

MR. SPEAKER : The communal issue is no Party issue. There will be no speeches on this. The Leader of the House on behalf of the whole Parliament has made a statement and there is absolutely no difference of opinion on this issue.

As regards the evil of communalism which has resulted in bloodshed in different parts of the country, it must be condemned and is condemned by all sections of the House and I am sure this unanimous condemnation would strengthen the hands of secularism and there would be no further bloodshed; and I am sure the Prime Minister's views are shared by every party and section of this House.

We will now take up the Motion re : West Bengal.

18.47 hrs.

DISCUSSION RE PRESIDENT'S RULE AND MID-TERM ELECTIONS IN WEST BENGAL

MR. SPEAKER : Mr. Ramamurti.

SHRI P. RAMAMURTI (Madura) : I beg to move :

"That in view of the fact that there is no rule of prevalent in West Bengal, this House recommends that the President should assume to himself all the functions of the Government of the State of West Bengal under article 356(1) of the Constitution of India, and arrange for early and fresh elections to the Legislative Assembly."

MR. SPEAKER : Motion moved :

"That in view of the fact that there is no rule of law prevalent in West Bengal, this House recommends that the President should assume to himself all the functions of the Government of the State of West Bengal under article 356(1) of the Constitution of India and arrange for early and fresh elections to the Legislative Assembly."

SHRI P. RAMAMURTI : I do not just now want to go into the question as to how the Central Government toppled the UF Government and installed the Ministry of Dr. Ghosh. I want to confine myself to the state of affairs that is prevailing in West Bengal today. The police are running

amock. Nodbody to restrain them. They can do what they please. There is no law as far as they are concerned.

When this Government of Dr. Ghosh was installed, about 80,000 policemen were mobilised from all over the state and posted round Calcutta. Along with that, a Central Reserve Police force of about 26,000 or 27,000 was also sent there and they were posted throughout Calcutta. The Army was also mobilised. This is how that Government came to be installed. After that, what has been happening there ?

A team of MPs had gone there very recently. I am sure they will place before you the facts relating to the conditions that exist actually there. But the newspaper reports that come everyday, despite the blanket ban that the Government has put on them by so many means, are sufficient to alarm anyone. They remind one of the days of O'Dyer. We know that a peaceful civil disobedience movement is going on there

AN HON. MEMBER : Peaceful ? (Interruptions).

SHRI P. RAMAMURTI : What else is it ? (Interruptions).

MR. SPEAKER : This side also should listen patiently.

SHRI P. RAMAMURTI : Are you not ashamed of what is happening there ? Have you lost all sense of shame ? Today the police are running amock everywhere. Have you got any sense of shame ? Even newspapers which are the supporters of the Congress Party have written about this state of affairs there. For example, the *Amrita Bazar Patrika*, one of your own papers, has written yesterday about how the police does not even listen to the orders of the Chief Minister. This is the statement of one of the newspapers supporting the Congress. Just two days back, all the newspapers of West Bengal—they are not supporters of the UF; they are supporters of the Congress Party—all the newspapers have written as to how the police ran amock in Uttarpara. What is happening to the Congress Party ? I am sorry to say that the members of the Congress Party have lost all sense of shame.

[Shri P. Ramamurti]

This is how things are happening. What can I do with them.

SOME HON. MEMBERS : You are shameless (*Interruptions*).

SHRI P. RAMAMURTI : Pressmen were attacked. Newspapers have reported the fact that pressmen who had gone there just to report the happenings were attacked; the cameras of photographers were snatched away. They were beaten mercilessly. This is the state of affairs prevailing there. This the rule of law that is prevailing there. We had another report that the LIC employees who were working in their office were subjected to beating. The police entered the LIC office pounced upon them and beat a number of the employees. Is it the rule of law ? We would like to know.

Why are all these things happening ? I am told that in a police station a boy of 17 was arrested, tortured with a big iron rod put into his mouth and twisted. When that boy asked for water, there was a policeman who shamelessly undressed himself and said to him : 'Do you want water ? Take this.' He then urinated into the mouth of that boy. Such things are happening (*Interruptions*).

Women are being molested. Newspapers have, for instance, reported how a former Member of this House, Shrimati Renu Chakravarty, who was leading a procession was dragged and her blouse was torn by the police.

Where is the rule of law there ? Can you control the police there ? You cannot.

Are you yourselves giving instructions to the police that Bengal can be kept down only by restoring to terrific violence on the people ? Today the Congress Government has declared a war on the people of West Bengal. That is what is happening. Here is a Government without any sense of democracy; here is a Government which does not command an iota of support from the mass of the people of West Bengal. They cannot hold a public meeting. The Chief Minister cannot get out of his office without a police escort. Wherever he goes, that wonderful gentleman, goes with a posse of police protecting him. This is the type of Government that has been installed here.

Where is the Congress Party's prestige in West Bengal ? Along with what is happening in West Bengal, the prestige of the Congress is going down throughout the world. If you want to save that prestige, even now, at least even now, see to it that these atrocities on the people are stopped. They cannot be stopped by your stooge, Dr. Ghosh. He cannot do that. Why ? The *Amrit Bazar Patrika* has written in an editorial that despite his instructions, the police are behaving like this. Mr. Ghosh cannot take action against them because he knows he depends on them for his existence. How can he take any action against the police ? Without their support, he cannot last for a single minute there. Therefore, how can he take action ?

If you talk in the name of democracy, if you have any sense of democracy left you, why are you afraid of facing the people of West Bengal ? I challenge them to face an election in West Bengal. It is the test of your democracy. But the democratic sentiment of the Congress Party has shown that it is terribly afraid of the people of West Bengal (*Interruptions*). Go before the people of West Bengal and obtain their verdict.

AN HON. MEMBER : Why was not the Assembly allowed to meet ? (*Interruptions*)

SHRI P. RAMAMURTI : Newspapers are writing that the Congress leaders do not know what to do, the Congress Party does not know what to do. They suggest that President's rule and a mid-term election is the only solution. But the Congress Party is afraid of facing the people. This is not what I am saying, but what many newspapers are saying. Even a newspaper like the *Statesman* is saying that the Congress Party today is afraid of an election. Mr. Ghosh and other people would oppose another election because they know that they will be wiped off, they will not be able even to retain their security deposit.

Therefore, do not play with the people of West Bengal. Today, as I said a war has been declared on them. Newspaper reports say that in spite of this terrific repression let loose on the people of West Bengal, the Bengali people have taken up the challenge and they are fighting, undanute.

How long do you want to keep this war ? That is the question. Do you want this war to go on for ever or will you even now beat a hasty retreat honourably and see to it that the Bengal people are allowed to give their verdict, to decide with regard to the kind of government that they should have ?

Therefore, I would ask the Prime Minister and the Government of India to realise even now the gravity of the situation. Anyway you are not going to save the Congress Party in West Bengal. The Congress Party in West Bengal is going(Interruptions)

SHRI UMANATH : It is going down the drain (Interruptions)

SHRI P. RAMAMURTI (Pudukkottai) : The Congress Party has unleashed this terrific repression on the people of Bengal and I say it will disappear from Bengal unwept, unhonoured and unsung. Do you want that position ?

Even now at least have some shame of shame, some sense of democracy, some regard to the people's ideas, the people's desires. Even now beat a retreat. Therefore, I am suggesting a simple solution. It is not something unconstitutional. It is under the Constitution. When the Ghosh Ministry, that stooge Government, that puppet Government is not able to uphold the rule of law, there is no alternative to obtaining the verdict of the people (Interruptions)

In other States, for lesser things, the Central Government has said that there was no law and order and has taken over. Here, when such things are happening, it is high time the Central Government honours the sentiments of the people at least now, takes over the Government and immediately orders fresh election and abides by the verdict of the people.

MR. SPEAKER : SHRI A. K. Sen.

SHRI HUMAYUN KABIR rose—

SHRI GANESH GHOSH (Calcutta South) : Why should the traitor speak here ? (Interruptions).

MR. SPEAKER : If you do not want to hear the hon. Members here, if you want to force me to permit only some, then I will

adjourn the house and go home. You cannot dictate to me. The hon. members of this House have a right to speak. Nobody can say I can call only so-and-so. I would also appeal to the hon. members. There is no use members from this side shouting when Mr. Ramamurti is speaking, and members from that side shouting when Mr. Sen is speaking.

SHRI GANESH GHOSH : On which side will he speak ?

MR. SPEAKER : He is going to speak, and he will speak, whether you like it or not. He is an hon. member of this House, and he has an amendment to the resolution. He has to move his amendment.

SHRI S. M. BANERJEE (Kanpur) : It was never circulated.

MR. SPEAKER : The Chair has permitted an amendment to be moved, and it will be read out. I have allowed it a number of times. You can express your views very clearly, and they can also express their views. Let us have a discussion in a quiet way. Ultimately, a decision will be taken by the House.

The amendment was given in the morning at 10.30 I have permitted it. He may move his amendments.

SHRI HUMAYUN KABIR (Basirhat) : I beg to move :

That in the motion—

- (i) omit "in view of the fact that there is no rule of law prevalent in West Bengal,"
- (ii) for "should assume to himself all the functions of the Government of the State of West Bengal under article 356(1) of the Constitution of India, and arrange for early and fresh elections to the Legislative Assembly."

substitute—

"may take such action as he may consider necessary to ensure that the Legislature in West Bengal may function freely and without any hindrance from outside or inside."(1)

SHRI P. RAMAMURTI : On a point of order. I say that this amendment is out of order. I am saying so because the amendment says that the President may take such action as he pleases. The Constitution does not provide for the President taking such action as he pleases. Therefore, if this amendment is to be allowed, he must say that the President may act under such and such articles of the Constitution. Otherwise, Parliament cannot consider it.

19 hrs.

MR. SPEAKER : I will consider it. Mr. A. K. Sen.

SHRI A. K. SEN (Calcutta North-West) : Mr. Speaker, Sir, I certainly express my concern and I have no doubt that the House itself feels very concerned that the rule of law is really under a serious challenge. We have been feeling it for quite a long time. Ever since there was a challenge that the battle should be fought outside the legislature and not on the floor of the legislature, we had such apprehensions. When the Governor had summoned the Assembly, and it was adjourned without any valid reason without the majority expressing itself, we knew what was going to happen. I am really glad that one of the leaders of the Opposition has expressed his concern at the deteriorating condition of law and order in West Bengal. Ever since the United Front Government came to power, the Chief Minister himself, who certainly is a man who has respect for the law, expressed his concern in no uncertain terms that certain constituents of the United Front seemed to have come and said—(Interruptions)—I am not taking any note of it.

AN HON. MEMBER : Repetition.

SHRI A. K. SEN : Even repetitions can be heard by others. If the hon. Member does not want to hear, he is at liberty to go. That is the rule of law. (Interruption)

SHRI SHEO NARAIN (Basti) : Shut up.

SHRI NAMBIAR (Truchirappalli) : That is the rule of law. It is most undignified; do not use such words any longer. It is for the Chair.

SHRI A. K. SEN : I agree with Shri Nambiar that if anybody is to be shut up it is for the Chair to shut him up and not for anybody else. It is equally objectionable, as some of the interruptions on this side. Sir, I was saying, what happened was that a section of the workers was incited to take the law into their own hands and I remember when I was arguing before the high Court, I was gheraoed ; I was gheaoed and the court was gheraoed. (Interruptions).

SOME HON. MEMBERS : Shame, shame.

SHRI A. K. SEN : The other day,—It was only three days ago—I happened to be in the court, when five young men came and several girls also came. They asked the judge to quit the room and they tried to usurp the seat of the judge. This is what is called law and order. And this is the rule of law ! And the learned judge sent for the Advocate-General and said : "Please tell the Government that the rule of law has to be established and has to be restored and this court must go on with its work without any interruption." The interruption came not from the police because the Chief Justice had directed the police not to come in large numbers into high court, and taking advantage of that, these people want to completely shake the foundations of what is—

SHRI S. M. BANERJEE : It is all old story.

SHRI A. K. SEN : But you repeat it every day. (Interruption) They do not like to hear the old story, but they are repeating it every day. (Interruption). And so long as they repeat, we here and I for one will see that they are not allowed to repeat it. I am not afraid to face the people. Tall talks have been made about facing the people. We have faced the people for five years. (Interruption) Mr. Ramamurti knows, and still, what happened? Mr. Ramamurti's candidates were opposed by the candidates of the other constituents of the United Front. Mrs. Renu Chakravarty's name was bandied about here.

I know myself that (Interruption)

SHRI RANDHIR SINGH—(Rohtak) : Sir, we heard Shri Ramamurti with great patience and respect.

SHRI A. K. SEN : When 'Shri Ramamurti was speaking I appealed to my party men here to give him a patient hearing because I have great respect for Shri Ramamurti. He rarely reduces the level of the debate.

SHRI S. M. BANERJEE : We have regard for Shri Sheo Narain, not for you.

SHRI A. K. SEN : I do not care for the regard of people who can do anything (*Interruption*). I have listened with very great patience and silence what came from Shri Ramamurti. He is certainly entitled to be heard and we are entitled to reply from our side. Those who think that replies are not welcome they should quit. The House must give a patient hearing. It is my right (*Interruption*)

SHRI NAMBIAR : Why do you spoil your standard like this ?

SHRI K. ANIRUDHAN (Chirayinkil) : Sir, he can very well quit the House. Who is he to direct Members to quit the House ?

SHRI A. K. SEN : We have faced the election and we shall face it again. Even a barrister faces the election. Sir, fortunately, I have been elected and so long as I am elected I am entitled to be heard here. I am entitled to be heard not only for myself but for a party that has the largest majority in the West Bengal Assembly.

AN HON. MEMBER : Largest ?

SHRI A. K. SEN : They have the largest majority and we shall continue to have the largest following in the legislature.

SHRI DHIRESWAR KALITA (Gauhati) : With minority votes you are in a majority.

SHRI A. K. SEN : Because we are in a majority the call is not to test the strength on the floor of the Assembly. We test the strength every day here. The call is on the streets of Calcutta. Bombs—some are foreign—are thrown (*Interruption*). Brickbats are thrown, hundreds of policemen are injured, hundreds of innocent men have been injured. My chauffeur looks like, what we may call, a non-Bengali. The other day he was driving my own car very peacefully.

AN HON. MEMBER : Another story.

SHRI A. K. SEN : My car was stoned. He came back with three big dents on the car.

AN HON. MEMBER : Cock and bull story.

SHRI A. K. SEN : I am not used to tell cock and bull stories. You can go to Calcutta (*Interruption*)

MR. SPEAKER : Order, Order. Shri Sen may resume his seat. If this is the kind of debate that is to take place I shall better close the debate and adjourn the House. I will give you another half-an-hour. I am patiently sitting here. I think hon. Members are testing my patience. This is the first warning. If you do not allow this side to speak, I will just leave the Chair and adjourn the House. I have not allowed a debate here for one side to be shouted down. I am not expected to take it that one side is telling all gospel truth and the other side is telling only cock and bull story. Therefore, this is the first warning. If you go on like this I will have to adjourn the House. My patience is being tested.

SHRI J. M. BISWAS (Bankura) : Shri Ashok Sen is only.....(*Interruption*)

MR. SPEAKER : This is another cause for adjourning the House. If you do not sit down, I will adjourn the House. I do not want to hear you. If anybody gets up and starts shouting in the middle, I am going to adjourn the House and go away. I am not interested in continuing the debate. I thought, some truth will come out between the two sides and the country will be able to judge. If one side says, "Ours is hundred per cent truth and the other side is cock-and-bull stories", I am not prepared to accept it as the Speaker of this House. If you do not want to hear the other side, I will adjourn the House and go away.

SHRI A. K. SEN : My chauffeur was so scared that I had to be driven in another car to catch a plane. This is the state of affairs, not brought about by the police. It is the duty of the police to protect the citizens in carrying their normal life. If anybody thinks that they can test the strength of the respective parties on the streets of Calcutta, the game can be fought by both. But we are

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not going to fight it like that. We are not to accept that we shall fight it on the streets. We refuse to fight it out on the streets because in this country we are governed by a Constitution which gives equal rights to every one, to every voter to elect his representatives. All of us have been elected by the free votes of the people and when we come to be elected we have every right to coalesce or not to coalesce with particular groups. There is no law in a democracy that if Dr. Ghosh joined the United Front he was a patriot but the moment he leaves the United Front out of disgust he ceases to be a patriot. He will be a patriot always. He has been a patriot in the past. When our friends were supporting the imperialist wars as *jana-yudha*, he was in jail. (Interruption). The record of those years need not be repeated here.

SHRI S. M. BANERJEE : Where were you in 1942. We faced lathis in 1942. . . . (Interruption)

SHRI A. K. SEN: I was very much in Calcutta.

This is what happened. Dr. P. C. Ghosh was then in jail, fighting the British. He has suddenly become a traitor.

Shri Humayun Kabir as a nationalist Mussalman in those days was the target of the Muslim League attack. In those days anybody who joined the Muslim League could aspire to very high things. But he is one of those who disdained those high things for the sake of his nationalist sentiments. We are proud that we had some Mussalmans like that who were not parties to vivisectioning this country, to the partition of this country. He is a man who never stood second in his life. He got a first in Oxford and we had no one like him among the Muslim community in West Bengal. If he had joined the Muslim League in those days, there was nothing that would not have been in his grasp. But everybody knows that for the sake of his nationalist sentiments he remained in the Congress. And he was beaten up in his house in the year 1939.

AN HON. MEMBER: He will be again with the Congress.

SHRI A. K. SEN: Even when he left us, we never abused him on the floor of this

House. He was one person responsible for our losing many of the seats in West Bengal. In the 24-Parganas we won 32 seats in the election of 1962 whereas we won only 4 this time and he is the man responsible for it, not my friends here.

SHRI JYOTIRMOY BASU (Diamond Harbour): Rubbish.

SHRI A. K. SEN: I do not care where he is but I shall never think of calling him a traitor because that is the language used by some parties who do not know how to treat the opposition, who do not know the art of tolerating the other point of view. They think that everybody has one tongue and one voice and not that many voices make a democracy. This is the rule of law that every one should have an equal right to join a party he likes, that everybody has an equal right to pass the laws by a majority of which he may be a party or to oppose the law against which he may be pitched for the particular moment, but once the law is passed that law has to be obeyed. The law is bad if it does not give equal rights to all. That is the Constitution that we have given to ourselves and it can only run with the willing obedience of the citizens. No rule of law can subsist if people take to bombs and hurl them at every passing car, when innocent pedestrians in most cases, hundreds of civilians are injured every day. The parents of many students have come to me saying, "We have stopped our boys from going to schools and colleges." This is what is happening to Bengal. If that goes on in the next generation, we will be producing a race of people who will be completely unlettered in a State which had been proud of its traditions in the field of letters. The colleges are closed and these people do not care for the colleges. These people care for the Red Flag. (Interruption). They say, we are afraid to address a gathering. I was addressing thousands of boys and I saw in front of them some boys with placards hanging from my own University saying, "Lal Salam, Mao Tse-tung."

SEVERAL HON. MEMBERS: Shame, shame! (Interruptions)

SHRI A. K. SEN : Go and see for yourself.

The Principal of the Law College was sitting next to me and I asked him, "Is that what you allow in my University which has produced such great patriots and which has produced people who have laid their lives in winning the freedom of this country, that you are displaying Chinese slogans and welcoming Chinese?".....(*Interruptions*) Let them go and see.

The Principal and the Vice-Chancellor told me that they do not dare pull it down because they will be bombed in their own rooms. This is the rule of law. So long as we live, we shall not allow that rule of law which hails the Chinese as deliverers. We shall, certainly, oppose it. Bombs may be there, hundreds of us may be injured, but we shall not allow slogans welcoming Mao Tse-tung and *salam* Mao-Tse-tung and lose the freedom of this country for which thousands of people have died.....(*Interruptions*). Let them come with me and I shall show them those slogans and big posters.

SHRI K. ANIRUDHAN: He is responsible for organising these posters and he knows where all the posters are.

SHRI A. K. SEN: The other day, I was so shocked when Mr. Vidya Charan Shukla said that they have no law to stop it. Let him come to me, I shall frame the law which will make it impossible for Indian citizens to parade the streets of a great city and to put up placards welcoming the Chinese in the heart of the University of Calcutta. This is a shame not only to the city of Calcutta but to the whole country. I welcome you, Sir, to come with me and you will see those placards.....(*Interruptions*)

SHRI K. ANIRUDHAN: He is connected with the installation of those posters of Mao at night and he is coming to Parliament for publicity alone....(*Interruptions*)

MR. SPEAKER: Order, order.

SHRI A. K. SEN: I know Calcutta much better than my friends on the other side.

SHRI JYOTIRMOY BASU: We know much better than you.

SHRI A. K. SEN: I know some eyes don't smart at Chinese signs, some hearts don't bleed with the Chinese coming on the sacred soil of India. I know some hearts leap up with joy when the Chinese overrun our country. But that is not the rule of law for which the people of this country have shed their blood. The rule of law which you want to establish and keep going is what will injure Independence of this country, the equality of every citizen and equal opportunity for all. That is what they have subverted and they are trying here because they have no majority in West Bengal Assembly. Let them go to West Bengal Assembly and see who has the majority. (*Interruptions*) I will face you; I will face every time. I have been sent there with the majority of 60,000 from the city of Calcutta. No one else has come with that majority. And I will come again, God willing.

Shri Ramamurti has championed this rule of law. But let him preach it to those who have no respect for the rule of law. We do not want to be converted. We are already converted because this House is the guardian of the supremacy of law. If this House fails, if the supremacy of law fails, then the entire constitutional fabric will vanish and what will appear in its place will be the rule of the mob which knows of no law and which destroys everything. When there was a revolution in France—Prof. Mukerjee is there—thousands of people gathered in the name of liberty, equality and fraternity.

When it fell into the hands of the mob, liberty, equality and fraternity became the very first victims. Marats was put under guillotine by Robespierre because he belonged to another Party. May I say that my friend, Robespierre, will fall very soon, it will follow very soon, in a fortnight. If the rule of law goes, we may go; the others will follow very soon. The heads that will be chopped off will be the heads of democrats with no distinction. Jan Sangh or Swatantra or anything.

[Shri A. K. Sen]

Therefore, if we are concerned, let us all stand up and declare for all times to come that this House, as the champion and the guardian of the supremacy of the law, will not allow the rule of law to fall into pieces in any part of the country, whether by Chinese agents or any other agents in this country.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : I am more concerned with the Constitutional and legal aspect of the question. From the speech which the House heard from Mr. Ramamurti, we could see that the rule of law was deteriorating. When the distinguished Member started speaking, I thought he would deny all that, but on the other hand he was good enough to supply more instances of the deterioration of the law and order position in West Bengal. Now it is a common case between both the sides that the law and order position has completely deteriorated, and the installation of the present Ministry has not in any way improved the situation. So much is quite clear. Mr. Asoke Sen referred to bombing. It is true that nobody wants bombs. I am one of those who believe in the maintenance of law and order as strictly as possible. But in the name of law and order, excesses, tortures, cruelties, inhumanities and barbarities cannot be perpetrated in this land of ours. We have not fought for Independence just to witness before our eyes all these things. I was one of those who went to Calcutta recently. After seeing in the newspapers some pictures, I agreed to go there. I saw certain pictures published in the *Times of India*, certain pictures in the *Amrit Bazaar Patrika* and certain pictures in the weekly magazine, *Current*, of Bombay. Those pictures were self-evident proofs that the Police, who were entrusted with maintenance of law and order, had exceeded their duties far and far beyond any reasonable understanding of the matter. I went to Ganguli Bagan, Sonarpur, Barkipur, Jorabagan, Barahanagar, Uttarpara, Calcutta University, Jadavpur University, Beliaghata, Kalighat and some other places. We heard all those who were the victims of those atrocities. We had nothing to do with politics. We did not hear the politicians. We heard first-hand stories of some incidents that had happened.

Therefore, the law and order situation has deteriorated.

The case of the other side, when Mr. Ajoy Mukerjee's Ministry was dismissed, was that he was not acting under the law, that he did not listen to the advice of the Governor to summon the Assembly as early as possible to vindicate his own position. Only yesterday, Sir, the Home Minister said that with regard to the summoning of the Assembly, the Governor is bound by the advice of the Chief Minister and the Home Minister was very good enough also to say that that information was available with the Governor when he dismissed Ajoy Mukerjee's Ministry because he would not call and convene the Assembly on a date which the Governor wanted. Now that is the legal position. So far as the deterioration of law and order is concerned, it has increased. Mr. Asoke Sen has done a great service in bringing to the notice of this House the situation as it is even after this new Ministry with all the strength of the Central Government is placed there, with all the prestige of the Central Government it is placed there and yet, all these things are happening. Therefore, we, as coming from another State, are anxious about this that in India this kind of thing should not continue. This may happen anywhere. Tomorrow it may happen in Bihar or U.P. or Haryana or Punjab. At least in one case, of course, the Governor saved them by placing the State in the hands of the President. Now, all that this Resolution has stated is—it has not made reference to all those allegations and counter-allegations because they are not new allegations. The allegations cited by this side are not denied. Now new incidents are added. Now what is the end of all this? Now what is happening? Has the present Ministry got a majority? They say that it has got a majority. But, everyday the newspaper report is that the Congress Party is not decided whether to go with the minority Ministry or not. How is now the Governor sure that this minority Ministry of 16 or 18 persons is commanding a majority and how did he come to the conclusion that when these 16 or 18 persons went out of Ajoy Mukerjee's party, Ajoy Mukerjee definitely lost the majority? The thing passes understanding of an ordinary person like myself. Therefore, the position is quite clear, namely that from one constitutional

impropriety to another constitutional impropriety, from one impropriety to another impropriety we are now going on. The Governor is certainly not right now, not to have reported to the Centre that the position is not good, that the law and order situation has also deteriorated, that the constitutional set up he wanted to achieve he was not able to achieve, that he wanted that the legislature should be summoned, but his hands are tied down by the Constitution and the Speaker did not allow anything to proceed—and his house was promptly bombed! But, now under the circumstances what should a man do? I think the best thing is: I said it long long ago. I said it when this question first came up before this House. I say the same thing even now. I knew, I had some inkling that things would take this kind of zigzag course. Therefore, I have suggested that and I am suggesting that even now—that there is no use tinkering with the position, there is no use allowing innocent people to be shot down or teargassed or lathi-charged in that ancient city, that great city of Calcutta. Just what for? Because we are not decided in our mind, because the Central Government is not decided in their mind. This game should not continue and the people of this country should be made to suffer all these barbarities and tortures. The only remedy, therefore, is constitutional. One Ministry was dismissed and the second Ministry is not able to summon the Legislature and the position is that not only it is a minority Ministry, admittedly a minority Ministry and admittedly, the largest single group, the Congress Group, every day is wobbling, it is not certain whether it would like to support Ghosh's Ministry or not, they do not know whether to coalesce with them or not. Meanwhile orders are going. When I went to Calcutta, lorryloads of Police—they were not all Calcutta police, but Police from some other districts and some other areas were brought in—lorryloads were moving from place to place. When we went to Calcutta University, there we saw in the College premises a number of teargas shells, some used and some unused—all of them, of course, made in America. It is a pity Sir, that India is not able to produce its own teargas shells (*Interruptions*). When I say all this, it does not mean that I am in any way condoning anything which is against law and order whoever be the offenders. Whoever may be the offenders, this is not the

kind of thing that we can support or tolerate. But the question is: Shall we proceed in India on constitutional lines or not? When the Constitution has come to this pass, when the Ministry set up by the Central Ministry is not able to maintain law and order, when instances of lawlessness and the failure of the rule of law are multiplying in spite of the installation of that Ministry, the only remedy is to study the Constitution a little carefully, leave off the political prejudices and see whether the present situation is not exactly what is contemplated by the wording of article 350. My humble suggestion in order to get at rest all this trouble and to restore peace once more in West Bengal is for the President to take over the administration of West Bengal.

MR. SPEAKER: Now, Shri N. Dandekar. I hope hon. Members from both sides will hear the speeches exactly in the same manner as they have listened to Shri Tenneti Viswanatham's speech. Let us have a quiet discussion.

SHRI N. DANDEKER (Jamnagar): I find it difficult to support this resolution because I think that it is an extraordinary resolution, both as to its authorship as well as its content. First of all, about the authorship of the resolution, I would say that we have here eminent gentlemen of the Communist Party, both Left and Right, who talk here about breakdown of the rule of law. Since the month of March until the time that the Ajoy Mukerjee Government was dismissed by the Governor, there was not only a breakdown in the rule of law in West Bengal, but there was no rule of law at all. And I did not then hear anybody from those Benches suggesting that because there was no rule of law, therefore, the Ajoy Mukerjee Government should have been superseded in those months and replaced by President's rule. I know that when Shri A. K. Sen was speaking, he was considerably shouted down, but I would like to remind the House that during the six or seven months when the Ajoy Mukerjee Government was in office, there was no rule of law; there was not any question of breakdown of the rule of law but there just was no law. I know it personally, because I had occasion to visit Calcutta frequently during those months,

[Shri N. Dandeker]

and therefore, I know the extent to which there simply was no law, much less any enforcement of law, because the police were deliberately given instructions not to enforce the law as it was on the statute-book. And it needed the High Court to have to say the most obvious, namely, that there were certain duties which the police and the magistracy had to perform and they said 'Will they please get on and perform them?' That judgment of the High Court, if nothing else, would convince these people, that there was adequate evidence to show that during those months there was in fact,—whether in urban areas, whether in industrial areas or in rural areas—no law, much less any rule of law. I am surprised that at that time neither Shri Tenneti Viswanatham for whom I have very great respect and to whose speeches I listen with considerable respect because I always like to listen to what he says, nor the other eminent gentlemen here who are now wanting President's rule, came along and talked about the absence of the rule of law, and, therefore, the necessity to impose President's rule. So much about the authorship of this resolution. However, I would like to say just one thing more about the authorship. Today, if the rule of law in Bengal is in danger of collapsing,—I agree it is, I do not think that there is any breakdown yet, but I agree that the rule of law in Bengal and specifically at Calcutta is considerably endangered and one does not quite know what is going to happen,—who is responsible for this? It is the authors of this resolution and the party to which most of the authors of this resolution belong.

SOME HON. MEMBERS : No.

SHRI N. DANDEKER : Is this House supposed to support a resolution by the authors of the situation, which they are now pleading as a situation justifying the imposition of President's rule?

I think we must be crazy to entertain a resolution of this kind. When there was really a breakdown of the rule of law, nobody said anything about imposing President's rule. The particular parties which are responsible for risking the breakdown of the rule of law today and for bringing it, I shall

concede, to a point at which one wonders what is going to happen, the people who are responsible for this and their spokesmen in this House are saying, let us have President's rule now. I have never come across a more extraordinary situation than that kind of thing. I am sorry, therefore, that it is not possible to support this resolution.

SHRI NAMBIAR (Tirucherappalli) : He is capable of distortion but let him not do it too much.

SHRI N. DANDEKER : Sir, I am not yielding. Now, let me say one thing clearly. I do not want to be understood as in any sense implying that when the Governor chose, quite properly to dismiss the Ajoy Mukerjee Government he was necessarily right in installing a minority Government in its place. I do think that there is a good deal to be said for the proposition that the largest single party should have been asked to form the government. Shri A. K. Sen rightly claims that the Congress Party in the Bengal Legislature is the largest single party. That being so, I suggest that the proper thing might well have been for the Governor to say to that largest single party : "Gentlemen, it is your responsibility to form a government, if necessary in coalition with Dr. Ghosh's group", rather than *vice versa*. He might well have said that instead of calling upon a minority party to form the government. But we are not debating upon that issue today. For, whether we like it or not, Dr. Ghosh's Government is today the government by law constituted in West Bengal.

Now, on merits the question in the first place is this. Has the rule of law broken down in Bengal? I have considerable contacts with Calcutta, and I go there not infrequently; and I do think that today the police, notwithstanding the excesses for which I have no excuse, are trying to cope with virtually a rebellion when they are trying to meet a situation where people have deliberately organised this kind of thing against the Government there, and are deliberately doing so now and again. But I am not prepared to concede from such information as I have that the rule of law has broken down.

SHRI JYOTIRMOY BASU : Would he call that a mass rebellion ?

SHRI N. DANDEKER : What really is the problem ? The problem is this. My hon. friends do not like the Ghosh Government. All right ? What is the answer ? The answer is not to create an insurrectionary situation and then say that the rule of law is breaking down and then ask for President's rule. The true answer is to get on with the job and summon the Assembly. Everybody knows that that ruling of the Speaker by which the West Bengal Assembly could not meet was utterly wrong; but unfortunately...

SHRI H. N. MUKERJEE : (Calcutta North East) : On a point of order. This is quite improper; it is quite irrelevant and irregular to refer to the speaker of the Assembly. (*Interruptions*)

SHRI N. DANDEKER : While I am clear in my mind that I have a right to express an opinion that that ruling of the Speaker was totally wrong, the fact remains that that ruling still prevails. If it prevails, then you have this situation that here is a government attempting to enforce the rule of law; and attempting to enforce the rule of law in a situation where there is almost a deliberately organised rebellion. And then people come along and say that the rule of law is about to break, and, therefore, please displace this government. If the resolution had indicated some way by which the government there could face the legislature, and found some way by which the authority of the government under the Constitution and their constitutional propriety in office could be tested, I would have been with my hon. friends, regardless of the reason whether there is or is not a breakdown of the rule of law. If the resolution simply said that the Government in Bengal did not enjoy the confidence of the legislature, and, therefore, the Government of India or the President or anybody else should somehow find a way by which the constitutional authority of the present government there can be tested in the only way possible, that is to say, in the legislature, I would have supported this resolution. But what does this resolution say ? This resolution alleges the breakdown of the rule of law. But there is at present

no breakdown. There is, however, every danger that there may be a breakdown if this rebellion virtually continues. This situation has been brought about by the very people who are talking about the rule of law having broken down, and by people who are then suggesting, not the only proper way namely to test the authenticity or the constitutional propriety of the present government to remain in office, but the taking over of the administration of the Centre under President's rule. I am astonished that that sort of suggestion should be made. Everybody mouths these words, such as democracy, constitutionalism, propriety, and one thing and another, but they are not prepared to face the constitutional requirements of the situation constitutionally.

Therefore I am sorry that, much as I am clear that the installation of the Ghosh Government was not necessarily the alternative to the dismissal of the Ajoy Mukerjee Government, much as I am clear that the Congress should have assumed the responsibility as the largest single party for the Government of that State, I am unable, for the reason that I have just stated, to support this resolution.

MR. SPEAKER : May I request the Law Minister to say about the point of order about this amendment, the legal aspect of it ?

THE MINISTER OF LAW (SHRI GOVINDA MENON) : Rule 121 says that the resolution may be in the form of a declaration, an opinion or a recommendation. It has been so framed because if the resolution is accepted by the Government, they know what exactly to do. Here, Mr. Ramamurti's resolution, for example, is clear cut. He wants the Government of West Bengal to be superseded and President's rule introduced. If Government accept it, then Government know what to do, and it will have the support of Parliament in doing so.

Unfortunately, the same cannot be said about Mr. Kabir's resolution. He says that the President may take such action as he may consider necessary etc. There is a good deal of indefiniteness about it. Even

[Shri Govinda Menon]

if the resolution is accepted, Government do not know what to do. Government will have to consider what to do, and Government will not have the feeling that it has the support of Parliament in the action contemplated.

Secondly, while the resolution says that the Government shall be superseded and President's rule introduced, the amendment says that the Government shall not be superseded, that is to say, it goes against the recommendation in the resolution. Therefore, it is my humble opinion that the amendment is not in order.

MR. SPEAKER : The amendment is not accepted, but he can oppose.

SHRI BADRUDDUJA (Murshidabad) : After the most inspiring appeal of the hon. Prime Minister to pave the way for inter-communal harmony and peace which is the cry in the much-distracted, much-agitated, much-disturbed and of Hindustan, I thought the debates in this House would not take this acrimonious turn. Unfortunately, the unconstitutional and arbitrary action, of the Governor of West Bengal in having dismissed Ajoy Mukerjee's Ministry and appointed a ministry of a few defectors, headed by Dr. P. C. Ghosh, followed by the extraordinary ruling of the Speaker, has created a constitutional impasse. All sincere endeavours must be made to wriggle out of this desperate situation with which we are faced at present.

The Governor of Bengal, as the *Statesman* also suggested, should have acted on the advice of the then Chief Minister of West Bengal and should have summoned the Assembly on the 18th December, 1967, and could have thus averted this constitutional crisis and saved all these unpleasant developments that have taken place in the State.

Sir, the law is clear, the Constitution is clear. The Governor has no right to dismiss the ministry under article 164(2). The ministry is responsible, the Council of Ministers, is responsible collectively, not to the Govern-

nor, not to any agent of the Central Government, but to the legislative Assembly of the State elected on the suffrage of millions of people. Unfortunately, however, a false sense of prestige clouded his perspective, coloured his vision, and vitiated the atmosphere in the State. I could not expect anything better from an ICS Governor. Members of the Indian Civil Service, whose nerves were overstrung by immoderate dose of favours and blessings from powers that be, in the land, could not take an objective view of the situation. Having had no contact with the people at large, and serving as a non-conducting medium between the wishes of the people and his masters, the Governor had his own way, riding roughshod over all consideration of constitutional propriety and decency.

About Mr. Profulla Chandra Ghosh, the less said the better. Mr. Sen is not here. He was talking big of the majority of the Congress, conveniently forgetting the fact that in seven or eight States of India, they lost during the General elections. Two-thirds of the population of India had registered a vote of no-confidence in the Congress. The move of a few stooges, a few defectors, conspiring behind the scene against a popular government elected on the suffrage of the people, smacks of nothing else but political immorality of the most despicable character.

Mr. Speaker, a ferocious lion warns the weary traveller across the way against the danger ahead by its roar; a poisonous cobra reminds him the danger by its hisses. But more ferocious than the lion, more ravenous than the wolf, more poisonous than the cobra, Dr. Profulla Chandra Ghosh steals on unawares, and stabs the United Front Government, and Ajoy Mukerjee in the back, through whose good graces he won his seat in the election and got a comfortable berth in his Cabinet. Twice defeated, in 1952 and 1962, defeated hollow by the Congress candidates, he succeeded in 1967 only because he represented the anti-Congress current. And then, one fine morning, he defected from the United Front party despite all the pledges, despite all the assurances, despite all the promises that he had made to the constituents, to the millions of people. He betrayed their confidence and walked into the parlour of the Congress.

Mr. Speaker, I have brought before you to-day in the language of Edmund Burke, not a puny trembling criminal, a captain-general of all iniquity, all injustice, all tyrannies, all tortures, all perfidy, all political immorality, disciplined, arrayed and paid. But, Mr. Speaker, I am not here concerned so much with the constitutional niceties or political morality. Sir, I am more concerned with the tortures and tyrannies perpetrated on Hindu mothers and sisters in the State. During the last 20 years of independent India, hardly have I ever seen such scenes of police atrocities; police officers entering, at dead of night into the houses of residents, lifting the mosquito-curtains when the ladies are not properly dressed, and belabouring cruelly the children in the presence of their parents.

SOME HON. MEMBERS : Shame, shame.

SHRI BADRUDDUJA : The police take these people away into the police-lock-ups, stripping some of them naked and belabouring them mercilessly till they get unconscious. In the Calcutta University, in the Jadavpur University, Uttarpara, Sonarpur, Barupur, all along the line, they have been tortured, and the police atrocities and tortures have almost been unprecedented in post-Independent period. Sir, one degrading measure after another, tortures upon tortures, repression upon repression, tyranny upon tyranny, the violation of the fundamental rights of the citizen, led people to one and only end : it led to the mightiest revolutions in Russia and France; it led to the collapse of the mighty British Empire.

Mr. Speaker, Sir, mills of God grind slowly, but they grind exceedingly small. My friends in the Congress party will kindly realise the dangers of the step they have taken and put a stop to the inhuman, atrocities, tyrannies, tortures, the disgraceful treatment and the humiliation towards mothers and sisters, and even towards little boys of 12, who have been charged with the baton and have bullet marks on their thighs. Sir, Mr. A. K. Sen was talking of the rule of law here. Yet Shri Sen says that Profulla Ghosh has been able to restore confidence in the public mind. How can he restore confidence ? Let him have the courage to face his constituency. Let him come before the public. I congratulate the people

of Bengal for the magnificent response given to our call. Bengal has got the genius to rebel against oppression, rebel against the accumulated sins of omission and commission of the Congress administration. Bengal challenged the might of British imperialism, Bengal showed the way, Bengal create a new orientation, developed the strength to shake the foundation of the mighty British Government. Bengal students are today throbbing with new life, new hopes and aspirations, dreaming beautiful dreams of a new India. They are not dead. Before long we will see half a dozen, nay, a thousand Profulla Ghoshes, thrown away by the storm.

Sir, I am here reminded of a Persian couplet which means : those who suffer, struggle and bleed like our young men, mothers, sisters and workers, suffer for the cause of righteousness, liberty and freedom from police oppression and vandalism, they live a purer life, nobler life, higher life, sublimer life in the life of communities and the nation, live as a sheet anchor in the lives of millions representing the burning aspirations of the human soul for truth, for justice, for liberty.

With these few words, I condemn the atrocities of the Government and support the resolution.

SHRI C. K. BHATTACHARYYA (Raiganj) : Mr. Speaker, Sir, we have had many discussions about President's Rule in different parts of India. In every case you must have found my hon. friends on the other side very allergic to the imposition of President's Rule. The latest case was the case of Haryana. When President's Rule was imposed you must have seen the frown and fury which came from that block. Why is it that in this particular case that allergy has evaporated and all of them have joined together to seek for the imposition of President's Rule in this distressed province of West Bengal? There is one reason and that reason is quite clear to you and all others.

19.53 Hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

As Shri Sen pointed out, this is a thing organised from behind by parties who are now trying to take advantage of the situation itself. My hon. friends in the Communist Party want to have it established that either

[Shri C. K. Bhattacharyya]

the Government of West Bengal be run with them or the President's Rule must be imposed, none other can run the Government of West Bengal. That is the entire object underlying the resolution that has been sponsored by all of them, the single exception being Shri Viswanatham as signatory. That purpose of the resolution and that objective must be clearly realised so that we may decide our attitude about the resolution itself. Should we walk into this trap? Those of my Opposition friends who are not communists, I feel, should think a hundred times before they support this resolution or speak in its favour. The entire object is to trap them into this position that the Government of West Bengal can be run only with the help of the Communists and none others. Why are they afraid of the Legislative Assembly meeting? My friends are afraid of the Legislative Assembly meeting and, at the same time, they shamelessly want... (*Interruptions*) The newspapers published a cartoon in which Shri Ajoy Mukerjee was shown on the shoulders of a Communist, who was having in his hand a Communist flag, and the caption below was "Mass Movement". This is the "mass movement" that we are now having in West Bengal. Shri Ajoy Mukerjee is put in front of the show and behind the show are CPM, CPI and CPN. Now, there are three parties. Formerly, there were only two parties—Communist party of India and Communist Party (Marxist). Now, there is a third one, CPN, Communist Party (Naxalbari). All these three parties are behind Shri Ajoy Mukerjee to lead this movement in order to create a condition in which not only Dr. Ghosh's government but any government will collapse. Shri Viswanatham was asking if the Congress Party supported this government. I am sure even if the Congress Party is there in a coalition government with Dr. P. C. Ghosh, even then, they would have started the same movement and they would have created the same trouble so that the government might collapse and it would be easy for them to have their sway in West Bengal on Communist lines.

The question of rule of law has been raised in this House a number of times. As Shri Dandekar pointed out, it was sought to be raised a number of times and everytime it has been raised it has been resisted

from that side, by this particular group, saying that the rule of law there is intact. They now feel that the rule of law is breaking down, or has broken down because of their actions. They are convinced that there can be no rule of law existing by what they have done. That confidence in their own activities and their results led them to bring in this resolution in this House and mislead the House, throw dust in the eyes of the people so that we might be persuaded and the President himself might be moved to act in the way they want him to act.

When the Naxalbari trouble was going on, we tried to raise it in Parliament, but all of my friends on that side resisted it, saying that this was not a matter for Parliament to come in, this was a State matter and it should be dealt with by the State. The *Amrit Bazar Patrika*, to which Shri Ramamurti referred with such gusto, reported that debate with this bold line: 'excepting Shri C. K. Bhattacharyya, none supported the demand that it be taken up in Parliament', though there were supporters from West Bengal, including my hon. friend, Shri Samar Guha. At that time, they did not feel that Parliament must come in. Now they are feeling that Parliament must come in, in order to satisfy what they have secretly planned among themselves, not for what they profess today.

The entire trouble in West Bengal is due to the action of the Speaker. During the last debate, Shri Nath Pai quoted from Basu's commentary on the Constitution. I ask him to refer to Basu's Commentary on the Constitution, Fifth Edition, 1967. There it is clearly stated, under the powers of the Governor, that the Governor has the power to dismiss a Ministry. Suppose he finds the Ministry is corrupt. Is he going to allow that Ministry to continue in Office? Basu refers to a number of instances and situations in which the Ministry may be dismissed. In that, he refers to corruption as one reason and another is, if the Governor feels that the Ministry has lost the majority in the legislature. In those cases he has the power to dismiss the Ministry. The Governor has taken action under that article of the Constitution quite legally and constitutionally. The action of the Governor was going to be tested before the Legislative Assembly but, unfortunately, the Assembly was not allowed to function and to come to a decision and, hence, the trouble arose.

20 Hrs.

One of my hon. friends there—I believe, Shri Badrudduja or Shri Viswanatham—referred to an editorial of the *Statesman*. May I refer them to another editorial of the *Statesman*? When the *Statesman* commented on the Speaker's action in West Bengal, it said that the Speaker of West Bengal should have followed the line of action adopted by the Speaker of the Punjab Legislative Assembly. He consulted the parties and the Advocate General and then came to a decision. The Speaker of West Bengal, instead of allowing anybody to have any say, just abruptly adjourned the meeting of the Assembly and then complained that he was not allowed to call it again by the Governor having prorogued the Assembly. So, this is the position.

The ultimate object, the basic object, with which this motion has been brought forward, as I have said, is that they want it to be proved here that they are the rulers of West Bengal and none else and that none else will be allowed.

Shri Hiren Mukerjee was referring to Shrimati Renu Chakravarty's picture in the paper.

AN. HON. MEMBER : He has not spoken yet.

SHRI C. K. BHATTACHARYYA : The memory of my friends is so convenient that they forget what happened in the House the day before. Only the day before Shri Mukerjee referred to it. They have already forgotten it. This convenient memory has helped them design this motion.

Here is Shri Ismail. If Shrimati Renu Chakravarty is such a desirable and respectable member of this Assembly, why did Shri Ismail of the CPI(M) contest and defeat her in the election? This is all for convenience. They want to have everything according to their own convenience to bamboozle the House and the people so that ultimately they can control the Government of West Bengal and none else.

I suggest that the motion should be rejected and the President should not act in the way indicated in the motion.

श्री श्रीचन्द्र गोयल (चण्डीगढ़) : अध्यक्ष महोदय, वर्तमान प्रस्ताव पर जो विचार सदन

के सम्मानित सदस्यों ने रखे हैं उससे तस्वीर के दोनों रूख हमारे सामने ध्राये हैं। एक तरफ पुलिस और सेना के भ्रत्याचारों की करुण गाथा का यहां पर वर्णन किया गया और दूसरी ओर मेरे मित्रों ने बताया कि हमारे मित्र वहां पर विदेशों में बने हुए बमों का इस्तेमाल कर रहे हैं। हाईकोर्ट के अन्दर जहां पर कि लोकतंत्र के अन्दर उसके ऊपर बिश्वास रख कर हम कानून की हुकूमत चला रहे हैं, वहां उस पर आक्रमण हो रहे हैं। हम दोनों ही प्रकार की घटनाओं की निन्दा करते हैं। मैं यह समझता हूं कि आज इस लोकतंत्र के अंदर पुलिस और सेना की सहायता से जनतंत्र की मशीनरी नहीं चलायी जा सकती। लोगों के ऊपर बिश्वास रखना होगा। लोगों को आह्वान करना होगा और लोगों का फंसला ले कर उसके मुताबिक कानून से बनी हुई सरकार वहां पर स्थापित करनी पड़ेगी। यह हुकूमत किस ढंग से वहां पर आई है यह आप जानते हैं। इसके पीछे एक ही बीमारी है और वह बीमारी यह है कि मेरे कांग्रेसी भाई आज तक इस बात पर सहमत नहीं हो सके कि लोक तंत्र के अन्दर विरोधी दल का पार्ट उनको कैसे भ्रदा करना है। हुकूमत चलाने की भूल उनके अंदर इतनी तेजी में बढ़ गई है कि अगर वह सीधे दरवाजे से नहीं आ सकते तो चोर दरवाजे से आ कर हुकूमत करना चाहते हैं। जिस बीमारी का इलाज करने के लिए हरयाना के अंदर उन्होंने राष्ट्रपति शासन लागू किया उसी बीमारी को जन्म देने के लिए चोर दरवाजे से आ कर 16 आदमियों की हुकूमत पंजाब में चलाना चाहते हैं। वहां की जनता माँग कर रही है कि राष्ट्रपति शासन लागू कर के दोबारा चुनाव कराए जायें। इसी प्रकार से बंगाल के अन्दर से यह आवाज उठ रही है। अध्यक्ष महोदय, आप को याद होगा कि शाहजहाँ के आखिरी दिनों में जब उस के लड़के औरंगजेब ने उसको बन्द कर दिया था और उसकी हुकूमत की बू खत्म नहीं हुई थी तो उसने अपने लड़के को लिखा कि मैं यहाँ पर खाली रहता हूँ, कुछ बच्चे मेरे पास पढ़ने

[श्री श्रीचन्द गोयल]

को भेज दिए जायं। श्रीरंगजेब ने उसको कहा कि तुम्हारी हुकूमत करने की बू भभी नहीं निकली तो तुम सोचते हो कि बच्चों पर ही शासन करूँ। इसी प्रकार आज यह जो कांग्रेस के अन्दर इस प्रकार की मनोवृत्ति है इसी ने यह स्थिति पैदा की है। कोई आकाश टूटने वाला नहीं था और वहाँ की, बंगाल की विधान सभा दस दिन बाद बुलाई जाती। लेकिन चूँकि चोर दरवाजे से हुकूमत की गद्दी पर बैठना चाहते थे इसलिए गैर-कानूनी और अर्थात्तः तारीका अपनाया। आज उसी शस्त्र के शिकार यह लोग हो रहे हैं। लेकिन जो इस प्रकार की घटनाएँ हैं कि जहाँ पर विदेशियों को आह्वान दिया जाता है या लाल झंडे को और दूसरे देश के नेताओं को लोग सलाम देते हैं, वह भ्रष्टाचार घटनाएँ हैं और उसके ऊपर कार्यवाही होनी चाहिए। मगर उसके साथ-साथ मैं यह उचित नहीं समझता कि सेना और पुलिस के बल बूते पर हम शासन चलाएँ। आज आवश्यकता इस बात की है कि वहाँ पर राष्ट्रपति शासन लागू करें, लोगों का विश्वास हासिल करें, लोगों का बर्हिबट हासिल करें और जिस की हुकूमत बने वह वहाँ पर हुकूमत चलाए। यह हुकूमत जो आज बंगाल में आई है वह गलत तरीके से लायी गई है इसलिए आज इनको यह हक नहीं है दूसरी तरफ बैठे हुए हमारे भाइयों को जब वह कानून की हुकूमत की दोहाई देते हैं, कानून की हुकूमत को रद्दी की टोकरी में इन्होंने ही तो ढाला है। इसलिए मैं यह समझता हूँ मगर सचमुच में कानून की हुकूमत में इनको विश्वास है तो इनको बंगाल के अंदर भी और पंजाब के अंदर भी राष्ट्रपति शासन लागू कर के वहाँ पर मिड टर्म एलेक्शन कराना चाहिए ताकि लोगों की चुनी हुई हुकूमत वहाँ पर आयें।

MR. DEPUTY SPEAKER : Shri Humayun Kabir.

SHRI MOHAMMAD ISMAIL (Barrack-pore) : On a point of personal explanation, Mr. C. K. Bhattacharyya said that we did not go during the previous regime in West Bengal and that people like myself went on this occasion....

SHRI C. K. BHATTACHARYYA : He has not heard me properly.

SHRI MOHAMMAD ISMAIL : In that connection, I have to tell him that a delegation of the Members of Parliament went to West Bengal on that occasion also. At that time, they did not think it fit to invite people like me to join the delegation. Now we saw that our going there was warranted and justified. What we saw there was no rule of law and the decency, civilisation and humanity were outraged.....

MR. DEPUTY SPEAKER : No, no; this is not a personal explanation. This is an impression. I am not going to give you a chance to give an impression. Shri Humayun Kabir.

SHRI C. K. BHATTACHARYYA : Let it be recorded that I did not say what he says.

SHRI HUMAYUN KABIR (Basirhat) : Mr. Deputy-Speaker, Sir, I wish to deal with only two questions here, whether there has been a breakdown of law and order and, secondly,.....(Interruptions)

MR. DEPUTY-SPEAKER : Order, order. You must hear him without any interruptions. He will get a very quiet and patient hearing.

SHRI HUMAYUN KABIR : Sir, I will deal with only two questions, whether there has been a breakdown of law and order and, secondly, what are the constitutional implications. Now, I agree with Mr. Dandekar that there is a threat to law and order, but there is no breakdown of law and order. In fact, it is correct to say that the position which had been reached earlier, specially, after the 2nd October, when the administration had practically come to standstill, has improved and there has been an improvement in the situation. Everybody regrets excesses wherever they may have happened. I heard a very eloquent speech of Mr. Badrudduja. Wherever people have suffered, everyone will sympathise with them and express deep regret and their sense of anger. If there has been any attack on any journalist or any innocent passerby, for that, everybody will have a word of condemnation. But, at the same time, when there is a deliberate challenge to

law and order, sometimes, incidents like this may happen. What has happened in Bengal is that, from 21st November or rather from 18th December till 2-30 P.M. today, the total number of injured, according to figures which I have is about 106 out of which only 6 were in hospitals. Public and private vehicles burnt—the total number uptill now is 20, out of which 5 were trams. Three shops were looted. Therefore, it cannot be said that there is any breakdown of law and order. There is certainly a threat to law and order and if thousands of people come out, this kind of situation will arise....(*Interruptions*)

MR. DEPUTY-SPEAKER : Order, order. There are so many interruptions. I will have to warn all those who interrupt. I will have to warn the House. I will just walk out if this continues.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : Why the whole House, Sir ? (*Interruptions*)

MR. DEPUTY-SPEAKER : All of them may please sit down. I will have to warn all those who interrupt. Let him continue. By these interruptions, they are only taking away the time of the House.

SHRI HUMAYUN KABIR : The proceedings in this House prove that there are certain parties and certain people who do not want to follow democratic methods. The essence of democracy is to tolerate opposition....(*Interruptions*) I am not yielding to anybody this side or that side.

Therefore, it is not correct to say that there is a breakdown of law and order. There was a threat, but that threat has been controlled and I think, Dr. Ghosh, an old man of 76, deserves the congratulations of India on this that he has stood up against the kind of terror that was let loose.

I now come to the Constitutional point. What is the issue today ? When a Ministry loses its majority, it does not wish to face the House. An alternative Ministry was formed. I am not going into the question as to how it was formed. When an alternative Ministry was formed. Instead of taking recourse to the Constitutional procedures and trying to defeat that Ministry

in the House, will they take the matter to the streets ? Will there be riotings and violence and incitement ? (*Interruptions*) If it was done in Kerala, it was wrong. Wherever it is done, it is wrong. In Kerala, there was no alternative Ministry. The President's rule was imposed.

Therefore, my first point is that what is being done by UF is against all Constitutional procedures. When the Ministry had lost the majority and when on the 29th November, the Party which had been thrown out of office could not muster more than 105 people in their favour on the floor of the House and when they found that 147 members were there to support Dr. Ghosh's Ministry, the House was somehow disposed of and the Opposition ran away....

SOME HON. MEMBERS : Shame, shame.

SHRI HUMAYUN KABIR : The second point that I want to raise is also a Constitutional issue. The recent events in West Bengal have certainly shown two lacunae in the Constitution. The other day when I asked the hon. Home Minister a question, he did not understand the implications of my question and he gave an answer which was not correct. I want to draw the attention of the House to that question and, therefore, I shall repeat it here. It is an anomalous position where the Law Ministry advises to the Government that the Governor cannot summon the Assembly but he can dismiss the Ministry which refuses to summon the Assembly. There should certainly be some procedure in law, so that the minority Ministry is forced to face the House. There must be some procedure, by which when a sufficient number of members of the Legislature want a session to be called, the session shall be called. I have discussed this with my friends and I propose to move an amendment that, whenever one-third of the Members of any Legislature want that a session should be called, the Governor shall call a session within seven days provided that this power shall not be used more than once in six months. Some kind of procedure is necessary to ensure that a minority Ministry does not run away from the Assembly.

A second Constitutional lacuna has come to our notice in the events of the last few days. If, I am not questioning the Speaker's ruling—supposing a situation arises where

[Shri Humayun Kabir]

the Speaker or any Presiding Officer gives a ruling and adjourns the House *sine die* without asking the permission of the House, how is it to be resolved? That is why I have moved an amendment, but, unfortunately, it is not in order in respect of this resolution. But may I remind the House that in the House of Commons all adjournments are with the permission of the House and it is a matter of almost everyday and it is only a matter of procedure. But in order to save time it is not put to the vote everyday but the Speaker asks, 'Shall I adjourn the House'. And here, since we follow in the British Parliament and in our legislatures the parliamentary procedure, a procedure should be laid down that the House cannot be adjourned *sine die* or for any long period without the permission of the House.

AN HON. MEMBER : A new line should be given ?

SHRI HUMAYUN KABIR : It is a new suggestion in accordance with the practice in the Mother of Parliament, the British Parliament, whose procedure we follow and whose privileges we enjoy. Today, the hon. Members may be impatient, but one day they will be thankful... (*Interruptions*).

SHRI P. RAMAMURTI : Sir, on a point of order. We are discussing a specific resolution making a recommendation to the Government under the existing Constitution. We are not discussing any resolution with regard to future constitutional amendment. I say all this talk of what should be done to the Constitution is absolutely irrelevant to the resolution under discussion. Therefore I would appeal to the Speaker to rule out this kind of thing which has no relevance whatsoever. When we are discussing a constitutional amendment, we will have Mr. Kabir's wise or unwise things.

SHRI HUMAYUN KABIR : I have referred to this in respect of this Resolution itself because the only procedure suggested was to resort to Art. 356(1). So I am suggesting that there are other procedures open to the President under the existing Constitution by following which the legislature can be revived. What we are all interested is that the legislature should be revived. I oppose this resolution. There

is no break-down of law and order in West Bengal. In fact, law and order has been restored.

Secondly, I oppose this resolution because the procedure suggested is like one cutting one's head to cure one's head-ache. Instead of that, if there are other procedures in law by which the legislature can be revived, that procedure should be followed.

As I have said at the beginning, I do not want to go into other questions. One can certainly wax eloquent, one can talk about incitement to violence, one can talk about the conduct of dismissed Ministers taking recourse to lawless action. I want this House to consider with regard to the Resolution before this House whether there has been a break-down of law and order and I submit with all the emphasis that I can that there is no breakdown of law and order in Bengal and, secondly, that there are sufficient procedures by which the Government can function and the legislature can function without resort to the kind of extreme measures which my hon. friend has suggested.

SHRI K. N. TIWARY (Bettiah) : I move a closure motion, Sir.

SHRI MANIBHAI J. PATEL (Damoh) : Sir, some time limit should be put.

MR. DEPUTY-SPEAKER : I am following a certain procedure. Mr. Patel I am trying to come to a close in 10 or 15 minutes. Please resume your seat. This will not do. (*Interruptions*).

SHRI SHEO NARAIN : Now it is 8-20 P.M. How long are we to sit ?

श्री प्रेम चन्द वर्मा (हमीरपुर) : उपाध्यक्ष महोदय, अब इसको खत्म कीजिये।

MR. DEPUTY-SPEAKER : Just I am coming to a close.

SHRI K. N. TIWARY : How long are we going to sit—you please tell us.

MR. DEPUTY-SPEAKER : Till the close of the debate. Please resume your seat.

SHRI BUTA SINGH (Rupar) : Sir, let us be clear about the time. We had no lunch and you do not have any arrangement for the dinner. We must be clear about the time.

MR. DEPUTY-SPEAKER : May I point out that the debate started at 6.40. (*Interruptions*). I am following the procedure.

SHRI HUKAM CHAND KACHWAI and SHRI RABI RAY *rose*—

SHRI G. VISWANATHAN (Wandiwash) : Just a few days back in this House, we had a lengthy sermon on the much-deplored defections by the hon. Home Minister, Shri Chavan who spoke at length on the Aya Rams and Gaya Rams, condemned the turncoats in unequivocal terms. But now how does the Congress reconcile itself to this preaching and practice ? All defectors, whether it is P. C. Ghosh or Lakshman Singh Gill are encouraged, not only encouraged, but rewarded. I condemn this inconsistency between profession and practice.

Why was the Ajoy Kumar Mukerjee Ministry dismissed ? What was the reason ? The Governor felt, or to put it more accurately, there arose a doubt in the mind of the Governor of West Bengal that the Ajoy Kumar Mukerjee Ministry did not enjoy the confidence of the majority in the Assembly. The Governor did as he was instructed by the Central Government and the Ajoy Kumar Mukerjee Ministry was dismissed.

But what is the alternative ? If the Ajoy Ministry was dismissed because it did not command majority support in the Assembly, what is the position of the Government of today ? It is a minority Government.

SOME HON. MEMBERS : No, no. (*Interruptions*).

SHRI G. VISWANATHAN : The Congress is not there.

AN HON. MEMBER : Let the Assembly meet and decide.

SHRI UMANATH : When Shri Humayun Kabir was speaking, you sternly warned this side to listen patiently. But I am surprised that you do not pull up the other side when the hon. Member is being interrupted.

MR. DEPUTY-SPEAKER : If this continues, it will be very difficult for me. This will only prolong the debate.

SHRI KANWAR LAL GUPTA : You warned us at that time, but do not warn them now.

MR. DEPUTY-SPEAKER : I have warned the other side also.

SHRI G. VISWANATHAN : It is not only my opinion. It is the opinion of Jaya Prakash Narain. He has condemned the minority government whether it is in Punjab or in West Bengal. I think they respect the opinion of a person of the stature of Shri Jaya Prakash Narain who has condemned the Ghosh Ministry as a minority Ministry.

The Congress should have taken up responsibility. But they did not. They want to enjoy power without shouldering responsibility.

AN HON. MEMBER : Cowards.

SHRI G. VISWANATHAN : 'Pleasure is mine and burden is yours'—that seems to be the approach for them. I condemn this attitude on the part of the Congress.

In the 1967 elections, the verdict of the people in West Bengal was in favour of the United Front. But that Ministry was dismissed. Then what should have been the alternative ? Any man wants to run the Government of West Bengal in present circumstances would consider it the most appropriate thing to seek the verdict of the people and face the people in an election. If the P. C. Ghosh Ministry wants to continue, let it face an election. That is the only remedy. (*Interruptions*).

Our Swatantra leader, Shri Dandekar, referred to the rule of law not being there before. Granting for the sake of argument that that is so, that there was no rule of law during the Ajoy Kumar Mukerjee Ministry's time, can one mistake rectify another ? If there was no rule of law for the last 8 months, do we want another breakdown of the rule of law for another 8 months ? One mistake cannot rectify another.

So the only remedy is to face the people. Let there be a mid-term election. There is no other alternative. I want the Government to arrange for an election there as early as possible.

SHRI KRISHNA KUMAR CHATTERJI (Howrah) : If the floor of this House is to be utilised for hypocritical performances, certainly the Mover of this Motion will well congratulate himself on his performance today. Everybody who has got any infor-

[Shri Krishna Kumar Chatterji]

mation about West Bengal today knows that the performance of the Ajoy Mukerjee Ministry was something that was condemned by every sane person in that State. I will cite an example for the hon. Member, Shri Badrudduja, who spoke so eloquently.

We were organising a procession on the question of food. About one lakh people assembled and we were marching peacefully towards Writers' Building. We had declared that we were not breaking the law. But we were prevented from proceeding to the Writers' Building, and very close to the 144 area, the UF Government organised bands of people who beat up the processionists. A former Minister of Labour, Shri Bijay Singh Nahar, was manhandled by these people, inside the 144 area. When the Chief Minister came out of his office room and addressed a gathering inside the 144 area, a band of hooligans was let loose on an ex-Minister and the Leader of the Opposition, Shri Khagan Das Gupta. This was the state of affairs in that part of Calcutta.

Everywhere, in every part of West Bengal, law and order was breaking down. 1,50,000 people were out of employment. There was a conspiracy hatched between the political parties in the UF Government. Factories had to be closed down because of the practice of a method which has come to be known as gherao. When factories were closed down, attempts were made by the poor labourers to get them opened. But the UF Government came in the way so that the factories remained closed. This was one instance how the UF Government made it impossible for any industrial undertaking to function there.

Now, what was the poor Governor to do? What could he have done when he was convinced that the Government no longer commanded a majority? Was he to allow the minority Ministry to rule? He certainly advised the Chief Minister to call an early session of the Assembly. It was not an offence. He said—call the Assembly before the 18th, any day. That would have tested the strength of the Ministry and we would have known whether they were in a minority or not. To have allowed the minority Ministry to continue would have been a travesty of the Constitution. If the Assembly

had been allowed to convene, it would have been demonstrated that the Ghosh Ministry has the support of 146 Members. They being the majority, was it an offence if they were allowed to form the Ministry?

Today my friends opposite are clamouring for the imposition of President's rule there. What did the Governor say? He said 'I cannot allow a minority Ministry to continue. It must face the Assembly soon and obtain its verdict'. Was that an offence? To those who are asking for President's rule there today, I say that they have no respect for the Constitution. In this very House, when the issue of breakdown of law and order during the previous regime in West Bengal was agitated by us, when we pleaded that the administration of rule of law had broken down, they vehemently opposed it. But to them now the same issue can be raised here and to them now President's rule is welcome in West Bengal.

SHRI H. N. MUKERJEE (Calcutta North East): After Mr. Badrudduja's speech I thought that a certain solemnity should descend on this House and we should be recalled to a sense of our conscientious responsibility for the decencies of politics on this country, but I fear that the members on the other side who have spoken, including the gentlemen whom I see here, descended to banalities and irrelevancies, and Mr. C. K. Bhattacharyya even went so low as to try obliquely to justify the police assault on Mrs. Renu Chakravarty by saying that she had been attacked, for whatever political reasons, at election time by somebody or other. (*Interruptions*)

I notice also that the action of the Speaker of West Bengal has been criticised, but we at least, Members of Parliament, who had been to Calcutta, 15 of us including non-communists have seen the Speaker of West Bengal who told us that rightly or wrongly he gave a ruling; in all modesty he called it a tentative ruling; he said he was going to give further consideration, but the Governor butted in and eliminated all possibility of further consideration, and what happened was a bomb fell on his house, and he told us the Calcutta police told him that if the bomb had fallen three feet away on paved ground, the whole house would have been broken down to smithereens. I am not going into all these things.

AN HON. MEMBER : Who did it ?

SHRI H. N. MUKERJEE : They talk about one bomb somewhere, they forget the bomb in front of the Speaker's house, and they forget the threatening letters which are pouring down upon the speaker who showed character and courage. I am not going into that at all.

Our motion is very definite. It says that steps should be taken under article 356, because there has happened political breakdown, even something approaching physical breakdown of the administration; there is happening, on our computation abuse of power by a State Government which we consider to be absolutely illegal, which has led to gross misgovernment.

In support of this, there are so many press references. I will give you only one or two. In today's *Hindustan Standard*, a champion of the Congress Government, the first editorial is entitled "Outrageous". I am quoting the first sentence and the last sentence:

"Wednesday's wild police offensive against pressmen on duty in the Esplanade area was as unprovoked as it was savagely cruel."

The last sentence is :

"This may be a mad, mad, mad, mad world...."

—not my words, but theirs—

"...but one is deeply perturbed to know the police madness in the State is not without its method."

And this observation is provoked by police action against press photographers including people like Shambu Banerjee, an international celebrity, who will get a prize as a photographer anywhere in the world, being beaten up, and they have given a statement. The journalists of Calcutta have also written to the Home Minister :

"We are surprised the attack on the journalists came after the Chief Minister had condemned in his office at Writers' Building on Tuesday the press as having become corrupt."

The Chief Minister says that the press is corrupt, and that is followed by what is happening.

In today's *Statesman* also there is an editorial which says :

"Two days before the movement began, the police behaved shockingly at Uttarpara."

"The manner in which individuals including representatives of the press were assaulted suggests premeditation" and it says :

"On the face of it, the constitutional machinery has failed, in which case the only course is to impose President's rule to be followed by fresh elections."

We say this because—and I wish Parliament to please take note of it—so many of us went. I wish Shri Sheo Narain could go and Shri Randhir Singh of Haryana could go with us to Calcutta. They have got to know something of what we are told. We have got to know these things. And we found evidence which you may say needs to be confirmed in a court of law, but we met mothers of families and saw children who were hit by bullets; evidence of all sorts, which I cannot go into now. There is no doubt about that. The people have been angry for quite some time. Some people have been pitchforked into power. A party of 17 defectors of whom 10 are Ministers today have been brought to power by the grace of Mr. Chavan. People are angry. May be the people have gone beyond bounds, but the people are angry. We have got to take note of it in a democracy. But what is happening for over a month now ? From about the 21st of November we found evidence of brutality, indiscriminate arrests, of beating up, of torture, of humiliation, and we have been told by a Committee set up under the auspices of men, unexceptionable as far as their achievements go : the great film director, Satyajit Ray and others, who were trying to have a Committee which would ask for a judicial investigation into the kind of torture and other evidence which they have got together.

Now, this is the kind of position which has been reached in West Bengal. The *Statesman's* figure today is 9,300 people are under arrest. We went to Calcutta University; we went to the Jadavpur University. We saw letters between the Vice-Chancellor of the Calcutta University and the Commissioner of Police, where the Vice-Chancellor had wanted the police to retreat from the area abutting on the university campus, but the Commissioner of

[Shri H. N. Mukerjee]

Police refused. The Vice-Chancellor of Jadavpur University told us that in spite of what Dr. Profulla Chandra Ghosh might say, the police had got into the university campus and fired, which was absolutely without justification. There is another university in West Bengal—the Burdwan University—and the Vice-Chancellor has protested to the Government in regard to what had happened inside the university campus. All educational institutions in West Bengal are closed before time and they would not reopen till about the middle of next month. This kind of thing is continuing and what are we supposed to do ?

MR. DEPUTY-SPEAKER : It is time.

SHRI H. N. MUKERJEE : Sir, nobody is objecting; it is only you.

MR. DEPUTY-SPEAKER : Normally, I never object to you. But today, we are running short of time. Please conclude. (*Interruption*) I do not want to stop you. Please listen to me. I never wanted to stop you. But please conclude now, because we are running short of time.

SHRI H. N. MUKERJEE : I shall conclude surely, because, like all humans, I have also got to go to my dinner, but that is no reason why we should refuse to discuss a matter which has affected an important part of my country—West Bengal—which is a part of India. You have to take note of the anger and the indignation which today afflict the people of Bengal. You may think them to be wrong-headed. If you decide on applying bandit methods of repression in order to punish that wrong-headedness it will lead nowhere. And why talk about your wanting dinner and your having to run away to get some miserable food ? (*Interruption*) This Parliament once before gave us some dinner. (*Interruption*). Well, Sir, I have spoken in this House long enough and often enough, and I have sometimes got to dislike the sound of my own voice. But on this occasion I felt that certain things have got to be said. I shall conclude most immediately, but I want to know this : we have got this whole document presented to us by a Committee of which one of the sponsors is Satyajit Ray. I mention his name because he is well known except perhaps to some people ! One particular item is mentioned here. One

Chakravarty, a student of the Presidency College, was arrested from the college compound on the 24th November and has been kept since then in the Lal Bazar Central lock-up and even the lawyer has been unable to contact him, and there is strong ground to suspect that he is being horribly tortured. This is the kind of thing that goes on. Press photographers are beaten and there are photographs appearing in the papers about their being beaten. Photographs are appearing from day-to-day about their having to walk on the streets with their arms upraised. It is a matter of shame and sorrow for us, when foreign correspondents tell us that our police are particularly brutal, when they have seen in photographs and some of them have in Calcutta seen with their own eyes that people have to walk with arms upraised and in that helpless condition, they are beaten down by policemen from behind. If people in free independent India have to walk with their arms raised up, shall we say, is it not a reminiscence of what happened in Jallianwala Bagh when the crawling order was given ? Is that the way in which the country should be governed ?

I will tell you one other thing. There is a party represented here, the Lok Sewa Sangh of Bihar. Its leader, Arun Chandra Ghosh, whose father is well known in Bihar as a rishi, guru of late Rajendra Prasad and the whole lot of them, has given a statement to us. He is now in jail beaten up. He along with two ministers of West Bengal, one of them beaten up so badly that for some time his life was in despair—Shri Amar Prasad Chakravarty—are in jail. These things are happening all over the area. They are saying that Ajoy Mukherjee's Ministry behaved badly. So what ? They are saying and some people are shouting something about Naxalbari and what not. So what ? The position here today is, for over a month, in Calcutta something like what happened in Kerala, what the Congress people called the 'vimochan sangram' or something like that is happening from day to day and the Government is in such jitters that it cannot do a thing, it cannot make up its mind, it cannot apply the provisions of the Constitution, it cannot even get the Assembly to be called because the constitutional crisis has overtaken the country.

So what do we about it? Do we keep West Bengal in tenter-hooks. I want to warn the country. I want Parliament to realise the kind of repression which has taken place in West Bengal. If that is a pointer for the future, it is a most dangerous thing. I have said it to the Prime Minister when the team of us met the Prime Minister. In the early Hitler days what happened was selective intense repression was practised against certain sections of the population calling them Communists. Then repression was spread out and socialists, democrats and everybody was included in that repression. Just like that, selective repression, humiliation and intimidation of a variety which is inconceivable has been taking place. If the Home Minister disagrees with me, I have no belief in that sort of thing. I believe that these things have happened. We have been ourselves witnesses to what has been happening. This is a preface to something like a neo-fascist variety of repression. This is something to which the Congress administration is being driven to take recourse because it cannot apply the Constitution properly. That is why we say, because we have seen these things are happening, inconceivable things, things unimaginable in a free country, things which make us hang down our heads in sorrow and shame, these are a pointer for the future, these are a warning, this is a something of which we should take note, apply the provisions of the Constitution, appeal to the people and let them decide. Let elections be held. Let the President take over for a short period. After the elections we shall know what is what. Then we shall know whether Shri Ashok Sen represents West Bengal or whoever else. Let the people of West Bengal themselves decide. That is why we have brought this motion. We want the House to take very serious note of the kind of savage, unspeakable repression which is being practised with impunity by the puppet government which has no footing at all in the minds of the people.

MR. DEPUTY-SPEAKER : Shri Deven Sen.

SOME HON. MEMBERS : Sir, we move for closure.

MR. DEPUTY-SPEAKER : I have given assurance to some of the parties. Two of their representatives are to speak. I will give them only two minutes each.

श्री बेबेन सेन (आसनसोल) : उपाध्यक्ष महोदय, पश्चिमी बंगाल में नेहरू जी का जमाना खत्म हो गया है और एक नया जमाना आ गया है। इस का सबूत यह है कि श्री अजय मुखर्जी ने क्या किया और क्या नहीं किया, इस कारण वहाँ के लोगों ने उन को सपोर्ट नहीं किया, बल्कि उन्होंने श्री अजय मुखर्जी को इस लिए सपोर्ट किया कि वे किसी कांग्रेस सरकार अथवा कांग्रेस-समर्थित सरकार को सत्ता में नहीं आने देना चाहते थे।

अगर इस बात को महसूस नहीं किया गया, तो पश्चिमी बंगाल में कोई समझौता नहीं हो सकता है। कांग्रेस के जमाने में चावल दो रुपये प्रति-किलो बिकता था और श्री अजय मुखर्जी के जमाने में चार रुपये प्रति किलो, लेकिन फिर भी जनता ने श्री अजय मुखर्जी के मंत्रि-मंडल का विरोध नहीं किया।

लोगों की इस साइकालोजी के खिलाफ लड़ने के लिए कांग्रेस ने ब्रिटिश कैपिटल के साथ मिल कर साजिश की, जिस का पश्चिमी बंगाल में सब से ज्यादा कानसेन्ट्रेशन है, जिस में कौलियरी और जूट आदि सम्मिलित हैं। ब्रिटिश कैपिटल का इतना बड़ा कानसेन्ट्रेशन और कहीं नहीं है। उन का लक्ष्य था श्री अजय मुखर्जी के मंत्रि मंडल को तोड़ना। केन्द्र की कांग्रेस सरकार भी इस साजिश में सम्मिलित थी।

मैं चाहता हूँ कि पश्चिमी बंगाल में प्रैजिडेंट्स हल लायू किया जाये और नये चुनाव करा कर देखा जाये कि वहाँ की जनता किस के साथ है।

इन शब्दों के साथ मैं इस प्रस्ताव का समर्थन करता हूँ।

SHRI SAMAR GUHA (Contal) : Mr. Deputy-Speaker. Sir, my party, as the defender of democracy, has never hesitated to raise the banner of revolt. Whether it was the United Front Government

[Shri Samar Guha]

or the minority Government of Dr. P. C. Ghosh, whenever there has been any breach of the rule of law, my party raised the banner of revolt. But now this three week's old Government of the 17 renegades has virtually turned West Bengal into a rule of *lathi, goli and gherao*. 10,000 persons have been imprisoned. Three ex-Maoists have been brutally assaulted. Pressmen have been brutally dealt with.

I find, many people are raising the Maoist bogey. I have warned you that you have created a blunderous situation. If you think that the people of West Bengal have become Maoists, you are absolutely wrong. By this blunderous method of accusation they are throwing West Bengal into the clutches of those Maoists, the Naxalbari group of West Bengal, whom all of us have decried.

Dr. P. C. Ghosh was so long known in West Bengal as the symbol of anti-corruption but now, in the last days of his life, he will go down in history as a symbol of political corruption. Sir, I am partially supporting this motion for the reason that there is one master mind who is just playing this puppet game in the name of the minority Government. That is Shri Atulya Ghosh. He thinks that by this single stroke he will be able to finish Ajoy Mukherjee; he will be able to finish Dr. P. C. Ghosh; he will be able to finish his adversary, Shri P. C. Sen, and then he will rule over Bengal. (Interruptions). Once he has been scuttled in his aspiration.

I am not in favour of mid-term elections. That will create further bitterness and will also be a huge loss to the public exchequer. If there should be mid-term elections whenever there is this problem of a minority Government and instability, it should be there on an all-India pattern. But if it was to be done as a rule, an atmosphere of clamour should be created. Some sort of a solution might be found in Bengal then. Therefore although I support President's rule, I am against mid-term elections immediately.

श्री कंबर लाल गुप्त : अध्यक्ष महोदय में एक सवाल पूछना चाहता हूँ। क्या आपने पार्लियामेंट्री कमेटी जैसे नक्सलवाड़ी में आपने धेजी थी, वैसी वहाँ भी धेजने के लिए तयार है ?

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Sir, I would like to be very objective in this discussion. I do not want to bring in any passion in this discussion as some Members have tried to do.

Sir, it is not a question of justification of police excesses that were there. Excesses are always there. So, I am not trying to justify one way or the other. We were all very sad when we read the news about Shrimati Renu Chakravarty, who was a Member of this hon. House. We were sorry when we read that pressmen were also involved in this treatment.

SHRI JYOTIRMOY BASU : Crocodile tears are being shed.

SHRI Y. B. CHAVAN : I say it because the press had not courted any trouble. They had gone there to watch. Therefore our sympathy must be on the side of the press. I am not taking that sort of attitude.

The real issue here is that hon. Members want the President to take over the administration there. So, we must now find out what has happened there, whether there was a constitutional failure or a breakdown of law and order. Break-down of law and order is not something like a mechanical process. What has happened there is that there is an organised attempt to break law and order.

SHRI JYOTIRMOY BASU : Who told you that ?

SHRI UMANATH : It is the peoples' upsurge... (Interruptions).

SHRI Y. B. CHAVAN : Can you take the position that when there is an organised effort to break the administration and law and order, the police should helplessly watch the situation? It is always a wrong position to take. When we expect the police to go and take action, in the process certainly sometimes excesses take place. I am not justifying that. I am not trying to justify excesses if they have taken place. But about the constitutional position, this House has taken the position that the West Bengal Government is a legally constituted government.

If some Members say, "I don't agree", that is different matter. But we have taken

the position that it is a legally constituted Government. The hon. Members there tell us, why not old elections? May I make a constructive offer to them? The party which has started agitation there, their representatives here, ask us to take over the State of West Bengal. There is only one simple thing to do. Let them withdraw agitation, let the Assembly be called, let the votes be taken in the Assembly, and let us accept whatever is the decision of the Assembly. Withdraw your agitation. It is a very simple thing. We will also help you in that process... (*Interruptions*).

SHRI UMANATH : Did you withdraw agitation in Kerala?

SHRI Y. B. CHAVAN : Withdraw your agitation, let the Assembly be called, let the votes be taken, and let us accept whatever decision is taken by the Assembly. (*Interruptions*). A legally constituted Government is being gagged on one side and there is an organised effort to break law and order on the other side. And here, we are told that law and order has broken down and, therefore, you take it over.

SHRI UMANATH : That is what you did in Kerala and you call it an upsurge. When there a real people's agitation.. (*Interruptions*)

SHRI Y. B. CHAVAN : I do not want to bring in any irrelevant issues here. These are the essential political and constitutional matters. Here, some people who break the law come and tell us that there is a break down of law and order. I am reminded of a case, as a beginner in a criminal court, as a lawyer, where a fellow went and committed a theft in the house of a person, completely took all of his valuables and things, and then went to a court to make an application that the man has gone bankrupt. It is a very wonderful thing. We are told that there was a bomb explosion in the Speaker's house. We are sorry for it if it was against the Speaker. It is a very bad thing indeed. Have you said that there was a bomb explosion in the police headquarters? No. When a bomb explosion takes place in the police headquarters, there is an organised attempt to break law and order. (*Interruptions*) I would have expected Prof. Mukherjee—I heard him with respect; I always hear him with respect; he is one of our

senior Members—when he had condemned the explosion in the Speaker's house, to condemn the explosion in the police headquarters also. If that happens, that is a people's upsurge and if the bomb explodes at the Speaker's house, it is a bad thing. These are the double standards of political life. (*Interruptions*) If you are careful about democracy, I say, it is a very simple proposition. I am prepared to help you, not as the Home Minister, as an individual. Withdraw the agitation, let the Assembly be called, let the votes be taken, let the people's will be expressed on the floor of the House, and we are prepared to accept it. (*Interruptions*).

SHRI UMANATH : Withdraw the illegal dismissal of the Ministry.

SHRI Y. B. CHAVAN : So long as there is a legally-constituted Government and so long as there is a challenge to that legally constituted Government, the Government is completely justified in what it does.

SHRI P. RAMAMURTI : Mr. Deputy-Speaker, Sir, I have heard the discussion with great attention. I am very sorry that the brief that has been given to Mr A. K. Sen has been a very poor brief. We are always reminded of an old adage, "When arguments fail, resort to abuse." He could not say anything about the present situation in West Bengal and, therefore, he had to bring in what happened in 1942, this, that and all that, China and so on. May I ask him : Are all the people, thousands and thousands of people, who are today defying Section 144 the agents of the Chinese? (*Interruptions*).

SOME HON. MEMBERS : Shame, Shame.

* SHRI INDRAJIT GUPTA (Allpore) : You are finishing West Bengal, if you say that.

AN HON. MEMBER : Don't say so.

21 Hrs.

SHRI P. RAMAMURTI : I am very glad that the Congress Party members (*Interruptions*) He has now got to withdraw what he said (*Interruptions*) It is good, he has withdrawn.

[Shri P. Ramamurti]

Let them understand that today thousands of people of West Bengal are defying the order under section 144. Here is a Government that could not exist for a single day without section 144. Mr. Chavan and a number of other people from the other side gave me an offer. (*Interruptions*) They have been telling us: there is this legal Government, elected there, kept there; this House has accepted it to be a legal Government; the Governor has dismissed that Government and, therefore, anybody who defies that is a law-breaker. Very good. I am coming to that point. After all, we are dealing with the feelings of millions of people. When the Central Government undertook that responsibility, it should have weighed in the balance the feelings of the people. Is the position taken by the Government correct? After all, many of the lawyers and Constitutional Pandits differed on the stand taken by the Government.....

AN HON. MEMBER : Shri N. C. Chatterjee differed.

SHRI P. RAMAMURTI : Not only Mr. N. C. Chatterjee, but many other people also. Mr. Gokhale also differed.

Here was the West Bengal Government that requested the Central Government to refer the whole matter to the Supreme Court for its opinion. The Central Government refused to accept it because it knew that its case was weak (*Interruptions*) Therefore, under the circumstances, if the Central Government thinks that whatever it decides is right, that the Governor has got that power, and even without reference to the Supreme Court, that has got to be accepted, I would say that the people of West Bengal are not prepared to accept the Governor as the final arbiter of their destinies. This is a simple proposition. Why are they afraid of this? Because they appointed a Government illegally, it was well within the rights of that Speaker to do what he pleased. Therefore, today, if you talk of calling the Assembly you must remove that Government, you must restore the old position and then call the Assembly.

SOME HON. MEMBERS : No, no.

SHRI P. RAMAMURTI : You are not repared for that,

MR. DEPUTY-SPEAKER : He may conclude now.

SHRI P. RAMAMURTI : So many members have spoken. I have to answer at least some arguments. Therefore, bear with me for a few minutes.

Mr. Asoke Sen and other people were waxing eloquent. Mr. Sen was saying, "I have faced elections before and I am prepared to face elections hereafter also". I was expecting Mr. Sen to say, "I have faced elections before and I am prepared to face elections today". That, he is not prepared to do. He says, he is prepared to face elections some time but not today.

After all, these people have been saying that we have committed all sorts of atrocities and all that. But who is the final arbiter of these things? It is the people who have to judge it, who are the highest tribunal in this country. It is the tribune of the people that can decide these things. We are today placing before this House, we are today placing before the Congress Party, a simple proposition. If we have been such a bad people, if we have been such a cruel people, if we have been such an intolerable people, let them give that verdict. We are prepared to accept the verdict of the people. The simple thing is this. The Congress Party today is afraid of the verdict of the people. That is the only thing.

I know my friend, Mr. Humayun Kabir. He waxed eloquent about so many things. May I ask him to-day to do a simple thing? Whom does he represent in this House? Let him go back, resign his seat if he has got courage because he was elected on the support of the entire Opposition and seek re-election. I promise, Sir, he will forfeit his security. (*Interruptions*).

SHRI HUMAYUN KABIR : First let the hon. Member resign.

SHRI P. RAMAMURTI : The question to-day is simple. When this is the position where the people's feelings are aroused, when the people are roused, they talk of organizing a struggle. It becomes ill of Mr. Chavan when we know that in 1960 it was they and the present Prime Minister who organized the biggest violence there and they called it an up-

surge, they called it a mass upsurge and even when in the Assembly we had not lost the majority, this Government said, the Prime Minister said, 'After all you have now lost the majority. Have elections'. That is what they said. Sir, what applies to us does not apply to them because somehow or other they must be.....

SHRI UMANATH : Yes, clinging to power.

SHRI P. RAMAMURTI : ... Somehow or other they must be clinging to power. Therefore, do not try to preach morals to us. I can only repeat, 'Doctor, heal thyself before you try to heal others'. (*Interruptions*) Therefore, if the Congress Government is really serious about the verdict of the people, we are prepared, let us both go back to the people who are going to be the final arbiter. And if they do not accept it, if they are going

to suppress the people of West Bengal, let them continue to do that, but the day of reckoning will certainly come, repression or no repression, and when that day of reckoning comes, the entire Congress Party will be washed out of Bengal. (*Interruptions*) into the Bay of Bengal.

AN HON. MEMBER : Yes, into the Bay of Bengal. (*Interruptions*)

MR. DEPUTY-SPEAKER : The question is :

"That in view of the fact that there is no rule of law prevalent in West Bengal, this House recommends that the President should assume to himself all the functions of the Government of the State of West Bengal under article 356(1) of the Constitution of India, and arrange for early and fresh elections to the Legislative Assembly."

The Lok Sabha divided :

Division No. 32.]

[21.15 hrs.

AYES

Abraham, Shri K. M.
Adichan, Shri P. C.
Ayarwal, Shri Ram Singh.
Badrudduja, Shri
Banerjee, Shri S. M.
Basu, Shri Jyotirmoy
Bhagaban Das, Shri
Bharii, Shri Maharaj Singh
Chakrapani, Shri C. K.
Chandra Shekhar Singh, Shri
Chaudhuri, Shri Tridib Kumar
Daschowdhury, Shri B. K.
Fernandes, Shri George
Gosh, Shri Ganesh
Gopalan, Shri A. K.
Gopalan, Shri P.
Gupta, Shri Indarjit
Halder, Shri K.
Jena, Shri D. D.
Kachwai, Shri Hukam Chand
Kalita, Shri Dhireswar
Mahato, Shri Bhajahari

Maiti, Shri S. N.
Menon, Shri Vishwanatha
Modak, Shri B. K.
Mohammad Ismail, Shri
Molahu Prasad, Shri
Mukerjee, Shri H. N.
Nambiar, Shri
Nayanar, Shri E. K.
Paswan, Shri Kedar.
Ramamurti, Shri P.
Ray, Shri Rabi,
Samanta, Shri S. C.
Shambhali, Shri Ishaq
Satya Narain Singh, Shri
Sen, Shri Devan
Sharma, Shri Yogendra
Shastri, Shri R.
Sondhi, Shri M. L.
Thakur, Shri Gunanand
Umanath, Shri
Viswanatham, Shri Tenneti
Viswanathan, Shri G.

NOES

Achal Singh, Shri	Kabir, Shri Humayun
Ahirwar, Shri Nathu Ram	Kahandole, Shri Z. M.
Aga, Shri Ahmed	Kamble, Shri
Ahmad, Dr. I.	Karan Singh, Dr.
Anjanappa, Shri B.	Kasture, Shri A. S.
Azid, Shri Bhagwat Jha	Kavade, Shri B. R.
Babunath Singh, Shri	Kedaria, Shri C. M.
Bajpai, Shri Shashibhushan	Kesri, Shri Sitaram
Basu, Dr. Maitreyee	Kinder Lal, Shri
Biswanth, Shri	Kureel, Shri B. N.
Bisra, Shri S. C.	Lakshmikanthamma, Shrimati
Bhakt Darshan, Shri	Laxmi Bai, Shrimati
Bhattacharyya, Shri C. K.	Mahadeva Prasad, Dr.
Bhola Nath, Shri	Maharaj Singh, Shri
Buta Singh, Shri	Mahida, Shri Narendra Singh
Chanda, Shri Anil K.	Mahishi, Dr. Sarjaini
Chanda, Shrimati Jyotsna	Malimariyappa, Shri
Chandrika Prasad, Shri	Mandal, Dr. P.
Chatterji, Shri Krishna Kumar	Mandal, Shri Yamuna Prasad
Chaturvedi, Shri R. L.	Mane, Shri Shankarrao
Chaudhary, Shri Nitiraj Singh	Mehta, Shri Asoka
Chavan, Shri Y. B.	Mehta, Shri P. M.
Dassappa, Shri Tulsidas	Minimata, Shrimati Agam Das Guru
Deoghare, Shri N. R.	Mishra, Shri Bibhuti
Deshmukh, Shri B. D.	Mishra, Shri G. S.
Deshmukh, Shri K. G.	Mohammad Yusuf, Shri
Deshmukh, Shri Shivajirao S.	Mrityunjay Prasad, Shri
Dhillon, Shri G. S.	Mudrika Singh, Shri
Dhuleshwar Meena, Shri	Mukerjee, Shrimati Sharda
Dinesh Singh, Shri	Murthi, Shri B. S.
Dixit, Shri G. C.	Nageshwar, Shri
Ering, Shri D.	Naghnoor, Shri M. N.
Gajraj Singh Rao, Shri	Nahata, Shri Amrit
Gandhi, Shrimati Indira	Naik, Shri R. V.
Ganesh, Shri K. R.	Oraon, Shri Kartik
Ganga Devi, Shrimati	Parmar, Shri Bhaljibhai
Gavit, Shri Tukaram	Parthasarathy, Shri
Ghosh, Shri Bimalkanti	Patel, Shri Manubhai
Ghosh, Shri Parimal	Patel, Shri N. N.
Gupta, Shri Lakhna Lal	Patil, Shri A. V.
Heerji Bhal, Shri	Patil, Shri Deorao
Jadhav, Shri Tulshidas	Patil, Shri T. A.
Jadhav, Shri V. N.	Pramanik, Shri J. N.
Jagjiwan Ram, Shri	Raj Deo Singh, Shri
Jamir, Shri S. C.	Rajani Gandha, Kumari

Ram, Shri T.
 Ram Kishan, Shri
 Ram Sewak, Shri
 Ram Subhag Singh, Dr.
 Ram Swarup, Shri
 Ramshekhar Prasad Singh, Shri
 Rana, Shri M. B.
 Rao, Dr. K. L.
 Rohatgi, Shrimati Sushila
 Roy, Shrimati Uma
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Sanjit Rupji, Shri
 Sapre, Shrimati Tara
 Sen, Shri Dwaipayan
 Sen, Shri P. G.
 Sethuramae, Shri N.
 Shambhu Nath, Shri
 Sharma, Shri M. R.

Sheo Narain, Shri
 Sher Singh, Shri
 Shinde, Shri Annasahib
 Shiv Chandika Prasad, Shri
 Shukla, Shri Vidya Charan
 Siddeshwar Prasad, Shri
 Singh, Shri D. N.
 Supakar, Shri Sradhakar
 Swaran Singh, Shri
 Tiwary, Shri K. N.
 Tula Ram, Shri
 Uikay, Shri M. G.
 Ulaka, Shri Ramachandra
 Venkatasubbaiah, Shri P.
 Verma, Shri Balgovind
 Verma, Shri Prem Chand
 Vyas, Shri Ramesh Chand
 Yadab, Shri N. P.

MR. DEPUTY-SPEAKER : The result*
 of the division is : Ayes : 44; Noes :
 127.

The motion was negatived.

21.17 hrs.

*The Lok Sabha then adjourned till Eleven
 of the Clock on Saturday, December 23,
 1967/Pausa, 2, 1889 (Saka.).*

*The following Members also recorded their Votes :

Ayes : Sarvashri Mohammad Ismail, J. M. Biswas, Bhogendra Jha and Ranjit Singh.

Noes : Shri G. Venkataswamy.