही पड़ेगा। इसलिए वित्त मंत्री के इन कदमों का भी मैं स्वागत करता हूँ परन्तु साथ ही साथ मैं यह अवश्य कहना चाहता हूँ बड़ी नम्रतापूर्वक कि वित्त मंत्री महोदय ने किसानों पर जो नये कर लगाये हैं, उनके ऊपर वे पुनर्विचार करें। भरी मान्यता के अनुसार वित्त मंत्री द्वारा उर्वरकों पर जो कर लगाया गया है, जो ड्यूटी लगाई गई है, वह एक ऐसा कार्य है जिससे इस देश का विकास रुकने वाला है। उन्होंने अपने बजट भाषण की प्रस्तावना के पैरा 3 में कृषिजन्य कच्चे माल के उत्पादन के लिये पूँजी लगाने की आवश्यकता महसूस की है। जब उनकी खुद की यह मान्यता है कि कृषि का उत्पादन बढ़ाना बहुत आवश्यक है और उसके लिए सब कुछ करना है तो फिर कृषि उत्पादन का जो मूल आधार है, एकमात्र तरीका कहा जा सकता है, उस पर आधारित खाद और पानी की जो व्यवस्था है, जब उस पर ही कर लगाया जाता है तो फिर मेरी समझ में नहीं आता कि वित्त मंत्री महोदय अपनी ही बात को, अपने ही द्वारा प्रतिपादित सिद्धान्तों के द्वारा तो काट नहीं रहे हैं।