

of the People Act, 1951, in the vacancy caused by the resignation of Prof. S. Nurul Hasan from the membership of the said Joint Committee and do communicate to this House the name of the member so appointed by Rajya Sabha to the Joint Committee".

The motion was adopted.

12.12 hrs.

STATUTORY RESOLUTION RE APPROVAL OF PROCLAMATION IN RESPECT OF ORISSA AND ORISSA BUDGET, 1973-74—GENERAL DISCUSSION, DEMANDS FOR GRANTS ON ACCOUNT, 1973-74 AND SUPPLEMENTARY DEMANDS FOR GRANTS, 1972-73—Contd.

MR. SPEAKER: The House will now resume further discussion of the following Resolution moved by Shri K. C. Pant on the 22nd March 1973, namely:

"That this House approves the Proclamation issued by the President on the 3rd March 1973, under article 356 of the Constitution in relation to the State of Orissa";

further general discussion on the Budget for the State of Orissa for the year 1973-74, further discussion and voting on the demands for Grants on Account in respect of the Budget for the State of Orissa for 1973-74 and further discussion and voting on the Supplementary Demands for Grants in respect of the Budget for the State of Orissa for 1972-73.

Shri Arjun Sethi was already on his legs.—He is absent. Shri Banamali Patnaik—he is also absent.

SHRI PILOO MODY (Godhra): None of them expected that this would start so soon.

MR. SPEAKER: I think so; you are right.

SHRI D. K. PANDA (Bhanjanagar): I support the promulgation of the Ordinance in regard to the State of Orissa. I basically agree with the assessment made by the Governor of Orissa.

SHRI PILOO MODY: Here is a member of the Opposition supporting an Ordinance of Government!

SHRI D. K. PANDA: I am coming to him.

But I have to express my resentment at the manner in which the statement of the Governor has been presented because the statement refers to the personal affairs of Shri Nilamony Routray. In a fairness, this should not have been done. It is against parliamentary decency and decorum. Reference to the oral statement made by Dr. Hare Krushna Mehtab was also unwarranted and uncalledfor.

But essentially and basically, I agree with the assessment of the situation made by the Governor, the circumstances, the defections, horse-trading and other things adopted. In all these things, there is truth. Therefore, basically I agree with the statement.

Shri P. K. Deo of the Swatantra Party and others are now raising the question of stability. Under Biju Patnaik's leadership, in the Pragati Shil Dal, a combination of feudal reactionaries and careerists, can we achieve stability in Orissa? Can Orissa progress? It is out of the question. This very same Biju Patnaik once upon a time declared that he wanted to completely dissolve the Utkal Congress and dissolve it only for the merger of the Utkal Congress in the Congress. He declared that "I am the most disciplined soldier of the Congress in the iron hand of Indira Gandhi." Is there anybody to challenge this statement of Biju Patnaik, and the same Biju Patnaik today says

[Shri D K Panda]

that under the leadership of Indira Gandhi, and Nandini Satpathy in Orissa under the leadership of the Congress, there cannot be a stable Ministry. Not only that. The same Biju Patnaik who gave the slogan, "Orissa bachau, Swatantra hatao" has most unashamedly soiled his hands with the same Swatantra party which is solely a combination of former Rajahs and feudal lords.

The same Biju Patnaik says, and he claims that he can bring about industrial revolution. Most of the Members might not have known what a gamble he has played in the past. As for the industrial development of Orissa, he is No. 1 enemy, and I can declare it in this House.

SHRI SURENDRA MOHANTY (Kendrapara) Sir, on a point of order. Can such aspersions be cast on a person who is not present in the House to defend himself? The President's proclamation is under discussion. (Interruption) I want to know your ruling. I can also peter out many things about my hon. friend.

MR SPEAKER He is discussing the policies.

SHRI SURENDRA MOHANTY He said gamble.

MR SPEAKER It is about the policy and politics. You have been discussing the policy pursued by Shrimati Nandini Satpathy who was not present in the House while you were attacking her all the time.

PROF MADHU DANAVATE (Raipur) The communist party would relish it.

MR SPEAKER I think Mr Mohanty also relishes it!

SHRI D K PANDA. The other day, the Swatantra party also set up a Commission when they were in power against Biju Patnaik and from the Khanna Commission report it is

known that the allegations are substantially found to be true. It was also found how he entered into a deal with some Japanese firm for 96 tractors and for which he was to get some profit. By that way the deal with entered into, negotiations went on. What was the purpose behind that move? All these 96 tractors are now lying idle. Because from the beginning they were deliberately defective and he wanted with that to make a deposit in some foreign bank for getting a fertilizer plant at Paradeep. That was the idea. To make a profit, and nothing but profit has been the motive all through his career. This blue-eyed boy who in 1942-43 was nothing but a captain, is now a millionaire and he himself declared at several public meetings that I started with Rs. 45 and now I am worth Rs. 10 crores. Where did he get all this money from? At the same time I will say that when he was the Chief Minister as a Congressman in the Congress party, it is the Congress who encouraged him. I want to bring to your notice that at this stage also there is a section of the leadership at the Centre who are still hoping to bring in Biju Patnaik. During the Cuttack elections, the leadership gave a ring to him and ran after him to bring him back. Therefore I give a note of warning to my Congress friends, young Turks who have been agitating against any type of defector, against bringing Biju Patnaik at any time. The Swatantra party talks of political prostitution and butchering and murdering democracy and so on. I ask them this question: 13 licences were granted for starting industry by the Centre. But who withheld them and blocked them? It is on record that he wanted the fertilizer plant at Paradip should be handed over to Mr Jain, and not in the public sector. That party is anti-people, anti-working class, anti-industrialisation, anti-public sector. (Interruptions) He speaks against defectors; but whenever it suits him he takes a different attitude. The slogan is given: "Biju-Biren hatao, Orissa bachao". Now he

is joining hands with the same Biju Patnaik. The Swatantra Party from 13 February onwards have been opposing outright all the measures of land reform; it is they who wanted to send the Bill to the Select Committee. I welcome Shrimati Nandini's efforts to have the land reforms Bill; it is a comparatively progressive Bill. That was opposed and fought only by the Swatantra Party and Biju Patnaik and Mahtab Group. They have no right to say anything against defections or to speak about democracy. Everybody knows how these people were against Adivasi interests, against distribution of fallow lands, against the public sector, against Kendu leaf nationalisation. Kendu leaf which was the main financial prop of the Swatantra Party and Biju Patnaik-Mahtab group has been nationalised. Neither the Swatantra Party nor Biju Patnaik and his party could provide stability in Orissa; and I tell some of those persons in the Congress Party not to nurse any illusions about Mahtab or Biju's return. Mahtab has formed an independent party. There is already a committee of enquiry, the Sarju Prasad Commission. When the matter was referred to the CBI, he joined hands with the Swatantra. Therefore, I demand that the present Central Government should now do things because they have an opportunity. Hitherto they used to say: the State Government has submitted a report that there is no famine and death and therefore we cannot interfere. Now that they have an opportunity to do something, they should save democracy and give some relief to the famine stricken and cyclone affected poor people of Orissa; the Centre must come forward to do this.

For the poor Orissa people, the Centre must come forward as the atmosphere is corrupted there. For all those leaders who are to-day championing for the so-called democracy for Orissa, let there be a Commission appointed to go into the misuse and misuse of funds by the previous Ministry led by the Swa-

tantra and Utkal Congress coalition. Against Shri Biju Patnaik, the Khanna Commission report is already there. And substantially all the allegations have been proved. Let there also be a C.B.I. inquiry against those allegations or charges made against Shri Biju Patnaik by the Centre immediately. Already there is a C.B.I. inquiry against Shri Mahtab. Charges have been brought against him. In this connection I appeal that the Centre should expedite the case. Before the election, all these reports must come forward.

Another deal was struck in regard to Deitri Mines under the leadership of Shri Biju Patnaik. Its original estimate was only for Rs. 6 crores which was raised to Rs. 18 crores subsequently. Still, the work has not yet been completed. In that connection, I have got with me some papers. There were some link companies. And under the leadership of Shri Patnaik, there was an agreement entered into by him with this company. At that time, before the conclusion of this agreement, some advance money to the tune of crores of rupees was given. And now that money could not be realised. Besides, the work also has not yet been completed. It is now found that even the link companies are not in existence at all. For this also there should be an inquiry conducted against that deal.

As regards kendu leaves deal, it is reported that there are serious allegations made against the Swatantra and Utkal Congress coalition ministry. Some of them have collected lakhs and lakhs of rupees. It is also reported that a sum of Rs. 20 lakhs or so was collected against that deal for getting an extension of one year or so to the kendu leave traders. For this also, there should be another Commission appointed.

The Communist Party has, all through, been fighting against this. I shall just read out as to what was said. At the time when Shri Biju

[Shri D K. Panda]

Patnaik joined the Congress, the Communist Party gave a word I quote

"What the Congress will do remains to be seen. The prompt manner in which the Utkal Congress M.L.As have been admitted to the ruling Congress without any scrutiny and the magnanimity and forgiveness in the deal do not show much regard for principles or political standards. Some of these M.L.As are notorious reactionaries and there is no reason to think they were all proselytised for radicalism within a matter of hours."

At the time when they were admitted to the Congress we gave our warning.

MR SPEAKER Let me also give you a warning that your time is up.

SHRI D K PANDA At that time what happened was this. These 52 Members of the Congress Party opposed the Land Reforms Bill. This is nothing but political opportunism from which the Congress leadership suffers. Therefore, in the interest of democracy and in the interest of Orissa's economic development it is necessary that all such horse trading and political opportunism must be put an end to.

Coming to the budget proper I want to say one or two things.

MR SPEAKER The hon Members' time is up. I am not going to allow you any more time since you have already taken more than double the time that is allowed.

SHRI D K PANDA Mr Speaker Sir I want only two more minutes. As far as Orissa budget is concerned, I should say that it is not encouraging at all. Orissa is an agricultural State primarily. All its income is derived from agriculture. For the development of agriculture, there is absolutely no such programme. There should have been proper allocation of funds

made for the purpose in the budget. But, that has not been done. 40 per cent of the total amount is for irrigation. But it is not enough. It is confined to the maintenance charges of the existing sources of irrigation and there are only 3 projects. It is localised. It must extend to other parts of the country for irrigation. Proper measures should be taken for lift irrigation and allocation of money should be made for that purpose.

I demand that the Centre should immediately take over the closed factories and mills including Kalinga Tubes and B Patnaik mines. Small-scale industries should be encouraged. For that proper allocation has to be made. Jarau Harabhangal project and Baghua project which will provide water for three-fourths of Ganjam district should be taken up. 13 licences have been granted for 13 industries. These should be immediately taken up and work should start immediately.

SHRI SFZIHAN (Kumbakonam) Sir I rise on a point of order. The Orissa Budget which has been placed on the Table of the House has been signed by Shri M G Kaul, Secretary to the Government of India. He is not responsible to the House. It should have been signed by the Minister and presented to the House. The budget of the Central Government also has been signed by Shri M G Kaul, Secretary to the Government of India. However eminent he may be in the bureaucratic hierarchy, he is not responsible to the House. So, the budget should have been signed by the Minister concerned. The Budget of Andhra Pradesh Government is not signed by Shri M G Kaul.

Sir, this is highly objectionable. Only the minister who is responsible to the House should sign it.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K C PANT) This is with regard to the budget papers, and my colleague in the Finance Ministry will come and explain it As far as I know, the various papers which are placed before the House which are signed by officers are authenticated by the ministers That is the practice usually followed I do not know specifically about this

SHRI INDRAJIT GUPTA (Alipore) The Andhra Budget has not been signed by anybody, neither any official nor any minister has signed

MR SPEAKER I very well appreciate that you have noticed it Somehow it has escaped attention I will find out what is the true position The House is already seized of it Meanwhile let the discussion go on

SHRI S M BANERJEE (Kanpur) The Andhra Budget is not signed by anybody as pointed out by Mr Indrajit Gupta We do not know whether the document is genuine or not Let the minister authenticate it

MR SPEAKER I think he should authenticate it and lay it on the Table In the meanwhile I will see whether I can condone it or not

SHRI JAGANNATHRAO JOSHI (Shejapur) In the last Lok Sabha also so many times we have passed the budgets of State Governments There must have been some procedure which was followed previously

MR SPEAKER I am looking into it In the meanwhile, let the discussion continue Mr Unnikrishnan

SHRI ARJUN SETHI (Bhadrak) Sir, I was on my legs (*Interruptions*)

SHRI PILOO MODY Sir, Shri Sethi was on his legs yesterday If the Calling Attention was postponed, he is not responsible for it

MR SPEAKER The Member is expected to be in the House

SHRI PILOO MODY Throughout the day? A certain order of business is laid down in the Order Paper Suppose it is changed?

MR SPEAKER If I call a member and he is not present in the House, I pass on to the next member

SHRI PILOO MODY Irrespective of if you change the order yourself?

MR SPEAKER That has been agreed to by the House Now, Shri Unnikrishnan

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K R GANESH) Sir I have placed on the Table of the House authenticated copies of both the budgets

SHRI SEZHIYAN The Minister who is responsible to the House, who is presenting it or laying it on the Table of the House should sign it What prevents him from doing that? The copies circulated to us carry the name of somebody else

MR SPEAKER If the Minister had authenticated it there should have been a slip attached to the printed copies to that effect We will have to think of a procedure for such cases in future Under the procedure we are following, all the Bills are authenticated by the Minister and not the Secretary The Minister says he has already done it But the Members could not be aware of that I am sorry for that

SHRI K P UNNIKRIISHNAN (Badogara) Mr Speaker, Sir, I rise to support the proclamation issued by the President on the take-over of the administration of the State of Orissa and the budget of that State I do so with a tinge of regret because the normal democratic processes have been thwarted, have been paralysed, not because of the action of the Govern-

[Shri K. P. Unnikrishnan]

nor because constitutionally that was the only correct and sound procedure to adopt, not because of the actions of my party, but because of the activities of the gentlemen on the other side, Shri Piloo Mody and his friends, who have deliberately paralysed the administration by creating a situation of this kind. So, I would contend that the Orissa Assembly, which should have been concerned normally with the consideration and voting of the Demands for Grants and the Appropriation Bill in exercise of their sovereign and constitutional rights, have been prevented from doing so by these gentlemen on the other side who have continuously been destroying the framework and fabric of democracy in India, and more so in Orissa. The feudal forces in Orissa are stronger than in any other State and I see here a correlation of forces between the strength of feudal forces in Orissa and the strength of these right reactionary forces in Orissa. I am sure that this will be contended with and this challenge of reaction in Orissa will be met politically and the sooner the people do so the better.

It was only an operation of "the Grand Alliance", as I would call it. This is the grand alliance to which the Prime Minister referred the other day, a new alliance. The grand alliance, which was defeated and thrown into the dust-bin of history by the people of this country in 1971 and 1972 has been revived in Orissa, Andhra and various other places, and in the first manifestation of this political exercise in Orissa, there emerges a villain, Shri Biju Patnaik. I do not want to say anything about him more than what the renowned Opposition leader, who is no more with us, the leader, exponent and advocate of "non-Congressism," late Dr. Ram Manohar Lohia, had said. It is very interesting. He had said of Biju Patnaik:

"Such low-hearted scoundrels and operators may be good and in-

teresting companions to relieve the boredom of a long train journey, but if installed in high offices, they become dangerous sources of corruption in public life."

It is not from the Congress men. This is what late Dr. Ram Manohar Lohia, an exponent of non-Congressism, has said.

This is the gentleman, who is still evading taxes, who still conceals hoardes of black money, who has become a principal villain of the piece. As long as the people of Orissa do not know how to deal with this villain of the piece, Orissa will continue to pass from one stage of political instability to another. (Interruptions).

The dictum from Gita, "Sambavam Yuge Yuge", has come to a fruition in Orissa. There have been "Avatars" of right reaction in Orissa, right from the days of Ganatantra Parishad, later on switched to Jana Congress and Swatantra and subsequently Swatantra and Utkal Congress and now the Pragati Party. "Prakriti", in my language, means nature. This is the real nature of reaction, continuously changing its colour...

SHRI JAGANNATHRAO JOSHI. Even in Malayalam, it is "Prakriti" and not Pragati.

SHRI K. P. UNNIKRIISHNAN: That does not change the colour of reaction in Orissa.

Basically to support these reactions, the Singh Deo Government which was in power—Mr. Mody's Government—indulged in most nefarious deals and took nearly Rs. 70 lakhs. I am making this charge, Sir. It has been referred to a Commission. And that is precisely why the Opposition, particularly the Swatantra party, tried to pull down the Government. The Trimurti of Orissa politics, Harekrishna Mahtab, Biju Patnaik and Singh Deo, who is a feeble companion of the other two—, the three principal people have frustrated the aspirations

of the people of Orissa. It is precisely because Shrimati Nandini Satpathi, who may be frail in her body and in her frame, but brave in her spirits—took concrete steps to introduce basic and revolutionary changes like the Land Reform Bill, to which my hon. friend, Mr. Panda, referred, a measure which reduced the level of ceiling to as much as ten acres for a family, and also because she dared to nationalise kendu leaf trade which was the source of money for all the corrupt politicians of right reaction in Orissa. It is because of these, the right reaction decided to pull down her Government. I am glad that a Commission has been appointed to go into the source of the kendu leaf deals which, unlike many other ills, have a long record of history, nearly 25 years and have repeatedly figured in this House and have also corrupted the political life of Orissa. I hope, the fight against the feudal interests and right reactionaries in Orissa which has manifested itself in these measures of the Satpathi Government will be further strengthened by the steps that the Central Government and also the succeeding democratic Government of Orissa would take. I am sure that whenever Orissa goes to polls, our Party will emerge, not only emerge victorious, but will go to the polls with a definite programme and a definite progressive programme....

SHRI PILOO MODY: If it has picked up the courage to go to the polls.

SHRI K. P. UNNIKRISHNAN: Mahatma Gandhi once said that his heart was bleeding when he saw the poor of Orissa. No where else we see such poverty as in Orissa. Orissa is also a State where a large percentage of the population belongs to our unfortunate tribal brethren. That is the real face of Orissa, the face of poverty, where the *per capita* income is much below the *per capita* income of many other States. It is also interesting that Orissa has become the playground of many disgruntled and discredited politicians, like Mr. Biju Patnaik for whom I used to give credit

once for fighting the other big monopoly houses, encroachment on the State. That is a contradiction of Orissa. Patnaik wanted his state to be his private colony and we are opposed to both forms of exploitation, whether it be by regional lords like Patnaik or by the big monopoly houses. I hope that the set-up that will emerge in Orissa after the next poll will carry forward this democratic offensive against the forces of reaction represented by Mr. Patnaik and others.

I also hope the Central Government will pay special attention to the problems of backwardness of Orissa. Orissa is also a State rich in natural resources and with immense possibilities and I hope the Central Government as long as the Governor's rule lasts will pay attention to these basic problems.. (*Interruptions*).

About the role of the Governor in the whole crisis, I do not know what else the Governor should have done. He had only defended the constitution. He has only defended the basic principles and problems of our democratic frame-work and he has done nothing more and nothing beyond that. But frustrated as they are in their "Ayarayam-Gayaram" game, they have opposed the Governor who courageously came forward with his step, with a correct, right constitutionally sound and a democratically correct step and now they are alarmed that they have not been put back in the seats of power. Therefore, I am sure the House will agree with me that the Governor's action was not only sound and constitutional but it can be defended from any angle. I hope the game of Mr. Piloo Mody and his friends and Mr. Biju Patnaik and other regional lords of Orissa will be ended once for all and Orissa awaits a very bright future.

SHRI SURENDRA MOHANTY (Kendrapara): Before I proceed to offer my remarks, I offer my grateful thanks to my colleagues in the Opposition who have kindly allowed me to take precedence over them in view of some personal engagement.

[Shri Surendra Mohanty]

Listening to some of the perverse and obese speeches of my predecessors, I was wondering whether Biju Patnaik and Hare Krishna Mehtab were the subject matter of the Presidential proclamation. If such frivolous and unfounded charges are going to be made and are going to be heard and the privilege of this august House abused, we are no less in capability than any of these members, but we are not going to stoop that low.

Coming to the Presidential Proclamation, the House would remember that for the third time since the promulgation of the Constitution, Orissa came under President's rule on 3rd March 1973. I can speak from my own personal experience which will be borne out by facts of history that in such instances never before a Governor behaved like a stooge of the Centre. Never before in a cavalier fashion an Assembly had been dissolved in such cynical disregard of constitutional propriety and well established conventions. On 25-1-61, the Orissa legislature was merely kept suspended. After the Congress Ganatantra Parishad Ministry headed by Dr. Hare Krishna Mahatab resigned. According to the Governour he tried to find out whether there could be an alternative Government. But no party in the legislature was in a position to form a Government. Therefore President's rule was imposed 10 years later, on 11th January, 1971, when Mr. Ansari was the Governor he kept the assembly in suspended animation, after the Jana Congress withdrew its support to the Jana Congress and Swatantra coalition Ministry. And, for long 12 days the Assembly was kept in suspended animation. Efforts were made to find out whether an alternative Government could be provided. After all exploration failed, then only Presidential rule was imposed. But what do we find in the present case? Mr. Jatti, the Governor in one breath prorogued the Assembly and in the same breath dissolved it, without allowing any opportunity to the leader of the Pragati party to provide an alternative Government. Sir,

if we look at the Constitutional background, we will find that Article 356 is meant to be used very sparingly only in cases where no alternative Government would be possible.

Therefore, it was not for the Governor to foreclose the issue or to act under surmises and on hypothetical claims that if an alternative Government was formed it would, fall and therefore Presidential rule was the only course left open.

Before I come to the Governor's report, I will refer to the multiplicity of mendacious lies with which the Governor's report is packed. I also wish to bring to the attention of the House the sort of double standards which have been adopted by the Government of India in the matter.

In Manipur where the defection has started in favour of the congress the Governor ordains that trial of strength should take place on the floor of the Assembly. What logic is there for Mr. Jatti for not allowing the same right, the same opportunity, to the opposition, on the floor of the Assembly? The Governor of Orissa behaved like a stooge of the Centre. But it is the Prime Minister alone whom I hold responsible for this. The *Times of India* reported on 4th March 1973 as follows:

Mrs Gandhi acquainted her colleagues with the events which led to the resignation of the Chief Minister Mrs. Nandini Satpathy on Thursday morning. She had advised Mrs. Satpathy to resign when she informed her about the defections from the congress legislature party.

This was done under Prime Minister's advice. Not only did Nandini Satpathy resign, President's rule was also imposed without offering an opportunity to the opposition to provide an alternative Government.

Coming to the Governor's report, it is materially wrong, it is a tissue of lies. The report refers to the fact that Utkal Congress had passed a unanimous resolution for merger with con-

gress. But the Governor has not mentioned that only the Executive Committee of Utkal Congress passed a resolution agreeing to merger with congress under certain conditions. Those conditions were not fulfilled. The very fact that 7 members of Utkal congress were not admitted to the congress shows that the merger was not complete.

I do not find Shri Chandrajit Yadav, General Secretary of the Congress, here I challenge Shri Yadav or any other Congressman to refute me if what I am saying is wrong. Shri Chandrajit Yadav himself had said that the merger was *de facto*, nor *de jure* it could be *de jure* only when it was ratified by the entire convention of the Utkal Congress. When the Utkal Congress met, it rejected the merger proposal lock, stock and barrel. Therefore it is palpably wrong and mischievously false to say that the Utkal Congress had merged itself with the Congress and then it defected.

The report refers to the fact that some of the members had met on the eve of the Cuttak bye-election and decided to revive it. But the Governor has failed to mention that a huge convention of 7,000 delegates beginning from sarpanches, ordinary workers to, MPs, MLA, and Ministers had met wherever they decided to revive the Utkal Congress because all the promises that had been given by the Congress for the betterment of the State remained as mere promises they were hoaxes and the people were disillusioned.

SHRI K C PANT May I ask, just for information, whether there is an Utkal Congress today?

SHRI SURENDRA MOHANTY The Utkal Congress is very much there. It is a federating unit of the Pragati Party.

SHRI PILOO MODY If he was so anxious to hear lies, he should have listened to the previous speaker in whose speech he would have discovered a thousand lies.

MR SPEAKER What has happened to you?

SHRI PILOO MODY A sense of justice always happens to tickle me a little.

SHRI SURENDRA MOHANTY The report refers to the fact that Shri Muralidhar Konar was disciplined out of the party for anti-party activities. This is a tissue of lies. Under the leadership of Shri Muralidhar Konar, 40 members of the party wanted a change of leadership. I quote the *Times of India* of 4-3-73 which says 'Interestingly this claim was made and 40 members of the then 80 strong Congress Legislature Party had demanded in writing a change in leadership'. The High Command's reply to the move was to suspend Shri Muralidhar Konar. Forty members out of the 80 total members of the Congress Party under the leadership of Shri Muralidhar Konar wanted a change of leadership and how did the High Command respond to it? The High Command replied by suspending him from the party. Yet the Governor mentions in his report that Shri Muralidhar Konar was disciplined out of the party for his anti-party activities. What else is it but a palpable lie?

Similarly, Dr H K Mahtab himself had welcomed in a statement follow-up action on the Sarjoo Parsad Commission's findings. But the report mentions that Dr Mahatab was dissatisfied over certain follow-up action that the Government proposed in regard to him.

The Swatantra members did not just leave the party as jay-walkers, as has been mentioned in the report. You will recall that in this very House we had mentioned how the Swatantra members were whisked away from Bubhaneshwar. Do you know where they were lodged? The proceedings of Lok Sabha will bear me out when I say that they were kept in the Haryana Guest House,

SHRI PILOO MODY: Bansilal again

SHRI SURENDRA MOHANTY
The Haryana of the famous Bansilal

When it comes to enticing away the Swatantra members and the Utkal Congress members with glittering promises and assurances, it is considered highly ethical and moral political exercises. But when they returned back to their original parties, their parent parties disillusioned, they are called defectors. This is double-standard of the Governor, this is double-thinking double-talk of the Governor. This political machiavellianism of the Congress party is a matter to which I take very strong exception.

13 hrs

Sir, there is another interesting matter. The report mentions that Nandini's meeting with the Governor took place at 6.45 A.M. on the 1st March.

AN HON MEMBER 6.45 A.M.?

SHRI SURENDRA MOHANTY
Yes

SHRI SHYAMNANDAN MISHRA
(Begusarai) Brahm Mohurth!

SHRI SURENDRA MOHANTY
Yes, Brahm Muhurth, as Mishraji says. It is a very serious thing. I want the hon. Home Minister to kindly listen to it. It is not a partisan issue any more, it is an academic issue now. I want to invite the attention to the palpably false report which the Governor has submitted. The Governor's report says that "as the Cabinet have decided that the Chief Minister should tender her resignation." But what is the correct fact? The correct fact is surprising there was no Cabinet decision. The *Hindustan Standard* dated 2nd March 1973, which is very much a paper of the Congress party, says that "the whole thing was so sudden that let alone officers of the Government, even some of the

Ministers of State and Deputy Ministers were not aware of the fall of the Government." Again, it went on to say that "Mr. Bhajamana Behra, Deputy Minister, came prepared to the Assembly to answer questions, but after he came he found the Assembly prorogued." "The letter of prorogation was placed on the Table of every Member along with the Appropriation Bill for the second supplementary budget of 1972-73 which was never introduced."

Further, the paper goes on to say that "the officers of the Finance Department, not knowing the drama going on, had brought the files for the question-hour. Members who came to the House found the files lying abandoned near Banka Bihari's seat." He was the Finance Minister. "The files are in safe custody." From this, it will be seen from the impartial newspaper reports that no Cabinet decision was ever taken, and it was under the instructions of the Prime Minister that the Assembly was prorogued, the Assembly was butchered and President's rule was imposed, and the Governor did not apply his mind to the pros and cons of the question.

Sir, the Governor's report says that the leader of the Pragathi Party came with a following of 72 a "so-called" followers. He used the expression "so-called followers." I ask Mr. Pant, "Forget politics. Do you approve of this kind of words used in the report?" I think he has got a conscience.

MR SPEAKER: The hon. Member's time is up.

SHRI SURENDRA MOHANTY: Sir, I am concluding. I am the affected party, so a few minutes more will not take away the time of the House.

MR SPEAKER: May I inform you that you have taken almost all the quota of time.

SHRI SURENDRA MOHANTY: I will finish now. The report says that the Pragathi party went with 72 members. But actually there were 75.

members. I may again quote from the *Hindustan Standard* of 2nd March, 1973, wherein it says that "When R. N. Singh Deo, the former Chief Minister, suggested to the Governor to make a count of the MLAs present, the Governor replied that it was not the physical verification which counted. Mr. Jatti said he was studying the whole situation; he knows the legal and constitutional position and the practical aspect of politics." The Governor says he knows practical politics. He would not count the number of supporters. He is merely to enforce the President's rule; he is like the hangman.

MR. SPEAKER: Please conclude.

SHRI SURENDRA MOHANTY: Before concluding, I submit even as the Governor's report says, the Pragati Dal came with 70 members and in a House of 140, seventy certainly constitutes a workable majority. They were all M.L.As; the Governor says so (Interruptions).

MR. SPEAKER: Please resume your seat now.

SHRI SURENDRA MOHANTY: Therefore, I am saying the people of Orissa feel outraged by this kind of butchery of democracy. We demand that elections should take place as early as possible. (Interruptions) we want it to take place before the monsoons so that the people of Orissa do not have to suffer this kind of autocratic rule from Delhi.

SHRI PILOO MODY: I defy you to have your elections in Orissa before U.P.

SHRI BANAMALI PATNAIK (Puri): My friend Surendra Mohanty has accused the Governor for recommending President's rule; he also accused the Prime Minister and said she was involved. Mr. Mohanty is a learned man but how can he bring in the name of the Prime Minister. When the Chief Minister of Orissa informed the Prime Minister that there were defections already, she

simply advised her to resign. That does not mean that she advised that President's rule should be imposed. If Mr. Jatti, as the Governor, had allowed the Pragati party to form a Government, I am sure it would not have lasted even for 15 days; the Governor was sure and we are also sure. In fact Mr. Piloo Mody's party man Mr. Madhu Mehta went to Bhubaneswar and told them: why are you joining the Pragati Party; he advised the Swatantra members not to join that party; we want Indira hatao programme and not Nandini hatao programme; that is what he said. The Governor is aware of this and he knew that there was some hotch-potch. The swatantra party has always been speaking against Biju Patnaik. How long will they remain together? It cannot continue for long. Mr. Mohanty said that the Otkal Congress men wanted to join the Congress. There might have been more tactful handling; they should have waited with patience. We never denied their admission. He mentioned about ten members of the Swatantra Party joining the Congress. I may say here that they were mostly tribal people and they had never accepted the leadership of the rulers; they were feeling suppressed and neglected. They wanted to have a party with wider outlook. Perhaps there may be some other reason due to which they might have left. I am one of those who never wanted this type of coalition. Though it was called the Congress Ministry, it was more or less a coalition Ministry which never functioned well. When Biswanath Das resigned, I said that elections should be held. I am sure if elections were held the Congress would have come with a ninety per cent majority, with a thumping majority. But we committed that mistake then and so we are suffering now.

In Orissa it is not a question of parties; it is a question of personal equations. This type of thing will not last long.

[Shri Banamali Patnaik]

Sir, I was not present yesterday. My hon friend Shri P K Deo mentioned my name. It was stated that we issued a statement. We have not issued any statement at all. The Ministry ought to have resigned long ago. I was saying this from the very beginning. The Assembly has dissolved. We should have gone to the polls long ago.

When the question of selection of candidates for the Rajya Sabha seat arose, they selected a brahmin candidate where as the others wanted a tribal candidate to come to Rajya Sabha. And ultimately in the Rajya Sabha election the tribal candidate won. On this Shri Gangadhar Pradhan left the Swatantra Party and joined the Congress Party. They could not adjust themselves. First of all let them set their house in order. Orissa is a backward State. They all wanted the election to be held in Orissa immediately. Shri Mohanty said that the election should be held immediately. It cannot be done immediately.

As regards increase in seats in the Assembly the Delimitation Commission had allotted one seat to Lok Sabha. They further said that the number of seats in the Assembly should be increased. Had the Assembly been in session, a resolution to that effect could have been passed for increasing the number of seats. Orissa is a backward State. Most of the tribal constituencies are in far-flung areas. The constituencies are also too big. It would be difficult for anyone to nurture the constituency the areas being very vast. The number of seats should be increased from 140 to 180 in the Assembly. Now they gave 21 seats for the Lok Sabha, it may be multiple of eight. I say this number should further be increased. This question will have to be taken up by the Government of India because the Assembly is not functioning. It is the duty of Parliament as also the

Government of India to see whether this could be done or not. I am not a lawyer. And so the legal aspects should first of all be examined as to whether the election can or cannot be held shortly in view of the proposal to increase the seats. Recently the Deputy Election Commissioner also visited Orissa and he himself consulted all the parties and they all had agreed that the election could not be held immediately. And so, the question of holding the election immediately does not arise now. If Shri Biju Patnaik, the leader of the Pargati Party is very anxious that there should be immediate elections in the State, he should have seen to these aspects. The election may be held in the month of November. There is the question of defection. All the erstwhile Utkal Congress Members have not gone back. It is not that all of them have gone back. If at all they have gone back, they have gone back to their own organisation—Utkal Congress. It is a question of personal equation. Whether Shri Patnaik heads the Government or not. The ministry headed by Shri Bishwanath Das had fallen. They could not come to any understanding and therefore they had to bring somebody from outside. They could not tolerate Shri Bishwanath Das to head the Government. He had to resign. And Shri Patnaik wanted to become Chief Minister. At this juncture Shri Nilomony Routroy and other left the Utkal Congress and joined the Congress. There too it is a question of personal equation. What Orissa needs is a constructive programme. Whatever party comes or whoever heads the State that is not material.

I know Shri Patnaik is a dynamic personality. I know his mental outlook. He could have come back to the Congress and the door was open to him. Shri Chandrajit Yadav, General Secretary of the Congress Party requested him to join the party. He also agreed. But I do not know what happened to that subsequently. Shri Mohanty refused to come back.

to the Congress fold. It is not a question of what Shri Patnaik does but it is a question of how Orissa should be developed that is important.

Now coming to the budget proper, I may say that some steps should be taken during the Presidential rule. The setting up of the nickel plant at Sukinda and the lead smelter at Sargipalli are yet to be fulfilled. I hope the Central Government will see to it that whatever is recommended by the State Government is completed.

Irrigation projects in Orissa are continuing from year to year. The Delta irrigation project started in 1957 is not yet complete even in 1973. The original estimate was Rs. 14 crores and now the estimate is Rs. 68 crores. Only half the work has been done because money is not coming forth for the rest. Orissa is a poor State and its economy is based on agriculture. If irrigation is not looked after properly, it cannot prosper. It is a paradox that a State with rich potential of mineral wealth is poverty-stricken. It has the lowest per capita income. We are first from below, not from above.

A massive investment is necessary for developing the State, especially the backward areas. A large number of princely States constituted half of Orissa and they never cared for the development of the backward areas, inhabited mostly by tribals. So, it requires massive investments to develop the State. During the President's rule, some steps can be taken, as was done in Bengal. For instance, there is the Land Reforms Bill. Mr. Mohanty will agree that all the sections of the Assembly supported it. So, there should not be any hesitation in getting that Bill passed by Parliament while the State Legislature is not functioning there. That can give a lead to the murky politics

of Orissa and give some stability. If not in this session, at least in some other session, that Bill can be passed.

What is to be done for the future? New generations are coming. Mr. Mohanty should forget the past. He was also in the Ganatantra Parishad and he came back to the Congress. Then he again left the Congress. He is also welcome because people want that he should join the Congress. Somehow or other he has his own feelings. If his lord does not come, he would not come. His lord is Mr. Biju Patnaik. It is not a question of personality; it is a question of outlook and working of ideas. I agree with Mr. Unnikrishnan that it requires clean work in Orissa, i.e., development work. That is the ideal goal and we must reach it unitedly forgetting our differences. Orissa requires a broader outlook and leadership with imagination and humility who can carry everybody with them. Then alone, it can lead to prosperity. This form of instability whether it is a coalition government or other forms of government, should come to an end once for all.

SHRI SEZHIYAN (Kumbakonam).
Sir, the Presidential Proclamation under Article 356 to take over the administration of Orissa and the dissolution of the Assembly there raise more fundamental and basic issues than have been discussed so far. I am not for the moment concerned with the fact whether a person is progressive or reactionary, whether the Land Reforms Bill brought there should be welcome or not. Personally I welcome the Land Reforms Bill and it should be implemented. But that is not the point. The point is whether the procedure adopted by the Governor in using his discretionary powers and making a recommendation for the dissolution of the Assembly is in order and whether it will lead to a proper climate for the growth of parliamentary democracy in this country. This is not the first time

[Shri Sezhiyan]

that question is being raised. It was raised in Rajasthan, Punjab, Kerala, U.P., Madhya Pradesh, Haryana and West Bengal again and again and now we have this impasse in Orissa. There is very grave apprehension in the minds of other political parties that the discretionary powers of the Governors are being used and misused to prop up persons belonging to the ruling party of the Centre, and if any other party is in power or is capable of forming an alternative Ministry in a particular State the attempts by that other party either to remain in power or to form a government are thwarted by the Governor with his discretionary power.

I heard with attention the speech of Shri Panda, the spokesman of the CPI., on this issue. But when the Governor did not allow in 1967 the elected representatives of the people in Kerala, including the representatives belonging to the CPI, to have their say in the formation of the Ministry, the CPI did not accept the stand of the Governor. In fact, their spokesman said:

"But it has opened the eyes of all. When they saw that it suited the Union Government and the Congress Party, they kept the Legislature in Punjab in the refrigerator so that it could be taken out whenever they wanted it."

When it came to West Bengal, it was stated by the CPI., spokesman here:

"This is not the old milieu that we are working in, where there was no problem of this type, because the same party ruled everywhere with a monopoly of power. That change has taken place now completely and the future of democracy in this country will depend on whether these Governors are really to be the upholders of the Constitution or to function as the agents of the Union Home Ministry. That is the whole issue at stake today."

This was stated by Shri Indrajit Gupta in this House in the year 1967.

Therefore, it is not a question of Orissa alone. I do not see this as a confrontation between Shrimati Nandini Satpathi and Shri Biju Patnaik. I pose a question here. Suppose in an Assembly of 140 members, there are 80 members whom you consider as reactionaries. Will you dissolve the Assembly? Which is the proper forum to decide whether a person or party enjoys majority in the House or not? Should it be tested on the floor of the House or on the palatial ivory tower, namely, the Raj Bhavan or the Rashtrapathi Bhavan? My grievance is that the other parties were not given a chance to test their majority or minority in the Assembly.

Let me come to the situation in Orissa itself. Here is a Chief Minister who is losing, or has lost, her majority in the Assembly. Then she goes and advises the Governor to dissolve the Assembly. The question is when the Chief Minister as lost majority, or has apprehension of losing majority, should the advice of such a Chief Minister to dissolve the Assembly be accepted by the Governor. It is true that the constitution gives the Governor the discretionary power. I do not question that.

SHRI SHASHI BHUSHAN (South Delhi): We can change the Constitution.

SHRI SEZHIYAN: I say that it is a lacuna in the Constitution that discretionary powers have been given to the Governor. But I do not think Shri Shashi Bhushan will dispute that the Chief Minister had lost her majority in the Assembly, because it was mentioned yesterday by Shri Jaganatha Rao on the floor of the House and it was not contested by anybody. Therefore it is openly accepted that she has lost her majority. The question is whether such a Chief Minister is competent to advise the Governor to dissolve the Assembly.

Then I come to my second point. On the 1st of March the Chief Minister went to the Governor and reported that she was resigning and advised the Governor to dissolve the Assembly. Immediately, on the same day, a communication comes from Bhubaneswar to the Rashtrapathi Bhavan, giving the party position and advising the dissolution of the Assembly. The question is whether the same sense of urgency and haste was shown in the case of other States. Though I can quote any number of instances from Kerala or West Bengal, I will quote one which seems to me to be more relevant. In the year 1968, in UP the SVD Government of Shri Charan Singh resigned on the 22nd February. But the Governor did not advise dissolution of the Assembly there. He simply accepted the resignation of the Ministry and forwarded a letter to the Rashtrapathi and waited till April 11. Why? He has said:

"There are also other weighty considerations which, in my view, make it unnecessary and undesirable for me to suggest the dissolution of the State Legislature. The dissolution of a Legislature, duly elected through the democratic process, is, in my view, a very serious step which should be resorted to only when it is absolutely clear that, without doing so, there is no possibility whatsoever of constituting a stable popular Government. I feel that that extreme situation has not come about in the State so far and it is likely that, given a reasonable time, a re-orientation of political affiliations may emerge in the State Legislative Assembly such as may enable a stable government to be constituted without the necessity of the State going through all the turmoil expense and distraction of another General Election, so soon after the previous one."

When the Charan Singh Ministry resigned, the Governor did not rush

to suggest dissolution of the Assembly, but he said that opportunity should be given to others to form an alternative Government. He has used the term re-orientation of political affiliations'. He did not say 'defection'. Why was the same chance not given in the case of Orissa also? A political re-orientation might have taken place there.

He also said one thing. There, the Congress Leader in the U.P. Assembly met the Governor and the Governor felt that there was some chance of the Congress coming to power. Here he says—I am quoting from the U.P. Governor's letter to the President of February 22, 1968:

"The Leader of the Congress Legislature Party also saw me today and gave me a letter in which he stated that he was prepared to form a stable Government and commanded the requisite Parliamentary majority in the Legislative Assembly. News about some non-Congress Members of the Legislative Assembly having now joined or being inclined to join, the Congress Legislature Party has been coming to me from various sources in the last 3 or 4 days."

Because there was news of some non-Congress Members joining the Congress Party or having the inclination to join the Congress Party, he allowed three or four days. He has also expressed his feeling that the Congress may be able to form the Ministry in U.P., here, he says that the Congress Party has been gaining strength inside the Assembly:

"For example, when the Legislative Assembly was called upon to elect a Member of the Legislative Council, some months back, the candidate of the Congress Legislature Party defeated the Samyukt Vidhayak Dal candidate, Shri Man Singh Verma, who was then Minister for Transport...." etc., etc.

[Shri Sezhiyan]

That means, he was weighing the possible strength of the Congress Party through a secret ballot. The same kind of thing took place also in Orissa when the Rajya Sabha elections came a day earlier and the Opposition parties were able to defeat the Congress nominee. Even then, I am not taking it as an example. Whether Mr. Patnaik was able to parade 72 or 74 members, I am not concerned with it; whether the secret ballot proved victorious or not, I am not concerned. I always say that the strength of the Party should be tested on the floor of the House. But that was not done. The same thing has not been done here....

MR. SPEAKER: Please conclude.

SHRI SEZHIYAN. Only two more points, Sir.

From February 22, 1968, to April 10, the Legislature was kept in cold storage—for more than 50 days. They tried whether the Congress could form an alternative Government. But here, in the case of Orissa, why did they rush like this? At 6.30, the resignation is handed over, and during the course of the same day, a letter is flown to Delhi, and the Assembly is dissolved? Therefore, I do not think, this is double standard; this is multiple standard....

AN HON. MEMBER: No standard.

SHRI SEZHIYAN or no standard at all. I feel that some clear guide lines should be set for the Governors to act in these cases namely, whenever a new Ministry is to be formed, or whenever the Chief Minister advises dissolution of the House, that should be tested on the floor of the House. In the Budget that has been presented I find some amounts have been allotted for privy purses and allowances to Indian rulers. We know in this House privy purses have been abolished and even in the Central Budget presented in this House they have given a transitional allow-

ance to the ex-rulers. If you go through the memorandum to the Central Budget, you will find that Rs. 10 crores has been allotted for this and it is a transitional allowance for the ex-rulers because the privy purse has been abolished by a constitutional amendment. But if you take the Orissa budget presented to us, it has been stated there privy purse and allowance to the Indian rulers—Rs. 2.2 lakhs. I went through very carefully the explanatory memorandum. It is mentioned: Famine relief, pension, retirement benefit, privy purses, stationery and printing, forests, etc., etc.—about Rs. 14.37 lakhs. For pension and other retirement benefits they have given some explanation but for privy purses there is blank. Nothing has been mentioned of this privy purse in page 20 of the memorandum. They have coolly omitted it. I want to know when by a constitutional amendment we have abolished the privy purse, how can they take a demand for privy purse? This should be looked into by the Minister.

I do not think they are going to hold the elections in the near future. It may take more than a year because in regard to allotment made in the budget for elections, they spent Rs. 57 lakhs in the Budget of 1971-72 and Rs. 13 lakhs has been provided in 1972-73 and the revised estimates for 72-73 is Rs. 23 lakhs; the budget provision for 1973-74 is only Rs. 12 lakhs. That means that as per the demand taken in the budget, they do not propose to hold the general elections before 31st March, 1974. Therefore, they should be very clear in their mind or they should make it clear to the House as to when they propose to hold the elections because in the other House they said that as soon as the delimitation work is over, they will hold the elections. The Delimitation Commission may be able to finish the work in three or four months. I do not know why they will not be able to hold the elections before the end of March, 1974.

Therefore, this imposition of President's rule raises very basic issues on the discretionary powers given to the Governors which have been very much abused and misused, especially in Orissa. There is no case for that. One thing, the Governor's report is not a very good report.

In my humble opinion, I would say that the report where it makes a mention about Mr. Nilamani Routray and about the death of his wife is not of good grace. It will not do justice to the report of a Governor. I would have accepted if it is a report from the Pradesh Congress Committee President but not from the Governor. But the way he has written—it is in very bad taste—to go into the private life of an individual, especially when a man has lost his wife, to attribute motives to his activities after the death of his wife, does not speak well of the Governor.

SHRI GIRIDHAR GOMANGO (Koraput): I rise to support the President's rule in Orissa as well as I support the Orissa Budget placed before the House.

12.34 hrs.

[MR. DEPUTY-SPEAKER in the Chair

In my whole political career I have never seen such unstable politics as in Orissa. We had not stable Ministry from the beginning till this day. This is the unfortunate lot of the people of Orissa and that is the main reason for the backwardness of Orissa. I am really surprised how can we achieve progress in the country unless there is a stable government and stability of the politicians.

The President's rule was imposed in Orissa in the most constitutional and moral way. The Governor realised that there was no possibility of having stability in the Government. There was no other alternative. So, he dissolved the assembly and recommended for imposition of President's rule.

He was perfectly justified in this regard.

Mr. Mohanty challenged the congress members of Orissa; I am not going to challenge him, but I would like to tell about one instance. The Utkal congress members held a meeting and they unanimously decided to merge into the congress. But our congress leader did not admit the leader of Utkal congress Mr. Biju Patnaik and the other six members whose actions were not above corrupt practices. The Pragati Party leaders never worked for Orissa's progress; they worked for the making and breaking of ministries in Orissa. When our Congress Government instituted Corruption Enquiry Commission against their leaders they broke the back of the Ministry. Is this the way of leading our younger generation? Is this the way of leading our younger politicians?

The Orissa State in recent years suffered due to drought, famine and cyclone. Government of India sanctioned money for drought relief. In my constituency, Ganjam and Koraput district where there was flood, drought and cyclone, they sanctioned money lately and also not adequately, with the result that the people are suffering.

I request the hon. Minister to look to the development of backward districts. Orissa is a backward State. Out of 13 districts 10 districts are most backward having majority Adibasi population. At the time of elections we shouted for the welfare of Adibasis but are we doing anything for them? You will be surprised that in respect of education of tribals, the figure is only two to three per cent in Koraput district.

I repeat that after 25 years of educational development in Koraput district, you will not find more than 12 tribal graduates where as you will find so many graduates in other districts. This is the progress of our education as a result of which we are now facing all sided crisis, so to say, in

[Shri Giridhar Gomango]

Koraput district. In my opinion Government should not establish Ashram schools in the tribal areas; instead they should start hotels where there are colleges and high schools in towns and cities. Scheduled Caste and Scheduled tribe students will stay in these hostels and read in the general colleges and high schools so that there is a cultural exchange between tribal students and non-tribal students. This will improve the outlook of the tribal students.

Now we are being exploited by traders, and politicians also. Now they are saying that a tribal candidate has been selected for the Rajya Sabha election. Yes. But selecting Rajya Sabha members on the ground of their having contributed to the nation as scholars and intellectuals I am not blaming the selection of the candidate to the Rajya Sabha, but we are more and more thinking of party politics in these matters.

As regards administrative reform, I must say that the officers who are posted in the tribal areas and hill areas feel that they have been posted in these places as a matter of punishment mainly because of hilly and difficult areas. If this is the motive of the authorities and officers how can we achieve our goal of success in administration?

Therefore, I request the hon Minister to recruit and post young IAS and OAS officers, who are promising and enthusiastic, in these tribal and hill areas so that they will work for the welfare of the tribals. This will be a very successful step on the part of Government for the development of backward area and this will also serve the best interests of the backward people.

श्री जगन्नाथ राव जोशी (शाजापुर) :
 उपाध्यक्ष महोदय : उड़ीसा में राष्ट्रपति शासन जारी करने का प्रस्ताव जो लागू किया गया है उसका मैं विरोध करता हूँ क्योंकि 1967 के बाद देश की राजनीति में

जो एक अस्थिरता आई थी तो ऐसा लगता था कि 1971 में बहुमत आने के उपरान्त कुछ अच्छी और स्वस्थ परम्पराएँ हम डालेंगे और लोकतन्त्र की जड़ इस देश में मजबूत करेंगे किन्तु बड़े दुर्भाग्य के साथ कहना पड़ता है कि सत्ता का लोभ अधिकारारूढ़ दल सवरण नहीं कर सका है। जहाँ तहाँ स्वयं ही अधिकार में कैसे आपे, उसके लिए क्या किया जाये यही चिन्ता बनी रहती है। इस सरकार का वर्णन करना है तो जैसे कहा जाता है फिगर धान एबरी पाई जहाँ तहाँ हम ही खुद रहे इस बात को लेकर संबि धान की प्रतिष्ठा, राज्यपाल की प्रतिष्ठा सभी कुछ ताक में रखना, यह कहा तक उचित है, यह आज भी कम से काम कांग्रेस के अन्दर जिन लोगों की आत्मा साबुत है उन लोगों के लिए बहुत विचार करने की बात है क्योंकि इसके पहले सभी तरीके हो चुके हैं। अधिकार अपने पास रखने के लिए केरल में जो पहले एक प्रयोग शुरू हुआ था, पी एस पी के कवल 19 सदस्य थे और बाहर रहते हुए कांग्रेस ने उसको समर्थन दिया था और कुछ दिन के लिए वह शासन बला भी तो कहा जाता है कि राज्य चलाने के लिए बहुमत की जरूरत है लेकिन केरल में ऐसा राज्य चला जहाँ बहुमत था ही नहीं तो ऐसी स्थिति में यह कहना कि बहुमत में ही किसी राज्य में हम शासन स्थापित करेंगे या अल्पमत में नहीं करेंगे— ऐसा कोई एक मापदंड आज तक इन्होंने अपनाया नहीं। हम बार बार हम कहते आये हैं, जैसा कि मेरे मित्र ने कहा कि इसमें रिप्रेजेंटरी कौन है, फ्यूडल कौन, अर्र्ट कौन है और शिष्ट कौन है यह सवाल नहीं है बल्कि कुछ मिट परकरा मविधान की दृष्टि से, पद की दृष्टि से हम डालने के लिए तैयार है या नहीं, यह सवाल है। बुद्धिया मर गई इसका अफसोस नहीं बल्कि चिन्ता इस बात कि मृत्यु ने दबावाँ देख लिया है। एक बार भादमी को ऐसी गलत धारत पड़ गई तो फिर उसी धारत पर उतारू हीने लगता है।

इस लिए जब हम उद्योग में आते हैं तो भी वहाँ के सर्वेनर महोदय हैं उनको मैं व्यक्तिगत रूप से जानता हूँ बहुत अच्छे आदमी हैं लेकिन हमारे प्रदेश से वहाँ जाने के बाद कैसे बिगड़ गये यह समझ मैं नहीं आता यह जो सविधान है उसको विवेकपूर्ण रीति से लागू करना है। यह नहीं है कि

He cannot invoke powers under article 358 of the Constitution unless he is completely satisfied. He must be completely satisfied whether there was a constitutional breakdown in Orissa. The question is whether the President was satisfied

मुख्य मंत्री सलाह देता है उसी के के आधार पर यदि कोई सर्वेनर कल जाकर काम करे और किसी के विभाग में यह बात आये

In spite of his enjoying a decisive majority, can he request the Governor to dissolve the House? Can he do it? When he is enjoying a majority, why should he do it? Why should he ask the Governor to dissolve the House?

तो सवाल यही आता है जब स्वयं आकर मुख्य मंत्री कहती है कि इस हाऊस को डिजाल्व कर दिया जाये तो उन समय ही इसकी जिम्मेदारी शुरू हो जाती है। वहाँ जो राज्यपाल महोदय थे उन्हें कम से कम यह देखना चाहिए था कि शक्ति पर क्षण हाने दिया जाये। उन्हें कहना चाहिए था कि मैं देख लगा बहुमत यहाँ है या नहीं और बाद में निर्णय करना या जो भी डिफिनिश होगी वह भेजूगा। क्योंकि जब 1967 के बाद अपने देश में ऐसी स्थिति पैदा हो गई तो प्रेजाइडिंग आफिसर का कॉन्फेस में यह विचार आया कि शक्ति परीक्षण कहाँ है? शक्ति परीक्षण राजभवन में हो, राष्ट्रपति भवन में हो, सफदरजग रोड पर ही या फिर कहाँ हो? प्रेजाइडिंग आफिसर ने इस बात को तय किया कि शक्ति परीक्षण सदन में ही होगा। सदन में ही इस बात का निर्णय लेना चाहिए कि किसके पास बहुमत है। इसके पास बहुमत है। जब सदन में यह बात आना

लगा जाता है कि इसके पास बहुमत है तो फिर उसको चलने देना चाहिए। यदि सदन में इस बात का पता चलता है कि कोई भी दल ऐसी स्थिति में नहीं है कि वह बहुमत प्राप्त कर सके तब जाकर राज्यपाल महोदय अपना जो कर्तव्य है उसको निभा सकते हैं परन्तु उड़ीसा के अन्दर जब मुख्य मंत्री के त्याग पत्र देने के उपरान्त राज्य सभा का चुनाव हो गया और अधिकारारूढ़ दल यानी कांग्रेस का प्रतिनिधि हार गया तो उसका मतलब साफ हो जाता है कि मुख्य मंत्री का बहुमत नहीं था, उनका बहुमत समाप्त हो गया था। इसलिए जिस भाव को लेकर मुख्य मंत्री ने सलाह दी थी क्या वह भाव राज्यपाल महोदय के लिए ठीक थी? विरोधी दल सयुक्त है या कैसे, यह सवाल नहीं है परन्तु यदि विरोधी दलों का सयुक्त प्रतिनिधि चुनाव जीता है तो इस बात का पता लगाना आवश्यक था कि सदन में उनका बहुमत है या नहीं इसमें कहा गया कि आचार्य और गयाराम कौन किधर आये और कौन किधर यदि इस बात को मैं मान लेता हूँ लेकिन क्या आपने ऐसे आदमियों को लेना बन्द कर दिया है? जब कमेटी आन डेफेकशन्स ने इस बात को बताया था कि आगे चलकर ऐसे लोगों को स्वीकार नहीं करना चाहिए लेकिन क्या इस बारे में आपने कोई स्वस्थ परम्परा डाली? आज उड़ीसा में यह सारा मामला टा रहा है और बिहार में 15 लोगों का आपन स्वीकार कर लिया।

Who is encouraging this kind of political horse-trading and political climate of this country to become corrupt and unstable?

यानी इसमें आपकी क्या मिलता है, मेरी समझ में नहीं आता है। केन्द्र में दो तिहाई बहुमत होने के बाद भी आप कोई स्वस्थ परम्परा क्यों नहीं डालते हैं? कोई एक आपदद आप क्यों नहीं अपनाते हैं? यह

[श्री जगन्नाथ राव जोशी]

बात शुरू हुई राजस्थान से जब राजस्थान के 92 सदस्य जीवित रूप से डा० सम्पूर्णानन्द के सामने खड़े होने के बाद भी उनका स्वीकार नहीं किया गया तो एनिमेटेड सस्पेन्शन की बात तो वहा से शुरू हो गई? राजस्थान में सम्पूर्णानन्द के बाद भानन्द ही भानन्द चालू है। मेरी समझ में नहीं आता क्या बात है हर जगह के लिए नया मापदंड पंजाब में कोई लक्ष्मण सिंह गिल केवत 21 सदस्यों को लेकर बाहर चने प्राय तो उनको समर्थन देकर वहा पर राज्य चला। इस प्रकार से हर जगह एक नया मापदंड अपनाकर यह दिखाया जाता है कि स्वस्थ परम्पराओं, लोकतन्त्र, सविधान, राज्यपाल महोदय का पद किसी के बारे में भा हमें चिन्ता नहीं है। चिन्ता सिर्फ एक ही है कि हमारे हाथ में अधिकार रहना चाहिए—Come What may. वह दिल्ली में भी रहे और प्रदेशों में भी रहे। मैं पम्पना हू कि स्वस्थ लोक तन्त्र के लिये यह अच्छी चीज नहीं है। कांग्रेसी मित्र आज बहुत लोकतन्त्र के बारे में बोलते हैं, में उन को बताना चाहता हू कि आज यहा जब सम्पूर्णानन्द खड़े हो कर लोकतन्त्र की दुहाई देते हैं तो वह बात मेरी समझ में नहीं आती। जिनकी लोकतन्त्र में कोई आस्था ही नहीं है वह लोकतन्त्र की दुहाई दे तो आश्चर्य होता है। हमारा तो उडीसा में एव भी सदस्य नहीं हैं, किन्तु हम चाहते हैं कि देश के अन्दर कोई स्वस्थ परम्परा बनी रहे।

मैं जानता हू कि सयुक्त विधायक दल का जो नेता बन जाता है उस के अधीन सरकार ज्यादा दिन नहीं चल सकती है। लेकिन राज्यपाल को एक मौका तो देना चाहिये था। यदि मौका देने के बाद राज्यपाल अपनी सिफारिश भेज देते कि यहा कोई भी दल राज्य चलाने की स्थिति में नहीं है तो रूप मान लेते। इसकी सब से बड़ी जिम्मेदारी मेरी राय में राष्ट्रपति महोदय पर आती है

क्यों कि राज्यपाल उन का प्रतिनिधि है और जो श्री ऊपर से प्रायेगा उस के अनुसार उन को कार्य करना पड़ेगा। सविधान के अनुसार हम राज्यपाल के प्राचरण के खिलाफ कुछ नहीं कर सकते राष्ट्रपति के प्राचरण के विरोध में तो कुछ कर सकते हैं, लेकिन राज्यपाल के विरुद्ध कुछ नहीं कर सकते। सविधान में स्थिति यह है कि राष्ट्रपति महोदय सैटिसफाई हो जायें, उन का समाधान ठीक ढंग से हो तब कोई बच करे। लेकिन बिना मौका दिये उडीसा में जो राष्ट्रपति महोदय ने कदम उठाया है वह उचित नहीं कहा जा सकता इसलिए राष्ट्रपति और राज्यपाल का प्राचरण आज तक प्रालोचनात्मक प्रश्न बन गया है।

इन शब्दों के साथ उडीसा में जो यह कदम उठाया गया है उस का मैं विरोध करता हू।

SHRI K PRADHANI (Nowrangpur) On 1-3-1973, the Chief Minister of Orissa, Shrimati Nandini Satpathi handed over her letter of resignation to the Governor of Orissa on the ground that two of her Cabinet colleagues intrigued against her Government and that it became impossible for her and her Cabinet colleagues to attend to the problems of the people of the State without undivided attention. Subsequently she received the resignations of two Cabinet ministers Mr Routray and Pradhan which she forwarded to the Governor. At about 9.45 a.m. that very day, the leader of the Pragati Party Biju Patnaik came with a list of members of the legislative assembly, numbering 72 and claimed that he had majority and demanded that the Governor should invite him to form an alternative Government. At about 12 noon one of the 72 MLAs sent in a letter to the Governor stating that his signature was taken by force and that he still continued to support the Congress Party and at about 9 p.m. in the night another MLA whose name was in the list of 72 MLAs sent another letter to the Governor stating that his

signature was taken under intimidation and he did not like to support the Pragati Party. At about 4 p.m. that very day Biju Patnaik, accompanied by Dr Mahtab and R. N. Singh Deo and Nilamani Routray met the Governor and claimed that their party enjoyed majority and it should be invited to form an alternative Government immediately. During the discussions Dr Mahtab said that delay in the invitation to their party to form an alternative Government would cause some more members to defect from that party.

In these circumstances the Governor of Orissa found that in a house of 140 members only 70 remained with the Pragati Party and the others changed sides. The subsequent crossing of the floors in the Legislature by members of the Orissa Assembly was the reason why the Governor decided to report to the President for the dissolution of the Assembly and the imposition of the President's rule in the State of Orissa. I think he has done the right thing.

I should now like to make some observations on the Orissa budget for 1973-74.

In this connection I would like to state that the Consolidated Fund appearing at Serial Number 9 relates to the land revenue while that appearing at serial number 10 relates to the excise duty. The budget estimate for 1972-73 was Rs 296 crores. This figure decreased to Rs 18 crores. The excise duty figure which was Rs 467 crores is increased to Rs 485 crores. The excise revenue in Orissa for the year 1973-74 is 2½ times more than the land revenue. A bulk of excise duty comes from the liquor shops located in the tribal areas like Koraput where 82 per cent of the people are scheduled castes and scheduled tribes. The prohibition was introduced as early as in 1960 when the Congress Government was there in the Orissa State. When

the Opposition Government came in the year 1967 they scrapped it and they entered into liquor business. They are all in these districts. At the same time this coalition Government abolished the land revenue whereby the big landlords and landholders were exempted from paying the land revenue whereas the poor tribal people who were living in the below poverty level were made to pay more to the exchequer.

Under these circumstances I request the hon. Minister to give his serious attention to this problem and to put an end to the policy laid down by the Opposition Government and to introduce prohibition in the tribal areas and to revise the taxation measures in these areas. As regards deficit I would like to point out one thing.

MR DEPUTY SPEAKER: Are you concluding now?

SHRI K. PRADHANI: I am concluding. One last point which I would like to make is this. That is regarding the collection of arrears of tax in the State of Orissa. In the budget it is pointed out that there is an overall deficit of Rs 203 crores. Concerted effort has been suggested to see that the arrears are collected. I support this suggestion. At the same time I would like to point out that the Minister should give his attention to the State of Orissa which is seriously affected due to drought and floods. In most of the areas the people are living in famine conditions. I would urge upon the hon. Minister to stop the collection of these arrears and to take immediate relief measures in these areas.

With these words, I support the demands for the year 1973-74.