

[Shri I. K. Gujral]
all the newspapers, even the Motherland which belongs to my friend's Party...

SHRI ATAL BIHARI VAJPAYEE:
It does not belong to my Party.

SHRI I. K. GUJRAL: I am glad my friend started denouncing it.

SHRI ATAL BIHARI VAJPAYEE:
Motherland belongs to all.

SHRI I. K. GUJRAL: That is the basic issue. For instance, whatever speeches the Prime Minister made yesterday or day before yesterday, you would find that they have got the same coverage on the Radio as it has got in all the newspapers. Naturally, the nation and the country want to know what is our policy.

SHRI SHYAMNANDAN MISHRA:
The analogy of newspapers is completely wrong. This is an institution built with public funds... (Interruptions)

13.03 hrs.

ORISSA STATE LEGISLATURE (DELEGATION OF POWERS) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS (SHRI
K. C. PANT: I beg to move* that
the Bill to confer on the President the
power of the Legislature of the State of
Orissa to make laws, as passed by Rajya
Sabha, be taken into consideration.

The House is aware that in the Proclamation dated the 3rd March, 1973, in relation to the State of Orissa, the President has declared that the powers of the State Legislature shall be exercised by or under the authority of Parliament. However, in view of the otherwise busy schedule of the two Houses, it would be difficult for Parliament to deal with the

various legislative measures that may be necessary in respect of the State. It would be even more difficult in situations requiring emergent legislation. The Bill, therefore, seeks to confer on the President the power of the State Legislature to make laws in respect of the State. It has been the normal practice to undertake such legislation in relation to the State under the President's Rule and the present Bill is on the usual lines. Provision has been made for the constitution of a Consultative Committee, consisting of Members of Parliament in this regard. Provision is also being made to empower Parliament to direct modifications in the laws made by the President, if considered necessary.

I request the honourable House to accept the legislative proposal before it.

MR SPEAKER: Motion moved:

"That the Bill to confer on the President the power of the Legislature of the State of Orissa to make laws, as passed by Rajya Sabha, be taken into consideration."

SHRI DINESH JOARDER (Malda):
This subject of take-over of the administration of the State of Orissa as also the dissolution of the Assembly came up in this House as also in the Rajya Sabha a few days back and it was widely condemned by all sections of both the Houses

The necessity of the Bill originates from the Proclamation issued on 3rd March 1973 under Art. 356 of the Constitution by the President on the basis of a highly politically motivated report of the Governor, Mr. Jatti, whereby the power of self-rule of the people of that State was snatched away by the Congress Government of the Centre for the obvious reason that the ruling Congress Party has lost its majority in the State Assembly. Article

*Moved with the recommendation of the President.

356 of the Constitution was invoked in this case. This Article is incorporated in Chapter XVIII which enumerates Emergency Provisions. But the Governor did not mention in his report about the basis, that is, whether at that time a grave emergency existed whereby the security of India or the State of Orissa was threatened whether by war or external aggression or internal disturbances and for that a situation had arisen in which the Govt. of the State could not be carried on in accordance with the provisions of the Constitution. Certainly there was no such situation. Then why was the State Assembly dissolved? Why was President's rule invoked? It was because Congress lost majority and lost the power there.

Sir, the framer of the Constitution—Dr. Ambedkar—contemplated that this provision would not be applied liberally except in a very rare and exceptional case and it will remain as if in a dead-letter box. There was the decision of the recent Governor's conference wherein it was the consensus or unanimous opinion that the governor would not interfere in the matter whether a particular political party or group has a majority in the Assembly. On the contrary they will ask the parties to test the claim on the floor of the Assembly. But everything, every principle and norm of parliamentary democracy in this regard has been nakedly violated by the Congress Government at the Centre. During the last few years we have seen that the Congress had toppled the Opposition Governments in various States, purchased the MLAs and instigated them to defect and then invoked the President's rule in as many as 32 cases since the adoption of the Constitution. And, in almost all the cases, it was done in favour of the Congress party.

Article 356 was very liberally used mostly in non-emergency situation, that is, in violation of the constitutional concept of these provisions, only with a view to instal the congress directly or indirectly in power in the States ousting the Opposi-

tion Governments. They have done it in W. Bengal, Madhya Pradesh, Kerala, Bihar, U.P., Punjab, Haryana and now we consider the case of Orissa. Everywhere the Governors have acted as stooges or agents of the Home Ministry of the Central Government. These Governors are chosen for that purpose and they are appointed by the Home Ministry and for the Home Ministry. They hold office at the mercy of the Home Ministry which advises the President to appoint or dismiss the Governors. We have expressed our opinion several times regarding the matters of appointment of governors. These governors are responsible to none except the President through the Home Ministry. In our country people elect their representatives to form Government in the respective States, to constitute the Assembly, to form the Government, to run the administration of the State, according to their choice, and they direct the Government to act in the best interests of the said State and the people of that State. But above them, the Governor is installed from the Centre, who is not responsible to the Assembly or to Parliament; he is only to act as agent of the Central Government.

13.10 Hrs.

[SHRI K. N. TIWARI in the Chair.]

The governor, who is merely an agent of the Centre, has by violation of the constitutional provisions and abusing the power of its office assumed an unfettered power to throttle the voice of the people, to prorogue and dissolve the elected Assembly at the instance of and for the benefit of the Congress party. These governors are mostly the diehard bureaucrats or the run-out and frustrated politicians. We demand that the present system of appointing the governor should be abolished and they should be elected by and responsible to the Parliament.

In the present case of Orissa the Central government or rather the Congress party with the help of their agent, Mr. Jatti, has with an undue haste and misusing

[Shri Dinesh Joarder].

and miscalculating the situation with motivated purpose deprived the Opposition of the Constitutional right to test their strength in the Assembly and dissolved the Assembly in violation of all democratic norms and practices. The President's proclamation and his rule over the State of Orissa has been extended in a manner which is against all established principles of parliamentary democracy and States, autonomy. The Central government wants to establish an atmosphere of political psychology in our country that the ruling Congress party alone, under the leadership of Mrs. Gandhi, has the right and privilege and the opportunity to rule over the country. They want all States to fall at their feet, the judiciary at their command and the people at the point of their bayonet.

Under these circumstances, this Bill has been introduced to further strengthen the autocratic hands of the Congress government and so I oppose this Bill. I demand that the States' autonomy be restored and the date for immediate election for the State Assembly be announced and the representatives of the people of Orissa be given back their rights to govern their own State.

SHRI BANAMALI PATNAIK (Puri):

Sir, I cannot understand why my friend, Shri Joarder, is opposing this piece of legislation. Only recently Parliament passed the Presidential proclamation regarding Orissa. This Bill is coming as a result of that proclamation and whenever there is an opportunity the Opposition tries to take cudgels against Congress. It was sufficiently discussed last time. A stable government cannot be formed in Orissa and that is why the President's Rule was imposed in Orissa. Now, the question arises after the President's rule has been imposed the President should have the power to consult the consultative committee. Therefore, the question does not arise why President's rule is imposed but it is only about delegating the power to the consultative committee.

The second question is whether the elections can be held immediately or not. This point was also discussed last time when we had approved the Presidential proclamation. The Delimitation Commission has been appointed and only after the delimitation of constituencies is completed the elections can be held. There is a proposal to increase the number of seats in Orissa as a multiple of eight to the Lok Sabha seats.

AN HON. MEMBER : Who proposed?

SHRI BANAMALI PATNAIK : We proposed and submitted it to the Election Commission. It may come to the consultative committee for enacting a legislation whether the number of constituencies has to increase by a multiple of 7 or 8. If it is a multiple of 7 it will be 140; if it is a multiple of 8 it will be 160 and if the number of seats of Lok Sabha is going to be increased it may be 147 or 168. Unless the Delimitation Commission completes its work there cannot be any elections. The electoral rolls are going to be revised and unless this revision is published the elections cannot be held. It may take at least six months. Therefore, the Members knowing fully well are taking every opportunity to malign the Congress that they have a sinister motive not to have the elections.

Now that President's rule is there, I would suggest certain measures to be enacted. For instance, there was a Land Reforms Bill which was before the Orissa Legislative Assembly in its amended form, but the Assembly was dissolved and it could not be passed. The Congress has taken a decision to implement land reforms all over India. I wish that during President's rule, the Land Reforms Act should be enacted according to the all-India pattern, so that it could be enforced and people will get proper legislation.

I would take this opportunity to bring to the notice of Government that there is scarcity of food and drinking water in Orissa, which should be looked into immediately.

*SHRI E. R. KRISHNAN (Salem) : Mr. Chairman, Sir, President's rule is now in force in Orissa. The State Legislative Assembly has been dissolved. The Bill before the House seeks to delegate the powers of the State Legislature of Orissa to the President of India. On behalf of the DMK, I would like to say a few words on this Bill.

A conference of all the presiding officers of our country was held in New Delhi on the 7th and 8th April 1968. At that time, the political developments in the States of Punjab and West Bengal were such that they led to a constitutional deadlock which made it impossible for the State Legislatures to function. Reviewing those developments, the presiding Officers conference passed a resolution unanimously. According to that resolution, the conference was of the view that the question whether a Chief Minister had lost the confidence of the Assembly or not should at all times, be decided in the Assembly. The Conference also held the view that if the majority of the members of the State Assembly wrote to the Chief Minister and the Governor that they had lost confidence in the Chief Minister and desired to discuss a motion of no-confidence, then the Assembly should be convened within a week of that request. The Conference further recommended to the Government of India that the Government should take steps to evolve conventions in regard to the powers of the Governors to summon or prorogue the Legislature and to dismiss the Ministries.

It is now five years since the Conference made these recommendations. What is the picture that we see in the country? In the same manner as the Governors are appointed by the Central Government, the ruling Congress party is nominating Chief Ministers of the States. I would like to condemn this practice of the ruling party with all the force at my command as it is a negation of the concept of democracy.

Sir, I would now like to refer to the

game of defections by Legislatures. What has been the role of the ruling Congress party in this respect? To give an illustration, Sir, I would like to refer to Dindugal Parliamentary by-election to take place shortly. The ruling Congress party has selected one, Shri Cheemaichamy as its candidate. What are his antecedents? He was elected to the Tamilnadu State Assembly in 1967 on Swatantra Party ticket. At that time Swatantra party was a partner of an alliance with the DMK. After his election to the State Assembly he once stated that if the DMK fostered and developed any links with the Indira Congress, then his party, the Swatantra party would review its position in the alliance with the DMK. In 1971, there was a Democratic United Front (Kamraj Congress & Swatantra). He contested on the Swatantra party ticket against the DMK in the 1971 elections from the Dindugal parliamentary constituency and was roundly defeated by a margin of one lakh votes by the DMK candidate, Sir, in 1973 when the by-election to Lok Sabha from the same constituency is to take place now he, Shri Cheemaichamy, has been chosen as the candidate of the Indira Congress. In 1967 he was considered by ruling Congress party as a reactionary and now in 1973 they have adopted the same person and do not hesitate to call him progressive. Shri Cheemaichamy has become a progressive overnight! Sir, is it the way that the ruling party wishes to strengthen the roots of the democracy in our country? One gets an uneasy feeling that so long as defections produce any kind of political advantage to the ruling Congress party, no action will be taken by them to prevent defections.

Sir, we are aware of the fact that a Committee was constituted to go into the question of defections and to suggest methods to prevent them. The report was submitted by the Committee long time ago. Though the Central Government have been saying that a suitable legislation to prevent defections would be brought forward and though many

*The original speech was delivered in Tamil.

[Shri E R Krishnan]

such assurances have been given by the Central Government on the floor of the House, we find no evidence so far to show that they really mean what they say. I have no manner of doubt in my mind that so long as the political climate of our country is not decisively in favour of the ruling party, no law on defections would ever be enacted by the Central Government.

Sir, the ruling Congress party adopts different yard sticks to suit their convenience, throwing all democratic norms to winds. In Madhya Pradesh when Shri Govind Narain Singh who was the Chief Minister on behalf of the alliance of Opposition parties, defected to Congress, an undertaking was taken from him that he would not seek any office for five years. But what happened in Orissa? The defectors to the ruling Congress party were made the Deputy Chief Minister and Ministers with Cabinet rank. What sort of democratic practice the ruling Congress party is following? It is the same defectors who ultimately turned the tables against Shri-mati Nandini Satpathy Government.

When as a result of defections the Nandini Satpathy Ministry lost the majority in the Assembly, what happened in that State? 75 MLAs belonging to the Opposition parties went in person to meet the Governor and sought from him the right to form the Government. But the Governor in his strange wisdom did not give them the opportunity to form the Government and arbitrarily dissolved the Assembly. In fact Sir, as many as 72 MLAs have filed writ petitions in the court challenging the act of the Governor. It may be mentioned that the total strength of the Assembly is 140. What has happened in Orissa, where the majority was thwarted from forming the Government, cannot but be described as a murder of democracy.

While the Central Government was too keen to dissolve the Assembly in Orissa, they have found it convenient to only suspend the Assembly in Andhra Pradesh. I

would like to know whether such double standards practised by the Central Government can ever strengthen democracy in our country.

It seems, Sir, that the ruling Congress party and the Central Government are of the view that ruling Congress party alone is fit to govern the States and that that party alone represents the people of our country. We find that even Central Ministers have begun describing the opposition parties as anti-national. I would like to ask whether this is the right way of strengthening the foundations of democracy in our country. With these words I conclude.

श्री कल चन्द्र वर्मा (उज्जैन) सभापति महोदय, आज हम उड़ीसा राज्य विधान मन्त्रालय (शक्तियों का प्रत्यावाजन) विधेयक पर विचार कर रहे हैं। यह बड़े दुर्भाग्य का विषय है कि उड़ीसा के अन्दर जिस ढंग से गणतन्त्र मण्डल ने अपना शासन लागू किया और प्रजातन्त्र के समस्त मन्त्रों का नाम पर उठा कर रखा दिया। उड़ीसा के अन्दर प्रगतिशील दल सरकार बनाने की स्थिति में था उस का मौका दिया जाना चाहिये था लेकिन वहाँ के राज्यपाल ने जा कन्डक गृह मन्त्रालय के निर्देश पर काम करने हैं, प्रगतिशील दल का सरकार बनाना का मौका नहीं दिया। इस में स्पष्ट साबित होता है कि राज्यपाल जो राज्यों के अन्दर गृह मन्त्रालय के आदेशों से नियुक्त होते हैं का गृह मन्त्रालय के इशारे पर काम करना पड़ता है — यह एक बड़ी दुर्भाग्यपूर्ण परिस्थिति है।

इसी सम्बन्ध में मैं यह भी कहना चाहता हूँ जब उन्होंने अपनी रिपोर्ट राष्ट्रपति जी का भेषी, ता हमारे राष्ट्रपति जी ने उस रिपोर्ट पर कोई महत्वपूर्ण विचार नहीं किया, उन्होंने उसी रिपोर्ट पर अपनी माहिर लगा दी, उन्होंने अपने विवेक का उपयोग नहीं किया केवल एक रबर स्टाम्प बन कर रह गये। इस प्रकार की प्रवृत्ति हमारे प्रजातन्त्र के लिए घातक है। जब वहाँ पर

प्रतिष्ठापित बन के सदस्यों की इतनी सख्या थी कि ये सरकार बना सकते थे तो उन्हें मौका दिया जाना चाहिये लेकिन ऐसा नहीं किया गया।

राज्यपालों के सम्मेलन में एक बात निश्चित की गई थी कि जहाँ पर भी हमें प्रकार की स्थिति छाती है, संवैधानिक मकड़ उपस्थित होता है, दल-बदल होते हैं, वहाँ राज्यपालों को अपने गुटबिंदु में काम लेकर इन मामलों पर निर्णय करना चाहिये कि वहाँ पर कौन सा दल सरकार बनाने की स्थिति में है। मुझे दुःख के साथ कहना पड़ता है कि सम्मेलन के उक्त निर्णय के बावजूद भी उड़ीसा में जो कुछ हुआ, वह दुर्भाग्यपूर्ण था।

हम प्रकार की घटनाओं की पुनरावृत्ति न हो, हम के लिये सरकार बार-बार सदन में प्रवेशान्त होती रही है कि हम दल-बदल पर रोक लगाने के लिये इसी सत्र में एक बिल लाये जा रहे हैं। मैं आज सरकार से एक स्पष्ट प्रश्न पढ़ना चाहता हूँ—एक सत्र के समाप्त होने में केवल एक सप्ताह का समय रह गया है, क्या आप इसी सप्ताह में उस बिल को पेश कर रहे हैं या नहीं कर रहे हैं—हम बात को स्पष्ट करें।

मैं यह भी निवेदन करना चाहता हूँ कि हमें राज्यपालों के त्रियाकलापों के बारे में भी थोड़ा विचार करना पड़ेगा। आज पालों में जो राज्यपाल हैं वे केवल केन्द्र सरकार की मोहर बन कर रह गये हैं और राष्ट्रपति मण्डल भी केन्द्रीय सरकार की रबर स्टैम्प बन कर रह गये हैं—इस पर गम्भीरता के साथ विचार करना होगा।

इन शब्दों के साथ मैं इस बिल का विरोध करते हुए माननीय मंत्री जी से पढ़ना चाहता हूँ कि क्या वे इसी सत्र में उस बिल को ला रहे हैं या नहीं ला रहे हैं? यदि नहीं ला रहे हैं तो बार बार घोषणा कर के इस प्रकार देश और सदन को गुमराह करने का क्या मतलब है?

SHRI SURENDRA MOHANTY (Kendrapara): Mr. Chairman, this Bill being a logical corollary to the imposition of President's rule in Orissa, there seems

to be no other alternative left but to support it. It is a travesty of the situation that when people are looking forward to further expansion of the scope and content of people's participation in the government, more and more areas in this country are now coming under the bureaucratic rule of the President.

It will not be out of place to mention in this context that had the Governor of Orissa acted in good faith and had the President taken into account the realities of the situation, Orissa today would not have been denied the right to be ruled by a popular government.

Sir, since the imposition of President's rule in Orissa, Orissa is passing through a traumatic experience. In districts like Mayurbhanj and Keonjhar, people are still dying of malnutrition and starvation. In Keonjhar, water is being sold at the rate of 50 paise a bucket, and it is strange and it is really mortifying to find that the bureaucratic government of Orissa guided by the President is not taking any steps to mitigate the sufferings of the people.

What is more disappointing is that this bureaucratic government, in spite of its best intentions, is not able to bring the healing touch which can only be expected of a popular government. Against this background, we are really very anxious to know when the elections for a new Orissa Legislative Assembly are going to take place. Article 82 of the Constitution enjoins upon the Government for delimitation of constituencies, but speculations are thick that the Congress is out to force a snap election on the people for its own political ends. It is strange that this matter was raised under rule 377; letter had been written to the Home Minister; but I am sorry to say that the Home Minister had not even the courtesy to acknowledge the letter much less to reply to its contents. As Members of Parliament we are entitled to receive replies to the letters that we address to individual Ministers; it is no favour that is being done to us. Even though I had written a letter to Mr. Uma Shankar Dixit

[Shri Surendra Mohanty]

about a fortnight ago pointing out this anomaly, it is my misfortune and regret that he has not the courtesy to acknowledge the letter. This matter had been raised also under rule 377. We would categorically like to know whether the Government is going to circumvent article 82, under which delimitation should be ordered, and force a snap election, or, whether the election is to take place after delimitation of constituencies and after the electoral rolls are properly revised. I hope that this is the occasion when the hon. Minister should dispel all misgivings and doubts and should afford a real opportunity for a fair and free election in Orissa, so that the peoples' rule, the representatives' rule, is reinstated in Orissa and the wrong that has been done, that has been inflicted, is mitigated.

SHRI SAMAR GUHA (Contai) : Sir, If the office of the governorship was not turned into political dustbin of the Congress waste, perhaps today there would have been a popular government instead of Governor's or President's rule. I do not know in which other States this will happen. Nowadays, the position of the governorship has been turned into a sanctuary of a political dustbin—a strong word, I believe—for the discredited and discarded and also disgruntled Congressmen. Certain recent appointments as Governors indicate this trend very clearly.

I would like to draw the attention of the hon. Minister to one point, namely, that Orissa is a small State and so the revision of the electoral rolls will not require much time there. Therefore, the elections should be held as early as possible, and the Government should not try to spring a surprise on the people just by trying to have a snap vote. I remember when there was a national emergency at the time of Indo-Pak war, all the Opposition leaders met the Prime Minister at her residence, and she herself suggested that there would be no elections within one year after the declaration of emergency. But as soon as the Indo-Pakistan war ended, there was a snap assembly

election. I do not know what will happen in the case of Orissa. If really the Government wants to have an election, it is possible that an election can be held as early as possible and as quickly as possible, because the electoral rolls can be revised very swiftly; at least, some time should be given to the people to make up their mind to know when the election is coming.

Secondly, there is a provision in the Bill to constitute consultative committees, and in this matter, the Government should consult the consultative committee for drawing up legislation. But my past experience of consultative committees, particularly in West Bengal and other States also, is that it meets once after two or three months and Members do not get an opportunity to discuss anything except legislative business. Non-legislative business does not get any serious consideration. I have given an amendment; I do not know whether you will allow it, nor do I want to press my amendment but my point is that, if not by law at least by convention, the consultative committee should meet at least once a month to discuss non-legislative and legislative matters.

Orissa is a poor and backward State; there are a large number of tribals. Starvation deaths have taken place there. Members of the Committee should get an opportunity to place before the Governor and the Government problems affecting the people. So, at least some assurance should be given by the hon. Minister on my amendment, that the Committee should meet every month at least.

MR. CHAIRMAN : The amendment which you sent was not received in time; it came only today. I am not allowing it.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : I rise to support this Bill. There is hardly anything to discuss *de novo* about the charges levelled by the Opposition against the Governor and the Congress Party/as hon. Minister Pantji had already answered them in the previous discussions. The Governor has

acted most democratically and he was left with no alternative but to recommend President's Rule.

The purpose of this bill is to constitute an advisory committee consisting of 30 members from Lok Sabha and 15 from the Rajya Sabha to advise the Government on legislative business. Orissa faces some special problems and we hope that during the short spell of President's rule the hon. Minister would be responsible to the hopes and aspirations of the people of Orissa and these problems would be tackled, as the problems were tackled in West Bengal during the President's Rule.

Forty per cent of the people in Orissa are adivasis and Harijans and the Central Government has a special responsibility and during the President's rule these people should get special treatment so that their economic conditions improve. In Orissa again, 65.2 per cent of the people live below the poverty line and it is a great challenge to the Home and the Finance Ministries and the Union Government. During the President's rule there should be a massive attack on the poverty of these people which is so glaring.

Government has decided to work the nickel plant at Sukhinda. I do not now why its head office should be in Delhi. If some bureaucrat is trying to get the head office here so that they can recruit people from here rather than from Orissa, it will defeat the very purpose of our programmes. I request the hon. Minister to see to it that the head office is at Bhubaneswar or at the plant site itself.

Orissa is suffering from a severe drought today. Drinking water is not available and the price of rice and wheat has risen so much and I request the hon. Minister to pay some special attention so that something is done to relieve the distress of the people.

This State is usually affected by cyclone, drought and floods. This is a chronic disease here. The Central Government should

take up some immediate measures to see that these problems are tackled to a certain extent during President's Rule.

SHRI ARJUN SETHI (Bhadrak): Mr. Chairman, Sir, within the limited time I would like to draw the attention of the hon. Minister to the serious condition that is prevailing in the State of Orissa due to scarcity or short supply of foodgrains, especially, to the backward areas dominated by the adivasis in Mayurbhanj, Keonjhar and some portions of Balasore. The people here are in a very precarious condition they are not getting employment. As a result of all this, their conditions are very much precarious to-day. I have with me some photographs which have been published in our Oriya Daily—an independent daily—and I can show from the photographs the conditions of the people living there. Especially, the photographs here are of adivasi children and their families mainly. Their condition is causing a very serious concern. So, I would like to request the hon. Minister to take immediate steps to tackle this situation.

The administration of the State also is not functioning properly. They are not taking enough measures and are not in a position also to deal with the situation effectively. I would, therefore, request the hon. Minister to direct the State Government so that they can take immediate action to save this situation from further deterioration.

With these words, I support the Bill and I request the hon. Minister again to take immediate action in this regard.

श्री आरजुन सेठी (भद्रक) : सभापति जी, हमारे देश ने प्रजातन्त्र की पद्धति स्वीकार की है और संसदीय प्रणाली का अनुगमन हमारा देश कर रहा है। ऐसी प्रणाली में विरोध पक्ष का एक अनिवार्य और अपरिहार्य स्थान है। उसका सम्मान, उसका आदर और उसके प्रति सम्बोधित मात्रा में निष्ठा जनता को भी और सरकार को भी करनी चाहिए। माजकल एक प्रौढ पक्ष बना है, उसको हम दल बदल कहते हैं, आचाराम गयाराम और

[श्री आरम्भदे राय]

1967 के बाद हमने बहुत नेच रचना से बहोतरी हुई है। बटे पैमाने पर प्रदेशों में इधर से उधर, उधर से इधर और कहीं के कहीं लागू दल बचल किए हैं जिसमें सरकारों में अस्थिरता पैदा हुई और हमारे मन्दरीय प्रणाली का खतरा भी हुआ। प्रजातन्त्र के प्रति बहुत लोगों में अनास्था भी पैदा हुई है। यह एक राष्ट्रीय खतरा है जिसकी धार जनता का जनप्रतिनिधियों का उनमें काम करने वाले दल का और सरकार का भी सम्बन्धित माना में न्याय घाटित होना अपरिहार्य है। माने तीर पर 1969-70 के राष्ट्रपति गिरि के चुनाव के बाद हमारे देश में दो प्रकार की राष्ट्रीय धारों का उदय हो रहा है—एक तो जनवादी प्रगतिशील और समाजवादी दृष्टिकोण वाली बहने है और दूसरे का दलितवादी प्रतिक्रियावादी प्रयास यथार्थवादी हम बताने हैं। इन दो मुख्य धाराओं में बड़ा हुआ धारा दल चल रहा है। हर राष्ट्रीय सभा पर, काठ राष्ट्रपति गिरि का चुनाव हो या तीन जगह की मीनिमिटी का साठ कर चौधे की नियमन का पवाल हो माटे तीर पर हमारा देश दो भागों में बटा जा रहा है। हमारे बमों कमी अस्पष्टता हो जाती है। यह बमों बमों अप्रतिमानता का माफ नहीं होता है। कुछ दल अनापि, नत्व प्रयास कुछ शक्तियाँ ऐसी हैं जिनकी समय समय की नीति से भ्रम होता है। लेकिन माटे तीर पर दो धाराएँ हमारे देश में पिछले तीन सालों से चल रही हैं। माध्यम उद्योगों में भीमनी नन्दनी सतर्फी का जो चुनाव हुआ था उस से विशेष प्रकार की राजनीति का इजहार हुआ और उस प्रकार की राजनीति का इजहार बहा को उस समय की विधान सभा में नहीं हो रहा था। विधान सभा जब चली गयी थी तब से जा परि वर्तन हुए दो देश में उस का रिप्लेक्सन, उस का इजहार विधान सभा में नहीं हो रहा था। विधान सभा का गठन और प्रकार उस समय जो था और भीमनी नन्दनी सतर्फी के चुनाव से जो भावना पैदा हुई, उन दोनों का सामंजस्य नहीं था, बल्कि टकराव था। इसलिये बहा पर चुनाव हो करनी ही पडता, चाहे वेर चाहे मरेर। लेकिन जिस तरह की शक्तियों की एक रचना बहा पैदा हुई उस के

कलस्वरूप बहा विधान सभा भग की पड़ी, उस सरकार ने इस्तीफा दिया, राज्यपाल ने सिकारित की और उस के मुताबिक बहा की विधान सभा भग करके सारी शक्ति राष्ट्रपति ने अपने हाथ में ली। कोई भी बला में रहे भ्राज तो सला में हैं कल विरोधी पक्ष में जा सकते हैं, और जो भ्राज विरोधी पक्ष में है, हो सकता है कि कल वह सला में चले आये, लेकिन कोई ऐसा काम किसी को नहीं करना चाहिये जिस से प्रजातन्त्र और सतर्फीय प्रणाली में लोगों की अनास्था पैदा हो। यह एक राष्ट्रीय प्रश्न है जो बलों से ऊपर है। बहा पर विरोधी पक्ष के लोग सगठित रहे, जब सरकार गिरि, वह नहीं चल सकी तो बहा के राज्यपाल को विरोधी पक्ष के लोगों को बुलाकर, बातचीत कर के इस सभाबना का पता लगाना चाहिये या कि वैकल्पिक सरकार बहा बन सकती है कि नहीं? अगर नहीं बन सकती थी, निहायन मजदूरी में नहीं बन सकती थी, तभी उस विधान सभा को भग करना चाहिये था। बिना उस का प्रयास किए भग कर देना और राज्यपाल को विपक्षित बहा स्वीकार कर लेना मैं समझता हूँ इस में तानाशाहियन की धार लोगों की जो शिकायत है उस को बल मिलता है। ऐसा काम सरकार का नहीं करना चाहिये जिसमें शिकायत करने वालों का मौलिक अधिकार निने और जनता का भी विश्वास करने का मौका मिले। इसलिये जो चोख हुई है उस में एक कमी रह गयी थी और उस कमी का ठर कर के हो बहा का विधान सभा का भग करने का काम करना चाहिये था। ऐसा भ्रागे नहीं होना चाहिये। बहुत बड़ा हमारा देश है। बहुत मजह को अनेमलिया है अलग अलग पार्टियाँ का राज्य प्रश्नों में चलेता। ऐसी स्थिति में केन्द्र को धार से ऐसा कोई कर नहीं होना चाहिये जिस से कि केन्द्रीय सरकार अपने अधिकारों का प्रयोग कर के अपने दल का राष्ट्रपति या राज्यपाल के बल पर चलाती रहे। यह भावना जनता में नहीं जानी चाहिये। अगर जायगी तो देश और सतर्फीय प्रणाली को चोट लगेगी जो हम सब के लिये हानिकारक होगा।

श्री हुकम चन्द कलबाय (मुरैना) भा-बवर ओ उनीसा के बारे में बिल लाया गया है मैं

उस का बिरोध करता हूँ इसलिए कि जिस समय वह सरकार टूटी तो जो प्रगतिशील बिरोधी दल था उस को वैधानिक सरकार बनाने का मौका नहीं दिया गया। जब कांग्रेस पक्ष का कोई हिस्सा हो तो सरकार हमारे लोगों को मौका नहीं देती है।

माननीय मंत्री जी ने नया सरकार ने धनेको बार घोषणा की है कि हम दल बदल का कानून लाना चाहते हैं, और इस सेशन में लावेगे, ऐसा आप ने कहा है। मैं जानना चाहता हूँ कि वह बिल कब आयेगा? 16 नारीक को सेशन समाप्त होने वाला है। पिछले कई सालों में बिचार चल रहा है कि ऐसा बिल लाना चाहते हैं जिस में दल बदल रोक जाय। सारे देश की जनता और बिरोधी पक्ष के लोग उस बिल को आकांक्षा कर रहे हैं कि वह बिल कब आयेगा।

यह जो बिल मंत्री जी लाये हैं, मैं कहना चाहता हूँ कि जब श्रीमती सत्यजी की सरकार वहाँ गिरी तो आप ने धन अधिकांश का उपयोग कर के हमारे लोगों का मौका नहीं दिया। यदि हमारे का मौका देने में यह बात निश्चित थी कि आज भी स्थिति है वह स्थिति नहीं होती, और वहाँ पर प्रगतिशील दल की सरकार निश्चित बनती। ऐसा हमारा विश्वास था। लेकिन सरकार ने मौका नहीं दिया और राज्यपाल ने जो अपने अधिकारों का उपयोग किया वह अनुचित तरीके से किया। राज्यपाल बिना कुछ हुए है केन्द्र से। यहाँ से प्रधान मंत्री ने सकेन के बिना राज्यपाल कोई काम नहीं करना। इसलिए मैं चाहता हूँ कि इस प्रकार की साजिश किसी राज्य में नहीं, और जो बिल आप लाते वाले हैं उस के बारे में मंत्री जो स्पष्ट बताये कि वह बिल कब लायेगे। इस सेशन में लाते वाले हैं या नहीं? यदि इस सेशन में नहीं लाते हैं तो हमें अखण्ड हाकर और कायबारी आगे करनी होगी जिस कर।

SHRI K. C. PANT : Sir, many hon. friends who have spoken have referred to the promulgation of President's Rule in Orissa and the circumstances attending

that. This is a matter which is being discussed in this House already at some length and the whole argument has been gone into both by friends opposite and by those of us who spoke from this side of the House. I do not want to repeat all the arguments that were put forward on that occasion. I would simply say that if my friend would recall the statement of Dr. Mahtab, which has been quoted by the Governor in his report, they will understand the whole situation in Orissa at that stage without further reference of the details of that report. Because, Dr. Mahtab is reported to have told the Governor that unless he acts quickly there may be re-defections. He urged the Governor to take action quickly so that there may be no possibility of re-defections. This, in one sentence, sums up the kind of situation that existed and the apprehensions entertained by Dr. Mahtab, who was himself interested in the formation of an alternative government. He felt that if there was a delay of two days, then those who had defected from the Congress may re-defect. In this kind of situation it was for the Governor to apply his mind and consider whether a Government formed under such circumstances would be stable or not. In fact, there was re-defection. Shri Patnaik had claimed that his party had a majority of X members. Even from that list there was re-defection within a few hours of his statement.

SHRI DINESH JOARDER : Those letters were written by the MLAs under duress. They were compelled to write such letters to the Governor that they were willing to support Shrimati Nandini Satpathy.

SHRI K. C. PANT : I would request the hon. Members to apply their common-sense to the situation. If the majority was still with Shrimati Satpathy, if she was in the Government, I could have understood the argument about pressure being used, force being used and these members succumbing to that force. But that Government had fallen and others were trying to form a Government Under those

[Shri K. C. Pant]

circumstances, would any reasonable man think that force can be used by that party? Even if force is used, what is it that a man is likely to suffer if he does not submit to force? The objective situation was that the Government did fall. The Ministry had resigned. Therefore, it is no use saying that under these circumstances the MLAs were susceptible to pressure from the Government which is falling. It does not stand to reason. I can understand it if the argument is that the other party used force to bring about that situation. But I am not commenting on that.

Then, even assuming for the sake of argument that with a majority of one a Government may be formed—of course, even that is doubted—what kind of Government it would have been with so many defections and re-defections? After all, we have to consider the welfare of the people there.

SHRI SOMNATH CHATTERJEE (Burdwan) : Who will decide the majority?

SHRI K. C. PANT : I think Dr. Mahab's statement reflects the razor thin nature of the majority. I do not have to go beyond that. It is not capable of having two meanings. Even without going into other facts, that statement alone gives the whole situation in one sentence. After all, the formation of Governments and bringing down of Governments is not an end in itself. If a stable Government is provided, the problems of Orissa can be tackled. These matters have to be considered also in that light. I am sure, the hon. Members will consider these matters in a broader perspective of what is good for the people there.

Then, there was the usual criticism of the Governor, that the Congress used the Governor for its own ends, and so on. I would like to say only two things. One is that whether it is the Governor who recommended it, the ultimate decision was taken by the Central Government. We came before the Parliament and the Parliament discussed it. It went before the

whole country. Through a discussion in Parliament, the whole country has a chance to judge the pros and cons of the issue. We take the responsibility for the decision. Why blame the Governor for it? The Government does apply his mind and give the judgment of the situation. But ultimately we take the decision. We differ from the Governor's report where it is necessary. I think, you should not bring in the Governor here. You may have your own opinions. Ultimately, we took the decision. You criticise us, if you like. Why bring in the Governor in the arena of the dispute or bring in the President in the arena of the dispute? We are capable of answering you and trying to convince you. Certainly, we take the full responsibility. I would request you to not to bring in the name of the Governor...

SHRI SURENDRA MOHANTY : Can it be taken that the decision was taken irrespective of the Governor's report?

SHRI K. C. PANT : What he says is wrong. I did not say so. There is no question of taking a decision irrespective of the Governor's report. Certainly, we took into account fully what the Governor had said. He gave the assessment of the whole situation. We attach the highest importance to the statement of the Governors because they are the people on the spot. Certainly, they are in the best position to advise us. I am only making a point which is illustrated by Manipur, that we need not in all circumstances accept all that the Governor says or recommends. This is a simple point I am making.

After the promulgation of the President's Rule in Orissa, the other instance we have before us is Manipur. What happened in Manipur? In Manipur, the Government fell. It was an Opposition Government and the Congress was in a position to form a Government. The Governor recommended that the Assembly need not be dissolved. The ruling party, at one stage, sent a letter to the Governor recommending that the Assembly need not be

dissolved and that it may be kept in suspension. But the Chief Minister recommended that the Assembly may be dissolved. My friends will recall that the Governor's recommendation at that stage was not to dissolve the Assembly. And yet we dissolved the Assembly because we thought the situation had a parallel with Orissa where the Government may not be stable, the party may consist of a number of persons who may have defected and re-defected and, therefore, it may not provide a kind of Government that Manipur needed. Taking the totality of the circumstances into account, we deviated from the Governor's recommendation to the extent that we dissolved the Assembly and we created situation in which the people of Orissa will have a chance afresh to elect their own Government in due course.

This is what we did in Orissa. Certainly, we attach the highest importance to the Governor's report. We will be guided by that. All that I say is, we do not hide ourselves behind the Governor. We do not want to expose the Governor to the kind of criticism which is made in the House. Why don't you criticise the Government? I am here to defend the Government. But to bring in the name of the Governor is not fair.

The other question that was raised by some hon. Members was in relation to the date of the election.

SHRI DINESH JOARDER : In article 174 of the Constitution it is clearly laid down that the Governor is the sole authority; he may, from time to time, prorogue the Houses or either House and dissolve the Legislative Assembly. But he cannot recommend to you to dissolve the Assembly. You have just now said that you dissolved the Assembly. Nowhere in the Constitution is the Central Government given the power to dissolve the Legislative Assembly.

SHRI K. C. PANT : If, after what I have said, my hon. friend has not understood it, my repeating it will not make him understand it.

SHRI DINESH JOARDER : He recommended dissolution of the Assembly. He cannot do that. Either he shall have to dissolve or he shall have to act according to his own discretion, but he should not secure advice from you, should not act as your agent.

SHRI K. C. PANT : Another point that was raised was in relation to the date of election. On that, one hon. friend. I think Mr. Patnaik, has said that now that the census operations have been completed, certain procedures will have to be gone through before the next elections—delimitation of constituencies, preparation of electoral rolls and, incidentally, he mentioned the possibility of increase of the number of Parliamentary seats from Orissa which will have its effect on the Assembly seats and so on. Whatever it is, as far as I know, the Constitution requires that this process be completed before the next elections can be held. Therefore, this process will have to be gone through. This will take a certain amount of time. I can only hope that it does not take much time and we can hold the elections as early as possible. We are as anxious as any section of this House or any hon. member to have the representative government again in the saddle in Orissa as early as possible...

SHRI SURENDRA MOHANTY :
With delimitation or without delimitation?

SHRI K. C. PANT : I think, it is a Constitutional requirement...

SHRI SURENDRA MOHANTY : It is not your subjective understanding that we want here.

SHRI K. C. PANT : I am telling you what my subjective understanding is. If a specific question is put, I will consult the Ministry of Law. But, at this stage, I can only give you my subjective understanding. This is my understanding without consulting the Law. I will consult them if you send me a notice...

SHRI SURENDRA MOHANTY : Under rule 377, I have already written a letter.

SHRI K. C. PANT : That does not make it compulsory for the answer to be given in the course of the debate.

There was a reference to the Deputy Chief Minister of Orissa and in that context to the Anti-Defection Bill by many hon. friends. The only thing that I can say is that we have completed our consideration of that Bill and we would like to bring it before the House, to introduce the Bill, before the end of this Session. Regarding the question of Deputy Chief Minister's party joining the Congress at a particular stage, it raises an important issue which hon. friends will consider while they go into the provisions of the Anti-Defection Bill. Here was a party which merged into another party, and whether this can be treated as defection or not is a serious question for you to consider. Such situations will arise in future and this may well not be a case of defection. I am not anticipating the discussion on this, I am merely posing the problem, because this will be one of the questions with which you will be faced. Similarly, my hon. friend belonging to D. M. K. raised the question of an ex-Swatantra member now fighting the election on behalf of the Congress. I do not think he is a Member of the Assembly now. Therefore, he is completely free to join any Party he likes and to contest the election. That is not a defection. Suppose somebody to-day contests in the name of one Party and he goes over to another Party, the law does not stand in his way. Even in the Anti-Defection Bill we are not providing for that. The Committee which went into this question never suggested that nobody in this country should be allowed to change the Party. That will make the whole democratic functioning a very static and we have to provide for some changes. It may be that a Party may later on decide to change its loyalty to another

set of programmes. This is how we have to understand this question. I do not think it is right for him to say that he is a defector who is contesting. That will not be a correct interpretation.

14 Hrs.

My friend from the D. M. K. mentioned that all the time we, in the Congress Party, cannot have our own Governments in all the States. It is completely correct and I hope he will remember that we did help his party to win the elections. Memories in politics are very short. But I do not think he could have forgotten that if his Party is in power to-day, we have not hindered but helped the process...

SHRI I. MATHA GOWDER (Nilgiris) : We also helped you.

SHRI K. C. PANT : You might have helped us in respect of Parliament but you have not helped us in relation to the Assembly. You have the government not in the Parliament but in the Assembly...(Interruptions)

I am directing my remarks to my friend in the DMK who should remember . . .

श्री हुकम चन्द कठवार : जहाँ विराही सरकार बनती है वहाँ आप के सहयोग से बनती है ?

श्री कृष्ण चन्द्र पन्त : अब हम क्या करें जब आप इनके कमजोर हैं ? यह तो आप के लिए बड़ी बुरी बात है और यह कहना आप का, आप की ताकत नहीं बढ़ाएगा। देश इनको कैसे समझेगा जब आप खुद कहेंगे कि हम सरकार नहीं बना सकते

श्री हुकम चन्द कठवार : नहीं, हम तो वह नहीं कह रहे हैं, आप कह रहे हैं।

SHRI K. C. PANT : अभी आप ने यही कहा। Some reference was made to the development of Orissa. It is quite true that Orissa is an economically backward State. It has a large percentage of Adivasi and

Harijan population, a reference to which was made by Mr. Panigrahi and other friends also referred to the backwardness of Orissa. It is economically backward and yet it is endowed with rich natural resources and if one could properly exploit those natural resources, then Orissa should certainly become an economically prosperous State. It has rich mineral wealth and it has a coastline which can be used. Ports can be developed and in recent years something has been done in that direction. Industries have come up. One steel plant is there. The Iron & Steel Ministry was considering to have another steel plant. My friends know this. Therefore, the potential is there and we have to see how best to develop this potential and to relieve the poverty of Orissa and tackle its problems.

SHRI CHINTAMANI PANIGRAHI: You were also one time in the Steel Ministry. You should know better.

SHRI K. C. PANT: Yes, even when I was in that Ministry, I had gone on record that the site in Orissa is one of the best in the country. That is on record.

One specific point raised is in relation to the land reforms Bill in Orissa. This progressive measure is one which we would like to take up as early as possible.

On the development programmes, the question of drinking water and water for irrigation comes up. These points were mentioned by hon. Members. I know the problems of Orissa in relation to this problem of water for drinking and water for irrigation. We will look into this question in the context of what can be done in the Fifth Plan. This is our approach. We are about to start the Fifth Plan. The special feature of the Fifth Plan in Orissa is area-development. Tribal areas, backward areas, areas constantly affected by floods, about which Shri Sethi made a reference, areas of drought, areas which have special growth potential, all these areas

are being indentified on the basis of the industries now developed for this purpose. The major thrust of the Fifth Plan would be to increase the area under irrigation. Mr. Panigrahi made a motion of this. Particularly by the development of lift irrigation we are bringing an additional area of 14.37 lakh acres. The State Government has taken over the procurement and marketing of kendu leaf and a suitable organisation is set up to give assistance in this regard. These are some of the points to be tackled in the Fifth Plan. These can be discussed in the Consultative Committee. Some Members said that Consultative Committees discuss only legislative measures. It is true, the Consultative Committee is meant to discuss legislative measures. But over the years we have developed a certain convention whereby other matters are also taken up and we do not restrict discussion on matters relating to development of the State.

References were made to reduction of disparities within the State and in relation to other parts of the country. This is part of the whole wider question of development of the whole State to which I had made a reference earlier. Within the same States there are pockets which may require special assistance and special attention; in fact this is one aspect which is being covered by the area development programme which I had already mentioned.

A number of references were made to the point that large number of persons are below the poverty-line. It is quite true that we will have to take measures to ameliorate their condition and there are also other problems of this kind. Shri Panigrahi said that I am sensitive to the special problems of Orissa. Truly I am most sensitive to those problems. I hope you will pardon a personal reference. Once when my father went to a tribal area in Orissa, he came back and told me that this is one of the most poverty-ridden areas he has seen in the whole country. When he said this, we have to keep in mind that we ourselves come from a poor hill area and are accustomed to see poverty

[Shri K. C. Pant]

and if the poverty in that part of Orissa is something striking, you can very well imagine what kind of poverty that must have been.

I think I have covered most of the points. About Nickel Plant referred to by Mr. Panigrahi, I cannot go into this; I don't have the information with me. But I would certainly hope that regardless of whether the H. Q. is in Orissa or in Delhi, the usual guidelines will be followed for providing maximum employment opportunities to local persons, the people of Orissa, who certainly need this assistance, who certainly have to be provided with employment opportunities, and this is of course, particularly true of those who would be in jobs below Rs. 500 per month. You know the All-India policy in this regard and I need not elaborate further.

Now the only point that I wish to mention is that the Governor's rule is a temporary rule and it should be there only for a few months. These problems are such that in respect of some of them, they will require a very long period during which continuous efforts will have to be made before we can find adequate solution or satisfactory solution for all of them. Therefore, I may be excused if I cannot promise here and now that all these problems will be solved during Governor's rule.

It would not be accepted by my intelligent friends even if I give an assurance to that effect. All I can say is we would like in all sincerity to be of some assistance to the State during a difficult period and to be able to take some measures, however small, to laying the foundation for its development and amelioration of its difficulties during the Fifth Plan. With these words I commend this Bill to the House.

MR. CHAIRMAN: The question is:

"That the Bill to confer on the President the power of the Legislature of the State of Orissa to make

laws, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: There are no amendments to any of the clauses and therefore I am putting all the clauses, the long title and the enacting formula to the vote of the House.

The question is:

"That clauses 2, 3 and 1, The Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2, 3 and 1, the Enacting Formula and the Title were added to the Bill.

SHRI K. C. PANT: I move:

"That the Bill be passed."

SHRI CHINTAMANI PANIGRAHI: Here I only want to bring it to the notice of the Minister that there is a serious shortage of wheat and the Orissa Government has written to the Central Government for immediate despatch of wheat. I would only request the hon. Minister that he should see that it may be expedited from the Food Ministry so that the consumers are able to get wheat.

SHRI K. C. PANT: Sir, reference has been made to it by some other hon. Member also. I am not aware of this letter from the Orissa administration. Perhaps it has gone directly to the Food Ministry. But I shall look into it.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.