ship, fairplay and justice. Therein lies the good of the country, the good of the Government and the good of the Sikhs.

LAW MINISTER'S SPEECH RE: SPEAKER'S CERTIFICATE ON INDIAN INCOME-TAX (AMEND-MENT) BILL.

Pandit Thakur Das Bhargava (Gurgaon): Sir, under the Constitution, a Money Bill has been defined under clause.....

The Minister of Law and Minority Affairs (Shri Biswas): Before my friend goes on, may I make my position clear? I believe, Sir, you have received a communication from the Chaired a communication from the Chaired and he man of the Council of States, and he must have conveyed not only his own statement but also a copy of a Resolution which was unanimously adopted in the other House. By that Resolution, I am directed not to attend here either in my capacity as Law Minister or in my capacity as Leader of the Council in order to answer a charge which my friend Mr. Bhargava might choose to bring against me in respect of certain remarks reported to have been made by me in the other House the other day in connection with the Income-tax (Amendment) Bill. There-fore, if that is the matter which is going to be discussed, and if there is to be any charge brought against me, I cannot be here.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareli Distt.—East): The Resolution passed in the Upper House may be read out.

Shri Syed Ahmed (Hoshangabad): Has the Resolution of the other House been received by you?

منستر آف ایجوکهشن ایند نیچرل ریسورسز ایلق سائلتفک ریسرچ (مولانا آزاد): اصلی سوال جو همارے سامنے هه ه وة تويه هے كت لا ملستركا بيان أس ہارے میں ہم سلیں -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The real question before us is to hear the state-ment of the Law Minister in this re-

भी पी० एन**ः राजभोज** (शोलापुर---रक्षित-अनुस्चित जातियां) : लेकिन अपर हाउस में क्या हुआ है वह मालुम होना चाहिए। 128 P.S.D.

Shri Biswas: I may at once state here that in the statement which came from the Chairman of the Council of States you will find.....

Mr. Deputy-Speaker: I have not got the Resolution.

Shri Biswas: I do not know. Resolution must have been Possibly, it will follow. The sent

Mr. Deputy-Speaker: I shall read out the message I have received.

Shri Biswas: If you read out that message, that will make my position clear, because it was read out to me by the Chairman before he read it out to the Council, and I accepted that statement as quite correct.

Mr. Deputy-Speaker: I understand this is a copy that was given to the Secretary. Formally I have not received a copy, but anyhow, in view of the statement, I think this is correct. I shall, for the information of the House, read it out.

Shri Feroze Gandhi: On a point of order, Sir. When this communication has not been received by you, shall we take it as having been received by this House?

Several Hon. Members: No. no.

Mr. Deputy-Speaker: I understand that it was personally given by the Chairman to the Secretary.

Shri P. N. Rajabhoj: That is all right.

Mr. Deputy-Speaker: This is what I understand was read out in the other House by the Chairman. Now, when once a statement is made in the other House and a copy has come here, that is sufficient property so far as this House also is concerned. Let us see what exactly it says:

"A mere complaint is not pre-cluded and does not involve any breach of privilege of a member or of the Council. I am afraid that I cannot give my consent to this motion for privilege.

There seems to be some misapprehension in regard to what happened in the Council on the 29th instant. Some members expressed a doubt whether the Bill in question was a Money Bill according to the requirements of article 110(1). A few felt that doubts could be raised even after the certificate was issued by the Speaker. At this stage the Leader of the Council referred to these doubts and suggested that it would reassure the House if it was told

[Mr. Deputy-Speaker]

categorically that the Speaker had applied his mind to this question and issued the certificate after a full and fair consideration of all aspects of the matter. When that statement, which reiterated obvious, came to us yesterday from the House of the People, the matter was concluded. It was nobody's intention, least of all, of the intention. Leader of the Council to cast aspersions on the integrity and impartiality of the Speaker. It is our anxiety in this Council to do our best to uphold the dignity of the Speaker and the privileges of the other House as we expect the other House to protect our interests and privileges."

I believe the hon. Minister associates himself with everything that has been said here.

Shri Biswas: Yes.

Mr. Deputy-Speaker: In view of this, I think any further discussion on this matter is not necessary or called for.

Shri Gadgil (Poona Central): The point is whether it is a fact that the other House has passed a Resolution directing the Law Minister not to appear in this House in any capacity. If that is passed, may I know whether it is not a matter of which proper notice can be taken by this House?

Mr. Deputy-Speaker: So far as this matter is concerned, we have the hon. Law Minister in flesh and blood before us. Now, the hon, Law Minister has been kind enough to come and explain to us and reiterated what was already said in the other House. This matter is closed.

As regards the other matter, let me wait and see what exactly the Resolution is. I have not got a copy of the Resolution. Hon. Members have not got it either. Let it be taken up later on in due course as soon as a copy is available. I will try to send for the proceedings, and we will take it up in a proper manner. This matter is closed.

Pandit Balkrishna Sharma (Kanpur Distt. South cum Etawah Distt.-East): May I draw your attention only to this matter, that the Law Minister himself has said in this House that if his speech or statement in the Upper House re-garding Money Bill is to be considered here, then he is bound by the Resolution of that House and it will not be possible for him to be present here to answer these charges? In view of this, is it not proper that we should take notice of this statement of the hon. Minister—let alone that Resolution?

مولانا آزاد: جلاب - دوسرے هاؤس میں جو کارروائی ہوئی ہے وہ کارروائی آپ کو مھرے آنریبل ساتھی نے یہاں سنا دبي تهي - ياتي جو اصلي سوال تھا وہ کونسل کے چھر مھن کے بھان نے صاف کر دیا ھے اور اس پر معاملہ ختم هو جانا هے ۔

[Maulana Azad: Sir, the proceedings in the other House have been related to you by my hon, colleague. other remaining question has been dealt with in the statement of the Chairman of the Council. And this settles the matter.]

पंडित ठाकुर दास भागंव : यह विसका बयान है जो जनाब ने पढ़ा?

Mr. Deputy-Speaker: The Statement by the Chairman in the other House

Pandit Thakur Das Bhargava: Not the statement of the hon. Minister.

مولانا أزاد: جس سے انہوں نے انفاق کیا اور کہا که میں اس کا ساتر دیتا

[Maulana Azad: The hon. Minister has agreed with him and has support-ed his statement.]

Shri Gadgil rose-

Mr. Deputy-Speaker: Order, order. If there is anything to be heard, I will certainly call upon him to elucidate any point. The position, as it is, is this. The hon, the Law Minister was kind enough to tell us that it is true that the other House has passed a Resolution. But later on, when this was read out, he said he entirely agreed and stood by that. Now, therefore, he is here and he also says that he never intended anything against the Chair. Therefore, so far as this matter is concerned, it may be treated as closed.

Regarding the other one, that the other House has given a direction to the Law Minister not to appear here, I have to say that we are both of us limbs of the Parliament, and particularly Minister in Minister in the particular of cularly a Minister is a Minister in both the Houses. Unlike other Members, the Minister belongs to both the Houses, and I will consider as to the

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appropriateness of any particular Resolution in due course. I would like to request hon. Members, as far as possi-ble, to avoid any kind of criticism. We do not know exactly under what circumstances and for what purpose the other august House has passed a resolution of that kind. We shall try to find out from the proceedings in a calm atmosphere; so that constantly we must develop a kind of family we must develop a kind of family relationship between the two Houses. Under the Constitution, both the Houses form a single Parliament. (Interruptions). Order, order. That ought to be the spirit in which we understand the proceedings of the other House. As the hon. Chairman of the other House has observed, "It is our anxiety in this Council to do our best to uphold the dignity of the Speaker and the privileges of the other House as we expect the other House to protect our interests and privileges". protect our interests and privileges. I am sure we will also do the same.

Shri Syed Ahmed rose-

Mr. Deputy-Speaker: Order, order. Permit me to speak also.

Now, it is open to us to look into the proceedings of the other House and if really there is anything objectionable, as it is said, certainly there are methods of seeing that such things do not occur.

But so far as this matter is concerned, it will be treated as closed. It is unfortunate that we had to interrupt the present proceedings regarding the PERSU Budget.

Dr. S. P. Mookerjee (Calcutta South-East): May I place one matter before you, Sir?

Shri Gadgil rose-

Dr. S. P. Mookerjee: If I may say so Sir. I agree with you entirely that this matter should be treated as closed. The hon, the Law Minister has associated himself with the statement of the Chairman of the other House, and the matter should be closed. But one question of fundamental importance arising out of this, apart from what has been raised by my friend, Pandit Balkrishna Sharma, is apart this: supposing in the other House a statement is made, whether by Minister or by a Member of the other House, which may amount to a re-flection on the Speaker of this House, has this House any authority to consider that matter? That is a question of supreme importance which cannot be decided now. But along with the other question which you have raised, the propriety of the Council of States passing that Resolution, I would earnestly request you to consider this

matter also, because, in my opinion, if the Speaker's authority is challenged or any reflection is cast on him, the authority of this House is long enough wide enough, and big enough to bring that man before this House, whoever he may be. That is the position of this House—it is the sovereign Parliament of this country. This question has to be gone into quite apart from the other. This matter may be treated as closed, but the be treated as closed, but the main question is, if any reflection is cast on the Speaker, has this House the authority to bring that person before this House and call for an explanation?

(Amendment) Bill

Shri Gadgil rose-

Pandit Thakur Das Bhargava: As the Deputy-Speaker has been pleased to close this episode, I request the hon. Minister also to treat it as closed for ever. But at the same time, I beg for ever. But at the same time, I beg to bring to the notice of the House and the Deputy-Speaker one matter of very great import—the prestige of this House and the prestige and dignity of the Chair of this House. Now in regard to this matter also—I will not go into the merits—I never raised any charge against anybody. I simply requested you to give me an opportunity... tunity...

مولانا أزاد : جذاب - جب ميرء آنویبل دوست نے تسلیم کیا که یه معامله ختم هو گیا تو پهر وه اس پر بحثث کر رہے ھیں۔ یہ کسی طرح ہوی تھیک نہیں ہے -

[Maulana Azad: Sir, when my hon friend has agreed that this matter is closed, it is not at all proper for him to dilate upon it.]

Pandit Trakur Das Bhargava rose-

Shri Biswas: I have to withdraw from the House, Sir, when a discussion on his motion is going on May I have your permission to withdraw. (Interruptions).

Hon. Members: Withdraw Some permanently.

Mr. Deputy-Speaker: I am afraid .. (Interruptions).

Shri Gadgil: May I ask for one minute. (Interruptions).

Mr. Deputy-Speaker: Order, order

Pandit Balkrishna Sharma: The cat is out of the bag.

Dr. N. B. Khare (Gwalior): The Minister has insulted the House by walking out in this manner.

Mr. Deputy-Speaker: I allowed Pandit Thakur Das Bhargava to speak for this reason. I read out the statement that the Chairman of the other House made there. It might appear from the proceedings that whereas the Law Minister has explained his position, Pandit Thakur Das Bhargava's position may not have been explained. Therefore, he wanted to say something. It is not in a spirit of carping criticism. He only wanted to make his position clear by way of personal explanation, as to why he moved it.

I am really sorry that the hon. the Law Minister has gone away.

Pandi: Thakur Das Bhargava: I should be allowed to complete my sentence. It is very unfortunate Sir...

Dr. N. B. Khare: On a point of order, Sir. Can he make a statemen in the absence of the Law Minister?

Mr. Deputy-Speaker: It is by way of personal explanation.

Pandit Thakur Das Bhargava: Urfortunately, when I stood up and warted to speak, the hon. Minister did not know what I was going to say. I was just saying that in accordance with his orders, with his directions, with his wishes, we have closed this chapter And this is exactly what fell from you. I had accepted what the hon, the Deputy-Speaker and our Deputy Leader had said. I have now nothing to say on that incident But another matter is raised. The hon, the Law Minister, when he started, said that I had brought a charge against him. It is absolutely wrong that I had brought any sort of charge. I only wanted to submit for the consideration of the House and the Speaker what happened in the other House. I brought no charge against anybody. Nothing of the kind. This is an entirely wrong procedure and a wrong basis. After all this House and the other House are sister Houses and we have got respect for every Member of the other House. But, Sir. when the question of the privileges and the prestige of the House comes, it is our duty to see that the privileges and prestige of this House are also fully pro ected and the dignity of the Speaker is also protected. This sort of blame should not have been raised against me also. What did I do? The matter had appeared in the papers. There was everything there The Members raised this in the discussion. I was expecting that some hon. Minister of this House will bring

this matter to the notice of the Deputy-Speaker that such and such a thing had taken place in the other House. When nobody took any action, I requested you at 1 P.M. yesterday to consider this matter. Now, in asking you to consider this what wrong did I commit: that my friends fling at me the charge that I have brought a charge against the hon. Minister. I only submit, even now—this matter is closed—and I would respectfully ask you kindly to bring out a convention in which Members as well as Ministers of the other House would behave in a manner which will produce no conflict between the two Houses.

I know those Ministers who are Members of that House have certainly a right of audience there and a right of vote also; but, here in this House also, those Ministers who are not Members of this House have a right of audience and we the humble Members of this House have also got certain rights against all the Ministers who are not Members of this House. Sir, when it had been stated here that the chapter regarding this incident has been closed, I was simply stating before you another thing, is it right that the hon. Minister should take up this attitude of asking you to permit him, should run away from this House? Sir, this cannot be tolerated by the House. I request you kindly to take such action—not any drastic action—that there will not be a recurrence of this matter for all time. I would respectfully beg you to kindly treat this matter as closed and look into the other aspects of the case.

Mr. Deputy-Speaker: The matter is closed.

Several Hon. Members; Point of order. Sir.

Mr. Deputy-Speaker: May I suggest one thing? Now, when we have treated this matter as closed, some other matter has cropped up. (Interruption.) Order, order, Another chapter has started that raises controversial issues.

Dr. N. B. Khare: He has insulted us in walking out of the House.

Dr. S. P. Mookerjee: I would like to have your opinion on this. Under the Constitution, the Council of Ministers is collectively responsible to the House of the People alone. It is not open to any Minister, no matter. Sir, to which House he belongs, to come up here and say that he is not prepared to listen to what is going on in this House and that he wants to withdraw. I think this should be brought to the

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notice of the Government and I hope he will realise his mistake and come back and hear the discussion.

The Minister of Commerce and Industry (Shri T. T. Krisnnamachari): May I make a suggestion, Sir?

Mr. Deputy-Speaker: I will make one suggestion. This is a very serious matter

Dr. Ram Subhag Singh (Shahabad South): He must be brought back here,

Mr. Deputy-Speaker: Let us not say things or do things in a hurry or haste. The very crucial or important point is this. We have not yet looked into the Resolution except a statement made here by the hon. Law Minister. The other House has passed a Resolution asking him not to come to this House. That is a very serious matter. (Inter-uption). Hon Members will kindly pear with me and see what I am inxious to do. I am equally responsiole for maintaining the prestige and lignity of this House. Each House has ts own dignity and both Houses have collective dignity. This House and hat House constitute the Parliament. A resolution has been passed by that touse asking the Leader of that House, who is also the Law Minister, not to ome to this House and explain a possible misunderstanding. There is no juestion of any charge—it has been juestion of the property of the second of th leared up. It was a statement made, is hon. Members are aware, the inance Minister who places the sudget there makes a statement. His tatement is referred to here for puroses of elucidation. Almost every ay a Minister makes a statement with view to clear up something and make urther elucidation of the matter. faturally, it might be expected by this louse that a Minister who is responsite to this House also—though technially he is not a Member of this louse—(Interruption). All Ministers re responsible to both Houses. Several Hon. Members: No, no). 1 A.M.

Order, order. I am not parting away ith any rights of this House. The ord 'responsible' that I used is in a rs are solely responsible to this ouse.

Shri Algu Rai Shastri (Azamgarh istt.—East cum Ballia Distt.—West): (Azamgarh hat is the correct position.

Mr. Deputy-Speaker: But the Ministers have got a dual capacity. They have to go to the other House also. Any hon. Minister who is a Member of this House has got a duty to go to the other House and explain the action taken by the Government; and when-ever any misapprehension is created by any statement in the House it is necessary and obligatory on him to explain the position. There is naturaily no loss of dignity or aspersion cast. As a matter of fact, no charge is being made. Prima facie it appears somewhat strange that one House somewhat strange that one House should give direction to a Member of that House who is a Minister not to come to the other House to clarify the come to the other House to clarify the position. Unfortunately, I have not got the copy of the Resolution before me. If the other House can say that the Law Minister shall not come to this House, it is equally open to this House. (Interruptions). Order, order. May I request the hon. Members to have patience? This matter is unfortunately assuming very serious proportions. assuming very serious proportions. Today we have said the chapter may close. (Interruption). Hon. Members must at least be patient to hear what I have to say. I shall read out this I have to say. I shall read out this Resolution and leave it at that stage. In a calmer atmosphere, let us consider what has to be done with respect to this. Let us proceed with the PEPSU Budget later on. Therefore, I expect hon. Members to patiently hear me and to consider in a spirit of goodwill what has to be done. Let us try sufficiently to understand one another and whatever is done should be done consistent with the dignity of this House and the dignity of both Houses. I am really surprised.....

Some Hon. Members: The hon. Law Minister has come back, Sir.

Shri Gadgil: May I respectfully submit that as the facts have happened, they constitute a first-class constitutional issue and I respectfully submit that it is no good discussing it in all its implications here and now. therefore request you, Sir, to put down some time for the discussion of this issue. The question is more for the guidance of a Minister; what guidance we can give to a Minister who is a Member for all purposes except for purposes of voting in this House, than so much for the preservation of the privileges of this House. I also want to know that if the situation is allowed to deteriorate in this way, it might be possible that some Members of this House may direct hon. Chintaman Deshmukh not to appear before that House. Now, all these possibilities are there. I therefore submit that you may be good enough to direct that this question should be discussed in all its implications some other time there. implications some other time than

Mr. Deputy-Speaker: I have already said what exactly the hon. Member has advised me to do. I said that I will only read out the Resolution a copy of which I have got, allow time for us to think over calmly as to what further steps have to be taken in this direction. It is addressed to the Secretary. The Secretary will read it.

following is the Secretary: The message received from the Secretary of the Council of States:

"I am directed to send herewith a copy each of the statements made by the Chairman of the Council of States and the Leader of the Council at the sitting of the Council today on a question of privilege raised in the Council re-Pandit Thakur Das Bhargava in the House of the People at its sitting held on 30th April, 1953 with reference to a speech of the Leader of the Council regarding the certificate of the Speaker endorsed on the Indian Income-tax (Amendment) Bill, 1953.

I am further to inform the House of the People that the Council, also at the same sitting, passed the following Resolution unanimously:

That this Council is of the opinion that the Leader of the Council be directed not to present himself in any capacity whatsoever in the House of the People when the matter sought to be raised by Pandit Thakur Das Bhargava with reference to the speech of the Leader of the Council regarding the certificate of the Speaker endorsed on the Indian Income-tax (Amendment) Bill, 1953, is under oiscussion in that House'."

Pandit Balkrishna Sharma: A very irresponsible Resolution, Sir!

Secretary: I will now read the authorised copy of the statement made by the Chairman of the Council of States which reads as follows.....

Shri P. N. Rajabhoj: May I know the name of the Chairman?

Mr. Deputy-Speaker: The Chairman of the Council of States is such a notable figure. What is the fun of asking the name of the Council of States? Chairman of the

Secretary: "A mere complaint is not procluded and does not involve any breach of privilege of a member or of the Council. I am afraid that I cannot give my consent to this motion for privilege." The motion for privilege that was given notice of in the Upper House and of which a copy was given to me by the Chairman this morning reads as follows:

(Amendment) Bill

"I wish to raise a question in-, volving the privilege of the Council arising out of a point raised by Pandit Thakur Das Bhargava in the House of the People at its sitting held on 30th April 1953 and some remarks made by him and the Deputy-Speaker thereon and requiring the Leader of the Council to present himself in the other for answering to charges made against him in the House of the People for certain statements made by the Leader in the Council.

Yours faithfully,

(Sd.) B. C. Ghose, Member, Council of States."

This is addressed t_0 the Secretary of the Council of States.

It was in reference to this notice of motion that the Chairman of the Council of States made this statement:

"A mere complaint is not pre-cluded and does not involve any breach of privilege of a member or of the Council. I am afraid that I cannot give my consent to this motion for privilege.

There seems to be some misapprehension in regard to what happened in the Council on the 29th instant. Some members expressed a doubt whether the Bill in question was a Money Bill according to the requirements of article 110(1). A few felt that doubts could be raised even after the certificate was issued by the Speaker. At this stage the Leader of the Council referred to these doubts and suggested that it would reassure the House if it was told categorically that the Speaker had applied his mind to this question and issued the certificate after a full and fair consideration of a full and fair consideration of all aspects of the matter. When that statement, which reiterated covious, came to us yesterday from the House of the People, the matter was concluded. It was nobody's intention, least of all, of the Leader of the Council to cast aspersions on the integrity and impartiality of the Speaker. It is our anxiety in this Council to do our best to uphold the dignity of the Speaker and the privileges of the other House as we expect the other House to protect our interests and privileges."

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(Amendment) But Statement by the Leader of the Council is as follows:

Law Minister's Speech

re: Speaker's Certificate on Indian Income-tax

"Sir, you will of course give your ruling on the motion moved but I want to submit only this with but I want to submit only this with reference to the two points which were raised by my hon. friends. First of all, I may assure my hon. friend and all others concerned that I never cast any slur upon the Speaker in what I said nor was it ever my intention to do so. I would be unworthy of the position I hold if I had said something which would sully the thing which would sully thing which would sully the integrity of the Speaker or of the Chairman of the other House of Parliament. I have sufficient responsibility to be conscious of the honour which is due to their position. Secondly, as regards the other point whether I should be permitted to go to the other House at the invitation of the Deputy-Speaker. I do not propose to raise Speaker, I do not propose to raise the constitutional question. I shall go there. I was present in that House and I did not hear the Deputy-Speaker making a request to me but he said to me after-wards that he had made that request. If that request was made, I owe it to him as a matter of courtesy—not as a matter of constitutional obligation—that I should be there to show as an example of good behaviour."

Dr. N. B. Khare: On a point of clarification. It is said here that the Reso-lution has been passed unanimously. May I know through you whether the hon, the Law Minister also agrees with

مولانا آزاد : جلاب كونسل آف استهاس میں جو کارروائی ہوئی اس کی وجہ سے بلا شبه بعض اہم سوانات پیدا هو گئے هیں اور ان کے وزن سے مجه انکار نهیں هے - بلا شبه ان يو غور كونا چاهيئے - ليكن أب انفاق کویلگے کہ اس وقت اس بحث کو ارر بوهانا کسر طرح بهی مناسب نہیں ھے - ھاؤس کی کارروائی رک چکی ہے ۔ اس کو پھر سے جاری کرنا چاهیئے - آپ بهم اطمینان اس پر فور کر لهن کے که اس سلساله میں اور کھا کارروائی کرنی چاھیئے -

[Maulana Azad: There is no doubt about it that the proceedings in the Council of States have given rise to some important questions, the significance of which I do not deny. These should certainly be considered, but you will agree with me that it would not at all be proper to prolong this discussion. The proceedings of the House have been interrupted; they should be resumed. You will be able to con-sider at leisure as to what further action is required in this matter.]

Shri B. S. Murthy (Eluru): We would like to know what the Deputy Leader said.

Mr. Deputy-Speaker: I have already said that I will read the message from the other House and leave it at that to be done. I assure the House that nothing shall be wanting on my part to uphold the prestige of this House and to see that nothing is done to import it from whichever guarant to make the control of t pair it from whichever quarter it may

I am equally interested in seeing that both the Houses of Parliament carry on on amicable terms, maintaining the prestige of each other.

There is no harm in putting it off till some other day. I will take it up as early as possible and consider this matter with the leaders of the various groups and decide what action is to be taken in consultation with the I oder taken in consultation with the Leader and Deputy Leader of the House.

We shall now proceed to the PEPSU Budget.

P.E.P S.U. BUDGET-GENERAL DIS-CHISSION

M. S. Gurupadaswamy (Mysore): Sir, after the storm in the House.....

An Hon. Member: It is not a storm.

Shri M. S. Gurupadaswamy: ...say, excitement in the House, I think Members are not very much interested in hearing the speeches on the P.E.P.S.U. Budget. But anyway I want to submit a few things to this House, and I want hon. Members to consider my observations.

A few days ago the Congress made a virtual march on P.E.P.S.U. This reminds me of Mussolini's march on Rome and also the Pilsudski's march on Warsaw. The main reason for which the P.E.P.S.U. Ministry was asked to resign and President's rule was enforced was that there were a large number of election petitions against members of the Assembly and