

time. We had better dismiss the Business Advisory Committee and settle it here itself.

श्री भद्रल बिहारी बाजपेयी : मैं उस में नहीं था, लेकिन बिजनेस एडवाइजरी कमेटी कोई बात तय करे तो यह सदन उस को बदल सकता है ।

उस कमेटी के यूनिमस डिजीज को भी बदल सकता है ।

श्री तुलशी दास जाधव (वारामती) : अध्यक्ष महोदय, जो उस कमेटी में है, वह यहां आकर बोल सकता है, क्या ऐसी परवानगी भी आप देते हैं ?

12.38 Hrs.

MOTION RE : SITUATION IN WEST BENGAL—Contd.

MR. SPEAKER : The House will now resume further discussion on the situation in West Bengal. We have spent 2 hours 5 minutes on it. I thought it would be over on Friday itself by about 4 o'clock. But I was surprised to see that at 3.15, the Private Members' business had been taken up and it had been decided that this would be continued today. Anyhow, we shall take another 1 hour now.

AN HON. MEMBER : Two hours.

MR. SPEAKER : It can take two hours all told, including the Minister's reply and Mr. Mukherjee's reply. After all, we must have a deadline and not go on with the discussion postponing it again.

SHRI HEM BARUA (Mangaldai) : Are we foregoing the lunch hour today also?

MR. SPEAKER : No, no. By about 4 o'clock, we will finish this.

SHRI S. M. BANERJEE (Kanpur) : On a point of order, Sir. Under rule 376(2), a point of order can be raised in relation to the business before the House at the moment. The Business before the House consists of two motions one by Mr. Mukherjee recommending the dismissal of the present Governor of West Bengal and

the other by the Home Minister seeking approval of the statement made by him on 30th November. I was going to object to this at the very beginning, but I wanted to get some legal opinion before that. I can understand the Home Minister bringing a motion approving the conduct or misconduct of the Governor to counteract our motion demanding the dismissal of the Governor. May I read the statement of the Home Minister? He said . . .

MR. SPEAKER : You are making a speech now. I will give you another chance for that. What is the point of order?

SHRI S. M. BANERJEE : To substantiate my point of order, it is necessary. The statement of the Home Minister cannot be approved by this House. He cannot seek the approval of this House for the following reasons.

MR. SPEAKER : Under what rule? Where is it said that he cannot make a statement?

SHRI S. M. BANERJEE : He can make a statement even *suo motu* without any Calling Attention Notice. That is provided for under the rules. Here a situation arose in West Bengal after the Assembly was adjourned *sine die* by the Speaker of that House. Naturally the Members in this House were agitated and they wanted to have a statement about the situation in West Bengal from the hon. Home Minister. The Home Minister in his wisdom made a statement on 30th November, 1967. The statement reads as under :

"Mr. Speaker, Sir, the House is aware of the action taken by the Speaker of the West Bengal Legislative Assembly yesterday, and the observations which he made while adjourning the Assembly *sine die* have been published in the press today. While concluding his observations, the Speaker said :"

He quoted a portion of what the Speaker said. When he quoted that, naturally, some hon. Members objected and then he said :

"According to the best legal advice available to us it was within the constitutional competence of the Governor to dissolve the Council of Ministers headed by Shri Ajoy Mukherji in the

[Shri S. M. Banerjee]

circumstances in which the Governor did so."

I have no quarrel with him. Some hon. Member said "No, No".

Then Shri Y. B. Chavan went further and said :

"We have further advised that the Council of Ministers headed by Dr. P. C. Ghosh is lawfully constituted."

Then some hon. Members objected to that because they thought that Dr. P. C. Ghosh is an illegitimate child of the Constitution.

MR. SPEAKER : Are you reading all this and then going to discuss it?

SHRI S. M. BANERJEE : I am coming to my point. My objection is this. Can this House discuss the conduct of the Speaker of that Assembly.

SHRI SHASHI RANJAN (Purbi) : Yes, by all means.

AN HON. MEMBER : By what means?

SHRI S. M. BANERJEE : May I request you, Sir, to uphold the ruling of the Deputy-Speaker? When Shri A. K. Sen was making all sorts of aspersions on the Speaker of the Legislative Assembly, we shouted and we said that the Chair should try to defend the Speaker. The hon. Deputy-Speaker was in the Chair and then the Deputy-Speaker, said :

"I know. I am watching."

Then Shri Sezhiyan said that the decision of the Speaker in the Legislative Assembly should not be questioned here. Then the Deputy-Speaker said :

"When this matter is raised I want to point out to the hon. Member that the Speaker's decision or his conduct cannot be questioned even by implication or by suggestion. This is my ruling."

My submission is this. If we approve the statement of Shri Chavan we shall be approving a statement which is mischievous and malicious. They want us to question the propriety of the Speaker. He can bring any other motion, but this motion cannot be brought here, I want your ruling on this.

MR. SPEAKER : The hon. Member gave me notice three days ago saying that he wants to raise this point of order. That is why I allowed him. This was discussed earlier.

SHRI S. M. BANERJEE : This was not discussed in the House. He cannot take voting on his motion.

MR. SPEAKER : Anyway, both the motions are before the House. We have only two more hours. If we lose time on points of order we shall lose that from the total time available.

SHRI H. N. MUKERJEE (Calcutta North-East) : Sir, I wish only to submit that an important matter of principle has been raised, and it is open to the House to raise matters of this sort at any stage. If, Sir, this motion has been inadvertently admitted then it is open to you to rectify the position. He, Sir, has raised a very important point which is that if by approving the statement made by Shri Chavan we lend ourselves as a parliamentary body to criticism of the conduct of the Speaker of an Assembly in relation to what he said inside of his Assembly, then that would be creating a very mischievous parliamentary procedure. Therefore, I would beg of you to consider this matter and not allow a discussion merely because it has been moved earlier.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : The point is very clear. We are not asking any judgment of the House on the decision of the Speaker about the adjournment of the House *sine die*. Really speaking, it is a very important question of the relationship between the State Government and the Central Government. If somebody has taken the position that a certain State Government is unconstitutionally working there, naturally, the responsibility is that of the Centre to see whether they are having proper relations with the constitutionally constituted government. Therefore, it is very necessary that not only the government but this House takes a position and so I have moved this motion.....(Interruptions).

SHRI INDRAJIT GUPTA (Alipore) : Sir, he has not replied to the point of order that was raised.

MR. SPEAKER : I know. But the decision on the point of order rests with the Speaker. It is not as if the Home Minister was questioning the ruling of the West Bengal Speaker. He has clearly stated "I do not wish to comment on the conduct of the hon. Speaker of the West Bengal Legislative Assembly." So, it is clear that we are not criticising the conduct of the Speaker at all by approving his statement. (interruptions).

SHRI S. M. BANERJEE : On page 7764 of the Uncorrected Debates it is stated that while you were in the Chair, Shri Y. B. Chavan stated :

"We are convinced that this is a correct view and that, notwithstanding the observations made by the Speaker of the West Bengal Legislative Assembly, Dr. P. C. Ghosh and his colleagues continue to function."

My objection is only to this. Rightly or wrongly, the Speaker of the West Bengal Legislative Assembly has given a decision. It is for the State Assembly of the State law officers to object to it.

MR. SPEAKER : We need not have any more discussion on this.

SHRI H. N. MUKERJEE : If you would permit me to speak for a moment, the Home Minister was pleased to say that when there is a critical situation arising, as it is, between the Central Government and the State Government, he has got to do something. I understand that. If a very serious crisis has arisen between this government and the government in West Bengal, there are other parliamentary avenues open today in order to rectify the position and put it on a constitutional footing. But, in the process let us not do something to malign the Speaker and the Legislative Assembly.

श्री अटल बिहारी वाजपेयी (बलरामपुर) : अध्यक्ष महोदय, मेरा निवेदन यह है कि गृह मंत्री महोदय के लिए यह रास्ता खुला है कि वह इस वाक्य का प्रस्ताव लाते कि पश्चिमी बंगाल के राज्यपाल ने जो कुछ किया है वह उचित है और यह सदन उस पर अपनी मुहर लगाता है लेकिन अगर वक्तव्य जिस में

पश्चिमी बंगाल की विधान सभा के अध्यक्ष के आचरण का उल्लेख किया गया है वह वक्तव्य अगर सदन की स्वीकृति के लिए रखना जायगा प्रत्यक्ष रूप से नहीं तो परोक्ष रूप से पश्चिमी बंगाल विधान सभा के अध्यक्ष के आचरण पर इस सदन को टिप्पणी करनी होगी और वह टिप्पणी स्पीकर महोदय की कृति के खिलाफ वादाय तो अमोर्बा गृह मंत्री जी के लिए रास्ता खुलस हुआ है कि वह राज्यपाल के आचरण पर प्रस्ताव लायें ।

SHRI P. RAMAMURTI (Madurai) : This House cannot take a decision which, either indirectly or directly, impinges on the decision of the Speaker of a State Assembly. After all, the Home Minister was asked to give a statement on the situation in West Bengal. Now, I can very well understand the Home Minister coming forward with a statement on the situation and what the Government of India proposes to do. He did not choose to do any such thing. All that he said was : notwithstanding what the West Bengal Speaker has said, this is a lawfully constituted government, which means by implication that the decision of the West Bengal Speaker is wrong and we are asked to approve this statement. I can understand his saying what government propose to do in the matter, but he cannot make an implied statement on the ruling of the West Bengal Speaker. Now, even if Parliament approves this statement of the Home Minister, what happens? Is it binding on the West Bengal Speaker?

SHRI INDRAJIT GUPTA : To cut this matter short, the point you are asked to give your ruling on is a very simple one, namely, whether the statement contained in Shri Chavan's statement to the effect:—

"notwithstanding the observations made by the Speaker of the West Bengal Legislative Assembly, Dr. P. C. Ghosh and his colleagues continue to function",

which we are asked to approve, is in conformity or is not in conformity with the ruling given by the Deputy-Speaker in this House in the following words:—

"I want to point out that the Speaker's decision or his conduct cannot be ques-

[Shri Indrajit Gupta]

tioned even by implication or by suggestion. That is my ruling."

Is the statement in conformity with that ruling of the Deputy-Speaker? If it is not, this House cannot be asked to approve of that statement.

MR. SPEAKER: The same thing has been pointed out by both of them.

SHRI SURENDRANATH DWIVEDY (Kandrapara): It is now agreed and you have also given your ruling that we should not discuss the conduct of the Speaker or cast any reflection on his decision, but by implication, if the particular sentence is contained in the statement made by the Home Minister, naturally there will be counter-argument against this particular sentence. Therefore I would suggest, as it is already on the Order Paper, that that particular sentence in the statement be withdrawn so that discussion is open and there is no implication that a reference has been made to the Speaker.

SHRI TENNETI VISWANATHAM (Visakhapatnam): I have a point of order distinct from this. The House can always discuss one motion at a time. The business before the House was the Resolution moved by Professor Mukerjee. Therefore if the Government wanted to have another matter, they could come only by way of an amendment and not otherwise. There cannot be two independent motions before the House. Unless one subject is disposed of either by voting or by adjourning it, another motion cannot be taken up. I suppose, you have understood the point.

MR. SPEAKER: I have understood it. We have been following this procedure. So many Resolutions have been moved together.

About the particular sentence, the point is that unless you say that you concur with him nobody can say that they disagree with the Speaker. We are not discussing the Speaker's conduct or ruling here, but this House has a right to decide, I suppose, in favour of the Government being there or the Government being dismissed. This is the point and not about the Speaker's conduct.

SHRI UMANATH (Pudukkotai): Without reference to the Speaker.

MR. SPEAKER: That is exactly what I say and what the Home Minister said. Whatever might have been the opinion of the Speaker, Bengal Assembly, the Home Minister thinks that the P. C. Ghosh Ministry is legal but the Opposition or some of you may think that it is not legal. That is the point that we are discussing and not the conduct of the Speaker of the West Bengal Assembly.

SHRI INDRAJIT GUPTA: Let him remove that sentence from his statement.

SHRI NAMBIAR (Tiruchirappalli): Let him withdraw this and bring another motion. The House will allow him to withdraw it.

SHRI J. B. KRIPALANI (Guna): Mr. Speaker, Sir, it is very painful for me to speak on this subject. The Congress Benches and also the Opposition, are all interested in seeing that democracy prosper in this land. Suppose, the Opposition here creates confusion; will that justify the Congress people to add to that confusion by creating confusion themselves? I think, that would not be serving the cause of democracy. I submit that we must in our conduct have for ourselves right standards; what others do should not guide us in our conduct. In law even if anybody has stolen my property and has put it in his house, I cannot break his house and regain my property. I can only go through the processes of law. I am afraid, both the Congress and the Opposition in this matter, as in several other matters, are trying to do as much harm to democracy as it is possible to do. I remember, when it was a question of the Governor of Madhya Pradesh proroguing the House, not only the Opposition people but even the Congress people said that he should have exercised his discretion, for he knew that he was asked to prorogue the House because the Chief Minister did not have the majority. At that time it had not been proved whether he had the majority or not; yet, it was presumed that he did not have the majority and, therefore, he wanted the prorogation. We said that the Governor must exercise his special power in this respect and that would be right. Did not the Opposition and a good section of the Congress people also endorse this stand? Why are they now quarrelling? Why does the Opposition quarrel now

when the same medicine is given to them. I think this is wrong.

Another thing that we have to take into consideration is that in what the Governor does, the provision says, he shall not be questioned for his conduct in any court of law. That means that he has to exercise some power; otherwise, there would be no such provision that his conduct cannot be questioned in any court of law. The conduct of the Ministers can be questioned in a court of law, the conduct of the executive can be questioned in a court of law; our conduct...

SHRI SURENDRANATH DWIVEDI: But his decision must be within the law.

SHRI J. B. KRIPALANI: Our conduct can be questioned in a court of law, but the conduct of the Governor, when he is acting in his individual discretion, cannot be questioned. Apart from this, may I say that, whether the Governor has the right or had not the right, the lawyers will always justify one side of the other depending upon their brief. Our friend, Mr. Chatterjee argued very ably the other day. But I remember, Mr. Chatterjee and many other lawyers, even Mr. Sen, have argued in two different ways when they were asked to do so. I remember, Mr. Chatterjee argued in one case that our Fundamental Rights cannot be changed and on the other day there was a conference in which he said that they can be changed by Parliament. Whatever brief they got, they speak accordingly. I remember a story: Where a man was charged with murder and the Prosecution Advocate began to argue. When he had finished the argument, the prisoner was asked as to what he had to say; he said, "Sir, I have not committed any crime, but after hearing the Advocate, I feel that I have committed the crime". Let us bring some common-sense to our business. Even granting that the Governor exceeded his powers, who are we to say that he has exceeded his powers? How can the Opposition people say that he has exceeded his powers when in the case of Madhya Pradesh they themselves wanted the Governor to exercise his discretion? They are out of court. (*Interruption*).

श्री रवि राय (पुरी): दोनों में फर्क है।

श्री जी० ब० कृपालानी: दोनों में कोई फर्क नहीं है, न इसमें और न उसमें। उसमें भी यही था कि उसकी मैजिस्ट्री है या नहीं।

13 HRS.

Whether he had a majority or not, was not tested there also. Here also you cannot say that the Governor's interference was not right. The case is absolutely on all fours and the 2 cases are the same. You cannot say 'This is different' and 'That was different'. This is what I say there is a deliberate attempt to kill democracy. When it serves our purpose, we have one standard of conduct; when it does not serve our purpose we have another standard of conduct. Because Congress has been doing this—that does not justify it. The Congress has been behaving in a strange manner—in Punjab in one manner, in Haryana in another manner and in Bengal in a different manner. That is their lookout, it is not our lookout. They are wrong. We consider them to be wrong.

We have also complained of it here that when the Speaker is appointed from the Congress Party, his judgment is always inclined to favour the Congress Party. Sir, against your predecessor, the first Speaker, in this House, we, of the Opposition, brought a vote of censure. Of course, we lost it; we knew we would lose, but we have felt time after time that the Speaker chosen by the Congress are inclined to favour the Congress and not be just to the Opposition Party.

AN HON. MEMBER: including you.

SHRI J. B. KRIPALANI: In your case, you very wisely decided that you will take no sides and you do not belong any more to any Party. Before that, they had persisted in belonging to a Party. Even now, when you are not in the Chair, the Deputy Speaker is there and he has not renounced his Party. How can we rely on his judgment?

Let us be fair. Let us look to ourselves and see what we do, and not expect the other Party to have high standards of democratic conduct while we fail. All right, whether the Governor was right or wrong—that is a question we have disposed of. Here is another question. Because the

[Shri J. B. Kripalani]

Speaker belongs to or was appointed by a certain Party, I feel he was deflected in his judgment. I am not talking of his adjourning the House. He was within his rights to adjourn the House, but take his conduct from the beginning—he assigned seats to the Treasury Benches, to the P.D.F. and the Congress.

SHRI YOGENDRA SHARMA (Begu-sarai) : Can we question the Speaker's judgment here, Sir?

SHRI J. B. KRIPALANI : I am not questioning here his judgment about adjourning the House. If every newspaper in this country can pass judgment, can have some comments to make upon what has been done, beyond adjourning the House, by the Speaker, then, I think, Sir, I am entitled, here in the Parliament to say something about it, not about his adjournment, but about what he did previous to the adjournment. The Assembly was called—by whom? By the Governor. At the instance of whom? At the instance of that wrongful Government.

SHRI NAMBIAR : That is the reason.

SHRI J. B. KRIPALANI : If he thought it was a wrongfully appointed Government, then he should have said that as the Government is a wrongful Government, as it is an illegal Government and as it is a Government which has no right to be there, he refuses to call the Assembly. He should have issued a statement in the press and said like that. Not only did he not do that, but his office issued notices for the Assembly members. He may have adjourned the House for any reason, but he passes judgment upon a matter which is beyond his jurisdiction. In the whole history of parliamentary government, I have never seen a Speaker taking upon himself the task of deciding whether one government was legal or the other.

SHRI YOGENDRA SHARMA : Are we discussing the conduct of the Speaker of the West Bengal Assembly?

MR. SPEAKER : All the newspapers have discussed this aspect.

SHRI YOGENDRA SHARMA : Are you giving this as your ruling?

MR. SPEAKER : This is my ruling. The papers have talked so much about it; there

has been criticism about the legal aspects of it; all the papers have discussed it....

SHRI J. B. KRIPALANI : All the papers have discussed it, and we also.....

MR. SPEAKER : All the papers have discussed it. If that is proper, then how can Members here be prevented from discussing it?

SHRI J. B. KRIPALANI : Not only have the papers talked about it, but we have also commented on it one way or the other; I say that Members of Parliament have commented on it; They have commented outside the House. Can we not talk of that inside the House?

SHRI NAMBIAR : The question is whether he can talk about it inside the House. Let us decide whether we have got a right to do it here.

SHRI J. B. KRIPALANI : I would again make an appeal to both the sides. Let us not kill democracy by these methods.

SHRI VASUDEVAN NAIR (Peer-made) : But who is killing it?

SHRI J. B. KRIPALANI : I have condemned this Congress umpteen times for setting very bad examples, for setting bad conventions. But does one evil justify another evil? Do two evils make one good?

I have seen Members of the Opposition saying outside that the Speaker had no right to comment upon what government there should be or should not be. He was out of court when he himself had acted at the behest of that government, and I say, on the orders of that Government and that Governor and that Chief Minister who ordered or advised the meeting of the Assembly. He then turns round to say that the supreme power of deciding who should be the government or who should not be the government was with the Assembly and yet he adjourned the Assembly. He did not allow the Assembly to give its verdict. The matter could have been solved in two minutes had the Speaker shown a judicial mind. He was wanting in this.

Take the case, again, of the language..

MR. SPEAKER : That Bill will come up later and he can discuss it then.

SHRI J. B. KRIPALANI : Take the question of the language. The Minister of Parliamentary Affairs, was speaking and he spoke in English. Then, somebody cried out 'Hindi, Hindi', and he spoke in Hindi. Then, another Member said 'If he yields to one coercion, he should yield to another coercion also. This is a very strange kind of argument.

SHRI VASUDEVAN NAIR : But very strange things are happening.

SHRI J. B. KRIPALANI : Are we here to destroy democracy or are we here to build democracy? If we are here to build democracy, then I say that the Opposition cannot take a leaf out of the book of the Congress. Otherwise, there is no point in condemning the Congress. We have umpteen times condemned this Congress for taking decision that suit its particular purpose, whether that purpose was right or wrong. We have umpteen times blamed our Speakers that they do not bring to their task a judicial mind. So, let us search our hearts and let us not degrade each other. This is nothing but degrading each other. Because the Congress is degrading itself, should I also degrade myself so that I also come to that position? I am against such a kind of thing. I believe that both the sides are trying to injure our democracy, and injuring democracy means injuring the country, and I say that it is unpatriotic.

13.10 Hrs.

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

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

[MR. DEPUTY SPEAKER *in the Chair*]

MOTIONS RE: SITUATION IN WEST
BENGAL—*Contd.*

SHRIMATI SUCHETA KRIPALANI (Gonda) : I rise to support the Motion moved by Shri Chavan and oppose the Motion moved by Shri H. N. Mukerjee.

The subject under discussion has really two aspects, one, the constitutionality of

the Governor's action under art. 164(1) and the other, whether the Speaker was empowered to sit in judgment on the Governor's action and give an authoritative interpretation of the provisions of the Constitution. These are the two issues before us.

Let us take up the question of the Governor's powers. It is clear and basic in the scheme of our Constitution that the Governor is a constitutional head. He has to discharge his functions on the advice of the Council of Ministers, except when he is required by the provisions of the Constitution to use his discretion. There are certain express provisions wherein he has to use his discretion, but there are certain situations when by implication it would appear to be open to the Governor to act in his discretion. For instance, when he makes a report under art. 356, it is obvious that he has to use his discretion and not be advised by the Council of Ministers. Again, take the instance where he has to appoint the Chief Minister. While appointing him, it is obvious that the Council of Ministers will not give him any advice. He has to use his own discretion. Of course, even this discretion is severely circumscribed by the political situation. For instance, a person cannot be appointed as Chief Minister by the Governor unless he is satisfied that he enjoys the confidence of the House. But as to who has to decide whether the Governor is to use his discretion, the final authority is the Governor himself, as has already been quoted by many members; under art. 163(2), he alone is to decide. This matter is not justiciable. Therefore, at what time and on what occasion, the Governor has to use his discretion is left to him.

As regards dissolution of the House, it is possible that there can be considerable difference of opinion, whether he should automatically follow the advice tendered by the Council of Ministers, irrespective of the fact whether the Council of Ministers enjoys the confidence of the majority. It is obvious from the facts that in such a case, he has to take the totality of the circumstances relevant to the situation into account before accepting or rejecting the advice. Therefore, the discretionary power of the Governor is not

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so simple as it looks. There are finer points which may be difficult to interpret, but there is in the residuum a certain power which the Governor has to use, taking the circumstances into consideration.

In the case of Bengal, I want to draw your attention to the fact that the condemnation of the Ministry came from no other person than the Chief Minister himself. The Chief Minister made a public statement to say that there are sections which are trying to bring an outside agency, to have an armed rebellion in the country, and are acting as agents of the Chinese. Also, many members have mentioned the fact that Calcutta was reverberating with pro-Chinese slogans. In such a situation, the Governor has to exercise his discretion. If he does not exercise his discretion, he is not true to the oath that he has taken and to the country.

Therefore, the real controversy lies on article 164, whether the Governor could have dismissed the Ministry or not. It would be useful, in this case, to recall what Dr. Ambedkar, the father of the Constitution, the man who piloted the Constitution, had to say in this regard. When he was piloting the Constitution, one of the amendments suggested was that after the words "during the pleasure of the Governor", the following words should be added, "until such time as the Council of Ministers retain the confidence of the majority of the members of the legislative assembly." This amendment was not accepted by Dr. Ambedkar, and he had something very significant at that time. Dr. Ambedkar said :

"The first point raised in the debate is that in respect of the provision that the Ministers will hold office during the pleasure of its head, it is desired that the provision should be made that they should hold office when they have the confidence of the House. I have no doubt about it that it is the intention of the Constitution that the Ministry shall hold office during such time as it holds the confidence of the majority. It is on that principle that the Constitution will work. "During pleasure" is always understood to mean. . . ."

—I would like my hon. friends to hear this very carefully—

"... that the pleasure shall not continue notwithstanding the fact that the Ministry has lost the confidence of the majority. The moment the Ministry has lost the confidence of the majority, it is presumed that the President (or Governor) will exercise his pleasure for dismissing the Ministry."

Therefore, democracy and the Constitution require not only that he should place the Ministry in position, but if need be, he should also dismiss the Ministry. That is one of the duties enjoined upon him.

SHRI INDRAJIT GUPTA : How will he know that it has lost the majority ?

SHRIMATI SUCHETA KRIPALANI : That is a very legitimate question. Certainly I will answer that.

Therefore, the Constitution-makers did contemplate a situation when the Governor was under an obligation to dismiss the Ministry. Of course, it would be wrong of the Governor to exercise this power under article 164 unless there are clear and valid reasons, reasons supportable either by the express provisions of the Constitution or implied principles of the Constitution.

With regard to the implied principles, I would again take a little time of the House and again quote Dr. Ambedkar who was piloting the Constitution. Dr. Ambedkar made a significant distinction between the functions of the Governor and the duties of the Governor. He observed :

"Although the Governor has no functions, still even the Constitutional Governor that he is, has certain duties to perform. His duties, according to me, may be classified into two parts. One is that he is to retain the Ministry in office because Ministry is to hold office during his pleasure.

—Please listen carefully—

"He has also to see whether and when he should exercise his pleasure against the Ministry. The second duty which the Governor has and must have is to advise the Ministry, to warn the Ministry and to suggest to the Ministry an alternative and to ask for a reconsideration."

In this case, what did the Governor do? We are blackguarding the Governor and getting ready to impeach him and do all kinds of things. The situation in West Bengal was confused. The Governor had made his own assessment that the ministry did not enjoy a majority. He did not straightaway say, "Dismiss it". He said, "I would advise you to please call the Assembly as soon as possible so that this matter can be tested. Instead of calling the Assembly immediately, they started shilly-shallying and delaying.

Here, I would like to quote from the British Constitution. I am reading from an article by a learned constitutionalist. He says :

"When, according to British constitutional law, is the Crown entitled, if not bound, to dismiss a ministry one might usefully ask since British precedent is obviously relevant. Three distinct grounds are often stated. First if, in the Crown's judgment, the ministry has lost the confidence of the people. This necessarily involves the question of dissolution" etc.

The second ground is, if the Crown is satisfied that the ministry has forfeited the confidence of the Commons. Lastly, the Crown is entitled to dismiss a ministry, irrespective of the confidence it might enjoy, if it is guilty of conduct that justly calls for dismissal."

So, there are three conditions under which the Crown can dismiss the ministry. Here at least two conditions were being fulfilled.

Now, I come to the second point : the situation that arose on the 29th with the adjournment of the House. I do not want to malign the Speaker or to pass any judgment on his action. I would only like to analyse what had happened. There, he did reserve his final judgment but he pronounced his opinion on four points : one, that the Governor has no power to dismiss the ministry; secondly, the appointment of Mr. P. C. Ghosh was unconstitutional. Thirdly, as far as the making or unmaking of a Council of Ministers is concerned, the legislature is the supreme authority, and under article 164(2), they could be voted out only by the Assembly : and therefore there was no ministry in West Bengal. That is what he said.

Now, the Speaker has not been charged with the authority, by the Constitution to make pronouncements on constitutional issues. As far as the discretionary power of the Governor is concerned, nobody can judge but the Governor himself. That is the constitutional position.

Regarding the constitutionality of any matter before the House, even in this House, itself, when the Official Language Bill and the Unlawful Activities Bill were presented, the question was raised as to whether they were constitutional or not. What was done? The Speaker did not make any pronouncement on it; he did not give his views on that aspect of the matter, whether it was constitutional or not. He placed the motions before the House and the House voted upon them. Now I come to the question, when could a House be adjourned? The House could be adjourned when the proceedings cannot be conducted according to the rules of the House smoothly. Only under such a condition the House is adjourned, and the adjournment of the House in this case is in reply to a supposedly unconstitutional act of the Governor.

SHRI UMANATH : Are you allowing a discussion, Sir?

MR. DEPUTY-SPEAKER : So far as the adjournment of the House is concerned, at least refrain from it.

SHRIMATI SUCHETA KRIPALANI : I am leaving it. It does not make any difference. I take the question of the principle of supremacy of the legislature. That is fundamental; this is central to the whole concept of parliamentary government. In this case, who flouted the supremacy of the legislature? Shri P. C. Ghosh, as soon as he came to power, said, "Please call the Assembly immediately. I should be voted in or I should be voted out. I shall bow down before the verdict of the Assembly." But Mr. Ghosh was not allowed to get a vote. You know what was done. I do not comment upon it because some of my friends will start saying all kinds of things.

The Speaker there quoted Nausher Ali's precedent. In the case of Nausher Ali's precedent, I would like to say that the ministry then was outvoted on a financial

[Shrimati Sucheta Kripalani]

measure, and therefore, the Speaker said he wanted to uphold the "decision of the Assembly".

Then, Shri H. N. Mukerjee quoted King Charles and reminded us of what the Speaker of the House of Commons had then said about the dispute between King Charles I and the Speaker. The Speaker said—(Interruption)

SHRI S. M. BANERJEE : She has not followed it.

SHRIMATI SUCHETA KRIPALANI : I know how to speak.

MR. DEPUTY-SPEAKER : Order, order.

SHRIMATI SUCHETA KRIPALANI : The Speaker said : "I have no eyes or ears except the verdict of the House." In this case the verdict of the House was not allowed to be taken. Somebody else arrogated the power to himself.

The House was not allowed to function.

SHRI UMANATH : She is again casting reflections indirectly on the Speaker. Who arrogated ?

SHRIMATI SUCHETA KRIPALANI : Now, Sir, what are the facts of the case are, as Acharya Kripalani pointed out, under the advice of the Ghosh ministry, the Governor asked that the House be called. The Speaker immediately called the House. Everybody was served with notice. In Bengal, there is a rule that the Advocate General should be given notice. He also got the notice. Agenda papers were circulated. Not only that. An Anglo-Indian member, Mr. Clifford Noronha, had resinged with the outgoing ministry. Dr. Ghosh wanted him to be nominated and the Speaker gave him fresh oath. Seats were allotted. The PDF and Congress members were given seats on the treasury benches. What is the implication ? It implies acceptance by the Speaker of the validity of the appointment of the Ghosh Ministry and validity of the summoning of the Assembly.

SHRI UMANATH : Again she is doing the same thing. This is very wrong .

SHRIMATI SUCHETA KRIPALANI : I would not refer to it any more, Sir. I

want a ruling from you. I am not a lawyer, but only a layman. If the House is null and void, what is the position of the proceedings of the House ? If the House itself was null and void, whatever happened in the House should also be null and void.

Nobody is happy over the situation in West Bengal. We are sorry things had come to such a pass. What is the lesson to be learnt from this ? Unless law is respected, nothing can be done. We cannot have any economic or social development in the State. We cannot have normal life; we cannot uphold the Constitution. So, the rule of law must be respected. The situation in West Bengal is chaotic because people have no regard for the rule of law there. The Chief Minister himself alerted the public sometime back that there were people there who were working against the interests of the country and who are acting, if I were to use the correct word, treasonably, against the Government. In such a situation, it was the bounden duty of the Governor to take effective steps to protect the State.

SHRI A. K. GOPALAN (Kasergod) : Sir, the dismissal of the Ajoy ministry is an unashamed outrage on the provisions of the Constitution. Under the Indian Constitution, the Governor has no power to dismiss a ministry just because he thinks that the ministry has no majority. I do not want the Nigerian Constitution, which was brought in here by Mr. A. K. Sen. I have not read it, but I know it is irrelevant. The Nigerian Constitution cannot in any way be compared with the British Constitution or the Indian Constitution. I understand that under the Nigerian Constitution, the Governor is the President of the Executive Council and he presides over it. If at all he wants a comparison with the Nigerian Constitution, it is equal to the Government of India Act, 1919 which we have discarded. So, I do not know why an eminent lawyer like him brought that into the discussion; perhaps that is because he did not see anything in the Indian or British Constitution to help him.

We go the Indian way, not the Nigerian way. The Constitution of free India has been clearly interpreted by the Supreme Court of India. There was a unanimous judgment in 1955 where the Chief Justice has laid down that under the Indian Cons-

titation the Governor is a mere constitutional head. The judge also observed :

"We have the same system of parliamentary executive as in England and the Council of Ministers, constituted as it does of the members of the legislature. is like the British Cabinet."

The Nigerian Constitution is irrelevant here. I do not know why Shri A. K. Sen did not see this judgment and give his opinion as to whether he agrees with it or not.

Sir, constitutionally speaking there are two points that have to be decided—the interpretation of article 164(1) and article 164(2). According to me, it clearly says that the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State. Looking to the debate that took place in the Constituent Assembly we can understand that primarily the Council of Ministers is responsible to the elected legislature. The Governor is only the head of the State and a nominee of the President. My contention is that the elected representatives have the final say in the matter. I want to know from the hon. Home Minister whether he agrees with this contention. If he agrees then, certainly, the dismissal of the West Bengal Ministry is illegal.

Let this House and the Government remember that the situation today has changed. The States have come into their own with their own personality. If this arbitrary manner as it is adopted in West Bengal is taken it is likely to endanger the very basis of our Constitution.

There is another point that I want to bring to the notice of this House. We have been discussing only about the Constitution, the court and the legislature. But what about the people. In a democracy it is the people who have got the supreme power. What is their role? Is their role finished when they elect members to the legislature of a State or Parliament or have they some power even afterwards during the period of three or five years for which the assembly or the Parliament has been constituted? It is true that in our Constitution there is no provision for recall. But the people have elected their members on a certain basis. It was stated here not by one but by many speakers that the Council of Ministers had lost their majority. How

did they lose their majority? How was the election conducted? The election was conducted on the basis of a programme or a policy. Even the independents had supported a certain policy. There were so many parties. Those parties had ideological differences, but there was one thing in common and that was the basic policy of the United Front, of those who fought the Congress. That policy was that inside the Legislative Assembly they will fight the Congress, they will fight the monopoly of the Congress, they will fight the policy and programme of the Congress. There they were all agreed and on that basis the people elected them. As far as these 18 persons are concerned—eleven of them have already become ministers by now and the remaining 4 or 5 will also become ministers—they have lost their right to represent the people because the mandate given by the people who elected them was that they must oppose the Congress. The mandate given by the people while electing them was that they must stick to a certain policy. That was the reason why they were with the United Front. If they thought that they could not follow the policy which they had promised to the people to follow, immediately they should have gone back to the people and explained to them why they wanted to change their policy and then the people should have said whether they could change it or not. I am sure, Sir, if Dr. Ghosh and others, who changed their colour after election, if they go back to the people they will lose their deposits and they will not be elected. Let them go to the people and tell them that even though at the time of the elections they promised to do something and the people gave them a certain mandate, which was to fight the Congress in the Assembly, today they think that they cannot do it. Let them give their reasons for the same and then seek election to come to the Assembly on that basis. It is the people that have got the supreme power and it is the people who gave them the mandate, not the Governor. The people elected them, not because they stood for election but because they were for some policies; because they told the people "if you elect us, we will do this". At the time of the election they never told the people that they will support the Congress. In fact, if they had said that they would not have been elected. Now, after the elec-

[Shri A. K. Gopalan]

tion, within five years they cannot change their policy from time to time and adopt any policy they want. That would be betraying and cheating the people, going against the mandate of the people.

The most important thing is this. These 18 people were elected by the people on certain understanding. At the time of the election they have given certain promises to the people. They cannot one fine day all on a sudden announce that they are changing sides and joining another group or following another policy. So, it is not a question of majority or one group joining another group. They were elected by the people because they said that they stand for some policies and principles. Now, if they say that they stand for some other policies, it would amount to cheating the people and going against the mandate which the people gave them. If they want to change their policies, they should first go to the people, tell them their views and get the mandate of the people afresh.

SHRI J. B. KRIPALANI : But you were glad when in Madhya Pradesh legislators were cheating the people.

SHRI A. K. GOPALAN : As far as Madhya Pradesh is concerned, certainly the government would have done something which made the members act in the way they did. I do not say that they should not do it. But the question is this : What is the supreme power in a democracy ? Is it the Governor ? Is it the Supreme Court ? Or is it the Legislators and the people who have elected them to the Legislature ? It is the mandate and verdict of the people which is to be respected in a democracy. It is the verdict of the people, the desire of the people that is supreme in a democracy. When the people give some mandate and after election, within five years, you go against the mandate, then democracy will be meaningless. Certainly, that is not what democracy means. Democracy means the will of the people.

Shri Kripalani said that both sides are destroying democracy. He also asked what is democracy. Let us see the standard of democracy and application of democracy in this country. The standard was one in 1932, another in 1943, another in 1957 and yet another in 1959; it was one in Haryana

and another in Bengal. In Haryana it was said : members are changing sides from time to time, they are turncoats, so we cannot have the government. Therefore, even though the majority was there, the government was dismissed. But what did you do in Bengal ? In Bengal there was persuasion and intimidation of the turncoats; they were induced to defect. In fact, the defectors were told "you change the colour, you will not only not be dismissed but you will be rewarded by being made Ministers". So, in one place changing colour is rewarding. You reward people for doing it, while in another place you dismiss people for doing the same thing.

What was done in Kerala in 1959 ? Can you say that the Government in power then in the State did not have a majority ? It had a majority. Yet, the Prime Minister organised the liberation struggle. It was said that though the government had been elected by the people, during the two years it had been in power, it had lost the popularity and backing of the people. How do you explain it ? Then it was not a question of a majority in the Assembly. The government had a strong majority in the Assembly. Even then it was said that the government had no popular support and it was dismissed. What is being done in Bengal today ? If there is no popular support for the Ministry in power in Bengal, how do you explain a meeting attended by 15 lakhs people demonstrating against the dismissal of that Ministry ? So, you are having double standards. In Kerala because the party in power had the majority in the Assembly you brought in the question of mass upsurge. In Bengal, when there is military, when there is section 144, when there is suppression of the people and curfew, what do you call that ? Is that also mass upsurge ? When there is curfew, is there mass upsurge ? In 1959 you said there is mass upsurge and you dismissed the Ministry. At another place, when you have police and military and curfew and still the people demonstrate against the government, you do not dismiss the Ministry; on the other hand, you say "we will support you". If this is the type of democracy that Acharya Kripalani envisages, then I say that we are against this democracy, we will destroy this democracy because, then, democracy means the convenience of the ruling party at the Centre.

This kind of democracy is convenience of the Congress to stick to power. If democracy means one thing in Haryana and some convenience and some principle to stick to government in Bengal, if it means convenience in Kerala in 1959 to stick to some thing, then as far as it is practised today and before, it is convenience of the ruling Congress Party to stick to power. If this is democracy, we will fight it. We will destroy that democracy. We do not want that democracy.... (*Interruption*).

It was said here by somebody that he wrote a paper and then people were asked to paralyse the Government. Somebody asked the people to paralyse the Government. Nobody should ask the people to paralyse the Government but when those who are in the ruling party paralyse the Constitution and democracy, if they prostitute the Constitution certainly the people will paralyse the Government because they cannot do anything else but to paralyse the Government. So there is no use in saying all these things and using such words.

The people of Bengal have determined not to allow the Ghosh Ministry to continue one day. They will not get any rest. I warn the Government that if the Ghosh Ministry is asked to continue, it will not continue. They will continue with military, police and section 144. The whole people have already risen in revolt. If the Government cannot understand the meaning of what is happening not only in Bengal but in other places also, let them have their chance but not call it democracy. Call it hypocrisy or something else.

SHRI N. K. P. SALVE (Betul) : Sir, I rise to oppose the motion moved by Shri Hiren Mukerjee and to support the motion moved by hon. Shri Chavan.

SHRI S. M. BANERJEE : He has to justify Rs. 31.

SHRI N. K. P. SALVE : Sir, the trend of political events in Bengal has raised certain problems and certain issues have also been raised which are not merely of importance to a student of constitutional law but perspicacious person sees in them basic, fundamental and primary problems of importance. He sees in these issues and problems a serious threat to the very exist-

tence of the democratic institutions in the country. Anybody who wants to strive hard for the polarisation of forces which will stabilise and strengthen democracy will condemn these acts of violence, this act of growing intolerance and the use of abusive and invective language against political opponents; in fact, indulgence in shameless endeavours to abuse those who are not willing to consociate with you in your political manoeuvres and your political objectives are dangerous trends. Whatever may be the divergence of our views, whatever may be the differences of our opinion on the right or the authority of the Governor to dismiss the Ministry and whatever we may have to say about the propriety of a Speaker adjourning an Assembly *sine die*. I am sure all of us unequivocally and unreservedly condemn the acts of violence of bombs being thrown on the Speaker's house as well as the grave acts in the Assembly of throwing inkpots and table stands at the Chief Minister, Shri P. C. Ghosh. The extraordinary marksmanship, which has been shown by some of the members in Vidhan Sabha, I am sure, after the culprit is found out, will be duly rewarded by their being sent out of the Vidhan Sabha and used somewhere else.

SHRI UMANATH : Thank God, you are not the Speaker.

SHRI N. K. P. SALVE : The Motion of my hon. friend, Shri Hiren Mukherjee, seeks recommendation of this House to the President to dismiss the Governor of West Bengal for his act of dismissing the Mukherjee Ministry. Now this extreme and unprecedented measure to dismiss and disgrace the Governor of a State could only be justified if, on the test stone of Constitutional morality it was found that the Governor had shown dereliction of his duties and had disregarded the solemn obligations cast on him under the Constitution.

Thus the validity of the allegations against the Governor will have to be judged from two aspects : first, it will have to be determined whether or not the Governor had the necessary authority under the Constitution to dismiss a Council of Ministers in respect of which there was a clear indication that they had lost, that they had forfeited, the confidence of the majority; secondly, if he was so possessed of power

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and authority to dismiss a Council of Ministers, whether he acted justly and fairly, whether the events which preceded and which succeeded dismissal justified his action and whether or not the Governor had shown that he had maintained a certain Constitutional morality in the overall position.

Coming to the first aspect, whether or not he is entitled under the Constitution to dismiss a Council of Ministers which has lost the confidence of the majority, a cursory examination of the relevant Articles...

SHRI NAMBIAR : Which Article ?

SHRI N. K. P. SALVE : Article 164. I am coming to that.

A cursory examination of the relevant Article of the Constitution will prove to any one who has an open mind that the Governor had the necessary authority to dismiss the Council of Ministers the moment they had forfeited the confidence of the majority of the legislators in the Legislative Assembly.

It has been argued *inter alia* by the Speaker of the West Bengal Assembly—I am not casting any aspersion on him; it is an argument given by him—that the dismissal of the Mukherjee Ministry by the Governor was illegal, for, unless and until a Legislative Assembly was properly convened and unless a vote of censure was taken, the Governor had no authority to dismiss the Council of Ministers in the interregnum even if there was a clear indication that the Council of Ministers had lost the confidence of the majority. The Speakers' argument is in these terms :

"I may also mention that the argument has been advanced that the words in article 164(1) 'the Ministers shall hold office during the pleasure of the Governor' vest in the Governor the power to dismiss a Ministry. But this argument is without merit. For, the same expression 'pleasure of the Governor' finds place in article 165(3) with regard to the appointment of the Advocate-General and none will question that the appointment of the Advocate-General is not within the Governor's discretion but has to be done on the advice of the Council of Ministers." (*Interruptions*)

This was the argument employed by him. In regard to the appointment and dismissal of the Advocate-General, contemplated under Article 165, the pleasure of the Governor must yield to the advice of the Council of Ministers which is enjoying the confidence of the majority of the legislators in the Legislative Assembly. By analogy, the advice must be superior and the Governor must subserve the advice of the Council of Ministers which has forfeited the confidence of the majority.

The standard of interpretation followed by the Speaker, I find, constitutes the most violent violation of the basic and fundamental principles of hermeneutics—science of interpretation because the plain language of article 164 and article 165 will not be able to bear the strain of this interpretation sought to be put by the Speaker, that because an Advocate-General must hold office during the pleasure of the Governor, which pleasure of the Governor in respect of the Advocate-General must yield to the advice of Council of Ministers enjoying the confidence of the majority of the legislators, the Council of Ministers also must be allowed to force the Governor to show his pleasure to them and on their own advice, continue to retain them in office even if there are clear indications that the Council of Ministers have forfeited the confidence of the majority in the Legislative Assembly.

SHRI NAMBIAR : A very poor analogy.

SHRI N. K. P. SALVE : I submit that, though it is not clearly so stated and the matter has been left to the pleasure of the Governor to dismiss the Ministry, it was the clear and categorical intention of the authors of the Constitution to cast a solemn obligation on the Governor not to exercise his pleasure in favour of retention of the Council of Ministers, once they lost the support of the majority. It was clearly contemplated by the framers of the Constitution that the pleasure of the Governor for retaining a Council of Ministers in the office must be co-extensive..... (*Interruption*) must be necessarily co-extensive with the pleasure of the confidence of the majority. In other words, the pleasure of the Governor must cease the moment there is the displeasure of the majority. I do not like to quote Shri Ambedkar again and again in support of this, but there is a

clear and categorical expression in respect of not merely the scope of the term, 'pleasure of the Governor', but also the obligation of the Governor, to which Mrs. Kripalani made a reference. That one sentence is of great significance and that is an answer to my learned friend on the other side. 'During pleasure' is always understood to mean that the 'pleasure' shall not continue notwithstanding the fact that the Ministry has lost the confidence of the majority. It is presumed that the Governor will exercise his 'pleasure' in dismissing the Ministry . . .
 (Interruptions)

MR. DEPUTY-SPEAKER : Order, order.

SHRI INDRAJIT GUPTA : It must be tested in the House.

SHRI N. K. P. SALVE : My submission on this point is borne out by the observations of Lord Halsbury in Halsbury's Laws of England, Vol. VI, page 641 that :

"It is, however, a clearly recognised constitutional principle, that, though in dismissing his councillors the King may seem to be acting independently and without advice, there is no act of the Crown relating to public government for which some person is not responsible to Parliament, and that in all cases the incoming ministry are constructively responsible for the dismissal of their predecessors."

Sir, I have no doubt in my mind that the Governor has the necessary authority and power to dismiss the Council of Ministers which has, it has been admitted, forfeited the confidence of the majority. (Interruptions)

The second aspect of the matter on the question of constitutional immorality is still clearer. On being asked by the majority of legislators to accelerate summoning of a session of the State Assembly to enable them to express their want of confidence in the Mukherjee Ministry, the Governor does not immediately dismiss the Ministry, but he seeks the help of the Chief Minister to convoke a session of the Assembly so that a vote of confidence is passed and the wishes of the House ascertained. To that there is no categorical affirmation by the Chief Minister, because in view of the extraordinary circumstances and in view of the fear that the majority is no longer with

him, he is hesitant to convoke the assembly. The Governor even then waits for a while and on a clear indication that the majority is not with the Mukherjee Ministry, he appoints Dr. Ghosh who commands a majority in the Assembly. Then he immediately convokes a session. He does not want them to carry on the Ministry without a vote of confidence. Therefore, he convokes a session of the Assembly where the new Ministry must seek a vote of confidence and not enjoy the office merely on the Governor's pleasure. Is this an act of constitutional immorality? I ask : or is it a constitutional act, which does not permit an Assembly to record its vote on a vital matter. It is unfortunate, Sir, that an act by which the authority of the assembly is abrogated finds approval, and an act which seeks a vote of the assembly over an issue which is its own exclusive domain is condemned. The act of the Governor in convoking the Assembly is condemned and the other act by which the Assembly is stifled from giving its vote, giving out its mind is approved.

On the one hand we say that the House is the master—its commands are supreme and sacrosanct. On the other we commend and approve of every process which smother and stifles the voice of the House and we appreciate actions which stultify, which impede and which obstruct the process of issuance of such commands. And such wholly undemocratic and unconstitutional restraints sought on the Assembly are attributed to a very great and noble act in the cause of democracy. Nothing can be as ridiculous and improper as this.

Before I close, those who have condemned Dharma Vira, those who seek to condemn Dharma Vira for this and say that he has acted contrary to his name, I submit that either they do not understand the meaning of his name or do not understand the . . . true meaning of his action . . . (Interruptions). One is only surprised that in the cadre of ICS officers, we have got at least one brave man who has stood bravely by his duty—a true Dharma Vir . . . (Interruptions)

Before I conclude, I would say that if at all the Central Government are to be censured, they should be censured for not

[Shri N. K. P. Salve]

having taken action earlier; they should be censured for not having intervened in time to stop the violence and lawlessness which were prevalent in West Bengal. I would submit that if the Central Government will continue to be as they have been, we here will not be with them because of one reason and it is this if I may recite a couplet :

“सफ़ा ना चूर, साहिल दूर, नाखुदा बरहम,
सहारे सो गये, तो बेसहारी तुम न सो जाना ।”

MR. DEPUTY-SPEAKER : No, Shri Samar Guha. He will have just ten minutes.

SHRI SAMAR GUHA (Contai) : You have given indulgence to so many hon. Members. It is not proper to show the red signal even before I start my speech.

Sir, I am not one to enter into a discourse on constitutional punditry. I want to draw your attention to the fact that constitutional democracy in India is now facing a great crisis due to the arbitrary act of the Governor of West Bengal. In fact, I would say that constitutional democracy in India is today in a dangerous predicament; indeed it is in *Agni Parikshan*.

A few days back I had warned the Central Government that if they empowered an appointed authority like a Governor to dismiss a constitutionally elected Ministry then they would start a process of chain reaction of constitutional and popular explosions. You have already had the two events,—two bomb-shells have been thrown, one by the Speaker of the West Bengal Assembly and the other by the outgoing Governor of Bihar. We congratulate these two gentlemen because they have made an effort to defend the essence of democracy in the sense that an appointed Governor has no right to usurp the authority of an elected body.

I do not want to criticise Shri Dharma Vira because after all he is nothing but an agent of the Central Government. Therefore, when I criticise Shri Dharma Vira I am really criticising the Central Government. So, when we are asking for the dismissal of Shri Dharma Vira, we really want to censure the Central Government mainly.

If only Shri Dharma Vira would have waited for a few days for the West Bengal

Assembly to sit on the 18th December, perhaps the great tragedies that have overtaken West Bengal in terms of the lives of nearly two dozens young men and many others who have suffered as a result of bullet injuries and more than about 4,000 men who have been enclapped in jail, and West Bengal which is turning to be almost a huge prison-house, would not have happened.

These prisoners have been treated as ordinary criminals. Hundreds of them have already resorted to hunger-strike to assert their right to be treated as political prisoners.

I would congratulate the Speaker of the West Bengal Assembly for one particular reason, namely that he has made a significant contribution in the sense that if the Governor has the right to dismiss a constitutionally elected Ministry in an arbitrary way, the Speaker, in the language of the editorial of one of the papers, by way of tit for tat, has shown that he has also the right to arbitrarily, if the other action also might be called so, disobey or disregard the order of the appointed Governor.

SHRI J. B. KRIPALANI : This is a comment on the Speaker.

MR. DEPUTY-SPEAKER : As Shri J. B. Kripalani has pointed out, we should not bring in the Speaker and his observations by way of comment, either way.

SHRI HEM BARUA : When there were comments on the action of the West Bengal Speaker, there was no protest. He has not commented ?

SHRI BADRUDDUJA (Murshidabad) : All comments are not reflections; only reflections are objectionable.

MR. DEPUTY-SPEAKER : When Acharyaji pointed out that he was commenting or rather commending certain observations of the Speaker, you did not take exception to it.

SHRI BADRUDDUJA : Favourable observation.

MR. DEPUTY-SPEAKER : Certain observations of a sort of a jurist mind. That is a different thing. It has nothing to do with the conduct of the Speaker as such. Therefore, I did not take notice of it, but as far as possible, let him avoid reference to the Speaker and go on.

SHRI SAMAR GUHA : I congratulate the Speaker of West Bengal for another reason. By bringing in this constitutional issue, he has diverted a violent agitational movement in West Bengal to a constitutional channels. Now in West Bengal more than 4,000 copies of the Indian Constitution have been sold out and in every corner, in every club polemics on constitutional issues are going on.

SHRI J. B. KRIPALANI : That is not very disastrous.

SHRI SAMAR GUHA : As the Speaker said, he was just making certain observations on a *prima facie* examination of the issues involved. He did not give his final ruling. But then the Governor of West Bengal did another wrong by proroguing the Assembly and denying the Speaker the right to make his final observations and ruling.

I find from the papers of yesterday that under the artifice of article 356 of the Constitution, some Congressmen are thinking of moving for the suspension of the West Bengal Assembly. I think all lovers of democracy should resist this conspiracy also.

The Congress has raised a cry of misrule in States governed by non-Congress Governments. This is nothing but a plea to create confusion in the minds of the people, as if these Congress conspirators are trying to topple these governments only for creating better scope for better governments.

I would not deny that there had been certain lapses on the part of some non-Congress Governments. But I would ask these Congressmen : with the black list of 20 years of misrule, what right have they to sit in judgment on the conduct of the governments of one or two or three non-Congress States which have been in power only for 8 months ?

To my mind, the real cause for the present constitutional crisis is the craze for power of a set of power-hungry Congress vultures at the Centre and the States who had been in continuous power for 20 years (*Interruptions*)

MR. DEPUTY-SPEAKER : His time is up—only two minutes more.

SHRI SAMAR GUHA : You have taken five minutes out of my time. I have been watching the clock.

As a result of the present power void, these Congress satraps have become unbalanced. Consequently, they are trying to create a situation as if they are performing a sort of निष्काम्य कर्म : by supporting minority Ministries and keeping themselves aloof. They are creating this impression in the mind of the people. In the words of the outgoing Governor of Bihar, these Congress conspirators, this set of greedy vultures, are trying to paralyse constitutional democracy in India through the agency of their appointed Governors and to establish central leadership all over the States.

I would read out a few lines from the observations made by the outgoing Governor, Mr. Anantasayanam Ayyangar. This is the press report :

"He deplored the growing addiction to imposing of President's Rule and the tendency in certain quarters to make use of the Governor as an instrument of Central dictatorship.

"He said that if the present unfortunate trend in certain quarters in Delhi continued, one day there would be Central dictatorship all over the country and bureaucratic intrigues would dominate the political scene. "He was of the view that the duty of a Governor was to listen to the advice of a Chief Minister and his Council of Ministers and sustain a democratically elected Ministry through his own constructive opinion, rather than become an instrument to topple a Ministry brought to power through the process of democracy."

MR. DEPUTY-SPEAKER : You have to conclude now.

SHRI J. B. KRIPALANI : May I point out to the Speaker that the Bihar Governor was also a Governor appointed by the Congress ? So, it is no use saying that they could not exercise influence on one Governor and they exercised influence on another. Whatever suits us is very good.

SHRI SAMAR GUHA : If I am interrupted, the train of thought is broken. That is a very bad thing.

MR. DEPUTY-SPEAKER : You do not look to the watch. Try to conclude now.

SHRI SAMAR GUHA : How can one speak if every minute you are interfering?

MR. DEPUTY-SPEAKER : After eight minutes, I gave you a caution. Then, three or four minutes have gone. Still you are concluding.

SHRI SAMAR GUHA : As I told you in the very beginning, India is passing through a serious crisis in constitutional democracy. The basic question has been raised whether an appointed authority like a Governor can have the power to usurp the rights of an elected body like a legislative assembly. Many problems have cropped up. Will the appointed Governor be allowed to dismiss an elected Ministry? Should the Governor be elected or appointed? If there is trouble between the Centre and States, there should be some machinery to settle these problems. We are passing through a transition from Congress monopoly rule to multi-party rule. Centre also passing from monolithic administration to multi-party administration. Therefore, my last submission is this. I would ask Mr. Chavan that instead of allowing himself to overstep and get entrenched into a ditch to offer his rivals a scope to unceremoniously scuttle him, it is time that a fresh Constituent Assembly is convened to thrash out these constitutional problems.

SHRI BADRUDDUJA : I have not spoken even once in this session. I want ten minutes. This is a matter of very great importance.

SHRI MANOHARAN (Madras North) : He belongs to Bengal.

MR. DEPUTY-SPEAKER : It is not a Bengal problem.

SHRI SHASHI RANJAN (Puri) : Though Mr. Mukerjee has himself admitted in this House that he has moved this motion inadvertently, I have to oppose it. In the name of democracy, we have every right to criticise those in authority, whoever they might be, because it is our inherent duty to uphold democracy and the Constitution.

The Speaker of West Bengal has based his arguments on the ruling given by Mr. Naushir Ali. What was the constitution of the House at that time? The members

were nominated, they were not elected, there was no adult franchise. At the same time, he said that the Assembly has to make and unmake Ministries, and the Governor has to register what the Assembly is doing. But the position today is the President or the Governor has to make or unmake and this House is to register. Who is the final authority—whether the registering authority is the final authority or the making authority is the final authority? So, he has completely confused the issue, and in his own statement—the fact that he has erred and has relied upon a ruling which is,—(Interruption)

15.0 Hrs.

MR. DEPUTY-SPEAKER : Leave that alone—the Speaker's ruling. You might make your points independently.

SHRI SHASHI RANJAN : Very well; I do not comment on it. When I read it in the newspapers, I was reminded of a long story, and that story was Napoleon came, he saw and he conquered. Just like that, the Speaker came, read out a statement and dismissed the House; he adjourned the House. What is this? We have never heard any such thing in our history, where a person, completely ignores the verdict of the people. I would again suggest that the best measure would have been that you would have to rely upon what happened in 1952 in Madras and see how the Speaker behaved. I will only quote one line. The Speaker said at that time. "I shall answer that straightway. The very fact that the motion has been brought before the House shows that I have taken the permission of His Excellency the Governor to postpone the budget session and bring up this motion." So, the Constitution was always in their mind, and after the election, when the Parliament, or the Assembly and the Council sit together, that is done in co-operation, and they will not contradict each other. It is defined in the Constitution that Parliament means both the Houses and the President, and the Legislative Assembly means the Governor and both the Houses of the Legislature wherever they sit. So, that is what the makers of the Constitution thought, and that is what we are doing. But then what we have been doing for all these five years is, we only try to usurp the seats in the Treasury Benches and do nothing in the House! No ideology, they only want to

do that. It is neither democracy nor can they come to this side by doing so. (Interruption).

I will now conclude by saying only one thing. The Speaker of the West Bengal Assembly has relied on rule 15.

SOME HON. MEMBERS *Rose*—

MR. DEPUTY-SPEAKER : Order, order. I have seen that rule. That is identical with our rule.

SHRI SHASHI RANJAN : I will not criticise. One minute. (Interruption) I am not commenting. I will quote only one thing. Please bear with me. (Interruption).

MR. DEPUTY-SPEAKER : Order, order. You will have to conclude now.

SHRI SHASHI RANJAN : Shri Madhu Limaye said that the Speaker, under rule 15 of the Rules of Procedure of the West Bengal Legislative Assembly, was competent. What it says is that the Speaker shall determine the time when the sitting of the House shall be adjourned *sine die*. If you go through the Rules of Procedure of Parliament, page 164, rule 367, you will find that all the time, the Speaker always determines anything with the consent of the House and not by his own determination. Determination never means dictatorial action or dictatorship.

SHRI UMANATH : These words must be expunged. That is about the decision of the West Bengal Speaker. Those words must be expunged. (Interruption) Then, we could also have criticised like that.

MR. DEPUTY-SPEAKER : I have repeated my request to him. I have asked him to conclude. He is saying the last sentence.

SHRI SEZHIYAN (Kumbakonam) : What he said is a reflection on the Speaker of West Bengal Assembly. Therefore, those words should be expunged.

MR. DEPUTY-SPEAKER : You please resume your seat. (Interruptions).

SHRI UMANATH : My point of order is with regard to the last portion of his speech which has gone on record, where he has clearly said, after quoting the Rules of the Assembly, that the conduct in adjourning the Assembly is dictatorial. That means, the Speaker was dictatorial in

adjourning the House. I request you, Sir, that if you stand by your ruling, that particular sentence must be expunged.

MR. DEPUTY-SPEAKER : We shall see the record. If any aspersion is cast on the conduct of the Speaker, we shall take appropriate action. I have warned him also.

SHRI SHASHI RANJAN : I have not said that he has acted in a dictatorial manner. (Interruptions).

SHRI RANGA (Srikakulam) : The Minister of Parliamentary Affairs is there, Sir. What guidance is he giving to his party ?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) : From this side there would not be any disturbance. But Mr. Shashi Ranjan should be allowed to speak.

MR. DEPUTY-SPEAKER : I request hon. Members from both sides not to interrupt.

SHRI S. M. BANERJEE : On a point of order, Sir. When the discussion started, we raised a point of order

श्री शिव नारायण (बस्ती) : हिन्दी में बोलो ।
यू० पी० से घाते हो ; हिन्दी में बोलो ।

MR. DEPUTY-SPEAKER : Order, order. You cannot compel any member. Let him choose his own language.

SHRI S. M. BANERJEE : The Speaker did not give a ruling on that; I think he has reserved his ruling. Let Mr. Shashi Ranjan say whatever he likes. But after quoting the rule, his last word was "dictatorial". If you see the dictionary, the meaning of that word is

MR. DEPUTY-SPEAKER : The same point of order was raised by Shri Umanath. I have said that we will look into the proceedings and if there is any aspersion we shall see what to do about it.

SHRI S. M. BANERJEE : Sir, I will conclude in a minute. We did not interrupt when the hon. Member there was speaking. Now, after seeing the conduct of Shri Sheo Narain I feel.... (Interruptions).

MR. DEPUTY-SPEAKER : I must warn Shri Sheo Narain. This is not the way. I will not call anyone from this side if this type of interference continues (*Interruptions*).

SHRI N. K. P. SALVE : Sir, we all of us will abide by your order provided when our Members are speaking they also maintain decorum (*Interruption*).

श्री रणधीर सिंह (रोहतक) : उपाध्यक्ष महोदय, अब्बल तो आप हमें टाइम कम देते हैं बोलने के लिए। फिर यह बोलने नहीं देते हैं और जब हम इनका जबाब देते हैं तो आप कहते हैं कि आपको बोलने नहीं देंगे....
(व्यवधान)

MR. DEPUTY-SPEAKER : I did tell hon. Members in the beginning itself that they should not bring in the Speaker because it will lead to interruptions (*Interruptions*).

SHRI RANDHIR SINGH : *

MR. DEPUTY-SPEAKER : Nothing will go on record.

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

MR. DEPUTY-SPEAKER : I am ready to listen if it is a point of order.

श्री शिव नारायण : मैने प्वाइंट आफ आर्डर रेज किया था। मैं आप की रूँलिंग चाहता हूँ। मैं ने प्वाइंट आफ आर्डर रेज किया तो आप ने कहा कि मैं आप को निकाल दूंगा, य कर दूंगा। तो मेरा राइट है प्वाइंट आफ आर्डर रेज करने का या नहीं यह आप बता दीजिए ?

MR. DEPUTY-SPEAKER : May I request all hon. Members to resume their seats? If he had raised a point of order, so far as I am concerned, I could not listen to or hear a word, because such a lot of interruptions were there from both sides of the House. If any member wants to raise a point of order, whether it is from one side or the other, I am bound to give a hearing. I gave a hearing in this case. But, even now, I could not follow the point of order.

SHRI N. K. P. SALVE : Sir, I would beg of you not to ridicule a Congress member, who has raised a point of order.... (*Interruptions*).

SHRI SHEO NARAIN : I am not going to resume my seat.

MR. DEPUTY-SPEAKER : I will permit him to raise it, provided he alone stands up and speaks.

श्री शिव नारायण : मैंने व्यवस्था का प्रश्न किया कि व्यवस्था का प्रश्न है। तब आपने बन्द कर दिया कि मैं आप को निकाल दूंगा। मैं केवल यह जानना चाहता हूँ कि क्या मैं व्यवस्था का प्रश्न उठा सकता हूँ या नहीं ?

MR. DEPUTY-SPEAKER : What I said was that I never heard you when you said that you wanted to raise a point of order. I have never asked him to retire from the House. I never said it. It can be verified from the proceedings. I only said that if this type of disturbance continues and time is taken, how can we continue the debate? Now, let Shri Shashi Ranjan conclude his speech. I will give him one minute.

SHRI SHASHI RANJAN : We must also bear in mind under what circumstances the Governor had to take this action. What was going on in Bengal? I was there in Bengal. Everywhere people were being taught : आमार बाड़ी तोमार बाड़ी नक्सलबाड़ी। आमार नाम तोमार नाम बियटनाम। बावार नाम भूलते पारो माओर नाम मूलबे ना।

This type of thing was going on in every part of Bengal.... (*Interruptions*). I charge this government and I charge the Home Minister. I forewarned the Government and the Prime Minister during the happenings at Naxalbari that nothing except promulgation of article 356 will save the situation. Yet, till now article 356 was not promulgated in West Bengal. I warn this government that if the present state of affairs is allowed to continue, the time is not far off when the whole of Bengal will become a State of China and we will lose Bengal.... (*Interruptions*).

SHRI TENNETI VISWANATHAM (Visakhapatnam) : Mr. Deputy-Speaker, Sir, this question of West Bengal seems to have been taken by everybody concerned

*Not recorded.

as a race for committing as many mistakes as possible. We are here under a precept which is shining: अघर्म चक्र प्रवर्तनाय Now what has happened in Bengal is nothing but अघर्म चक्र प्रवर्तनाय

AN HON. MEMBER : Question.

SHRI TENNETI VISWANATHAM : Now, my hon. friend says "Question". I shall answer the question. Now, according to the Congress Party and the Home Minister, it is good enough to read some quotations from newspapers to criticize West Bengal U. F. Ministry. But the Ministry, if we quote, says "no, they are all newspaper cuttings". But he read out newspaper cuttings to show that there was absolute misrule, mismanagement, violation of the Constitution and other bad things perpetrated by the United Front Government. If that is so, taking things as they are today, why don't you dismiss them immediately, dissolve the Assembly completely? Then there will be no question of Governor and no question of Speaker. Just now when the things are going good for the Congress, when the United Front people are absolutely discredited and disreputed and when the people are disgusted with them, why do you not immediately hold the elections, say, within a month? This is the best thing. I do not belong to Bengal; I am far away from Bengal.

SHRI S. K. TAPURIAH (Pali) : You are very lucky.

SHRI TENNETI VISWANATHAM : I am not in office.

SHRI SHEO NARAIN : He is from America.

SHRI TENNETI VISWANATHAM : I think, the Member should learn to be a little more silent and a little more mannerly.

SHRI SHEO NARAIN : Speak like an Indian my dear friend.

SHRI TENNETI VISWANATHAM : I never make remarks against anybody. Whatever may be happening, I am silent and at least I expect some silence from my friend....

Therefore, when the going is good, I suggest to the Home Minister that the Assembly should be dissolved—not take power under President's rule for one year or one year and six months....

AN HON. MEMBER : Three years.

SHRI TENNETI VISWANATHAM : .. or three years—but on the condition that you will announce elections in two months or within three months. Do it and then the people of India will come to know what is really happening.

Sir, here on the floor of this House it is not easy to argue constitutional points because there is passion on both sides. The Home Minister said that the Governor had absolute power to dismiss and another Member tried to buttress that argument by saying that those who appoint have got the right also to dismiss. A word can be given but it cannot be taken back. A word, a woman and a gift once given cannot be taken back. I am quoting from *Narada Smriti*.

DR. SUSHILA NAYAR (Jhansi) : Do you think women are still chattel who can be given away in India?

SHRI NAMBIAR : Given away in marriage.

SHRI TENNETI VISWANATHAM : I am sorry, it is not what I said; it is what Narada has said in his *Smriti* which is one of the texts of Hindu Law of which I was a student.

Now, he may have a right of appointment, but simply because you have got the power of appointment it does not follow that you can also dismiss a man. It is not possible because you can only appoint; dismissal comes afterwards. Lest some people should interpret the Constitution in this perverse way, the Constitution-makers immediately said in the very next clause that the Council so appointed shall be responsible to the Legislature. Therefore the Governor has no power of dismissal; the Legislature has it, if at all, and the Legislature must be given the right.

I agree that probably the United Front Government should have consulted the Legislature much earlier than they thought of doing. But were they wrong, unconstitutional or acting illegally when they said,

[Shri Tenneti Viswanatham]

"We shall hold the Assembly meeting on December 18? You may say that they were delaying matters. But certainly it was neither illegal nor unconstitutional.

This morning I made one point and again I would revert to it, namely that this House cannot consider two motions at the same time. First of all, Shri Mukerjee moved his motion and the motion of the Home Minister could come only by way of an amendment; otherwise, look at the difficulty. What is happening? In regard to the Home Minister's statement we have necessarily to speak about the Speaker and the Speaker's ruling, but immediately you say "No". It is all like Portia and Shylock business.

MR. DEPUTY-SPEAKER: You raised this point in the morning. We have followed a certain practice. You have raised this procedural matter today. This morning you argued about it while the Speaker was in the Chair. But you must remember one point. In Shri Chavar's statement there is a saying clause, "notwithstanding". Therefore it does not refer to his views or the statement directly, as such. I have followed that statement very carefully. There is nothing about it that you can say. Now please conclude.

SHRI SURENDRANATH DWIVEDI: So, we can criticize the Speaker of West Bengal Assembly by adding "notwithstanding whatever the Speaker of West Bengal Assembly might have said". What do you mean by that?

MR. DEPUTY-SPEAKER: If you see the statement, it is not as superficial as that. What he has overruled is certain observations regarding the legality or illegality of the Government. He referred to that and, therefore, I pointed out the saving clause in the statement. I have read that very carefully.

SHRI TENNETI VISWANATHAM: If you had allowed me to continue, you would have found that I had not in any way deflected from the rules laid down by you. I was only saying that it was so difficult; the dictum laid by Portia was so difficult to follow; likewise, the dictum laid down by the Chair was so difficult in "approving his statement".... (Interruption). We are trying to approve somehow or other....

(Interruption.) I am not saying anything about the Speaker's ruling, but I will say this that the Speaker of West Bengal, the Central Government and the Governor are in the dock. Now they have to justify themselves not merely before the West Bengal Legislative Assembly but also before the people of this country, they have also to justify themselves before the juristic conscience of those who know Constitutional law. By what authority did they say that the Governor has got the right? That was the first mistake. The second mistake is the Speaker's adjournment of the Assembly. Let us assume that it was wrong. If it is wrong, then the Constitution has completely broken down. Now the Governor is wrong, the Assembly is not given a chance to sit and if tomorrow Dr. P. C. Ghosh wants to move a vote of no-confidence against the Speaker, how can he do it? Unless the Speaker and the Deputy-Speaker are removed, they cannot do it. Therefore, the Constitution has broken down. It is now a very fair time for the Congress Government here at the Centre to dissolve the Assembly. The things apparently are in their favour. Let them put the whole matter before the electorate, let them dissolve it with the promise that elections will be held in two or three months. That is my humble request made in all seriousness. The whole of India is now burning, if I may say so. Things are not so easy and cool as in Delhi. Now what is happening in West Bengal is spreading from province to province, from town to town and from village to village. How long shall this continue? If you leave everything in the hands of the voters, then the things will become calm, fair elections will be held and then another popularly elected Government will come. Let the Congress come, if they can come. We do not quarrel then. But the way in which they are carrying on with a puppet Government is certainly leading to great violence which they want to avoid and greater unconstitutionality which they want to avoid.

MR. DEPUTY-SPEAKER: Mr. Hiren Mukerjee.

SHRI VASUDEVAN NAIR: The Government is not replying?

MR. DEPUTY-SPEAKER: Mr. Mukerjee will reply now. Then I will call the Home Minister.

SHRI INDRAJIT GUPTA : Who is replying to the motion? Is the Government not going to reply?

MR. DEPUTY-SPEAKER : He will reply later. He will get one opportunity, not two....(Interruptions).

SHRI RANGA : It is for the Home Minister to speak now. Afterwards, Mr. Mukerjee will reply....(Interruption).

MR. DEPUTY-SPEAKER : I thought that, by this, we would save time. If I call the Home Minister now, I will have to call him again after Mr. Mukerjee. In that case, he will have to speak twice. I thought that I would save time by this.

SHRI RANGA : The Home Minister can speak only once. He has already made his motion. So, he has forfeited his first right.

MR. DEPUTY-SPEAKER : No, no. He has the right of final say. If the members want that the Government should reply to the debate first, I will request the Home Minister to speak. But I must say that I am clear in my mind that he has right of final say.

SHRI RANGA : We do not want two punishments from him.

SHRI SHASHI RANJAN : Mr. Mukerjee has already expressed his views....(Interruptions).

MR. DEPUTY-SPEAKER : Order, order. Mr. Shashi Ranjan may please sit down. Mr. Mukerjee has the right of reply. I am conducting the proceedings. He may please sit down.

The Home Minister.

SHRI RANGA : One speech or two speeches?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : It is not your desire; I must have some orders from the Chair. I must go by the ruling of the Chair.

MR. DEPUTY-SPEAKER : As I have already said, there was a demand that the Government should reply to the debate and that is their right too. So I said he may reply at the end, but you insisted—that is also right—but as he is the mover of the motion, he should have a right of final reply, and then voting will take place.

Now, Home Minister.

SHRI NAMBIAR : This is the defect in clubbing the two motions together. Why did you club the two motions. You should not have done it.

SHRI Y. B. CHAVAN : Mr. Deputy-Speaker, Sir, this debate has been going on for nearly four hours and I was really listening to the debate with an open mind to see whether they can prove that the Governor was wrong....(Interruptions).

15.32 Hrs.

[MR. SPEAKER in the Chair]

I must say, after listening all the invectives and adjectives that were heaped on the Governor, no convincing point either on the constitutional point or on the political side has been made by any of the hon'ble Members.

Hon'ble Shri Mukerjee who moved the motion made a very beautiful speech as far as the language goes. He is a master of English—there is no doubt about it. But the main sense of this whole controversy, if at all it has to be called a controversy, is: what is the role of a Governor in the working of a straight parliamentary democracy? Many hon'ble Members have tried to reply to this point and I must say many of them have made a very convincing case that Governor has certainly, not merely a passive role but in a certain situation he assumes active role also in the whole thing.

AN HON. MEMBER : The role of a dictator.

SHRI Y. B. CHAVAN : I can certainly quote the Article—I have done it before and I can repeat it—If we see the scope of Article 163 and 164, what is the function of a Governor. It is true that the Ministry remains in power during the 'pleasure' of the Governor, during 'the pleasure of the . . .

SHRI S. M. BANERJEE : Perverted pleasure.

SHRI Y. B. CHAVAN : This is worse. It is the hon'ble Member's perversion. Here may I ask the hon'ble Member? A controversy is going about as to what is the content and interpretation of the word 'pleasure'? Where is it used? Now, the hon'ble Member himself wants the President to use his pleasure to dismiss the

[Shri Y. B. Chavan]

Governor. So, it is a wonderful thing that when it suits them, the right of dismissal must be used. It is, on their admission, that the content and meaning of the word 'pleasure' is that they can dismiss.

SHRI INDRAJIT GUPTA : Governor is not elected like the President. Whereas the President is elected, the Governor is not elected.

SHRI Y. B. CHAVAN : The Constitution does not say so. That is your sweet-will. When it becomes your sweetwill, you concede the point.

The Governor has certain discretionary duties under the Constitution itself. That position is conceded. But, inherently in order to keep the working of the Government going, he has certain things to do as a duty to which Dr. Ambedkar in the debate in the Constituent Assembly has made a reference and it was very aptly quoted by Mrs. Kripalaniji here. Now I may ask one simple question that when a Governor invites the leader of a party to become Chief Minister, if we take a position that he is merely a constitutional head and he has to act on the advice of the Chief Minister.

AN HON'BLE MEMBER : Not at that time.

SHRI Y. B. CHAVAN : How do you say that it is not at that time. Therefore, you concede the position that under certain circumstances Governor has to use his individual judgment. That is a very clear point. The whole delicate game of parliamentary democracy depends upon a very delicately balanced relationship between the legislature . . . (Interruptions) and the executive. . . (Interruptions)

AN HON'BLE MEMBER : You are delicately balanced now.

SHRI Y. B. CHAVAN : . . . a delicately balanced relationship between the executive and the legislature.

श्री अटल बिहारी वाजपेयी : वह पहले सि जरा बिगड़ रहा है ।

श्री यशवन्तराव चव्हाण : वह देख लीजिये कि कैसे बिगड़ रहा है मैं आप को बतला दूँ ।

The legislature and the executive are very delicately balanced and therefore, Art. 164 of the Constitution makes it amply clear that certainly the Governor has to use these judgments, but not as it suits him, not in his sweet will and he has to see that the executive is collectively responsible to the legislature. He can use his pleasure only on the judgment whether the person concerned or the leader concerned maintains or commands a majority in the House or not. That is really speaking the essence of the whole thing. No, what was the Governor doing? (Interruption).

MR. SPEAKER : Order, order. May I request hon. Members to hear the hon. Minister patiently just as he had heard them patiently? Otherwise, I shall not be able to control the debate.

SHRI Y. B. CHAVAN : If you see the facts of the Bengal case, really speaking what was the Governor doing in this case? Was he trying to be a despot? What was he trying to do? He was trying to bring the executive and the legislature face to face with each other. If I can take a certain nearest analogy that I can give them and they are sportsmen, they will understand what I am saying. This is the role of an umpire. When two parties are playing on two sides, if one side is trying to fall out and get out of the ground, it is the duty of the umpire to see that both players come and face each other. Here, really speaking, a situation has arisen for a judgment, because certain people had come and informed and given in writing to the Governor that they were no longer supporting the Government party. The Governor was clearly in the know of the things that the Chief Minister had lost the majority. He merely asked him to call an Assembly session soon, to which the answer was given after nearly six weeks or eight weeks.

SHRI JYOTIRMOY BASU (Diamond Harbour) : What was wrong with that?

SHRI Y. B. CHAVAN : He had asked for time. But what did the Governor do? He did not say 'No, no, I would like to dismiss you, but he again requested the Chief Minister to call the Assembly within a reasonable time.

SHRI S. M. BANERJEE : And he again replied.

SHRI SURENDRANATH DWIVELY : May I interrupt for a minute? Has the Home Minister by now enquired about this small fact which was placed by us from this side namely whether before the dismissal of the Ajoy Mukerjee Ministry, on the 21st November, the Governor had sent word to Shri Ajoy Mukerjee that he might advance the dates of the Assembly meeting and Shri Ajoy Mukerjee had replied that by the 23rd November, he would be able to tell him whether he would call the meeting earlier? Why did the Governor not wait till he got a reply on the 23rd November? What happened between the 21st and 23rd November?

SHRI Y. B. CHAVAN : I know that Shri H. N. Mukerjee had raised this question about a point of fact. We made enquiries and the information that we have is that the Governor did not send in writing a communication to the Chief Minister.

SHRI JYOTIRMOY BASU : It was oral.

SHRI INDRAJIT GUPTA : It was sent through the intermediary of an officer. If you like, I can name that officer on the floor of the House. Let him deny that.

SHRI Y. B. CHAVAN : I am giving the House my information. Certainly there was some sort of a message to the effect 'Even today, let the Chief Minister say that he will be willing to advance the date of the Legislative Assembly session',

SHRI RABI RAY : Now, the cat is out of the bag.

SHRI Y. B. CHAVAN : ...so that possibly he might consider the position. But he was told that 'I am not in a position to do that because I have some other important political case in the city, and really speaking, I am waiting for some people to come to my side during that period, I cannot do anything about it'.

SHRI INDRAJIT GUPTA : He never said that. He only said that he wanted to have the Cabinet meeting called to discuss that.

SHRI Y. B. CHAVAN : That was the message that was sent by him.

SHRI S. M. BANERJEE : He should not misquote Shri Ajoy Mukerjee.

SHRI Y. B. CHAVAN : I have given my facts. They have given their facts already and I am giving them my facts.

SHRI S. M. BANERJEE : He should not misquote Shri Ajoy Mukerjee.

SHRI Y. B. CHAVAN : If my facts are differing from their facts, what can I do?

SHRI VASUDEVAN NAIR : But his facts are wrong.

SHRI Y. B. CHAVAN : I can say that the hon. Member's facts are wrong.

SHRI UMANATH : But facts are facts.

SHRI Y. B. CHAVAN : The main fact is this.

SHRI J. B. KRIPALANI : We disbelieve both the parties.

SHRI Y. B. CHAVAN : The main fact is this. The real issue is whether when the Governor comes to know that the Chief Minister has lost his majority, he can allow that man to continue in power indefinitely. That is the main point. I have no doubt in my mind that it is the Governor's responsibility at that time to see that he brings the legislature and the ruling party or the Chief Minister and the legislature face to face, and when the Chief Minister refuses to call the legislature, I do not think he has any other alternative but to do what the Governor of Bengal has done in this case. Are we going to dismiss persons who certainly have taken a very grave responsibility and acted? Certainly, it is a very grave responsibility; it is certainly it is a strong action that he had to take. But he has taken strong action only with a view to defend the Constitution and defend democracy (*Interruptions*). Are we going to accept the argument of these who are telling us that 'we will destroy this democracy?..... (*Interruptions*)'.

SHRI UMANATH : Destroy the Congress brand of democracy—that is what he said. I say we have to destroy the Congress's brand of democracy (*Interruptions*).

SHRI A. K. GOPALAN : On a point of personal explanation. Whatever I have said, I am ready to repeat and say again. I have said that such a democracy as the Congress democracy that is practised to-

[Shri A. K. Gopalan]
day where the convenience of the Congress is democracy, that democracy we will destroy—that is what I said (*Interruptions*).

SHRI Y. B. CHAVAN : While qualifying it as Congress democracy or any other democracy, he has repeated that 'We will destroy this democracy' (*Interruptions*).

SHRI UMANATH : Democracy dictated by your convenience will be destroyed (*Interruptions*)

SHRI Y. B. CHAVAN : Indian democracy does not depend upon the mercy of a few individuals. Indian democracy has the support of the 500 million people of this country.

SHRI UMANATH : You have no support (*Interruptions*). You have lost in 9 States.

SHRI INDRAJIT GUPTA : 500 million people did not vote for you. You have not got the monopoly right over 500 million people (*Interruptions*).

SHRI Y. B. CHAVAN : Other political parties can see from their own experience of the last 6-8 months. Many difficult situations arose and the members on this side criticised me also for showing a little more patience. But it was not that we could do anything from here. Ultimately, the local conditions and local politics have to be judged by the Governor and he has to try and find out solutions when developments take place. In this matter, I have no doubt—I do not want unnecessarily to prolong the debate more—I am absolutely clear in my mind that the Governor acted, and acted in the interests of the country democracy and the Constitution.

SHRI H. N. MUKERJEE (Calcutta North East) : Mr. Speaker, I am glad Shri Chavan has spoken . . .

एक माननीय सदस्य : हिन्दी में बोलिये

श्री ही० ना० मुकर्जी : मैं आप से ज्यादा अच्छी तरह हिन्दी बोल सकता हूँ ।

I am glad I am speaking after Shri Chavan. At least he has admitted that there is a whole delicately balanced problem of parliamentary life with which he has to deal. Is it to preserve the delicately

balanced parliamentary life that the Governor of West Bengal has rushed in like a bull in a china shop as a result of which the vases, the beautiful vases, of our political life have been destroyed and damaged beyond repair ?

SHRI VIRENDRAKUMAR SHAH (Jumagadh) : Does he admit it was a china shop ?

SHRI H. N. MUKERJEE : Some tuition has to be given to some Members of Parliament in regard to the use of language !

We have been discussing not the conduct of the Speaker of West Bengal. Many members thought we were, and the Deputy Speaker had so often to pull them up. But we are discussing the conduct of the West Bengal Governor. Let us try to pin it down to what actually had taken place.

I have found a former Chief Minister, Shrimati Sucheta Kripalani, perhaps not unready to repudiate the rights and dignities of the office which she does not any longer hold. She was strenuously arguing that the Governor had his discretion, that he alone could decide, and she was seconded, naturally she would be, by my hon. friend Shri Chavan who said, that the Governor was right in whatever he did. (*Interruptions*)

SHRIMATI SUCHETA KRIPALANI : Whenever they are ready to sell our country to China, I shall be always ready to stand by the country. (*Interruptions*).

SHRI H. N. MUKERJEE : Shades of the Government of India Act 1935, section 93 which you have not forgotten. You do not seem to realise that India is free today, and that is why Nigerian cases are quoted in order to show that the Governor has this right. It is very undesirable that this sort of thing goes on.

Shri Ashok Sen is not here. He was quoting, like the consummate lawyer that he is, some Nigerian precedents, forgetting that our own Supreme Court in 1955, the case of Ram Jawaya vs. the State of Panjab laid down, and that is law for us :

"The President has been made a formal constitutional head of the executive, and the real executive powers are vested in the Ministers of the Cabinet. The same provisions obtain in regard to the Gov-

ernments of States. The Government or the Rajpramukh, as the case may be, occupies the position of the head of the executive in the State, but it is virtually the Council of Ministers in each State that carries on the executive Government".

This is the law of the land as far as our country is concerned.

I had expected that Acharya Kripalani would at least respond to the moral issues which are involved in the present position, but he has got Madhya Pradesh on his brain. He did not quite speak like his better half, but at least he said very plainly that the Governor has the power, that the conduct of the Governor cannot be questioned in any court of law, which is true, and therefore he argued very honestly that the Governor has the power, but he forgot that in England we have the aphorism that the King can do no wrong, but that is no reason for suggesting that because the King can do no wrong, because he cannot be hauled up before a court of law, he can do whatever he likes. I think we should know the limits of the powers of the King, of the President or of the Governor.

SHRI J. B. KRIPALANI: May I remind the learned professor that we have a written Constitution. What he is talking of is only a saying, that is all. It is not written in the Constitution.

SHRI H. N. MUKERJEE: I am referring to the Constitution, I am referring to Supreme Court judgments, and I am referring to the statements made by founders of the Constitution, which is permissible because if there is any confusion in regard to the interpretation of statutes, even constitutional statutes, you can make a reference to them.

Shrimati Sucheta Kripalani referred to what Dr. Ambedkar had said in the Constituent Assembly, and Mr. Chavan seconded her. He is very gallant, I wish him all luck. I also referred to this very matter. Dr. Ambedkar referred to the functions on the duties of the Governor, and he said that the Governor has no functions, no functions at all. He has certain duties, certain duties to see that the Government is carried on in an impartial pure and efficient manner. That is what he said, and then he went on to say that just as in England the Monarch even now has

the right to warn to encourage to admonish,
* * *

SHRIMATI SUCHETA KRIPALANI: I quoted the same thing.

SHRI H. N. MUKERJEE: . . . but still the Monarch has to bow down to what the Prime Minister and the Cabinet decide; so also here in this country, the Governor has no functions, he has nothing to do, only to stand up for his duties.

If Mr. Chavan had the guts to say that in West Bengal things have gone so bad that the entire administration should be dismissed, that President's rule or whatever concoction they can think of has to be imposed, he should come and tell the House that West Bengal has gone to the devil, we take over. They do not have the moral authority to say that, and they take steps which are behind doors, subtle crafty, cunning steps which are not in conformity with any moral principle, with which I am sure Acharya Kripalani has got still some truck, but of course he has forgotten all that.

Acharya Kripalani said that unfortunately the Speaker of West Bengal passed orders regarding a matter beyond his jurisdiction, but why don't we remember that he gave it, and he has repeated in his statement, as a tentative ruling.

He said, "I am going to think over it even more deeply," and he adjourned the House. He was expecting the House to meet again and to give another ruling if that was found to be necessary. But again, like the bull in the china shop—I will repeat that saying—the Governor butted in and prorogued the House. He had no business to do so. He had no business to prorogue the House. He had to wait; he had to ask the Speaker and he should have consulted the Speaker. But, of course, the Governor does not think fit to consult the Speaker. He is a big wig; he is an ICS man; he has been appointed by New Delhi whoever there is behind his appointment. He hobnobs with New Delhi; he peregrinates between Delhi and Calcutta in a manner which should bring shame to anybody, who thinks of the dignity of the office of Governor. And therefore there was a long process of conspiracy. I am not going to detail all that sordid story. But I am ashamed for the sake of my own country and it is a matter of sor-

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row and shame that we have to bring up
this kind of thing.

I am not referring to the long story of conspiracy, but let me concentrate on the last stage of the drama. Mr. Chavan now said that on the 21st of November, at 2 O'clock, the message came orally to the Chief Minister of West Bengal who was closeted at that time as a political personality—he was having discussion with his colleague in the Bharatiya Kranti Dal, Shri Mahamaya Prasad Sinha—he was having discussions with him in a place called the Grand Hotel in Calcutta. And there a message came through an accredited official of the Governor of West Bengal to the Chief Minister and he was asked to answer by 4 O'clock as to whether he was going to have another date earlier than 18th of December. The Chief Minister sent back a message. I think that nobody in his senses would say that it was an improper message—in which he said, “am having a meeting of my Cabinet the day after tomorrow and I can give the Governor an answer in regard to an earlier date on the 23rd of November.”

Now, what happens? At 8 p.m., sneaks, turncoats and double-crossers gathered in the Government House. The Speaker was not asked. A new ministry was sworn in. The Speaker was not asked. That black-marketeer who has been put in jail under the Preventive Detention Act was released and he was invited to the Raj Bhavan—

SOME HON. MEMBERS: Shame, shame.

SHRI H. N. MUKERJEE:—a member of the West Bengal Legislative Council, a man whose name I did not pronounce last time because his is an unspeakable name in West Bengal—Asutosh Ghosh—who was held up for all kinds of criminal work, who had built a multi-storeyed house in Calcutta where he keeps all the kidnapped political opponents, garlanded Dr. P. C. Ghosh, and said, “Like Aurobindo Ghosh my mission is over.” That was the scene.

I wish you to reconstruct that scene. Let us think of the President of this country. We do not generally refer to such personages. Let us take that the President of this country, having had a talk with Prof. Ranga and my friend Mr. Atal Behari

Vajpayee, comes to think that in this House this Government had lost its majority, and if then all of us get together and we go and see the President and tell him about it and if the President says, “Get out, you Mrs. Indira Gandhi, you have no business here, I am installing Atal Behari Vajpayee as Prime Minister,” you would not be asked, nobody would be asked but some people from somewhere would be asked! (*Interruption*).

MR. SPEAKER: Order, order.

SHRI H. N. MUKERJEE: That is why, in the Constituent Assembly, Mr. Kamath—Shri H. V. Kamath whom some of us have not forgotten but some may have—asked a question: “If in any particular case the President does not act upon the advice of his Ministers, will that be tantamount to a violation of the Constitution and will he be liable to impeachment?” Dr. Ambedkar replied, “There is not the slightest doubt about it.” The same thing applies in regard to the relationship between the Governor and the State Government. There is no doubt at all about it. That is the constitutional position.

That is why one of your most distinguished predecessors, Mr. Anantasayanam Ayyangar, said in Patna on the 29th of November, and I am quoting:

“Democracy could not be safe if the Governors started installing one government with one hand and dismissing it with another.”

He went on to say that “even though there was scope to act against Mr. Krishna Vallabh Sahai’s ministry, I did not do so because that might have meant as an interference with democratically constituted government.” On the 30th November again he spoke in Patna and he said that “his own folly was that he did not act as other Governors were doing; if he had acted as the Governors of the other States did, he would have been allowed to continue in his present post for 15 years.” That is what he says. It is no good trying to forget it.

I know the last refuge of this Government is an extra-constitutional argument. They say: “You people do not believe in the Constitution, we are wonderful orthodox believers in the Constitution. You are swearing in the name of the Constitution,

but you are telling something which is not true. We are the upholders of the Constitution." That is their argument. I would tell you and the House, our position is absolutely clear. We are not too happy with the Constitution as it is, but we know even under this inhibited Constitution, we can do a great deal for the sake of our people. But we know at the same time—but those people do not know; they should have a little more of political education—Abraham Lincoln once said when there was a discussion about the American Constitution that the people, when they give unto themselves a Constitution, they have that constitutional right of amending it. At the same time, if the occasion so arises, they have the revolutionary right of overthrowing it. I do not say it; Abraham Lincoln said it and that is the last word in democracy. We want to change this Constitution for the better, but we know at the same time, even as it is, this Constitution enables us to do a great deal for the good of the people, which is why, because we want to go ahead in a manner which is consistent with every principle that our people have cherished, we are trying to work as honestly as we can the parliamentary process. That is why we have tried to pose before this Government that they are monkeying with the idea of Centre-State relations, which has been vitiated, degraded and distorted on account of some motivated political action on the part of these people. That is why certain things have to be remembered.

I am sorry I heard a very refined parliamentary performance from a member of the Swatantra Party, but he said something which, of course, is echoed in a less courageous way by many people on the other side. He said, let us put a ban on the Communist Party. But the Communist Party does not function by the grace of the Swatantra Party or of the Congress Party, for that matter. One-sixth of the world began to be communist in 1917 and 50 years later, one-third of the world has gone that way and as sure as the sun will rise tomorrow, socialism will come to the world, fulfilling the people's freedom. I am not worried about these intimidatory talks about a ban on the Communist Party.

What do the people of West Bengal say? They say today, there is a body of sneaks and double-crossers, of 17 people,

who cannot run the Government, one of whom, a man called Harendranath Majumdar, a Minister in the Profulla Ghosh Ministry, is shouting, "Let the Congress come into the picture; otherwise we cannot last." But the Congress had not got the moral courage to come into the picture and take over the reins of administration, because the Congress knows that its name in West Bengal is mud today. It knows that if it approaches the people of West Bengal, tomorrow or day after they will give it the order of the boot. That is why the Congress is behaving in this way.

I say, for God's sake, let us try and work this parliamentary system. Mr. Chavan says, the word 'pleasure' is there and so the Governor can dismiss that Ministry. But at that rate, the President can kick out the present or any other ministry. But that does not happen. There are conventions. With all deference to Acharya Kripalani, even in written Constitutions, conventions do attach themselves. In our written Constitution, we say, we want to follow in many material particulars, the British parliamentary system, which is largely dependent on these conventions and proprieties. Let us, for God's sake, forget acrimony. I know this sort of thing would not pass muster or cut any ice as far as Mr. Chavan and his friends are concerned. They have made up their mind about totalitarian distortion. It is a matter of shame and sorrow for my country. Things are happening. I have recently come back from the German Democratic Republic where I went to the Buchenwald Concentration Camp, where I saw evidence in regard to the complicity in war guilt of Chancellor Kiesinger of West Germany. Coming back home, when I was confronted in the road from Palam with the portrait of Chancellor Kiesinger, an unfamiliar portrait, I thought to what degraded level this country has descended when fascists and neo-fascists of today's variety are being given the kind of welcome which Kiesinger was given. But that was the handwriting on the wall. Immediately after I came back home, I find this thing taking place in West Bengal. All these point to the same sordid story, the same sordid conspiracy against freedom. Call it democracy or by whatever name you like. There is a conspiracy against freedom which you are having. For God's sake try if you can, if you even have at

[Shri H. N. Mukerjee]

this moment the least little shred of political conscience, to retrace your step and try to work up a better Centre-State relationship. Do not condemn the people of Bengal who are not going to tolerate the rule of sneaks, turn-coats and double-crossers. Please remember they have fought for our people's freedom and for the fulfilment of our freedom and they are not going to stomach the kind of monstrosity which you in your hauteur and pride have begun to impose on them.

MR. SPEAKER : I will put both the motions separately to the vote of the House. Before I do that naturally, Shri Chavan has to say something about his own motion.

SHRI SEZHIYAN : Sir, I rise to a point of order. On the first motion Shri Mukerjee has replied and therefore that has concluded. That should be put to vote now.

MR. SPEAKER : It makes no difference. We have discussed both the motions together for all these four hours. We did not discuss them separately.

SHRI SURENDRANATH DWIVEDI : Is he moving his motion with that part of the statement deleted to which we drew your attention this morning?

MR. SPEAKER : I do not think so.

SHRI INDRAJIT GUPTA : Sir, what is your ruling on the point raised by Shri Banerjee this morning?

MR. SPEAKER : Every paper has discussed the merits of it. Lawyers and others have expressed their views. We are not questioning the Speaker.

SHRI INDRAJIT GUPTA : What about the point about approval by this House.

MR. SPEAKER : We are not doing anything against the Speaker of West Bengal here.

SHRI INDRAJIT GUPTA : Are you over-ruling the Deputy-Speaker's ruling which is on record?

MR. SPEAKER : I am told that the Deputy-Speaker has ruled in the afternoon today that there is nothing against the Speaker of West Bengal.

SHRI NAMBIAR : The Speaker's ruling cannot be given by the Deputy-Speaker.

MR. SPEAKER : If he has not given the ruling, I am giving the ruling now that there is nothing against the Bengal Speaker said on the floor of the House.

SHRI INDRAJIT GUPTA : In the statement?

MR. SPEAKER : Nothing in the statement also.

SHRI Y. B. CHAVAN : Mr. Speaker, Sir, the statement I made, really speaking, was not meant to criticise what the Speaker decided in the form of adjourning the House *sine die*. That was, really speaking, his action as officer of the legislature. But, certainly, he has expressed certain views about general constitutional issues and legal issues about which the whole country is expressing its point of view. Certainly, this Parliament has every right to express its views and give its verdict. We cannot deny that.

The position we have taken is that the Government of West Bengal is constitutionally constituted, the Government has come into power legally, it functions legally and it will continue to function. As long as it functions, it has to function constitutionally. I am not taking the position that everything will happen as I say.

I quite agree with Shri Mukerjee that Constitution certainly can be worked on the basis of conventions. Conventions are more important for Constitutions, both written and unwritten. Is it not a good convention that the Chief Minister himself, when he realises, the moment he becomes suspicious of his own majority, he himself says "I am prepared to step down". Are we prepared to do it? What is the use of saying very eloquently about this, trying to abuse everybody? The language he used about certain political leaders was not in good taste. I certainly expected from Shri Mukerjee somewhat better parliamentary language. For instance, take the language he used about the Chief Minister of Bengal, who is a long servant of India. He has served for the cause of Indian independence more than what Shri Mukerjee has ever done. He is a great man. When they were trying to support the Britishers and British imperialism, he was fighting for the cause of India's free-

dom... (*interruptions*). What is the good of calling him names, bad names? Abusive language can be used by both sides. It does not require more training. More training is required to use parliamentary language and to have decent behaviour. We expected better language from Professors at least. But, unfortunately, what is to be done? He was keen, he was crying for what was happening. I was very happy that the Leader of the Communist Party was flirting with Jan Sangh like this. I am very happy.

SHRI M. L. SONDHI : This is the tide of the future.

SHRI Y. B. CHAVAN : This is a very interesting picture... (*interruptions*) He is fond of using very strong language. He said that the Governor functions as a bull in a china shop. But may I ask : was Ajoy Babu's government a china shop? If it was, I would have liked more bulls to enter it.

SHRI H. N. MUKERJEE : If you do not know English language, why do you... (*interruptions*).

SHRI Y. B. CHAVAN : The hon. Member, Shri Mukerjee, told us very dramatically about what happened to Charles I. It is very good that at least he has not forgotten his English History; I thought probably he does not like it. I am very glad about it. But I was wondering whether he was trying to prove his case or disprove his case. Really speaking, the Speaker in the British Parliament was more worried about the eyes and ears of Parliament. Here, can we say with any conscience that the man was, really speaking, protecting the voice of Parliament and the Legislature? Can we say that? (*Interruptions*).

SHRI INDRAJIT GUPTA : Who did it? (*Interruptions*).

SHRI Y. B. CHAVAN : I am not going to be put down like this... (*interruptions*) Those who are afraid to go and face their own legislature... (*interruptions*). We are told about peoples' democracy. You are not prepared to face even 100 to 200 people... (*interruptions*) and you ask what is the role of the people in democracy. Those people who are afraid to face an Assembly of 250 people, how can

they talk about democracy? (*Interruptions*) I was rather amused that of all the persons Professor Mukerjee ultimately decided to quote Abraham Lincoln. I think, Abraham Lincoln in all his efforts tried to serve the cause of democracy... (*Interruption*). Certainly it is the right of this Parliament to amend the Constitution; I have no doubt about it... (*Interruption*).

MR. SPEAKER : Both sides must avoid facing each other like this. After all, you are not helping him in making a speech by yourself shouting across.

SHRI YOGENDRA SHARMA : He is not making a serious argument. he is only quibbling.

SHRI Y. B. CHAVAN : Certainly, the Parliament has a right to amend the Constitution, but if some people feel that any body has the right to overthrow the Constitution, they are not taking the language of democracy, they are talking the language of Mao... (*Interruption*).

SHRI UMANATH : Do not try to run away from the people by shouting "Mao, Mao".

SHRI Y. B. CHAVAN : Those who think in terms of overthrowing the Constitution in this country, they have not really speaking understood the urges of the people of India. I can only say that they are trying to deceive themselves.

Professor Mukerjee concluded his first speech in the style of Emile Zola by saying, "I accuse this; I accuse that; I accuse them." I will only conclude with this sentence that I do not accuse him; I only sympathise with him for his infinite capacity for self-deception.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, अगर आप आदेश दें तो मैं एक सवाल पूछना चाहता हूँ।

MR. SPEAKER : Once you begin, we do not know where it will end.

SHRI ATAL BIHARI VAJPAYEE : I did not interrupt the Home Minister when he was speaking; I could have done it... (*Interruption*). I am not going to be cowed down by these shouts... (*Interruption*). अध्यक्ष महोदय, अगर आप मुझे सवाल करने देंगे तभी मैं करूंगा लेकिन इन के चिल्लाने से मैं चुप होने वाला नहीं हूँ।

SHRI M. L. SONDHI : We have faced the Communist Party; outside we can also face them.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मैं दूसरी बात कह रहा हूँ। आप सदन में नहीं थे और डिप्टी स्पीकर महोदय चेयर में थे। तब भी कांग्रेस के सदस्यों ने आज जो आचरण किया है उस की ओर मैं आप का ध्यान दिलाना चाहता हूँ। क्या कांग्रेस के सदस्यों पर अनुशासन रखने के लिए कोई नेता नहीं है ? (व्यवधान)

MR. SPEAKER : Do not prove his point. You will have to disprove it by being more disciplined.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मैं एक ही प्रश्न पूछना चाहता हूँ। गृह मंत्री चाहें तो उत्तर दें चाहे न दें। समाचार पत्रों में यह प्रकाशित हुआ है कि पश्चिम बंगाल के राज्यपाल ने केन्द्र से इस बात की अनुमति मांगी कि पश्चिम बंगाल की सरकार को बरखास्त कर दिया जाय और यह भी कहा कि अगर आप अनुमति नहीं देंगे तो फिर मेरे त्याग-पत्र का केन्द्र सरकार को सामना करना पड़ेगा। समाचारपत्रों में इसी सदन के एक सम्मानित सदस्य श्री कुंठे का एक वक्तव्य छपा है जिस में श्री कुंठे ने कहा है कि उस की प्रोफेसर हुमायूँ कबीर से बातचीत हुई और उन्होंने श्री कुंठे से कहा कि जब वह (श्री हुमायूँ कबीर) राज्यपाल से मिले तो राज्यपाल ने कहा कि मैं नई दिल्ली की हरी या लाल झंडी की प्रतीक्षा कर रहा हूँ। अगर गृह मंत्री महोदय चाहते हैं तो इस बात की सफाई करें।

SHRI HUMAYUN KABIR (Basirhat) : May I say a word.... (Interruption).

MR. SPEAKER : Order, order.

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI) : Sir, may I ask : Is there no leader there to see that this is stopped ?

SHRI HUMAYUN KABIR : I will tell you what I told Mr. Kunte. Mr. Kunte and I met at about 4 O'clock on the 21st November and he asked me whether there

could be any solution even then. I said that I had made a last offer—if the PULF, i.e., the Right Communists, Bolshevik Party, Bangla Congress and Forward Block could come out of the United Front, I shall try to find a solution.... (Interruptions) I was waiting for a reply.... (Interruptions) I told him that I would give the final reply the next day, i.e., on the 22nd November, at 10 A.M. But in the meantime, at about 7 P.M., I learnt from Dr. Ghosh that he had been asked by the Governor to be ready to form a Ministry.... (Interruptions) if the situation should arise.... (Interruptions). In my view, the House was adjourned on the 29th because there were only 105 people to support the United Front and 146 people to support Dr. Ghosh.... (Interruptions).

SHRI J. B. KRIPALANI : May I suggest that we do not go by these private talks here ? (Interruptions).

SHRI HUMAYUN KABIR : It is a strange state of affairs. Those who conspire against India claim to be patriots and.....

SHRI UMANATH : You are the traitor to the people, you are the CIA agent, shame, shame.... You are the traitor... (Interruptions).

MR. SPEAKER : Order, order. All the members will please resume their seats.

SHRI HUMAYUN KABIR : Please allow me a hearing....

MR. SPEAKER : He will also sit down. (Interruptions)* Nothing will be recorded. As Mr. Kripalani said, it is a private talk and we are not interested in that.

SHRI Y. B. CHAVAN : It is absolutely wrong to suggest that there were any instructions or directions given by the Government of India in this matter. The Governor acted in his own right, in his own discretion and in his own judgment.

MR. SPEAKER : I will now put the motion to the vote of the House.

The question is :

"That this House recommends to the President that he be pleased to dismiss the present Governor of West Bengal for his unconstitutional act of dismissing the ULF Ministry in West Bengal."

Those in favour may please say 'Aye'.

SOME HON. MEMBERS : Aye.

MR. SPEAKER : Those against may please say 'No'.

SEVERAL HON. MEMBERS : No.

MR. SPEAKER : The Noes have it, the Noes have it....

SOME HON. MEMBERS : No. The 'Ayes' have it.

MR. SPEAKER : Let the lobbies be cleared.

AYES

16.20 HRS.

Division No. 8

Abraham, Shri K. M.
Adichan, Shri P. C.
Badrudduja, Shri
Banerjee, Shri S. M.
Barua, Shri Hem
Behera, Shri Baidhar
Bhadoria, Shri Arjun Singh
Bhagaban Das, Shri
Bharti, Shri Maharaj Singh
Bose, Shri Amiyanath
Chakrapani, Shri C. K.
Chandra Shekhar Singh, Shri
Daschowdhury, Shri B. K.
Dhandapani, Shri
Durairasu, Shri
Dwivedy, Shri Surendranath
Esthose, Shri P. P.
Ghosh, Shri Ganesh
Gopalan, Shri A. K.
Gopalan, Shri P.
Gopalan, Shrimati Suseela
Guha, Shri Samar
Gupta, Shri Indrajit
Halдар, Shri K.
Jha, Shri Shiva Chandra
Kamalanathan, Shri
Kameshwar Singh, Shri
Kapoor, Shri Lakhn Lal
Karni Singh, Dr.
Khan, Shri Latafat Ali
Kiruttinan, Shri
Krishnamoorthi, Shri V.
Kuchelar, Shri G.
Kundu, Shri S.

Now the lobbies are cleared. The point is : the electronic voting device is not functioning. Therefore . . .

SHRI KANWAR LAL GUPTA : Sir, you may remind the Prime Minister to vote properly.

MR. SPEAKER : It is not functioning. Nobody can vote properly now. The electronic voting device—I do not know—something has happened to it and it is not working well. Therefore, may I now suggest that Ayes go to the right and Noes to the left.

The Lok Sabha divided :

Mahato, Shri Bhajahari
Maiti, Shri S. N.
Mangalathumadam, Shri
Manoharan, Shri
Meghachandra, Shri M.
Menon, Shri Krishnantha
Misha, Shri Shinibas
Modak, Shri B. K.
Mohammad Ismail, Shri
Molahu Prasad, Shri
Muhammad Ismail, Shri M.
Mukerjee, Shri H. N.
Nair, Shri Vasudevan
Nambiar, Shri
Narayanan, Shri
Paswan, Shri Kedar
Patil, Shri N. R.
Ram Charan, Shri
Ramamurti, Shri P.
Ramani, Shri K.
Ray, Shri Rabi
Roy, Shri Chittaranjan
Sambhali, Shri Ishaq
Satya Narain Singh, Shri
Sen, Dr. Ranen
Sequeira, Shri
Sezhiyan, Shri
Sharma, Shri Yogendra
Shastri, Shri Ramavatar
Sivasankaran, Shri
Subravelu, Shri
Thakur, Shri Gunanand
Umanath, Shri

Viswanatham Shri Tenneti
Viswanathan, Shri G.

Yadav, Shri Jageshwar
Yadav Shri Ram Sewak

NOES

Achal Singh, Shri
Ahirwar, Shri Nathu Ram
Amat, Shri D.
Ankineedu, Shri
Anthony, Shri Frank
Arumugam Shri R. S.
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bajpai, Shri Shashibhushan
Bajpai, Shri Vidya Dhar
Barrow, Shri
Barua, Shri Bedabrata
Barua, Shri R.
Barupal, Shri P. L.
Basu, Dr. Maitreyee
Baswant, Shri
Besra, Shri S. C.
Bhagat, Shri B. R.
Bhagavati, Shri
Bhakt Darshan, Shri
Bhanu Prakash Singh, Shri
Bhargava, Shri B. N.
Bhattacharyya, Shri C. K.
Bhola Nath, Shri
Birua, Shri Kolai
Bohra, Shri Onkarlal
Brahma, Shri Rupnath
Chanda, Shri Anil K.
Chanda, Shrimati Jyotsna
Chandrika Prasad, Shri
Chatterji Shri Krishna Kumar
Chaturvedi, Shri R. L.
Chaudhary, Shri Nitiraj Singh
Chavan Shri D. R.
Chavan, Shri Y. B.
Choudhary, Shri Valmiki
Choudhary, Shri J. K.
Dalbir Singh, Shri
Damani, Shri S. R.
Das, Shri N. T.
Dasappa, Shri Tulsidas
Deb, Shri D. N.
Deo, Shri K. P. Singh
Deo, Shri R. R. Singh
Deoghare, Shri N. R.

Desai, Shri Morarji
Deshmukh, Shri B. D.
Deshmukh, Shri K. G.
Devinder Singh, Shri
Dhillon, Shri G. S.
Digvijai Nath, Shri Mahant
Dixit, Shri G. C.
Dwivedi, Shri Nageshwar
Gajraj Singh Rao, Shri
Gandhi, Shrimati Indira
Gavit, Shri Tukaram
Ghosh, Shri P. K.
Ghosh, Shri Parimal
Girraj Saran Singh, Shri
Govind Das, Dr.
Hanumanthaiya, Shri
Hari Krishna, Shri
Hazarika, Shri J. N.
Heerji Bhai, Shri
Hem Raj, Shri
Iqbal Singh, Shri
Jadhav, Shri Tulshidas
Jadhav, Shri V. N.
Jagjiwan Ram, Shri
Jaipal Singh, Shri
Jamir, Shri S. C.
Kabir, Shri Humayun
Kahandole, Shri Z. M.
Kamble, Shri
Kamala Kumari Shrimati
Karan Singh, Dr.
Kasture, Shri A. S.
Katham, Shri B. N.
Kedaria, Shri C. M.
Kesri, Shri Sitaram
Khan, Shri H. Ajmal
Khan, Shri M. A.
Khan, Shri Zulfiquar Ali
Khanna, Shri P. K.
Kotoki, Shri Liladhar
Kripalani, Shrimati Sucheta
Krishna, Shri M. R.
Krishnan, Shri G. Y.
Kureel, Shri B. N.
Lakshmikanthamma, Shrimati

Lalit Sen, Shri
 Laskar Shri N. R.
 Laxmi Bai, Shrimati
 Lobo Prabhu, Shri
 Mahadeva Prasad, Dr.
 Mahajan, Shri Vikram Chand
 Maharaj Singh, Shri
 Mahida, Shri Narendra Singh
 Majhi, Shri M.
 Malhotra Shri Inder J.
 Mandal, Dr. P.
 Mane, Shri Shankarrao
 Marandi, Shri
 Masuriya Dia, Shri
 Meena, Shri Meetha Lal
 Mehta, Shri Asoka
 Mehta, Shri P. M.
 Minimata Agam Dass Guru, Smt.
 Mirza, Shri Bakar Ali
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mohinder Kaur, Shrimati
 Mohsin, Shri
 Mrityunjay Prasad, Shri
 Mukerjee, Shrimati Sharda
 Mukne, Shri Yeshwantrao
 Murthy, Shri B. S.
 Muthusami, Shri C.
 Naghnoor, Shri M. N.
 Nahata, Shri Amrit
 Naidu, Shri Chengalraya
 Naik, Shri G. C.
 Naik, Shri R. V.
 Nayar, Dr. Sushila
 Nesamony, Shri
 Oraon, Shri Kartik
 Padmavati Devi, Shrimati
 Pahadia, Shri Jagannath
 Pandey, Shri K. N.
 Pandey, Shri Vishwa Nath
 Pandit, Shrimati Vijaya Lakshmi
 Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Parthasarthy, Shri
 Patel, Shri Baburao
 Patel, Shri N. N.
 Patil, Shri C. A.
 Patil, Shri Deorao

Patil, Shri S. D.
 Patil, Shri T. A.
 Poonacha, Shri C. M.
 Pramanik, Shri J. N.
 Qureshi, Shri Shaffi
 Raghu Ramaiah, Shri
 Rai, Shri Charanjit
 Raj Deo Singh, Shri
 Rajani Gandha, Kumari
 Raju, Shri D. B.
 Ram Dhani Das, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Ramamoorthy, Shri S. P.
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rane, Shri
 Ranga, Shri
 Rao, Shri Jaganath
 Rao, Shri Muthyal
 Rao, Shri J. Ramapathi
 Rao, Dr. V. K. R. V.
 Raut, Shri Bhola
 Reddi, Shri G. S.
 Reddy, Shri Surendar
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Roy, Shrimati Uma
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Salecm, Shri M. Y.
 Salve, Shri N. K. P.
 Sambasivam, Shri
 Sanji Rupji, Shri
 Sapre, Shrimati Tara
 Sevitra Shyam, Shrimati
 Sayyad Ali, Shri
 Sen, Shri Dwaipayana
 Sen, Shri P. G.
 Sethi, Shri P. C.
 Shah, Shrimati Jayaben
 Shankaranand, Shri B.
 Sharma, Shri D. C.
 Sharma, Shri M. R.
 Shashi Ranjan, Shri
 Shastri, Shri B. N.
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan

Shastri, Shri Shiv Kumar
 Seo Narain, Shri
 Sher Singh, Shri
 Shinde, Shri Annasahib
 Shukla, Shri S. N.
 Shukla, Shri Vidya Charan
 Siddayya, Shri
 Siddeshwar Prasad, Shri
 Singh, Shri D. N.
 Sinha, Shri Mudrika
 Sinha, Shri R. K.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Snatak, Shri Nar Deo
 Somani, Shri N. K.

Sonar, Dr. A. G.
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Sursingh, Shri
 Suryanarayana, Shri K.
 Swaran Singh, Shri
 Tamaskar, Shri
 Tapuriah, Shri S. K.
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Uikey, Shri M. G.
 Ulaka, Shri Ramachandra
 Verma, Shri Balgovind
 Vyas, Shri Ramesh Chandra
 Yadab, Shri N. P.

MR. SPEAKER: The result of the division is: Ayes 71; Noes 216.

The motion was negatived.

SHRI H. N. MUKERJEE: In regard to the second motion, as has been already raised, the formulation of the statement of Mr. Chavan leaves room for very serious misgivings so far as his observations on the Speaker are concerned. I fear that we shall be stultifying ourselves if we vote on this resolution giving blanket support to whatever Mr. Chavan has said. Therefore, this is a matter which should not be put before the House. It puts us in a very embarrassing position.

MR. SPEAKER: *rose* —

SHRI H. N. MUKERJEE: Sir, if you intend to put it to the vote, we shall leave the House because we cannot be a party to it.

SHRI S. M. BANERJEE: That will be an illegal thing.

(Sarvashri H. N. Mukerjee, A. K. Gopalan, Manoharan, Rabi Ray and some other hon'ble Members then left the House.)

MR. SPEAKER: The question is:

"That this House approves of the statement made by the Home Minister on 30th November, 1967 regarding situation in West Bengal."

Lok Sabha divided:

[DIVISION No. 9]

16.52 Hrs.

AYES

Achal Singh, Shri
 Ahirwar, Shri Nathu Ram
 Anjanappa, Shri B.
 Ankineedu, Shri
 Anthony, Shri Frank
 Arumugam, Shri R. S.
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri
 Bajpai, Shri Shashibhushan
 Bajpai, Shri Vidya Dhar
 Barrow, Shri
 Barua, Shri Bedabrata
 Barua, Shri R.
 Barupal, Shri P. L.

Basu, Dr. Maitreyee
 Baswant, Shri
 Beera, Shri S. C.
 Bhagat, Shri B. R.
 Bhagavati, Shri
 Bhakt Darshan, Shri
 Bhanu Prakash Singh, Shri
 Bhargava, Shri B. N.
 Bhattacharyya, Shri C. K.
 Bholanath, Shri
 Bohra, Shri Onkarlal
 Brahma, Shri Rupnath
 Chanda, Shri Anil K.
 Chanda, Shrimati Jyotsna
 Chandrika Prasad, Shri
 Chatterji, Shri Krishna Kumar
 Chaturvedi, Shri R. L.

- Chaudhary, Shri Nitiraj Singh
 Chavan, Shri D. R.
 Chavan, Shri Y. B.
 Choudhary, Shri Valmiki
 Choudhury, Shri J. K.
 Dalbir Singh, Shri
 Damani, Shri S. R.
 Das, Shri N. T.
 Dasappa, Shri Tulsidas
 Deoghare, Shri N. R.
 Desai, Shri Morarji
 Deshmukh, Shri B. D.
 Deshmukh, Shri K. G.
 Devinder Singh, Shri
 Dhillon, Shri G. S.
 Digvijai Nath, Shri Mahant
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Gajraj Singh Rao, Shri
 Gavit, Shri Tukaram
 Ghosh, Shri P. K.
 Ghosh, Shri Parimal
 Govind Das, Dr.
 Hanumanthaiya, Shri
 Hari Krishna, Shri
 Hazarika, Shri J. N.
 Heerji Bhai, Shri
 Hem Raj, Shri
 Iqbal Singh, Shri
 Jadhav, Shri Tulshidas
 Jadhav, Shri V. N.
 Jagjiwan Ram, Shri
 Jaipal Singh, Shri
 Jamir, Shri S. C.
 Kahandole, Shri Z. M.
 Kamble, Shri
 Kamala Kumari, Kumari
 Karan Singh, Dr.
 Kasture, Shri A. S.
 Katham, Shri B. N.
 Kedaria, Shri C. M.
 Kesri, Shri Sitaram
 Khadilkar, Shri
 Khan, Shri M. A.
 Khanna, Shri P. K.
 Kotoki, Shri Liladhar
 Kripalani, Shrimati Sucheta
 Krishna, Shri M. R.
 Krishnan, Shri G. Y.
 Kureel, Shri B. N.
 Kushok Bakula, Shri
 Lakshmikanthamma, Shrimati
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Laxmi Bai, Shrimati
 Mahadeva Prasad, Dr.
 Mahajan, Shri Vikram Chand
 Maharaj Singh, Shri
 Mahida, Shri Narendra Singh
 Malhotra, Shri Inder J.
 Mandal, Dr. P.
 Mane, Shri Shankarrao
 Marandi, Shri
 Masuriya Din, Shri
 Mehta, Shri Asoka
 Mehta, Shri P. M.
 Minimata Agam Dass Guru, Shrimati
 Mirza, Shri Bakar Ali
 Mishra, Shri Bibhuti
 Mishra, Shri G. S.
 Mohinder Kaur, Shrimati
 Mohsin, Shri
 Mrityunjay Prasad, Shri
 Mukerjee, Shrimati Sharda
 Murthy, Shri B. S.
 Naghnoor, Shri M. N.
 Nahata, Shri Amrit
 Naidu, Shri Chengalraya
 Nayar, Dr. Sushila
 Nesamony, Shri
 Oraon, Shri Kartik
 Padmavati Devi, Shrimati
 Pahadia, Shri Jagannath.
 Pandey, Shri K. N.
 Pandey, Shri Vishwa Nath
 Pandit, Shrimati Vijaya Lakshmi
 Parmar, Shri Bhaljibhai
 Partap Singh, Shri
 Parthasarathy, Shri
 Patel, Shri N. N.
 Patil, Shri C. A.
 Patil, Shri Deorao
 Patil, Shri S. D.
 Patil, Shri T. A.
 Poonacha, Shri C. M.
 Pramanik, Shri J. N.

Qureshi, Shri Mohd. Shaffi
 Raghu Ramaiah, Shri
 Raj Deo Singh, Shri
 Rajani Ghandha, Kumari
 Raju, Shri D. B.
 Ram Dhani Das, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Rana, Shri M. B.
 Randhir Singh, Shri
 Rane, Shri
 Rao, Shri Jaganath
 Rao, Shri Muthyal
 Rao, Shri J. Ramapathi
 Rao, Dr. V. K. R. V.
 Raut, Shri Bhola
 Reddi, Shri G. S.
 Reddy, Shri Surendar
 Rohatgi, Shrimati Sushila
 Roy, Shri Bishwanath
 Roy, Shrimati Uma
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Saleem, Shri M. Y.
 Salve, Shri N. K. P.
 Sambasivam, Shri
 Sanghi, Shri N. K.
 Sanji Rupji, Shri
 Sapre, Shrimati Tara
 Savitri Shayam, Shrimati
 Sen, Shri Dwaipayan
 Sen, Shri P. G.

Sethi, Shri P. C.
 Sethuramae, Shri N.
 Shah, Shrimati Jayaben
 Shankaranand, Shri B.
 Sharma, Shri D. C.
 Shashi Ranjan, Shri
 Shastri, Shri B. N.
 Shastri, Shri Ramanand
 Shastri, Shri Sheopujan
 Sheo Narain, Shri
 Sher Singh, Shri
 Shinde, Shri Annesahib
 Shukla, Shri S. N.
 Shukla, Shri Vidya Charan
 Siddayya, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri D. N.
 Sinha, Shri Mudrika
 Sinha, Shri R. K.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Tarkeshwari
 Snatak, Shri Nar Deo
 Sonar, Dr. A. G.
 Sudarsanam, Shri M.
 Surendra Pal Singh, Shri
 Sursingh, Shri
 Swaran Singh, Shri
 Tamaskar, Shri
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Uikey, Shri M. G.
 Verma, Shri Balgovind
 Vyas, Shri Ramesh Chandra
 Yadav, Shri N. P.

NOES

Barua, Shri Hem
 Berwa, Shri Onkar Lal
 Brij Bhushan Lal, Shri
 Brij Raj Singh-Kotah, Shri
 Devgun, Shri Hardayal
 Dwivedy, Shri Surendranath
 Gupta, Shri Kanwar Lal
 Kachwai, Shri Hukam Chand.
 Kapoor, Shri Lakhan Lal
 Karni Singh, Dr.

Lakkappa, Shri K.
 Misra, Shri Srinibas
 Nayar, Shrimati Shakuntala
 Sharda Nand, Shri.
 Sharma, Shri Beni Shanker
 Sharma, Shri N. S.
 Sondhi, Shri M. L.
 Tyagi, Shri O. P.
 Vajpayee, Shri Ataf Bithari
 Viswanatham, Shri Tennett

MR. SPEAKER : The result of the division is as follows :

*Ayes : 195; †Noes : 21

The motion was adopted.

MR. SPEAKER : The House will now take up the food debate; we have still about 30 to 40 minutes.

16.55 Hrs.

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

MR. DEPUTY-SPEAKER : Order, order. We have a half-hour discussion at 5.30. So, we have just about 35 minutes.

The House will now take up further consideration of the Motion regarding Food Situation in the country.

16.55½ Hrs.

MOTION RE. FOOD SITUATION IN THE COUNTRY—*Contd.*

SHRI CHARANJIT RAI (Dausa) : Sir, when I see this debate, I am reminded of many such debates held on the floor of this House. Millions of words have been spoken on the subject and yet we are nowhere near solving this problem. Government, on their part, have used many words, particularly to score verbal triumphs over the sceptics in this House and innocent millions in India. They do not realise that intellectual chauvinism does not butter any breads or cook any cakes. They should realise & confess that there has been an utter neglect of the food problem. They must realise that this has been going on for a long time and unless this is rectified, people will have no food to eat. This can only be remedied by looking at the hard facts and by working hard on the farms, not just talking and having debating points in the House. I warn the Food Minister and the Congress benches that if we do not satisfy the food requirements of the millions of people, Government will have no power; their power will be destroyed and I am afraid we might even destroy democracy. In that case, we will not be allowed to be here to have the luxury of scoring chief debating points. The long queues at ration shops, the reduction of the quota of rations, the sudden scarcity and disappearance of items of foodstuffs, the sky-

rocketing prices, the looting of the grain shops and railway wagons, the *bandhs* and *gheraos*, the strikes, the look of despair in the eyes of young and old—all these speak more eloquently about the food situation in the country than any statement of the Food Minister.

16.57 Hrs.

[SHRI C. K. BHATTACHARYYA *in the Chair*]

Let the treasury benches not assume an air of innocence and put the blame at the door of droughts. Droughts have been with us for centuries. Once in five years, we have a dry season; once in ten years, we have drought. This phenomenon has occurred and must recur. Therefore, the Government should not play this card too much and put the blame on nature for their own failure. India has been under Congress rule for the last 20 years. After partition, this problem of food shortage came to the focus. The first plan was rightly oriented towards agricultural production. The agriculture production index which stood at 95 in 1950-51 was increased to 115 in five years. The keynote of this policy was to have stress on agriculture and not on heavy industry. But in the second plan, the stress was shifted from agriculture to heavy industry. Then the rot occurred and after a few intervals and breaks, this rot has carried on. The Prime Minister has recently done some heart-searching and she has promised or given a hope to the hungry millions who want food today and now the hope of self-sufficiency in 1970-71. That clearly shows that till that time we are going to be short of food and it will have to be made up by food imports. It is a pity that our late Prime Minister, the late father of the present Prime Minister, did not give due importance to agriculture. If he had done that we would have been exporting food by now and our economy would have been on an even level without the last year's sorrow. But let it go like that. The country knows what the Congress is a dying horse. One should not kick it too much. I would just ask a question from the Food Minister. I want to know whether they have learned any lessons from the past, whether they have sized up the problem or they still wish to be

*Ayes : The name of one Member could not be recorded.

†Noes : The name of one Member could not be recorded.