

THE MINISTER OF RAILWAYS (SHRI NANDA) : (a) A few complaints have been received.

(b) These suggest, generally, augmentation of existing facilities at Chandigarh and Amritsar stations.

(c) The existing passenger facilities at Amritsar are considered to be adequate. A proposal for construction of a new station building at Chandigarh with improved facilities for passengers, is under consideration.

**Eviction of Landless Tribal Agricultural Labourers (Malbari)**

3969. SHRI DHIRESWAR KALITA : Will the Minister of LAW AND SOCIAL WELFARE be pleased to state :

(a) whether Government have taken any step to prevent the eviction of the eight hundred landless tribal agricultural labourers from Tribal belt, Malbari, Assam ;

(b) whether the tribal people have been evicted and rendered homeless ; and

(c) if so, the steps taken to help them ?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (DR. SHRIMATI PHULRENU GUHA) : (a) to (c). The details are being collected from the State Government and will be laid on the table of the Sabha as soon as available.

12.10 hrs

**CALLING-ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE**

**PROCEDURE FOLLOWED BY WEST BENGAL GOVERNOR IN REGARD TO FORMATION OF GOVERNMENT IN WEST BENGAL**

श्री मधु लिमये (मुंगेर) : मैं अबिलम्बनीय लोक महत्व के निम्नलिखित विषय की और गृह कार्य मंत्री का ध्यान दिलाता हूँ और

प्रायःना करता हूँ कि वह इस बारे में एक वक्तव्य दें:

“भारतीय साम्यवादी दल (मार्क्सवादी) के अतिरिक्त अन्य दलों से यह पूछने, की भारतीय साम्यवादी दल (मार्क्सवादी) को राज्य में सरकार बनाने के लिए क्यों नहीं कहा जाना चाहिए, के बारे में पश्चिमी बंगाल के राज्यपाल द्वारा अपनाई गई कथित प्रक्रिया”

THE MINISTER OF HOME AFFAIRS (SHRI Y.B. CHAVAN) : Mr Speaker, Sir, following the resignation of Mr Ajoy Mukerjee, the Governor of West Bengal explored the possibility of formation of an alternative Ministry in the State. He came to the conclusion that there was no prospect of such an alternative Ministry, and recommended to the President the issue of a Proclamation under article 356. The recommendation of the Governor has been accepted by the President.

श्री मधु लिमये : अध्यक्ष महोदय, मेरा ब्यवस्था का प्रश्न है। आप हमारे ध्यानाकर्षण के प्रस्ताव को देखिए। इस में यह कहा गया है कि गवर्नर के द्वारा स्वीकारी गई प्रक्रिया, प्रोसीजर, इसके बारे में मंत्री महोदय ने एक शब्द भी नहीं कहा। मेहरबानी करके जरा यह बताइये कि प्रोसीजर क्या अपनाया गया। प्रोक्लेमेशन तो अभी हमारे सामने नहीं है। आप उसको बाद में रखेंगे। पहले आप यह सफाई दें कि किस प्रक्रिया को राज्यपाल द्वारा अपनाया गया था। उसके बाद हम अपने प्रश्न पूछेंगे।

SHRI PILOO MODY (Godhra) : The Home Minister has not done his homework.

AN HON. MEMBER : He was at Coimbatore.

SHRI Y.B. CHAVAN : I have done enough home-work, and that will be clear

In the course of the questions and answers that will follow. When he put the question, the whole thing was in the process and naturally, I could not have referred to the procedure that was followed. But I thought that ultimately it is the end-product of the procedure which matters, and I have made a mention of it

I can give information to the hon. Member that the Governor wrote to all the political parties to find out whether they were willing to support the Government, and most of the political parties practically all, except the CPI (M) because they themselves had offered to form a Government, replied saying that they could not support the Government. But at the same time in their letter they said that if even after their views were known, the Governor appointed the leader of that party to form a Government it would be immoral or same such thing...

DR. RANEN SEN (Barasat) : Immoral and illegal.

SHRI Y.B. CHAVAN ; When this particular part of it came, the Governor replied by saying My mind is still open on this question, I have not made any commitment, but I would like to find out from you any reasons why you consider this immoral. This was a sort of counter-letter that he wrote to them.

श्री मधु लिमये: यह जो राज्यपालों के अधिकारों का सवाल है, इसको ले कर इस सरकार की जो भ्रष्टाचार है वह सरकार सुन्दरी की सी अवस्था हो गई है। तनी हुई रस्सी पर नाचने का कौशल जिस तरह उसको दिखाना पड़ता है उसी प्रकार से मूढ़ मंत्री को भी करना पड़ता है। मेरी उन के साथ सहानुभूति है क्योंकि उनको गवर्नरों के जितने काम हैं, उनका समर्थन यहां करना पड़ा है। यह जो प्रक्रिया का वाल है इसको इसलिए उठाया गया है कि गवर्नर के द्वारा जो चिट्ठी लिखी गई थी उसके बारे में बहुत सी मेरी आपत्तियां हैं। यह चिट्ठी उनको उसके साथ पेश करनी चाहिये थी। लेकिन कलकत्ता के एक अखबार में आया है

और उस में जो छाया है उससे पता चलता है कि अन्य दलों के द्वारा गवर्नर को यह पहले ही सूचित कर दिया गया था कि मार्क्सवादी कम्युनिस्ट पार्टी के नेतृत्व में जो सरकार बनेगी उसका समर्थन हम लोग नहीं करेंगे और उसको न बुलाइये। उसके बाद गवर्नर ने हुबारा उनको चिट्ठी लिखी। जिस तरह हाईकोर्ट और सुप्रीम कोर्ट शो काज जारी करती है उसी तरह गवर्नर ने भी किया। अभी मेरे ही केस में रिट पेट्रीशन पर शो काज जारी हुआ था। उस में सुप्रीमकोर्ट ने कहा :

"show cause to the court why rule nisi as prayed by the petitioners should not be issued."

इस तरह की चिट्ठी लिखना मैं समझता हूँ बहुत ही आपत्तिजनक है। उसका एक जुमला मैं पढ़ कर सुनाता हूँ। पहला तो यह है:

"I have noted that you have purported to make it absolutely clear that your party is totally opposed to my permitting the formation of any Ministry headed by the leader of the CPI (M) Mr. Jyoti Basu at the instance or with the support of the CPI (M) and further that in case such a Ministry if at all, is allowed to be formed, you shall oppose it both from within and outside the Assembly."

यह तो पहले ही लिख चुके हैं। इसको स्वीकार भी करते हैं। उसके बाद पूछते हैं:

"Meanwhile, I shall be obliged if you kindly give me your reasons why you think it would be illegal and immoral if I allow Mr. Jyoti Basu, leader of the single largest party in the Legislative Assembly to form a Ministry and then face the Legislative Assembly with a demand for seeking confidence of the majority to enable the opposite parties to move a motion of no-confidence against the new Ministry..."

[श्री मधु लिमये]

मेरा पहला सवाल तो यह है कि यह शो काज नोटिस अन्य दलों के ऊपर क्यों जारी किया गया ? क्या ये लोग अपराधी थे या मुजरिम थे कि जिज्ञ के लिए उनको कारण बताना था ? यह हिन्दुस्तान स्टैंडर्ड में आया है, गवर्नर, शो काज आन पार्टीज् ।

दूसरी बात यह है कि अभी तक राज्यपालों के लिए कोई भी मार्गदर्शक सिद्धान्त निश्चित करना सरकार ने पसन्द नहीं किया है । इसका नतीजा क्या होता है ? संविधान की धारा 163 में कहा गया है कि गवर्नर की मदद करने के लिए एक मंत्री परिषद् होगी और 164 में कहा गया है कि मुख्य मंत्री की नियुक्ति गवर्नर करेगा और अन्य मंत्रियों की नियुक्ति मुख्य मंत्री की राय से गवर्नर करेगा । इस में कोई मार्ग दर्शक सिद्धान्त नहीं हैं । क्या सरकार जो अनुभव उसको अब तक प्राप्त हुआ है उसकी रोशनी में कोई ठोस सिद्धान्त तय करेगी ? जो प्रक्रिया राज्यपाल के एक राज्य में स्वीकार करता है उसको सभी सूत्रों में स्वीकार किया जाना चाहिए था । बिहार में एस एस पी को बुलाना चाहिए था कांग्रेस के टूटने के बाद ।

एक माननीय सदस्य : तिवारी जी अलग हो गये थे ।

श्री मधु लिमये: तिवारी जी को ही बुलाना चाहिये था । जाने का क्या सवाल है । प्रक्रिया की बात में कर रहा है । वह सब से बड़ी पार्टी थी । कांग्रेस की लिस्ट भी नहीं मिली थी । पता भी नहीं था गवर्नर को कि किस कांग्रेस में कितने विधायक हैं । 1965 में केरल में मार्क्सवादी कम्युनिस्टों का सब से बड़ा दल था । उसको भी नहीं बुलाया गया । धवन साहब ने एक नई प्रक्रिया को यहां चालू किया । शो काज क्यों जारी किया ?

क्या यह सही है कि आपके द्वारा उनके पास कई सन्देशवाहक पहुंचे और फिर इस मामले को ठीक किया गया ? राष्ट्रपति शासन जारी करने के बाद गवर्नर साहब ने आकाशवाणी पर एक वक्तव्य जारी किया । मुझे पता नहीं था कि धवन साहब शायर भी हैं । उन्होंने शायरी और कविता भी इस में की है । उस में से एक ही वाक्य मैं आपको पढ़ कर सुनाता हूँ:

"A year ago, the people had planted a political garden which was to blossom forth in course of time. This was not to be. The great and noble ship which the people had launched on the uncharted seas of parliamentary democracy has gone to pieces on the rocks of disunity..."

मैं यह जानना चाहता हूँ कि गवर्नरों के कार्य की क्या सीमा है, उस का क्या चौखटा है । भविष्य में इस तरह की बातें न हों और उन को सर्कंस सुन्दरी का काम न करना पड़े, क्या इस के लिए कोई मार्गदर्शक सिद्धान्त बनाये जायेंगे ?

SHRI Y. B. CHAVAN : The hon. member has asked whether a different procedure was followed in the case of West Bengal.

SHRI JYOTIRMOY BASU (Diamond Harbour) : All under the Centre's pressure.

SHRI Y. B. CHAVAN: I would say that basically the procedure followed in Bihar and Bengal is the same.

SHRI JYOTIRMOY BASU : According to him.

SHRI Y. B. CHAVAN : Naturally everything I say is according to me; it cannot be according to him.

In both the States the Governors tried to find out whether the leader of the largest

[Shri Y. B. Charan]

party had the support of other parties. As regards the criteria about which the hon. member wanted to know, it is true that the Governor has to select the Chief Minister and he has to appoint the Ministers; but the general principle which is also implied in the Constitution is that the person chosen is in a position to carry out the collective responsibility of the Government. So the Governor has to see that the person invited has the support of the majority in the legislature. That is the guiding principle.

I would like to invite the hon. member's attention to the fact that the entire question of the Governor's discretion to invite somebody to form a government was discussed here when the Rajasthan problem was raised. At that time, I remember to have said that certainly there is further scope for finding out whether some guidelines can be given. I would remind the House of the steps I took then because sometimes members are apt to forget what is being done in this direction. I had since given this information to the House previously. This is the third time I am repeating it.

I consulted some leading jurists of the country in this matter some of whom were ex-Chief Justices also—and a certain consensus was evolved as to what guidelines could be given. The major idea they conveyed was that in this matter the Governor should try to ensure that the man to be called upon has got the support of the majority in the legislature. I wrote to all the leaders of the political parties nearly 1½ year ago about this. But I must say that till today I have not received any replies.

This is exactly what the Governor of West Bengal was trying to do. He naturally wanted to see whether the leader of the largest party had the support of any other political parties so that he could go ahead...

श्री मधु लिमये : वे तो पहले ही लिख चुके थे। शो-काज क्यों ?

SHRI Y. B. CHAVAN : I would submit that the language he used is not the

language of a show cause notice. Certainly he could have avoided asking this information. I quite agreed it was not very essential for him to do that. But the language he has used—'I shall be obliged if you will kindly let me know'—is not the language of show-cause. Let us not forget that the Governor was for a long time a Judge. So when a certain question was raised, he wanted to know what their thinking was—nothing more than that.

As regards the speech he broadcast, there is some reference to poetry. I do not know why the hon. member objects to poetry. Even in the drab political life, it is good that the Governor has not lost touch with poetry. I would request Shri Limaye to follow him in this matter.

श्री मधु लिमये : अध्यक्ष महोदय, एक बात का जवाब नहीं आया है। मैंने यह पूछा था कि क्या यह सही है कि गवर्नर साहब करीब करीब श्री ज्योति बसु को बुला रहे थे, लेकिन इनके संदेशवाहक के वहाँ पहुँचने के बाद उन्होंने अपनी राय में परिवर्तन किया, इन दलों ने लिखा, इसलिए नहीं ? क्या इनके संदेशवाहक गवर्नर तक पहुँचे थे ? मैं यहाँ पर उनका नाम नहीं लेना चाहूँगा। इन्होंने अपने संदेशवाहकों के द्वारा गवर्नर के दिमाग में परिवर्तन लाने की कोशिश की। मैं दबाव शब्द का इस्तेमाल नहीं कर रहा हूँ; यदि ये करना चाहते हैं, तो करें। मैं यह जानना चाहता हूँ कि क्या यह बात सही है।

SHRI Y. B. CHAVAN: The hon. Member is always basing his statement on wrong information. There was no question of sending any messenger from here.

SHRI NATH PAI (Rajapur) : During the past few years it has fallen to our lot to bring to your notice and to the notice of this House the lapses on the part of Governors in this country, but I did not think that Mr. Dhavan would be creating a record unprecedented in impropriety so far as Governors are concerned.

The Home Minister has tried to get away by pointing out that he is an ex-Judge and the writing of show cause notices comes to him very naturally. He even tried to whitewash the whole thing by saying that a little bit of poetry in this drab life of ours is a good charge. Had it been poetry, I would have joined him in sending my congratulations. What he has indulged in is of a very dangerous nature, which is not part the duties of a Governor.

In the first place, the objection that we raised was to the procedure adopted. It is certainly up to a Governor to call for consultation leaders of all parties and then make up his mind as to who should be called upon to form the Government. This is as per the law of the Constitution and the country, but what does Mr. Dhavan do? Mr. Dhavan asks the leaders of parties to tell him the reason why he should not call upon Mr. Jyoti Basu to form a Government. He does this twice. Mr. Chavan has not given any satisfactory reason except saying, of course, that it was not essential for him to use this language. I hope that his words, though very mild, constitute a disapproval and displeasure that the Governor should not use language which appears to be coercive and threatening, but I will take even more serious aspects of what he said.

In this context, I would first like to read out what he has said. He is an ex-Judge, a distinguished scholar I am told. The president's proclamation says:

"Now, therefore, in exercise of the powers conferred by article 356 of the Constitution and all of the powers enabling me in that behalf, I hereby proclaim that I assume to myself, as president of India, all the functions of the Government of the said State and all powers vested in or exercisable by the Governor of that State, declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament..."

The Governor should have known that the State of Bengal is now under the Parliament of India. After the suspension of the Consti-

tution there, we do not have a Gauleiter there, as there used to be in conquered Europe appointed by Hitler. The rule of law and the rule of the Constitution must prevail. Is Mr. Dhavan aware of it, and if he is aware, why does he call the rule of the President a disaster? These are exactly his words:

"This disaster would not have befallen the people of Bengal if the basic rules of partnership had been followed."

Mr. Ajoy Mukerjee, the chief Minister, representing the will of the people of Bengal, says that this is a great relief that the President's rule has been imposed, but here is the Governor of the State saying that this disaster has befallen. Is the rule of the President a disaster, and is it for the Governor of the State to say that this is a disaster.

When I read the reports of his speech in the Delhi papers, I could not persuade myself that the Governor could have brought himself to say these things. I waited till the Calcutta papers, the *National Standard* and the *Amrita Bazar Patrika* arrived, and I must say that I find it extraordinary.

What does Mr. Dhavan say? Mr. Limaye has already referred to the ship-wrecking and that kind of thing. Now, he says:

"I would like to state that, subject to the approval of the President.....

—we should thank him that he remembers that the President counts and that he himself is only an agent of the President and the constitution of India—

"...it shall be my constant effort to bring about a restoration of the United Front through a conciliation between the constituent parties."

Is it up to the Governor to make preference like this? Is it not palpable indulgence in partisan politics to say; I will try my best to restore the United Front? These are his words. Supposing this Government is dismissed tomorrow, will it be up to the president of India to say; it will be my constant endeavour to bring about a restoration of this

[Shri Nath Pai]

Government? Will he not be indulging in partisan politics, completely divorced from his constitutional duty? Does Mr. Dhavan content himself with it? His poetical flights, had they been limited only to what Mr. Limaye has said, I would have been happy. But he goes on. There is something extraordinary in this piece: "Dhavan proves Basu wrong by Lenin." A great poet, constitutional expert and a great judge and a great Marxist. The report says:

"West Bengal Governor on Friday night quoted Lenin to prove Marxist leader Jyoti Basu wrong."

In a broadcast over the All India Radio in Calcutta Mr. Dhavan said that during discussions before the collapse of the United Front the former Deputy Chief Minister told him that though he wanted the U. F. to survive it was not possible for his party, C P I (M) to put up with the offensive behaviour of some of the members of the Front."

What does the Governor tell him? That press report goes on:

"... The Governor said he pointed out to Mr. Basu Lenin's instructions to Trotsky during the Soviet Union's peace negotiations with General Hoffman of Germany in 1918."

The House should be read this paragraph; this is a real gem.

"In a message to Lenin Trotsky complained that the General was determined to wreck the negotiations and was now demanding that 'we must meet him in formal bourgeois dress.'"

The German general demanded of Lenin's envoy that if he wanted to come to negotiations, he must come in tailcoats, etc. Trotsky a born revolutionary, declined to put on, even for negotiations, bourgeois. Lenin's reply goes like this.

"Lenin's reply telegram said: 'our objective is to obtain peace. And if it helps you get peace from Hoffman,

go before him in petticoat, if necessary.'"

Is it the contention of the Governor that he is Lenin, poor Mr. Jyoti Basu Trotsky and Mr. Ajoy Mukerjee, the nasty German General? What does this analogy mean?

SHRI NAMBIAR: Take the spirit.

SHRI NATH PAI: There is too much spirit which is dangerous even in a Governor. The Governor cannot be allowed the cosy comfort of a gubernatorial palace and the freedom of the political arena which is given to a politician. I want to know from Mr. Chavan whether he can justify this kind of speech.

To be fair to the Governor, I shall point out before concluding that at a reception held in his honour in London by the Indian Journalists Union he has made a clean breast of his role. He told them that the age of united fronts had dawned in India. Mr. Dhavan persuaded himself to believe that destiny had called upon him to be the flag holder of the United Fronts in India. He says that the key to the politics in India lies in the United fronts.

MR. SPEAKER: There is a limit to this kind of impropriety. Maybe, some of you may be feeling for the United Front. (*Interruption*) But it is not for the Governor. (*Interruption*) Mr. Speaker, Sir, I want to know from Mr. Chavan one thing. Now the time has come, firstly, will he remind Mr. Dhavan that if Mr. Dhavan wants to propagate the politics of the United Front, this vast country is open for him. He should resign. No body is compelling any body to hold office, if he wants to advocate the policies in which he believes, why have shackles and the inhibitions of a Governor's office? Why subject himself to this criticism in Parliament? Why not make use of the fundamental freedom to resign from his office and come out and advocate the policies of the United Front? (*Interruption*)

SHRI PILOO MODY: He is an infiltrator.

SHRI NATH PAI: Before concluding, may I say this? Mr. Dhavan says: "The

supreme need of hour is to restore the confidence of the people in the capacity of the government to preserve law and order and to dispel the sense of fear and panic which has gripped the people." In one breath, he says that the people of West Bengal, who saw the rebirth of the renaissance of India are gripped with fear; the people who defied the might of the British; a young boy of 16 throwing a bomb and giving the clarion call to be freedom-fighters of India. That West Bengal is in the grip of fear. Because of whom? Because of Parliament, because of the President, because of you and because of us or because of the people, because of the failure of the United Front. So, in one breath, he says that the people have been living in a nightmare of fear; living in the grip of fear. And in another breath, he says that it will be his constant endeavour to bring about the restoration, remove the cause of that fear.

Now, may we have an assurance? Mr. Chavan has tried to blame the Opposition leaders, none of whom has bothered to reply to his questionnaire. It is not that simple. But let us not delve in to it. There was a whole lot of discussion with you about the defections, about the Governor's powers. You refused to take a definite position on all those issues; and it is as a protest against that that we have refused to give a reply. You know, *suppressio veri suggestio falsi*. You told us the truth, but it is half-truth, and therefore it is worse than a falsehood.

May we have an assurance from the Home Minister? As I said earlier, it was not essential for him to use that language. Now, is it essential for the Governor to go on being a champion of the United Front and to make such a palpably partisan speech? I have quoted verbatim from his speech. May we have an assurance from the Home Minister? What the people of West Bengal want is the protection of Parliament: that their rights and liberties as fellow-Indians will be assured to them. May we know from the Home Minister—since it is our rule, the President's rule and Parliament rule that prevail—whether he will take all his courage in his hands and tell Mr. Dhavan that such

after dinner speeches are good at a Rotary Club but not from the gubernatorial palace from the lips of a Governor and that the Governor should confine himself absolutely to his oath to preserve, protect and defend the Constitution. (*Interruption*)

AN HON. MEMBER: Dismissal.

SBRI NATH PAI: In view of the fact that Mr. Dhavan is far more committed to a particular type of thinking to which he is entitled, will Mr. Chavan think that we give him the freedom to practise this, since he is also desirous of it, by relieving him of his responsibility as Governor? (*Interruption*)

SHRI S. M. BANERJEE (Kanpur) : Send Dharma Vira.

MR. SPEAKER: Order, order.

SHRI Y. B. CHAVAN: Sir, the home Member, Shri Nath Pai, has given detailed quotations from the speeches of the Governor.

SHRI J. B. KRIPALANI (Guna) : You are not responsible for his appointment.

SHRI Y. B. CHAVAN: I cannot say that I am not responsible; I am certainly responsible for his appointment. (*Interruption*) Now, I do not want to justify everything that the Governor has said in that particular statement, I personally feel that on such occasions it is very wise and safe for the Governors to be reticent. I have no doubt about that. I do not think it is the responsibility or the duty of the Governor to bring in any particular party to power. I also agree with you on this point. There is no doubt about it. But, at the same time, ultimately, if we see the results in West Bengal—naturally, when he said about the disaster—he does not mean the United Front, as I have understood him. It was not a disaster that the U. F. Government was ousted; it was in a sense a disaster that a representative Government was ousted.

SHRI RANGA (Salkakulam) : He should have said that, \*

SHRI Y. B. CHAVAN : I have made that very clear. When he said that he will restore the U. F. Government he did not mean the U. F. Government as such. I think it is the duty of every Governor to see that a representative Government is restored. (*Interruptions*).

SHRI NATH PAI : Of course, you have a certain obligation to defend him, but let us be fair.

SHRI NAMBIAR (Tiruchirappalli) : If it is a debate, I should also be allowed to participate in it.

SHRI NATH PAI : Your name is not there in the list.

Sir, let me read the exact words of the Governor :

"But in the U. F. Government, for a political partnership, for the governance of a State, there was no such provision and this omission has proved fatal in the end."

It is very clear. He is lamenting the Government's failure. The failure of the U. F. Government is the cause of his despair. He says it in so many words.

SHRI Y. B. CHAVAN : I am trying to see the spirit of his statement.

I do not want to justify every word he has said.

SHRI RANGA : He should be dismissed.

SHRI PILOO MODY : Sack him.

SHRI Y. B. CHAVAN : If I have understood democracy, if I have understood the mood of this Parliament, I do not think this Parliament would wish to have President's Rule all the time in Bengal. It will be our concern to see that representative Government is restored there as early as possible.

The hon. member said that I have told the half truth. It is not half truth, I have

told the full truth, the whole truth. As far as defections and other matters are concerned, I have given notice to the Lok Sabha sometime last year. Let us discuss the defections committee's report here. It was only after the report was discussed in this House that we were going to bring forward legislation based on that. It is for the Business Advisory Committee to decide. It is a matter for the House to decide. (*Interruptions*).

SHRI BAL RAJ MADHOK (South Delhi) : We are pressing week after week for a discussion on that report. The Minister of Parliamentary Affairs is standing in the way. You are standing in the way.

SHRI NATH PAI : The home Minister did not answer one question. Will there be a guarantee given to this House and the people of Bengal that the rule of law will be established, that terror and fear will be removed and when elections come, free and fair conditions will be created there ?

SHRI Y. B. CHAVAN : That was an observation which did not need a reply. It is not only a question of assurance, but it is the obvious duty of this House and the Government to see that the rule of law is maintained in Bengal.

SHRI NATH PAI : What about relieving the Governor ? (*Interruptions*).

श्री बेणी शंकर शर्मा (बाँका) : अभी माननीय गृह मंत्री जी ने कहा है कि वह पश्चिमी बंगाल में ला-एण्ड-आर्डर को जिस तरह से भी हो कायम रखने की कोशिश करेंगे। मैं उरसे पूछना चाहता हूँ कि क्या उनका ध्यान सी० सी० आइ० (एम) के डेली-पत्रक—जनशक्ति में निकले उस स्टेटमेन्ट की तरफ गया है, जिस में कहा गया है—

"All West Bengal will be ablaze if an alternative mini-front Government was formed at any stage without the CPI (M). The mini-front ministers will not be able to enter the Secretariat."



अध्यक्ष महोदय, यह एक ऐसी घमकी है जिसे कोई भी सरकार पसन्द नहीं कर सकती। मैं मंत्री महोदय से जानना चाहता हूँ कि क्या वे इसका विरोध करेंगे—कृप से कम ऐसे पत्र जो आपको घमकी देते हैं, उनके खिलाफ उचित कार्यवाही की जायेगी ?

श्री हमारे माननीय मधु लिये और नाथपाई ओ ने काफ़ी कोटेशनज दे कर बंगाल के सम्बन्ध में धवन साहब के ब्राडकास्ट और उन के पत्रों की चर्चा की है। मैं भी उस दिन ब्राडकास्ट को सुन रहा था। उसमें उन्होंने एक बात की चर्चा और की थी कि वह भारत की तरह से पादुका रख कर जब तक कानूनी सरकार नहीं बनती, तब तक वहाँ के काम को संभाले रहेंगे। मैं माननीय मंत्री जी से जानना चाहता हूँ कि वे उस पादुका को यूनाइटेड फ्रंट गवर्नमेन्ट की मानते हैं या पार्लियामेन्ट की, क्योंकि उन्होंने यूनाइटेड फ्रंट की ही चर्चा की है।

मैं यह भी जानना चाहता हूँ कि बंगाल में इस वक़्त दो तरह की यूनाइटेड फ्रंट गवर्नमेन्ट बनने की बात चल रही है। एक सी. पी. आइ. (एम) को छोड़ कर अन्य पार्टियों को लेकर बनाई जाये और दूसरी सी. पी. आइ. (एम) को लेकर बनाई जाये। इसमें उनका ध्यान किस यूनाइटेड फ्रंट गवर्नमेन्ट की तरफ जाने का है और क्या इसके लिए वे पक्षपात के दोषी नहीं हैं अगर वे पक्षपात के दोषी हैं और किसी पार्टी के साथ पक्षपात कर रहे हैं तो क्या माननीय मंत्री जी उन का शीघ्रतिशीघ्र वापस बुलायेंगे और यदि उन को कोई काम ही देना है तो किसी दूसरी जगह भेज सकते हैं ?

SHRI Y. B. CHAVAN : I do not think the hon. Member is right in saying that the Governor is now trying to support any particular front or any particular party as such,

SHRI KANWAR LAL GUPTA (Delhi Sadar) : What do you mean by "now" ?

SHRI Y. B. CHAVAN : Even then he was not doing that. If he had done that, he would have asked them to form a government.

SHRI PILOO MODY : But they could not form a government.

SHRI Y. B. CHAVAN : He certainly gave them an opportunity to see if they could form a government.

As far as the responsibility of the present administration in West Bengal is concerned, it is not going to take any lead or any advice from the parties there. The Bengal administration would be the responsibility of this Parliament.

SHRI S. KUNDU (Balasore) : I would not repeat the questions that have been asked. With the promulgation of President's Rule in West Bengal, I take it that the era of political melodrama that was practised in West Bengal will come to an end, temporarily though, and with that the barbarous and uncivilised government, as was alleged by Shri Ajoy Mukerjee, will also come to an end. Another factor which has emerged out of this is how the Constitution has stood the test of time in preserving the hopes and aspirations of the people and in safeguarding their interests and rights. This is a very important factor which I think emerges from the activities that were undertaken by the United Front Government in West Bengal. I would like the Home Minister to have a probe and find out whether the Constitution can stand the stresses and strains of the conflict that arises between the Centre and the states. Then, at critical times, under articles 153 and 164 the Governors are allowed to exercise all sorts of constitutional acrobatics and they are sometimes allowed to exercise all those monkey exercises with the Home Minister here as the ring master of the circus. What is the view of the Home Minister in regard to framing some positive rules in regard to their functioning ? It is no use telling us that he has called a meeting of all political leaders. Does he think that the time has arisen now to bring before Parliament some positive proposals in the form of legislation

[Shri S. Kundu]

to meet the lacuna arising out of articles 163 and 164 ? Then, there are allegations of widespread unabated violence in West Bengal. There have been allegations that the civil servants have been indoctrinated with certain political ideas. There have been allegations of break down of law and order with the connivance of some constituents of the United Front Government.

In view of this will the Home Minister constitute a high level non-political judicial inquiry headed by a Supreme Court Judge to find out the justification of the allegations made by all other United Front partners and whether the Constitution stood the test of time there and whether actually law and order failed there ?

I would not like that President's rule should be used as a weapon to avenge or suppress the people by the police. But I would like to know whether the Home Minister will give a clear directive to see that those landless peasants, who were deprived of their lands by some of these goondas, should get back their lands and the families of those poor landless peasants who lost their lives should be compensated.

Then, the offices of the trade unions have been robbed and seized and real democratic functions of unions have been finished. That should be restored. All the allegations that have been made from time to time on the trade union front should be inquired into.

As the Home Minister has pointed out, he will definitely protect the rule of law there. But recently, three or four days back; one of the most heartrending stories has come from Burdwan. The son was killed there and the mother was smeared with the blood of the son. It has been alleged that the SDO refused and did not order the police to fire....(Interruption)

SHRI UMANATH (Pudukkottai) : It is going too far. This calling-attention is on the question of procedure adopted by the Governor. We are not afraid of these charges ; we can face these charges. But under the garb of that procedure if he

goes into the allegations, we will reply to them and we must also be given a right to reply.

MR. SPEAKER : You questions are beyond the scope of the calling attention. Please resume your seat now.

SHRI S. KUNDU : This has very much to do with the procedure..... (Interruption). A Chief Minister calls a Government barbarous and uncivilised and.....(Interruption) the Governor calls him and allows him more time than is necessary to form a government..... (Interruption). The procedure must be laid down to see that these things are not repeated.

SHRI Y. B. CHAVAN : I think, the only point that emerged out of his long lecture was whether the Constitution functioned well during this period. There were many difficulties that we had to face but I must say that ultimately the Constitutional provision has helped us to come out of the difficult situation there. There is no doubt about it.

As to whether we are going to give any instruction to the Governor, I would like to repeat that personally I do feel that there is scope for giving certain guidelines particularly relating to the transitional period but those guidelines will have to be based completely on the agreement of all the political parties in the country because then they will have the force of conventions and conventions can only be based on broad agreement announced by all political parties.

As far as the inquiry is concerned, I do not think it is necessary to go in for a sort of inquiry into Constitutional aspects by the Supreme Court. As far as the law and order situation and policy matters are concerned, naturally they will be discussed with the Bengal administration from time to time after studying the problems very carefully.

श्री ओमप्रकाश त्यागी (मुरादाबाद) :  
बिष्णुदास महोदय, श्री धवन को इंग्लैंड से बुला कर बंगाल का गवर्नर बनाने के सम्बन्ध में

लोगों के दिमाग में जो संदेह था यह सही निकला। यह बात सही है कि बंगाल की जो माओवादी कम्युनिस्ट पार्टी है उसके आगे इस गवर्नमेंट ने सिर झुकाकर उनकी इच्छा के आदमी को इंग्लैंड से इम्पोर्ट करके वहां रखा। अतः वह आदमी सन्देहस्पद है... (व्यवधान)... मैं यह साबित करना चाहता हूँ कि गवर्नर का जो प्रोसीजर था वह गलत था, डाउटफुल था। उन्होंने जानबूझ कर यह किया, इस बात को मैं साबित करना चाहता हूँ। 1.. (व्यवधान)..... राज्यपाल को पहले यह जानकारी मिल चुकी थी सभी पार्टियों की तरफ से कि श्री ज्योति बसु की जो सी० पी० एम० पार्टी है उसको वे सपोर्ट नहीं करेंगे, उसकी गवर्नमेंट न बनायें, फिर इसके बाद—मैं जानना चाहता हूँ—गवर्नर महोदय ने दूसरी तमाम पार्टियों को यह पत्र क्यों लिखा कि इसमें आपको क्या एतराज है अगर मैं श्री ज्योति बसु को सरकार बनाने का अवसर दूँ? क्या इसके पीछे गवर्नर साहब की मंशा यह नहीं थी कि जिस प्रकार से दूसरे प्राविसेज में किसी अल्पसंख्यक पार्टी को यदि गवर्नमेंट बनाने का मौका मिल जाता है तो काले बाजार में मिनिस्ट्री तथा अन्य प्रकार के प्रलोभन देकर उस माइनारिटी पार्टी को भी मेजरिटी पार्टी में बदला जा सकता है उसी प्रकार से श्री ज्योति बसु को मौका दिया जाये ताकि वे... (व्यवधान)...

**अध्यक्ष महोदय :** आप सवाल कीजिए।

**श्री भोग प्रकाश त्यागी :** मैं यह जानना चाहता हूँ कि जब गवर्नर महोदय को उपरोक्त जानकारी थी तो फिर ऐसी स्थिति में उन्होंने पार्टियों को पत्र क्यों लिखा? क्या उनका वह करक्टर डाउटफुल बन गया था नहीं? जो उन्होंने वक्तव्य बाद में दिये और रेडियों पर बोले, ऐसे डाउटफुल गवर्नर को बंगाल में रखना क्या गवर्नमेंट उचित समझती है? और क्या

ऐसे डाउटफुल आदमी को वहां से हटाने पर गवर्नमेंट विचार करेगी?

दूसरी बात यह है कि गवर्नर का कर्तव्य केवल स्टैबिल गवर्नमेंट बनाना ही नहीं होता है बल्कि वह गवर्नमेंट बनाना होता है जोकि स्टैबिल भी हो और जिसका विधान में विश्वास भी हो। मैं जानना चाहता हूँ क्या सरकार बंगाल के गवर्नर को इस प्रकार के इन्स्ट्रक्शंस देगी जो किसी भी पार्टी की सरकार बंगाल में बने लेकिन उस पार्टी को विधान में विश्वास होना चाहिए और वह पार्टी ला एण्ड आर्डर को स्थापित कर सके..... (व्यवधान) ..... मैं केवल दो आश्वासन गवर्नमेंट से चाहता हूँ। पहले तो यह कि चूंकि बंगाल के गवर्नर का आचरण सन्देहास्पद हो गया है उनकी लीनिंग कम्युनिस्टों के साथ में है, ऐसी अवस्था में उन को वहां से रिमूव किया जायेगा या नहीं? दूसरी बात यह है कि क्या गवर्नमेंट आश्वासन देगी कि जिस पार्टी ने अपने पिछले शासनकाल में ला एण्ड आर्डर को समाप्त कर दिया है और विधान के प्रति लोगों में आस्था को समाप्त कर दिया है क्या उस पार्टी को गवर्नमेंट बनाने का किसी अवस्था में इसका मौका नहीं देगे? और तीसरा मेरा सवाल यह है कि ज्योति बसु ने गृह मंत्री होने के नाते पुलिस विभाग में जो अनुचित आदेश दिये हैं अथवा जो अनुचित पदोन्नति की है क्या उनको प्रेसीडेंट रूल के समय में ठीक किया जायेगा?

**MR. SPEAKER :** The third part of the Question does not arise. I do not allow that.

**SHRI Y. B. CHAVAN :** Sir, I may say categorically that so far as the indirect imputation against the Governor that he had some sort of conspiracy against some party is concerned I do not accept this proposition. Sir, he tried his best to see that representative Government was formed or retained. I think looking to the history

[Shri Y. B. Chawan]

of Bengal for the last 2 or 3 years, it was his intention to see that no effort was left undone to see that some sort of representative Government functions there. I think in that matter he meticulously and skilfully tried his best. This is all that I can say. Then, Sir, as far as the other question is concerned, I cannot give any guarantee on behalf of the Governor that he will never ask a partical party to form a Government. His constitutional responsibility will be to see whether the person to be invited has the majority in the legislature. This is all that I can say. About the other thing, I am not in a position to say at the present moment...

SHRI MANUBHAI PATEL (Dabhoi) : We have given two important Calling Attention Notices. (Interruption) It is a very serious thing.

SHRI M.L. SONDHI (New Delhi) : Sir, in this House, is it ever possible to discuss an important subject of Foreign Affairs? (Interruption)

MR. SPEAKER : Both of you have no right to speak. (Interruption)

SHRI M. L. SONDHI : Sir please permit us to raise the question of debate on a vital and important subject of foreign affairs, about Cambodia. (Interruption). Every country is vitally interested. (Interruption) India have to play its role under the International Control Commission.

MR. SPEAKER : All that is irrelevant...

SHRI M. L. SONDHI : Please allow us to raise a discussion about Cambodia.

MR. SPEAKER : Mr. Sondhi, please sit down .

SHRI M.L. SONDHI : Sir this is a matter with which every country is vitally interested and we have to raise a discussion on that. We are devoting one hour to the question of which seat the Deputy Speaker should occupy and all that. We are devoting so much time for discussion of small matters. About Cambodia, the whole world is talking about. (Interruption) We should have a discussion on that. (Interruption)

SHRI MANUBHAI PATEL : About the disastrous earthquake of yesterday, I was expecting that Government will be able to make a statement (Interruption) But I am sorry to say that have not said anything. The Home Minister spoke about defection report. I am sorry to say that the Central Ministers and MPs of the ruling party are involved in the defection activity. (Interruption) I charge the Prime Minister with using the guest-house... (Interruption)...and Shri Jagjivan Ram... (Interruptions)

MR. SPEAKER : I am very sorry that the hon. Member is defying the Chair. If he persists, I shall have to name him. He is defying the Chair constantly... (Interruptions) Will the hon. Member please sit down or not? What is this which is going on?...

SHRIMATI TARKESHWARI SINHA (Barh) : It is a serious matter, and you must allow this matter to be raised. Two Members of the Assembly... (Interruptions) These two defectors have been kept in the guest-house of Government... (Interruptions) It is a serious matter. You must allow this matter to be raised and Government should explain the position. We would request the Home Minister to ask the SPE to go into the charge that Rs.50,000 had been deposited in one of the banks in Abu in the name of the two defectors and find out whether this charge is correct or not. It is a serious matter... (Interruptions)

SHRI SHEO NARAIN (Basti) rose—

MR. SPEAKER : Will the hon. Member please sit down? He does not want to be left behind the lady... (Interruptions)

श्री शिव नारायण : अध्यक्ष महोदय, यह बड़ा सीरियस मामला है... (व्यवधान)

MR. SPEAKER : Let him please sit down. Papers to be Laid on the Table. (Interruptions)

I am not hearing anything at all. In future, I am going to follow this procedure. Let the hon. Members sit down.

मैं आप के सामने बिलकुल स्पष्ट तौर पर कह देना चाहता हूँ कि आयन्दा जब कभी मैं खड़ा हूँगा तो इस तरह से जितनी भी शाउटिंग्स आदि होंगी उन्हें मैं रेकार्ड पर नहीं रखूँगा। आयन्दा से इस तरह से बगैर मेरी इजाजत के और बार बार मना करने के बावजूद भी जो सधस्य बोलते चले जायेंगे उनकी बातें रेकार्ड पर नहीं आयेंगी।

श्री शिव नारायण : अध्यक्ष महोदय, आप ने कहा है कि जब मैं खड़ा हूँ तो उस मीके पर कोई भी शाउटिंग्स को रेकार्ड पर नहीं लाया जायेगा तो मेरा निवेदन है कि मैं कल उत्तर प्रदेश की असेम्बली में देख कर आया हूँ..... (ब्यवधान).....

If you stand, how can we get up and say anything? You are the guardian of this House, and you must permit us to have our say.

अध्यक्ष महोदय : इसका मतलब यह हुआ कि जब भी माननीय सदस्यों की मर्जी हो बगैर मेरे बुलाये वह बोलना और चिल्लाना शुरू कर दें और मैं उसे बन्द न करूँ तो यह मैं कैसे चलने दे सकता हूँ ?

मुझे इस बात की बड़ी फिक्र है कि यहाँ इतने सारे देवता और देवियाँ हैं लेकिन सब अपना देवीपन और देवतापन भूल कर एक जैसे हो रहे हैं। क्या किया जाये मुझे कुछ समझ में नहीं आता है.....(ब्यवधान).....

श्रीमती तारकेश्वरी सिन्हा : भ्रजी वह देवी बाज महादेवी बनी हुई हैं और उन्होंने सारे भारत को करप्ट करके रख दिया है...

SHRI BAKAR ALI MIRZA (Secundra-bad): Last time the hon. Minister of Parliamentary Affairs gave an assurance that he would consult the Prime Minister and fix some time for a discussion on Telengana. I would like to know what has happened to that discussion.

श्री मधु लिमये : अध्यक्ष महोदय, मैं आप से एक जानकारी चाहता हूँ अभी जब आप कागजात रखने के लिए अनुमति दे रहे हैं तो अभी कुछ दिन हुए जब पाटिल साहब ने अपने पर्सनल ऐक्सप्लेनेशन के दौरान यहाँ पर हमारे लिए कुछ कहा था और उस के बारे में हम ने आप को लिख कर दिया हुआ है तो क्या मैं आप से जान सकता हूँ कि वह हमारा जो सदन की मानहानि का प्रस्ताव था और जिसके लिए आपने कहा है कि वह विचाराधीन है वह क्या कल आयेगा ?

अध्यक्ष महोदय : नहीं।

श्री मधु लिमये : दूसरा मेरा निवेदन है कि परेल में जो रेल दुर्घटना हुई है उसके बारे में क्या आप ध्यानाकर्षण प्रस्ताव लेने वाले हैं ? नये रेल मंत्री के समय में हुई यह पहली रेल दुर्घटना बड़ी भयंकर है ;

SHRI MANUBHAI PATEL : It is clear that such things will not be put into the record henceforth. But I hope that today it is on record.

12-59 hrs

#### PAPERS LAID ON THE TABLE

#### FOURTH FIVE YEAR PLAN—REVISED OUTLAY, 1969-70

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P.C. SETHI) : On Behalf of the Prime Minister, I beg to lay on the Table a copy of the Fourth Five Year Plan—Revised outlay 1969-74 together with a statement thereon. [Placed in Library. See No. LT 2932/70.]

#### PROCLAMATION IN RELATION TO WEST BENGAL

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : I beg to lay on the Table—

- (1) A copy of the Proclamation dated the 19th March, 1970 issued by the