

[Shri Vajpayee]

Industry to the following matter of urgent public importance and I request that he may make a Statement thereon:

"The accumulation of stocks of tobacco in Andhra Pradesh as a result of refusal by tobacco companies to buy tobacco"

The Minister of Commerce (Shri Kanungo): The hon Members have drawn the attention of the House to the situation arising out of the accumulations of unsold stocks of tobacco in Andhra Pradesh and have attributed this to the refusal of the tobacco companies to purchase tobacco

I would like to take this opportunity of informing the House that while during 1958-59 the total production of all types of tobacco shows an increase over the production figures for 1957-58, it is not as high as the production during 1956-57. The present reports indicate that there are no accumulations in other than Natu (country) sun-cured grades except for the normal carry-forward to the next year. At this juncture we are, therefore, only concerned with the surplus stocks of Natu (country) tobacco mainly grown in Andhra Pradesh. The production of Natu (country) tobacco has increased by 5.7 million lbs.

The estimated yield of the Natu (country) tobacco was 51 million lbs in 1957-58. The figures for 1958-59 as assessed by the Central Excise Authorities are 56.76 million lbs. Country tobacco is mainly used by the tobacco companies and by cheroot and snuff manufacturers. The requirements of tobacco companies are of the order of 34 million lbs. per annum, and the requirements of the cheroot and snuff manufacturers are about 8 million lbs. During the current season, the tobacco companies have purchased a total of 23.8 million lbs., including 3 million lbs. purchased by a leading tobacco company at the instance of the Tobacco Export Promotion Council of

sun-cured virginia tobacco which was damaged due to rains and was unsuitable for flue-curing.

The cheroot and snuff manufacturers have only purchased 2.0 million lbs. during the current season as on account of the unseasonal rains this year's crop is largely unsuitable for sweating. This leaves a balance of 23.8 million lbs. of which it is understood that approximately 8 million lbs. have been irrevocably damaged by rains and only suitable for use as manure.

Allowing for the normal carry-forward of 8 million lbs. including the tobacco retained by farmers for their personal consumption the net surplus is of the order of 8.0 million lbs. Against this, it is hoped to export about 1 million lbs. The tobacco companies have been persuaded to lift a further quantity and it is hoped that the balance would to some extent be taken by the cheroot and snuff manufacturers.

It will be appreciated by the House that every effort has been made to lift the usual country tobacco. The possibilities of stepping up exports of this particular type of tobacco are being explored.

12.09 hrs.

RESOLUTION RE. PROCLAMATION IN RESPECT OF KERALA

The Minister of Home Affairs (Shri G. B. Pant): I beg to move:

"That this House approves the Proclamation issued by the President on the 31st July, 1959 under clause (1) of article 356 of the Constitution assuming to himself all the functions of the Government of Kerala"

Shri Tridib Kumar Chaudhuri (Berhampore): On a point of order. The terms in which the Resolution

just moved by the hon. Home Minister is couched in incomplete, partial and, therefore, misleading. It does not comply with the requirements of clause (3) of article 356 of the Constitution which gives this House the right to approve or disapprove any Proclamation issued by the President under that article, and I contend, therefore, that it is out of order to that extent.

I presume that the Resolution just moved by the Home Minister was tabled to secure compliance with the provisions of clause (3) of article 356 which lays down that "every Proclamation under this article shall be laid before each House of Parliament" and that it "shall cease to operate at the expiration of two months" unless approved within that period "by resolutions of both Houses of Parliament"

Here you will note that reference is to the approval by Parliament of the Proclamation in its entirety and not any part of it or any particular section of it. Substantially, this means that the approval that is required to be sought from Parliament under this clause of the article, must have an approval of all the terms of the Proclamation and an approval in regard to the exercise by the President through this Proclamation of all the powers that he chooses to exercise out of the three separate and different kinds of power that are conferred on him under sub-clauses (a), (b) and (c) of article 356.

The Resolution which has just been moved only refers to and seeks the approval of the House for the assumption by the President to himself by his Proclamation of July 31 of all the functions of the Government of Kerala under clause (1) of article 356, but does not make any mention of the other two acts or measures adopted by the President by the self-same Proclamation of July 31, namely, his declaration that the powers of the legislature of the State of Kerala shall be exercisable by or under the

authority of Parliament and the making of incidental and consequential provisions which appeared to him necessary and desirable to give effect to the objects of his Proclamation.

If you look to clause (1) of article 356, you will find that under sub-clauses (a), (b) and (c), it gives to the President, provided certain conditions precedent were fulfilled, the power to do all these three things which he has already done. He has exercised all the three different sorts of power that have been given to him by article 356. He has dismissed the Kerala Government; he has transferred to Parliament all the powers of the elected legislature of Kerala, and incidentally, he has dissolved that legislature and suspended all provisions of the Constitution which require anything to be done under its authority.

Mr. Speaker: The hon Member evidently means that the words 'assuming to himself all the functions of the Government' may be omitted, thus stating 'Proclamation... under clause (1) of article 356 of the Constitution' relating to Kerala. That is enough. That is what he means.

Shri Tridib Kumar Chaudhuri: Yes.

Mr. Speaker: This Resolution restricts itself only to the executive authority or powers of the Government and does not include, according to him, the Proclamation issued superseding the legislature. That is what he means.

Shri Tridib Kumar Chaudhuri: Yes.

Mr. Speaker: If his construction is correct, it will mean that at the end of two months there is no Proclamation so far as the legislature is concerned. How is this a point of order? What will happen? There are three items included in the Proclamation. If the Government come before the House only with respect to one item of the Proclamation, so far as the other two items are concerned, if a

[Mr. Speaker]

similar resolution is not moved within two months, the Proclamation regarding those items will lapse. At this stage, there are still two months to go—even if we accept his interpretation. A Resolution can be brought forward. Therefore, so far as that portion is concerned, there is still time. Even assuming that his contention is correct, how is there a point of order in this?

We have every right to go into this matter. If it is with respect to sub-clause (a) of clause (1) of article 356, to that extent, they want the approval of the House. We will assume it is so. To that extent, this House has jurisdiction. So far as the other portion is concerned, if they inadvertently or deliberately have given it up or are under the impression that this is sufficiently comprehensive, it is open to them to take the chance. So, far as this portion is concerned, how can I say that it is out of order?

Shri Sadhan Gupta, rose—

Mr. Speaker: He may speak only on the point of law.

Shri Sadhan Gupta (Calcutta-East): Yes.

The proviso in the Constitution is to the effect that unless it is approved, the Proclamation lasts only two months. It is, therefore, the whole Proclamation which has either to stay or to go.

Mr. Speaker: Who says?

Shri Sadhan Gupta: That is my interpretation of the Constitution. (laughter) I do not understand this laughter. Anyway, the Proclamation stays or goes and it does not stay or go in part.

Now, there are three parts. He can take upon himself the powers under (b) and (c). The proviso does not make any distinction between parts of the Proclamation. It talks of the whole

Proclamation. When a Proclamation is issued by the President, it presumably consists of all the three parts. Now, it is that Proclamation which has to stay or go, not a part of the Proclamation or nothing less than the whole Proclamation. That is my submission.

Suppose, a part of the Proclamation is approved and the other part is not, then what happens? Is it to be said that only one part of the Proclamation will last two months and the other part will last for ever? That can really not be. For instance, the Proclamation may take over the power of the legislature. Now, that part is excluded. So, the result will be that part (a) will remain for one year. The President assumes to himself all powers under (b) which deal with the functions of the legislature. That will remain only for two months.

Mr. Speaker: Is it not open to him even under sub-clause (a) to assume to himself all or any of the functions of the Government of the State? We will assume that he takes over the police powers because it is stated that the law and order situation is such that there is no guarantee in the sense of security. Does he mean to say that under this article, it is not open to the Government to take only a portion of the powers of the Government there? Does he suggest that he must supersede the Government in whole and not take over 'all or any' of the powers of that Government? What does 'all or any' mean?

Shri Sadhan Gupta: All or any of the powers could be taken, but then that will be the whole Proclamation. If he takes only the police powers or the power of the Ministers, then only that part will be the Proclamation. Now, when he takes those powers as well as other powers, it will be impossible if the Proclamation is treated in parts. In fact, the proviso does

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not treat it in parts. When it says the 'Proclamation', you cannot, in my submission, read it as part of the Proclamation. The Proclamation is the whole Proclamation.

Shri Tangamani (Madurai): Article 356(3) also makes it clear that every Proclamation under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous Proclamation, cease to operate at the expiration of two months and so on. There also the reference is to the whole Proclamation.

Mr. Speaker: The Proclamation must be taken as a whole.

Shri V. P. Nayar (Quilon): Not by parts.

Shri Easwara Iyer (Trivandrum): Under article 356(3), what is laid before the House is the entire Proclamation. The entire Proclamation is to be brought in, not a portion of it. Now the Proclamation has been issued by the President assuming to himself all the functions of the Kerala State. The Proclamation purports to be the assumption of the entire functions. Now, the Resolution which seeks to put forward only a portion of that Proclamation regarding assumption of the functions of the Government of Kerala alone and not with respect to the assumption of the functions of the legislature of Kerala will be ultra-vires the Constitution [article 356(3)]. That is the point of order.

Shri G. B. Pant: I do not want to enter into an unnecessary controversy. I am prepared to accommodate my hon. friends and to have here the words 'article 356 of the Constitution relating to the State of Kerala' That will cover the whole thing and their objection will also be met.

Mr. Speaker: Omitting the words 'assuming to himself all the functions of the Government of Kerala'.....

Shri G. B. Pant: And adding the words 'relating to the State of Kerala'.

I hope that will meet the difficulty.

Shri V. P. Nayar: It cannot be so. We must be allowed to move further amendments because this is something new.

Shri G. B. Pant: Before I make any observations or remarks on this Resolution I beg to state that in view of the suggestions made by you, I asked the Governor of Kerala to send me as full a summary of his report as he could. He has sent one. I will be prepared to place it on the Table of the House. I will do so as soon as I finish my speech. I hope that will satisfy our friends opposite who have been pressing for the summary or gist of the report.

Shrimati Renu Chakravarty (Basurhat): Can we get the original?

Shri G. B. Pant: The original contains such matter as cannot be disclosed in public interest, not that it affects the substance of what is given in the summary at all. So, I am prepared to meet the wishes of the House, if the House so directs me. I have always bowed before the House regardless of my own inclinations.

Shrimati Renu Chakravarty: Does it mean that we shall get only excerpts of the Governor's report or shall we get the whole report? (Interruptions).

Shri G. B. Pant: You will get a summary of the report which will cover, I think, all that is directly relevant. If the House does not choose to have it I am not prepared to force it upon them. But as a suggestion has been made, and this request has also been made and also some insinuations have been made.... (Interruptions).

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Mr. Speaker, Sir, I find myself rather in a difficulty about this.....

Mr. Speaker: Let the hon. Minister finish.

Shri Jaipal Singh: On a point of procedure, Sir. Whether we welcome or we do not welcome the summary which the hon. Minister is now offering to us, how are we equipped unless we read it? Will it, therefore, mean that we adjourn for an hour immediately after he places it on the Table of the House? How do we understand it?

Mr. Speaker: I am sure the hon. Minister will refer to all that; otherwise how can he seek the approval of the House?

Shri G. B. Pant: The House adjourns for an hour and you are pleased to allow such an adjournment, I can place the copies here and the debate can be taken up after an hour. I have no objection to that *(Interruptions)*

An Hon. Member: One copy?

Shri G. B. Pant: Not one copy but all copies that will be needed for every single hon. Member

Shri Jaipal Singh: I accept that offer if we can all get one copy each

Shri G. B. Pant: Yes, one copy each

Shri A. K. Gopalan (Kasergod): The other day we made a request for the report of the Governor. We wanted the report of the Governor because it is on the basis of the report of the Governor and other information received that the proclamation was issued. Now, it is said that a summary will be given. In the summary some portions may be given or some portions may be omitted. So, if we want to know what the real report is we must get the actual report *(Interruptions)*. If a summary is given, for convenience, other portions may not be there. The summary may not even have the meaning of what is said in the report. If the whole report

is not given, I think, so far as we are concerned, there is no use of the summary. It will be confined to something which Government want to give.

Mr. Speaker: The hon. Minister may decide for himself whether he will place it on the Table of the House or not. We cannot expect unanimity on this. Therefore, they will refer to it or not refer to it. If they do not find it sufficiently good they may not refer to it.

Shrimati Renu Chakravarty: There may be something good in the portions that have been left out.

Mr. Speaker: Hon. Members will remember that on a previous occasion, when hon. Members wanted the whole report regarding the Ramanathapuram rights, I suggested and the House also agreed that portions of the report, excepting those which the Government treated as confidential in order to avoid further conflicts and conflagration, may be given to the House. It was open to the House to accept it or not, but that was given to the House. Therefore, if the hon. Minister thinks that he must place it on the Table of the House *(Interruptions)*.

Order, order. Hon. Members will also remember that the other day I suggested to the hon. Minister that, next to placing the report itself on the Table of the House, those points, naturally, on which he was going to reply for seeking the approval of the House to the Proclamation, as in pursuance of it the President was led to issue the Proclamation may also be given. Possibly, the hon. Minister thinks that he may utilise this occasion to give those points to the hon. Members of the House. They may make such use of it as they can.

Regarding the time that is required, I will call upon those hon. Members who think they must go through it in detail to speak the day after tomorrow.

(Interruptions). Apart from that, the hon. Minister says the House may stand adjourned for an hour. I have the least objection if the House wants to adjourn, not for one hour but even for two hours. I thought those hon. Members who want to go through it may speak the day after tomorrow. After the hon. Minister finishes his speech and after he places it on the Table of the House I will adjourn the House to enable hon. Members to go through it. In the meanwhile copies will be circulated to them as soon as possible.

Shri Sadhan Gupta: That is quite different because in the Ramanathapuram case the Central Government was a disinterested party and could be expected to be impartial that is why we accepted a summary. But here the Government is a very interested party. Therefore, we cannot rely on the summary from the Central Government. They may utilise those portions which they want and place it before the House, but we want to utilise certain other portions which may be withheld. I am sure those will be withheld (Interruptions). Therefore, that will be very unfair treatment both to us and to the Government of Kerala which has been dismissed.

Shri Jaipal Singh: Last time when this matter was before the House we agreed, the House agreed and you also agreed with us that the hon. Minister may give us a summary. The House agreed....

Shrimati Benu Chakravarty: No, no. (Interruptions)

Shri Jaipal Singh: In consequence you directed the hon. Minister to come up here with a summary. It was a direction from the House.

Mr. Speaker: I suggested that the points on which one side relied and which the other side refuted as having induced the President to take over and issue the Proclamation may

be given, whether the report is placed on the Table of the House or not. I thought later on that he may give them in his speech. Now the matter has come to this. The hon. Minister may go on.

Shri S. M. Banerjee (Kanpur): In the Proclamation itself it is mentioned 'a' report. Even that 'a' report is given in a mutilated form; how can we proceed here?

Mr. Speaker: We have had enough debate over it in connection with the privilege motion.

Shri Jaipal Singh: I wish to say the position is quite clear. If we adjourn for a couple of hours so that we may go through the summary, the debate will continue on to Thursday. That is quite clear, I think, because we do not want that the time should by any jugglery be shortened.

Mr. Speaker: Only one hour will be taken away.

Shri Jaipal Singh: If it is two hours—that is what you are offering.

Mr. Speaker: One hour. Now, the hon. Minister.

Shri S. A. Dange (Bombay City—Central): May I suggest, after the summary is laid on the Table, that we may have the debate tomorrow itself (Interruptions).

An Hon. Member: Tomorrow is a holiday.

Mr. Speaker: All those hon. Members in Kerala—I am not talking about hon. Members of this House—have explained and everything that they gave out, whether they were facts or otherwise—all appeared in the newspapers. Full columns have appeared. During the course of that thing, every hon. Member who was interested had looked into it and he has had only to refresh his memory now ...

Shri V. P. Nayar: Do you give the same credence to the newspaper reports?

Mr. Speaker: I think more or less they are correct.... (Interruptions).

Shri G. B. Pant: I was submitting that this was a summary by the Governor. I thought that it would be more satisfactory if it was prepared by him than by me. The charge that the Central Government is an interested party. I am afraid, is not very fair. The Central Government is interested in the welfare of the people of every State. Sometimes, there may be differences between us as to the methods that should be adopted for this purpose but even to avoid the possibility of such an allegation, I asked the Governor himself to get us the report's summary that could be placed here. The Rules provide that a summary could be placed where the original is considered by the Government to be confidential. So, I am always anxious to carry out the wishes of the House and to meet them as far as may be possible. This is an important matter which has engaged the attention of the Members of this House and also of people outside. So, I thought that when there was such a suggestion, I should go as far as I could go to do what might be possible to comply with it.

So, I shall place the paper on the Table of the House and it shall be for the hon. Members to look at it or not to look at it. I cannot certainly compel them to take notice of it or to go through it but in view of the observations which were made by you on the first day when I laid the Proclamation on the Table of the House and again, in my absence, when the privilege motion was discussed, I thought that I must do whatever was possible for me to carry out what you had suggested. Your suggestion carries greater weight for us than a definite direction.

Sir, so far as this Resolution is concerned, it gives me no pleasure to

move it. I really regret that an occasion should have arisen which left us no alternative but to advise the President to issue the Proclamation. There are, I know, differences of opinion over this matter but I respectfully submit that the Central Government has no desire, and has never been anxious to interfere with or even to intervene in the affairs of the States. In fact with every passing year, the co-operation between the States and the Centre is growing. The Plan covers the entire country and virtually the finances have to be provided for the entire Plan by the Centre to a very large extent. So, there is need of greater and greater co-operation and we cannot take a step simply out of prejudice.

We are meeting here today just after the Independence Day and I was reminded of the long struggle that we had to carry for achieving Independence though some of my friends opposite were perhaps arrayed against us at a critical juncture. But all the same we succeeded in winning Independence. After that, the task to which we applied ourselves and which forms today the basis of all our activities was our Constitution. That Constitution was framed with due care and some of us had the good fortune of taking part in the framing of that Constitution. Perhaps some of us also tried to enlarge and amplify the scope of provincial autonomy. So, the Constitution has our unreserved allegiance. It was denounced by the Communist Party once in very, I think, deprecatory terms. But I was glad to see a turn in their attitude towards the Constitution and also to the parliamentary system as such.

Of course I do not know whether we all have exactly the same conception about democracy—a word which is used and bandied about very often. I am not sure if we all use it in the same sense. So far as we are concerned, we are wedded to democracy.

Shri Sadhan Gupta: All wedded wives are not faithful.

Shri G. B. Pant: We will be faithful to democracy, its ideals, its fundamentals and its objectives in an unreserved and unqualified way.

Shri Sadhan Gupta: By suppressing it, by killing your husband!

Shri G. B. Pant: We have no reservation and we do not interpret democracy as People's Democracies as is done in certain countries but as a democracy in which every citizen in the country is a participant and has a right to see that the welfare of the State and its progress and advancement are fully guaranteed and, so far as possible, also expedited

So democracy requires the spirit of accommodation and it can function smoothly if there is an unlimited fund of tolerance, patience and forbearance. We have in administering the affairs of this State, so far as it lies with us, tried to adhere to these principles. There have been many agitations, sometimes they have been accompanied by even violence, and some very serious consequences have followed in certain places. But we have tried to stick faithfully to what we believe to be the right course, and I venture to submit that but for compelling circumstances we would not have in any way intervened even in the affairs of Kerala.

Sometimes it is said that it is because of prejudice against Kerala, because its Ministry consisted of members of the Communist Party. But that is a wrong idea. The Chief Minister of Kerala has, I believe, from time to time, even just a few days before the issue of this Proclamation, stated, in answer to questions put to him, that his relations with the Centre have been cordial and he had no reason to complain. This was what he stated in answer to questions a few days before—I think it was within a week of the day when the Proclamation was issued. But, not only that, from the very time that he took charge, our effort has been to assist the Government and not to hamper it in any way.

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You might remember that when this changeover took place in Kerala there was a case, which assumed some importance, the case of Vasu Pillai. Vasu Pillai had been sentenced to death by the courts and the Supreme Court also had upheld that sentence. Then, the petition of mercy that was made to the President was rejected. It was before the Communist Party took charge of the affairs of Kerala—long before that—but the sentence had not been executed. Some friends also spoke to me; perhaps, some of them may be here. But on the assumption of office the Kerala Government ordered that amnesty should be granted to all political prisoners—with which I will deal later—and also that all sentences of death be commuted to that of imprisonment for life. They also passed a similar sentence about this Vasu Pillai. We brought it to their notice that in accordance with law, the President having rejected the petition, the State Government were not competent to do so. This legal position was disputed by them. Then we obtained the advice of the Attorney-General, and the Attorney-General said that after the President had rejected the mercy petition the State Government could not pass any orders contrary to what the President had done. So, legally it was accepted that the State Government could not do so. But the State Government pleaded that they had already passed that order of commutation of his sentence to imprisonment for life, it had been also announced and that they had even in the course of their election campaign spoken about it, so they would be put in a very awkward position if that sentence was maintained.

Well, it was then a somewhat difficult situation. On the merits we were perfectly satisfied that there is no case for commutation, but in view of the very strong desire expressed by the Kerala Ministry we agreed to commute the sentence to one of imprisonment for life. I did not want to do anything that would, at the very outset, give rise to a feeling that we were

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opposed to the Kerala Government or that we had been unduly stiff.

That is just one instance which happened at the very beginning. It was then, however, emphasised by me that though the order of imprisonment for life might be now commuted in place of the capital sentence, he should not be given any special remission or he should not be released. The Kerala Government accepted this, but recently he was released on parole. There may be adequate reasons for it. But I was somewhat amused to hear that he was even sitting on the Speaker's gallery. It is not a very serious matter, but I do not know how it so happened. Anyway, a person by undergoing a sentence for life imprisonment was seen in a place where others would have somewhat hesitated to go if they had known who he was.

Then just a few days after this, I think, an anti-eviction ordinance was issued by the Kerala Government. I had no objection to that ordinance on merits, but it impinged on the Limitation Act and on other certain Central Acts, which necessitated a reference to the Central Government and its approval of the ordinance before it was issued. But as it was published, I did not refer to this point and only mentioned it privately to the Chief Minister, as I thought that as they had already done it and on merits we had no real difference, we should not make too much of this technical point. So, from the very beginning our attitude had been one of accommodating and doing what we could to help them in the task of administration. They were handicapped in a way. They, and other members of the Communist Party, had been nurtured on literature of a different type. It only talked of the dictatorship of the proletariat and of Government and administration by the Party itself and not by a few chosen men, who, after they have assumed the charge of Government,

are equally answerable to all sections of the people and to every citizen living in the State. So, they had their difficulties and I also bore them in mind. The Central Government, and I think everyone, tried to see that things were done in a manner which would facilitate their course and not in any way make it more difficult.

Even this step has been taken, I can say, because the circumstances left us no alternative. The tension that was there at the highest heat and the wall of hatred and animosity that had grown in the course of 2½ years had come to divide the entire community into Communists and fellow-travellers or their sympathisers and the non-Communists, had affected every nook and corner of the State and made it difficult for the administration to be conducted according to the Constitution. Those difficulties had arisen from time to time. But they have left marks behind and the situation has gradually become more and more bitter. In the circumstances, we thought of this, when the other alternatives that were suggested were not accepted.

As hon Members are aware, the hon Prime Minister had, after a visit to Kerala on the request of the Chief Minister, suggested that mid-term elections might be held.

Shri Nagi Reddy (Anantapur):
What about the all-Parties conference?
That is forgotten.

Shri G. B. Pant: To that too I have no objection. He had suggested that mid-term elections should be held. He saw no other way of removing the intense feeling of separatism, which had grown in that State and other things which we noticed, except by finding some such remedy. Even this suggestion was finally turned down and the situation went on worsening from day to day so much so that the members of the Communist Party themselves and, perhaps, the

Government of Kerala itself felt that it will be a matter of relief if the....

Shrimati Bena Chakravarty: It is your interpretation.

Shri G. B. Pant: Central Government were to take charge of that problem State which was in immense difficulties at that time. So, we had to take that action. In fact, some hon. Members approached the hon. Prime Minister a few days before the Proclamation was issued with a suggestion—I would not call it a proposal—that if Central intervention is coming then better expedite and better intervene without delay. That, I think, has been accepted and has not been denied.

Now I am submitting that the Government had for 2½ years dealt with the affairs of Kerala in as sympathetic a manner as it could. Why should it go out of its way to dislodge the Kerala Ministry now unless there were grave reasons which compelled the Government to take such a step? This step has been taken so that the tension may be at least allayed, good relations, if possible, be restored and all people concerned may realise their mistakes and see that in future they have to live as good neighbours and the Government has to function as a democratic government and the people had to treat the Government as a representative of democracy.

Now there are facts which will indicate that the Congress organisation or Party has never been anxious to grab power (*Interruption*) and I can well add, if it gives any relief—I am prepared to say that the Communists do not want any power anywhere (*Laughter*). I hope they must be heaving a sigh of relief because the burden of running the administration of Kerala is no longer to be carried on by them—at least, for some time. And thereafter I do not know what they will choose to do. But what I was saying is this. Even in Kerala itself, there has been a previous Congress Ministry and it had advised the Governor to hold mid-term elections.

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Shri Nagi Reddy: Because they could not run it and they had no majority there.

Shri G. B. Pant: If they could not run it, they followed a straight course, and they asked the Central Government

Shri Warior (Trichur): They quarrelled among themselves and the Constitution broke down.

Shri G. B. Pant: ..to have mid-term elections. They did not ...

Shri S. M. Banerjee (Kanpur): What about U.P.?

Shri G. B. Pant: insist to stick to their seats when they were not in a position to run it. Then, after that too, there was another election, and no party was in a majority. The Congress had a strength of about 46 and the PSP about 19. But the Congress party requested the PSP to take charge of the Government so that the democratic structure might be maintained (*Laughter*).

An Hon. Member: What a great concession!

Shri G. B. Pant: I do not know whether by laughing we can laugh away the facts. So, the Congress, though it has a strength of 46, requested another party, for whom I have very great respect and especially for its leaders, to take charge of that Government and they ran it for a year. Now, it may be said that it was done because the Congress was not in a position to run the Government itself. Well, assuming that it had been so, still, if the Congress had not approached the PSP, either there would have been a fresh election immediately after the election or there would have been President's rule. The Congress tried to avoid such a contingency.

What happened during the last general election? The communists had 60 members after the elections; the Congress 43; PSP nine; Muslim

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League, eight; and Independents five. So, no party was, even at the last general elections, returned in a majority. But the communists formed the largest group. I do not know if they expected that they would be able to capture so many seats but luck favoured them. I do not use the word that God was on their side, for they would repudiate it.

So, 60 of them were returned, but they approached some of the Independents and succeeded in securing the support of five, with the result that they had the majority of two in the House. The communists had been returned by 35 per cent of the electorate. They had secured only 35 per cent of the votes, but—

Shri Nagi Reddy: What happened in Orissa?

Shri Panigrahi (Puri) 37 per cent in Orissa

Shri G. B. Pant: I do not say that because they were returned by 35 per cent, therefore they should not have the benefit of 60 seats in the legislature. I am mentioning the fact that they were returned only by 35 per cent of the electorate. The Congress which got a smaller number of seats was in fact supported by a larger number of voters and 37 per cent had voted for Congressmen, other parties also had similarly got a larger number of votes than the number of their members in the House proportionately. So, thus, this was again a special position. The communist party was not in a majority by itself. It had secured only one-third of the votes roughly. It had been able to get a majority of two with the aid of five independents, two of whom were appointed as ministers.

In a way they were in a majority but if there had been any desire to keep them out, one could have perhaps successfully advanced adequate reasons for doing so, for they had administered the State for 2½ years and

they might have perhaps continued doing so a little longer, but, *prima facie*, at that time, one could have said that there were many doubts about the stability of such a Government.

Hon. Members may be remembering that at that time the State of Kerala was under the President. The President's proclamation had been issued earlier and confirmed by this House twice. If there had been any desire not to let the communist ministry occupy a responsible position there, the Centre would have refused to revoke the proclamation. There would have been other ways of doing it, but we welcomed the ministry and we wished them every success because we believe in winning over every man in this country with the gospel of Gandhism and democracy. We would like the dignity of every citizen to be maintained, the rule of law and the equality of all citizens to be scrupulously kept in view; and if anyone had ever erred we would like him to be with us and not against us because, after all, if you look at even this Kerala problem, it is of a minor character as compared with the objectives for which we stand. Our Plans are to be carried out. The country, which has still millions of people suffering in various ways, has to devise ways and means for the relief and redress of their grievances and for their uplift. So, for all these purposes, it is desirable that there should be no unnecessary prejudice or malice against anyone and whatever action we take may lead forward to the achievement of the goal which we have placed before ourselves.

So, Sir, this Ministry was installed in Kerala. As to the way the Congress Government has behaved in these matters, I would refer only to one other case, besides those of which I had made a casual mention in Punjab, in 1951, the Congress Party had 70 members and those in the opposition were 7. Those 7 did not belong to any bloc, but each of them

was an individual by himself. Still, those responsible for keeping the ideals and for seeing that the administrations are run in a proper way, held that in spite of this huge majority of 70, the Congress should resign and that the Congress should vacate the offices. They did so and the Congress Ministry retired and resigned. They could have certainly remained in a majority. They could have in any case conducted the affairs in a routine manner, even if they had not succeeded in making such rapid advance as they might have desired.

I should like just to refer to some observations which were made by the Home Minister of the Government of India at that time. I am sorry for this delay in my finding the portion that I wanted to place before the House. The Home Minister of India then said:

Shri P. S. Daulta (Jhajar): Who was the Home Minister then?

Shri G. B. Pant: The Home Minister was Rajaji. (Laughter) I wanted to tell you that the Home Minister was Rajaji after having read the portion, so that you might feel that what had been said was said by the Home Minister of India and also by a person who belonged to the Congress and held a respectable place in it till yesterday, and who is still respected by us. (Interruptions) I do not know how that affects the position. The Central Government took a decision, the Congress took a decision while the Congress Party had a strength of 70 in a House of 77.

Shri Sadhan Gupta: All united?

Shri G. B. Pant: Perhaps not all united, but always able to form a majority in the House and able to carry on the administration according to the Constitution. He said:

"Any party placed in the position of the party that now controls the Government of India would have considered a hundred times before dismissing a Minis-

try of their own in the manner in which they had done it now. We have introduced Government by the President in Punjab, I claim, against all party interests. Obviously the step taken by the President is a step which goes against the prestige of the Government and of the party to which the Government belongs. Why has the Government taken that step? It took that step because it felt that it was fair and necessary for the people of Punjab and for the people of India."

This quotation I am giving from his speech. And we have also undertaken the responsibility of administering the affairs of Kerala in the interest of the people of Kerala and the people of India.

Sir, having referred to some of the matters I would like to state, before going to other events or incidents which form the background of the latest situation, what it was at the time when we had to take this action. There was a very serious situation. The gravity of the situation was admitted by all. The Chief Minister of Kerala State said that the situation was very serious, it was full of danger and it was a growing danger. I think the Secretary of the party, Shri Ajoy Ghosh, was even more emphatic on the point that the situation was very bad and very grave. And he said that it called for action under article 355. Both of them referred to article 355 and said that it called for action under article 355. Well, action under article 355 becomes necessary when there is internal disturbance and the Government could not be carried on in accordance with the provisions of the Constitution. They admitted that the situation was of that type in Kerala. But they said that the Central Government was not helping them. Well, it has to be noticed that the fact that the situation was grave and that it was such that it could not be managed without the aid of the Central Government was accepted. But it was said

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that the Central Government did not give them any help. Well, what could the Central Government do in the circumstances?

Shri Tangamani: All that they wanted was that the Centre should not aid the agitation.

Shri G. B. Pant: Before this agitation or movement, whatever you call it, had started there had been some correspondence and the Central Government had agreed to give necessary assistance. There were flag marches, as the hon. Members may be knowing, by the military in certain areas where firing had taken place. The Centre had also moved some of its forces to the neighbourhood of Kerala State so that they might be readily available for any emergency in Kerala. But no request came from the Kerala Government; no suggestion was made for any aid or assistance. How could the Centre help a State unless its assistance is sought? The affairs of the State are entirely under the control of the State Government. We cannot impose any police force; it will lead only to confusion. We cannot impose any military and we cannot do anything unless we are asked to help the State. Well, the State Government would be helped whenever any such assistance is sought, and that has been made clear. But when deliberately no assistance is sought, then how is the situation to be brought under control and the needful to be done?

Article 355 only states the conditions under which action can be taken. The operative part is found in article 356. That is, when under article 355 a situation has arisen, then action has to be taken under article 356. That a situation under article 355 has arisen is admitted by the Kerala Ministry and also by the leadership of the party. They did not ask for any sort of assistance by way of police, or army, or any other thing which is under the control of the Government. We must remember that we are concerned with the Government. When they did not ask for it—and even they admit that

the situation is such that action has to be taken by the Government in order to set matters right—then how can we be blamed even by them for doing what they thought was necessary but which they did not choose to ask us to do?

They did not accept our advice that mid-term elections be held. They did not ask for any help. They accepted that the conditions then prevailing in Kerala were those which were contemplated in article 355. So, it was the bounden duty of the Central Government, in the circumstances, apart from any thing else, to take charge of the administration and to see that normal life is restored. It is a point on which I think there can be no doubt.

In fact, at the moment the Centre intervened, the opinion was almost universal that the Centre should take charge of the administration of the State and that article 355 required recourse to article 356 was obvious to those who referred to article 355 but did not seek any assistance of the State apparatus from the Central Government.

There has been some reference in this connection to moral and other matters. Well, I do not propose to deal with them here because so far as the Prime Minister is concerned, it is a matter over which I feel sad that in spite of his best efforts to see that the Kerala Government is not put to any embarrassment, that there is no picketing of motor vehicles, no picketing of schools, that no unconstitutional methods are resorted to and the declaration that recourse to direct action for political purposes is in every way undesirable even after all that he has done, and done in a manner of which they are fully aware, and whenever approached privately too, he has used his influence, so as to restrain these people and to prevent them from having recourse to what they might have done by way of picketing even, in spite of all that, they ask us "why don't you work as

such spiritual preceptors that your word must be listened to by everyone?" I wish they could show the way by accepting our advice themselves'

Sir, as I said, the situation was such that it did not call for any shilly-shallying; action had to be taken. And the report received from the Governor gave the entire background of how things had developed. And the way the hostilities had been growing shows that the only way was to take over the administration. One might perhaps blame us for not having done it earlier. There was a motion brought in the House by Dr. K. B. Menon, I think about a year ago, asking for the issue of a proclamation or the taking over of the administration by the Centre. There were also other moves in this House towards the same effect. But so far as the Congress Party is concerned, it did not encourage such action. It did not take any such step.

Shri Tangamani: Shri Shriman Narayan wanted such intervention.

Shri G. B. Pant: I am here talking of the Central Government. So far as the members of the Congress organisation are concerned, not only Shri Shriman Narayan or other Congressmen but everyone who has gone to Kerala, for instance Shri Asoka Mehta, has felt that there was a growing feeling of insecurity in the State.

Shri Tangamani: He demanded it in April 1957.

Shri V. P. Nayar: On the third day after the State Government took over the administration.

Shri G. B. Pant: . . . and that feeling has been shared by many people. Even the Prime Minister got that impression when he went there. But when he referred to that, instead of applying the searchlight inside and seeing whether there was anything wrong and whether anything could be done to set matters right, efforts were made to controvert what he had said and his own opinion was considered to be altogether wrong.

So, people who have gone to Kerala—I have spoken to some people some times—have told me, "Come to Kerala and see what is happening there". I do not myself know fully what is happening there, so far as seeing things with one's own eyes is concerned. But today it is certainly something very rare that is happening in Kerala. All parties, the political parties, I mean, the Revolutionary Socialist Party, the P.S.P., the Congress . . .

An Hon. Member: What about the communal parties?

Shri G. B. Pant: . . . and even those parties which had nothing to do with politics such as the Nair Society,

Some Hon. Members: And the Catholic Church and Muslim League.

Shri G. B. Pant: . . . the Catholics, and also the Muslim League, all those people who had been fighting with each other and who had been looking only after their communal interests and who had a limited vision and who never cared for the larger affairs of the State, they all found it almost intolerable, according to them, to live in the conditions prevailing in Kerala. Such a sort of—I did not like to call it national upsurge—but such a sort of upsurge in which people of all types are taking part and members belonging to all parties have been taking interest, such developments have seldom been noticed after independence (*Interruptions*)

Mr. Speaker: Order, order.

Shri G. B. Pant: Before independence there were occasions when most of us could meet and join hands, but this perhaps is the solitary example after independence when all should have felt so equally aggrieved and should have joined hands together.

I do not say that Congress Governments have not made mistakes, whether in the States or even here at the Centre. But such a sort of united mass upsurge in which you find not only, what are called, the proprietary

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interests or the vested interests but also labourers, also others, men belonging to the so-called down-trodden classes, every section, arrayed against the Government, this is something very serious and grave which called for attention. And to deny its existence or to laugh at it as though it were an occasion for jubilation is hardly appropriate.

Sir, I have referred to some of the general aspects of this problem. But I do not know if I should take too much of the time of the House. There is much more to be said. There have been releases. There have been, thereafter, charges of discrimination even in the field of labour and then the police policy which made a distinction between one class and another, which suggested and which rather directed the police not to intervene and which also instructed the people not to make use of the preventive sections in the penal law of the country, which no one can do. No one has the right to ask a magistrate not to do what he is required by the law to do; no one can ask a policeman not to discharge the duty which the law has imposed on him.

And not only were there releases of large numbers, and remissions were granted to others, thirty-four persons who had been guilty of very heinous offences of a hideous character which I would not like to mention here in detail, for murdering policemen, were also released. The Government had the power to do so. But, not only then, thereafter also, this process continued throughout. Cases were withdrawn—even cases where violence had been committed—and sentences were remitted so that the majesty of law and the rule of law was virtually abrogated.

Shri Sadhan Gupta: Do you promise not to withdraw cases after the Proclamation?

Some Hon. Members: That is what the Congress has done.

Shri G. B. Pant: If the Congress has done it, it has been equally guilty.

Shri Sadhan Gupta: Will you intervene then?

Shri Tangamani: When the Prakasham Ministry came, cases were withdrawn and prisoners released.

Shri G. B. Pant: I may mention that when I was connected with the administration of a State, so far as I was concerned, two of our fellow Members of the Congress Party were charged for framing incorrect bills of travelling allowance. They had to stand trial in a court. One of them died during the trial of the case and the other had to stand trial for more than a year. I altogether refused to withdraw the case even though I was interested in my party. I do not think that in any Congress State such withdrawals and remissions are made. That is, members of the party are either not arrested or if arrested

Shri Easwara Iyer: What about Andhra in 1954? You threw open the jail gate

Mr. Speaker: Order, order; let us confine to this

Shri G. B. Pant: Members of one party are not arrested. If the police takes action against certain persons, then, the police has to suffer and is asked to pay the penalty. There are cases in which after the trial has been held and the man has been sentenced, the sentence is remitted. There are cases of withdrawals—I have got judgments too with me—in which the courts have upset the orders of withdrawals and said that the withdrawals cannot be allowed as these were not fit or proper cases for such withdrawals. First, the dignity of law suffers. People are at first not arrested. The police are asked not to take preventive action. When they are arrested, then, either they are not hauled up before the courts or even if tried and sentenced these sentences are remitted. This becomes a mockery of law, and it certainly goes against the principles of rule of law.

There have been cases in which people were not given protection and they had to go to the High Court and the High Court has issued writs of mandamus to the police.

Shri Nagi Reddy: How many writs have been issued against the Congress Government?

Mr. Speaker: Order, order, the hon Member can answer later

Shri G. B. Pant: So far as the Congress Governments go, I have not heard of a single

An Hon. Member: Largest number

Shri G. B. Pant: I have not heard of a single case yet in which the High Court had been asked to issue a writ of mandamus to give protection. If there has been such a case and if such an order has been passed, we would like to know about it. We would see what could be done. We would not say that it is the right thing that has been done. If the Congress Government has done anything that is wrong, that wrong must be remedied. So far as I am aware nothing like that has been done. I do not think that during the ten years or 12 years of Congress rule

Shri V. P. Nayar: Misrule

Shri G. B. Pant: there had been in the aggregate as many writs drawn and remissions as in the State of Kerala

Shri S. M. Banerjee: Just now it has happened in three cases

Shri G. B. Pant: This is so far as acts of violence are concerned. There may have been some cases in which there was some non-violent picketing or something like that. But where any sort of violence was involved, no such action was ordinarily taken. If there had been any cases, their number must be very small.

Then, I would submit that it has been reported that the benefit of the

so-called police policy was given to one set of labourers or peasants and not to others. Similarly, the Anti-Eviction Ordinance was administered in a discriminatory way. There had been complaints about co-operatives also. So far as the promotion of co-operatives is concerned, we all agree and as the hon Members know, we in our platform, today, are for them. (Interruptions)

Mr. Speaker: Order, order. If hon Members go on like this, how can we hear anything here? Order, please

Shri G. B. Pant: There has been no discrimination in these matters. It is sometimes said that we have interfered with the Kerala Ministry because of the progressive measures that they were taking and the laws that they had passed. We are being blamed by persons for whom hon. Members opposite seem to swear the respect in which we hold them that we are carrying out the communist programme.

Shri Nagi Reddy: In words

Shri G. B. Pant: That is the main charge against us and they have formed a different party so that the communist programme may not be carried out by us.

Shri Tridib Kumar Chaudhuri: Is the hon Minister aware that the Chief Minister of Kerala said that the Communist party was carrying out the Congress programme?

Shri G. B. Pant: I may tell you that the Congress has to its credit progressive measures which it will be hardly possible for any party to carry out within any measurable distance of time. All Princely States have been merged in the Union of India. Can any one think of any measure more progressive than this? Zamindaris have been abolished. Talukdaris and Jagirdaris have been abolished.

Shri Sadhan Gupta: But, peasants have been evicted

Shri G. B. Pant: So far as my State is concerned, the abolition of zamindaris has been accompanied by the

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granting of permanent rights to every tiller whether he was a tenant or a sub-tenant. This goes much farther than what Kerala has done. Similarly, so far as laws for relief of indebtedness go, we have wiped out indebtedness to a large extent. I have had opportunities of dealing with these matters and I am prepared to stand any sort of examination on this score. So, do not concoct things which have no basis whatsoever. The situation calls for a calm and dispassionate consideration, and that is what we would request the hon. Members opposite to bring to bear on this issue which has been sought to be clouded in other ways.

There are many other points, but, as I said, I would not like to take more time of the House. It is my wish, and it is my prayer, that this House may succeed not only in taking the right step at one time, but in following it up with energy and zeal, so that the ideals which we have cherished may be realised and that democracy which we have dreamt of all our life and which is now the basic creed of our everyday activities may be preserved built up and nurtured in this country.

Mr. Speaker: Resolution moved.

"That this House approves the Proclamation issued by the President on the 31st July, 1959, under clause (1) of Article 356 of the Constitution."

Shri Naushir Bharucha (East Khandesh): I think the Home Minister has modified the proposition.

Mr. Speaker: Yes, those words are not in the end now. That is all. There is no other modification. The other words were "assuming to himself all the functions of the Government of Kerala." He now wants that those words may be omitted. The Proclamation was issued with respect to clause (1) of article 356 of the Constitution which provides for the supersession of the legislature, taking over

of the Government's functions, issuing certain other directives and so on. It is comprehensive now. This meets with the objection that was raised by Shri Tridib Kumar Chaudhuri.

There are some amendments which have been tabled. Hon. Members are aware that a negative amendment ought not to be moved.

Shri Easwara Iyer: With respect to that, I may submit that mine is not a negative amendment. I would submit a word of explanation before you give your ruling on that.

Mr. Speaker: How is it a positive amendment?

Shri Easwara Iyer: Although I have used the word "disapproves" there, you will kindly see that I have introduced a provision calling upon the President to revoke the Proclamation under article 356(2). So, it is a positive amendment that I am seeking to move although I am asking for disapproval. (laughter) You may laugh over it. Probably you are not aware of article 356(2). Article 356(2) says

"Any such Proclamation may be revoked or varied by a subsequent Proclamation."

So, I say that although this Resolution is tabled under article 356(3) seeking the approval of this House, it is open to this House to call upon the Union Ministry to advise the President—the Home Minister himself said that he has advised the President to issue this Proclamation—to take proper action under article 356(2) by revoking the Proclamation, so that it is not a negative amendment. It is a positive suggestion that I am making.

Shri S. M. Bamerjee: Taking advantage of article 356(2).

Shri Easwara Iyer: Approving means that it is open to the House to disapprove also.

Mr. Speaker: There are amendments similar to Shri Easwara Iyer's, which read thus:

That in the resolution,—

(i) for "approves" substitute "disapproves"; and

(ii) add at the end—

"and requests the President to take immediate steps under clause (2) of Article 356 of the Constitution revoking the Proclamation and restoring the functions of the Ministry and the Legislature in Kerala State"

Shri Easwara Iyer: Amendment No 4 is a substitute Resolution which reads:

That for the original Resolution, the following be substituted, namely —

"That this House disapproves the Proclamation by the President on 31st July, 1959, under clause (1) of Article 356 of the Constitution assuming to himself all the functions of the Government of Kerala and calls upon the Union Ministry to advise the President to take immediate action under clause (2) of Article 356 revoking the Proclamation and restoring the executive and legislative functions of the State as it existed on the 31st July, 1959"

Mr. Speaker: There are some precedents regarding this

This is not a matter of first impression. Here is para 326 from *Decisions from the Chair*.

"On the 29th March, 1956, after Shri Govind Bellabh Pant had moved his Resolution approving the Proclamation issued by the President on the 23rd March, 1956, under Article 356 of the Constitution relating to Travancore-Cochin State, Shri H. V. Kamath sought to move the following amendments given notice of by him:

(1) "That for the original resolution, the following be substituted, namely:—

"That this House disapproves the Proclamation issued by the President on the 23rd March, 1956, under Article 356 of the Constitution, assuming to himself

"all the functions of the Government of Travancore-Cochin"

(2) "That in the Resolution—

for "approves" substitute "disapproves"

(4) "That in the Resolution—

for "approves" substitute "urges the revocation of "

Same thing as Shri Easwara Iyer's amendment

Shri Easwara Iyer: He has put Article 356(2)

Mr. Speaker: It does not matter

"Ruling all the amendments out of order, the Speaker observed.

'Amendments Nos 1 and 2 in the name of Shri Kamath are negative ones so they are not allowed * * *

Amendment No 4 is also not allowed on the same ground'

There are other rulings also to the same effect

Hon Members will kindly consider that so far as this matter is concerned, all such Proclamations may be revoked or varied by a subsequent Proclamation. The issue of the Proclamation is by the President. This House has no right to issue a Proclamation. It can only approve of the Proclamation if issued.

Shri Easwara Iyer: I may be permitted a word of explanation. Although it is for the President to issue a Proclamation, the Home Minister categorically stated that the President

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has acted as the constitutional head of the State and listened to the aid and advice of the Ministry. If that is so, this Ministry is also responsible under the Constitution to the House, and that is why I have stated in my amendment that we may call upon the Ministry to advise the President to revoke the Proclamation under article 356(2). It is not the discretionary power of the President that is to be exercised under article 356(2) but the constitutional power of the President wherein the Union Ministry steps in and advises him to revoke it on the call of this House.

Mr. Speaker: I have heard Shri Easwara Iyer not once, but twice.

So far as clause (2) of article 356 is concerned, it reads

"Any such Proclamation may be revoked or varied by a subsequent Proclamation."

It is common knowledge, and it is also one of the fundamental rules of interpretation that the person who appoints has got the right to dismiss that the person who issues the Proclamation can revoke the Proclamation. The President need not come to the House. He can issue a Proclamation, and as soon as he is satisfied that the emergency exists no more, he can, of his own accord,—of course, he is always advised by his Minister—without coming to this House, revoke the Proclamation. Therefore, he has got the right to issue a Proclamation and to revoke a Proclamation.

If it has to be approved for a period longer than two months, certainly he has to come before the House. But there is a difference between an Ordinance and a Proclamation, though the same wording is used. The President issues an Ordinance, and it is open to the House to disapprove of it within a period of six weeks, otherwise, it will go on for six weeks. Within six weeks

Government may bring a Bill to put into effect all the provisions of the Ordinance. The Ordinance, unless it is disapproved in the meanwhile, lapses at the end of six weeks if nothing more happens. There is no similar provision here to disapprove of Proclamation within two months.

14 hrs.

If before the end of six weeks, no Bill is passed, then an ordinance lapses, in the case of a Proclamation, if no resolution approving it is passed, then it lapses at the end of two months. There is similarity of provision, so far as ordinance and proclamation are concerned, in this respect, both will stand on the same footing, the life of an ordinance is six weeks, whereas the life of a proclamation is two months. If no effort is made or no step is taken to continue the ordinance by way of a Bill or to approve a proclamation by way of a resolution, then both of them lapse.

But there is an additional provision that has been made in article 123 of the Constitution relating to ordinances, and that is, that if this House feels that even for six weeks, the ordinance ought not to be in operation then it may have it revoked by a resolution immediately. But a similar provision is not there in respect of proclamations. When once a proclamation is made it shall continue for a period of two months, there is no question of revocation, unless the President who issued the proclamation himself revokes it. There is no power for this Parliament to do so. While in one part of the Constitution, it is said in respect of a similar matter that it may be revoked, yet in another part of the Constitution, relating to this matter, we find that it is entirely left to the discretion of the President advised by his Ministers. Merely because the Ministers are responsible to this House, we cannot invoke that power under the

Constitution. The Constitution could have easily said here that it is open to the House to have it disapproved within a period of two months. But that has been deliberately omitted here. Therefore, the entire discretion is given to the Government of the day headed by the President, or the President advised by his Ministers, to watch and then if he has to revoke it, to revoke it himself, or if he wants to continue it, to advise his Ministers to bring forward a resolution for approval, as he has done in this case. I am sorry that this is not on all fours with the case of ordinances. There is no provision for disapproval here. That is left to him.

If there were no difference between the one and the other, I would possibly have stressed the language saying that this House is entitled to give advice to the Ministers or to the Government who have to advise the President. But there is a difference. It is within the exclusive jurisdiction of the President to issue a proclamation or to revoke it. If the proclamation has to continue in force beyond two months, this House has to approve of it. It cannot be revoked before, unless the President himself thinks of revoking it. This House has no jurisdiction to revoke it within a period of two months. That is the position under the Constitution.

Therefore, I am exceedingly sorry that I cannot allow this amendment. There are also precedents in this regard. On a prior occasion, it was ruled that this kind of amendment was a negative amendment; and negative amendments are not allowed.

Now, the only amendment that satisfies all the tests and does not contravene any of the provisions is that tabled by Shri Narayanankutty Menon, which reads:

"That at the end of the resolution, the following be added, namely:—

'but expresses its regret in not having given any cogent and specific reason for assuming that the

Government of the Kerala State could not be carried on in accordance with any one or more of the provisions of the Constitution and also in not giving the Government of Kerala an opportunity to represent its case before the Proclamation was issued *inter alia* dismissing the Kerala Government itself."

While approving the proclamation, it just makes a general remark possibly for future guidance. I do not find anything there technically objectionable.

Shri P. K. Deo (Kalahandi): So far as my amendment is concerned, I beg to submit that there has been a precedent in this House. When this PEPSU matter was discussed on the 12th March, 1953, a similar amendment had been admitted in this House, that had been tabled by Shri H. N. Mukerjee. That was to the effect that:

"for the word 'approves' the words 'takes into consideration' be substituted".

So, I request you to admit the first part of the amendment standing in my name. Regarding the second part, it is a suggestion for future action.

Mr. Speaker: No, it is the same thing. The hon. Member has put his amendment this way by saying:

"for 'approves' substitute 'takes into consideration'". He has not used the word 'disapprove' there. But, later on, he uses an expression to that effect, he brings up the same matter in substance by saying

"add at the end.

'and resolves that the proclamation shall be revoked before the 31st of January, 1960 and parliamentary government restored in the State'".

[Mr. Speaker]

That is, he disapproves and wants the revocation of the proclamation. If he approves, I do not know whether he would be for revocation. If he approves, let him vote for the resolution; if he disapproves, let him vote against it, but not by means of this amendment. Even this amendment is out of order.

Shri Tridib Kumar Chaudhuri: What about my amendments Nos 5 and 6? Amendment No 5 is copied word for word from Sardar Lal Singh's amendment and Shri Bahadur Singh's amendment in the PEPSU case.

Mr. Speaker: That is also negative in character.

Shri Tridib Kumar Chaudhuri: But that was allowed at that time.

Mr. Speaker: The amendment reads:

"This House, having considered the Proclamation issued by the President on the 31st July, 1959 under clause (1) of article 356 of the Constitution assuming to himself all the functions of the Government of Kerala, regrets that the action of the Government of India in suspending the Constitution and the assumption by the President of the functions of the Government of the State of Kerala, in the manner that these have been brought about, would not serve the best interests of healthy development of democratic traditions in India."

This goes against the spirit of the resolution which is only for the purpose of approval. The hon Member may speak, if he gets an opportunity, and say all that he wants to say; he may say that it was not proper, this ought not to have been done and so on. That is not aiding this resolution; it only opposes this resolution. Only he has stated the grounds in detail.

So, only Shri Narayanankutty Menon's amendment is there.

Shri P. R. Patel (Mehsana): There is also another amendment in his name.

Mr. Speaker: I have seen the other amendment in the name of Shri Tridib Kumar Chaudhuri also. There are some modifications here and there, but it is the same in substance.

So far as the original resolution is concerned, I omitted the words 'assuming to himself all the functions of the Government of Kerala'. But I must add the words 'in relation to Kerala'. Otherwise, the resolution will be absolutely general, and it will not indicate anything.

Therefore, the resolution will read as follows:

"That this House approves the Proclamation issued by the President on the 31st July, 1959, under clause (1) of article 356 of the Constitution in relation to the State of Kerala."

The hon Minister may lay the summary of the Governor's report on the Table of the House.

Shri G. B. Pant: I beg to lay on the Table a copy of the summary of the report of the Governor of Kerala to the President.

[See Appendix II, annexure No. 74-A]

Shri Narayanankutty Menon (Mukandapuram): May I make one submission? I am not moving my amendment, because I had coupled my amendment with that of Shri Easwara Iyer so that they should be read together. Since that amendment has been ruled out of order, and is, therefore, not being moved, I am not moving my amendment also.

Shri Vajpayee: He should take leave of the House to withdraw the amendment.

Shri F. K. Dee: It is the property of the House, and, therefore, he must ask for leave.

Mr. Speaker: I was merely asking him whether I might treat it as moved; but he did not answer it. Ultimately, he said that his amendment was so linked up with Shri Easwara Iyer's that both of them went together. Therefore, let him have his own way.

So, there are no amendments before the House now. Only the resolution in the modified form is now before the House.

Shri Jaipal Singh (Ranchi West-Reserved—Sch Tribes): What about adjournment of the House?

Mr. Speaker: Yes, we had said that we shall adjourn for an hour. It is now 2-10 P.M. So, we shall meet at 3-10 P.M.

Some Hon. Members: Let it be 3-30 P.M.

Mr. Speaker: All right. The House will now stand adjourned and meet again at 3-30 P.M.

14.10 hrs.

The Lok Sabha then adjourned till Half Past Three of the Clock

The Lok Sabha re-assembled at half past three of the Clock, Mr Deputy-Speaker in the Chair

**RESOLUTION re PROCLAMATION
IN RESPECT OF KERALA—
(contd)**

Mr. Deputy-Speaker: The Resolution is before the House. Shri S. A. Dange

Shri S. M. Banerjee: The Speaker had asked Shri Muhammed Elias to withdraw from the House in the morning. As we are having a very important debate, would you kindly rescind that order and allow him to come in?

Shri C. D. Pande (Naini Tal): How does it make any difference? He should have known before.

Mr. Deputy-Speaker: The Speaker has issued the order. It might be difficult for me to revoke it.

Shri C. D. Pande: That cannot be allowed. It is the lightest punishment that could be possible.

Shri S. A. Dange: Sir, the subject before us has already been characterised as one which has caused not only a lot of stir in the country but also anxiety in the minds of all political parties, all interests and all classes. So I would like to treat this question rather from the standpoint of politics than from the standard adopted by the Home Minister in the larger part of his speech.

He brought in questions of release of prisoners and so on and so forth. I do not want to discuss that for the present, but I would straightway deal with the political question. If anybody goes round the country and reads the papers and even meets Congressmen who may be anti-Communist, he will find that even in their minds and especially in the minds of the middle class, there is a feeling of uneasiness, a slight discomfort at what has happened. People may even say that the Communist Party is bad and Communists are certainly very bad and do not deserve to rule or live in this country and so on.

15.34 hrs.

[MR SPEAKER in the Chair]

But the bitterest anti-Communist even today feels uncomfortable about what has happened. Why is that feeling there like that? It shows that for a large number of people—almost a majority in the country—what has happened is not according to the tenets of democracy. It does not satisfy their feelings as to how democracy should develop, and they feel that something has happened which is a crack in our future development. Hence arises a little feeling of discomfort, uneasiness, anxiety to know,

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a tremendous desire to know about the subject that has been aroused in all ranks of people. Even the most backward people, who would never thought of politics, have been roused into a sense of politics and are asking why this has happened.

Naturally, therefore, we should like to discuss that question from that point of view. A Ministry has been dismissed. Yes. But a Ministry had been dismissed before also, as the Home Minister says. Four or five interventions have been there before. But never has an intervention caused such a stir, such a feeling, such an uncomfortable feeling in the minds of the middle classes, intellectuals and even Congressmen as this intervention has caused. Why this peculiarity? (Interruptions) If you are not roused, I am very sorry for your future (laughter)

I was taking it for granted that the gentlemen do feel and are roused and want to know and find a solution for a situation which, for all purposes, is not healthy for anyone, let alone the Communist Party. I was perhaps misunderstanding it. May be. But in any case, Congressmen at least outside this House, and some of them here who may like to acknowledge it whenever there is a possibility for such a thing, do feel that something has happened which should not have happened. If it is the intention or the view of people that what has happened is exactly what should have happened, that, of course, is another matter. When approving the Proclamation, one might take that stand; due to the party position in this House, perhaps one cannot tell the truth. Anyway, I am not concerned with that.

Now, this thing has aroused attention because it was, as is already said, a Communist Ministry and an unprecedented situation had been created in a State ruled by the Communists. And it is said that the Government of India from the very beginn-

ing wanted to be very helpful! It almost went out of its way, even perhaps to the point of embracing the Chief Minister, actually, in the proper Congress manner! It went out of its way to help the Government, lest it might be misunderstood that because it was a Communist Government, it was not being helped! Therefore, they say that this intervention is not at all in furtherance of the interests of the Congress Party or against the interests of the Communist Party, but is resorted to in order to cure a situation which was beyond cure except by this method of dismissing a Ministry. That is the question that is worked out.

Now, I want to put that question and ask: is that true? My position is that from the beginning there was almost a feeling, at least in certain leading Congress ranks, that from A to Z what was happening was wrong and, therefore, it must be suppressed.

I will detail one or two points to illustrate my case. First, when the election results came, then, of course, there was surprise. Communists elected? By a majority in a State and going to form the Government? What a horrid thing? Impossible? How can it be? That was the question being debated in the conservative Press, throughout the Congress Press, throughout the Press which was enamoured of expressing conservative opinion. Why this surprise? Because it was taken as an axiomatic truth that Communism has no roots in the country, Marx is naturally out of date, Socialism of the Marxian type can never win a victory! And, therefore, another axiomatic truth that Communists if ever they have to form a Government or capture power, must do it by armed struggle, by capturing power by all sorts of means except a proper, democratic election! Communists coming to power by a majority of votes through an electoral method in a democratic country is impossible! Take the Soviet Union, Take China; take the other democracies. Where is there a picture, an

example, of an election being held and Communists coming to power through the votes of the electorate? Therefore, it was accepted that in India it could never happen, that such a country of ours could never give vote to the Communists!

And then the thing happened. The Communists did get the vote. May be five lakhs more or five lakhs less—that is not the point. But they did get the vote in an election and got the majority of seats in the legislature. That surprised, shocked and frightened certain elements, especially the Congress Party and the Congress Governments in the States and at the Centre, for this was an unheard of thing! One Minister even went to the length of saying before the election, even if they win, one does not know whether they should be allowed to form a Government (*Interruption*). He was then pulled up. Then, ultimately, good sense prevailed; they were allowed to form the Government—even with a majority of two—does not matter. There was a majority of two and they were allowed to form a Government. Good sense prevailed and the communists formed the Ministry.

Immediately the Congress General Secretary jumped into Kerala, Shri-man Narayan.

An Hon. Member: Agarwal

Shri S. A. Dange: He does not like to put that name 'Agarwal', because he wants to rule out the smell of communalism from the name at least, if not from the heart. So, that is his new name, Shri-man Narayan, and he jumps into Kerala and immediately announces that law and order is in danger, life is insecure—within 3 days. Within 3 days of the communist ministry coming into power and within 3 hours of this gentleman going there, he found that law and order was collapsing, life was insecure and something must be done. And, there began the chain.

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The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): He went there only after three months. (*Interruptions*).

Shri S. A. Dange: So, here begins the chain and this chain is followed up very quietly and in a very planned way—in various ways. So, my first point is that there was a shock, a sense of fright. They did not want us to come to power through elections. But then they found their various theories were blown up; all their accepted principles about communism were finished because we had come to power by election.

Shri Asoka Mehta (Muzaffarpur): The theory is to get rid of you by election—to see whether we can get rid of you by election.

Shri S. A. Dange: I will come to that later. That is why you wanted intervention. You cannot get rid of us by election; that is right.

Now, of course, people say that we came to power not because we were liked by the Kerala people. But, in any case, they voted us, some few lakhs less than others. They said it was a minority vote. May I know if this whole Treasury Bench has a majority vote in the country?

An Hon. Member: No, no.

Shri S. A. Dange: All of them . . .

Pandit K. C. Sharma (Hapur): Ten times more than what you have got.

Shri S. A. Dange: Twice elections took place in this country. The most popular man in this country, the man who deserves to get the highest number of votes, in the country failed to get the highest recorded number of votes, in the elections. That is a fact of history. It was once a seat in Telangana that got the highest number of votes and in another it was a seat in Bombay that got the highest number of votes. It is not a question of judging by the votes. (*Interruptions*).

[Shri S. A. Dange]

I am not casting any reflection upon the Prime Minister. If you say the main factor in elections is more percentage, then, it is not the real index. (Interruptions). So, here I am prepared to concede that we did not get a majority vote—we had not the majority of people behind us. I am quite prepared to concede that position.

In fact, I am prepared to concede to you another reason which the Congress party people have themselves put forward. And that is this. We came to power because people were disgusted with the corruption of the Congress party, with the dissensions in the Congress party and that was a positive factor in our aid. And, if that could teach them a lesson, I should be glad about that. At least in history we shall have carried out one function, that is, convincing the ruling party, ruling in 13 or 14 States and the Centre, that its dissensions, its corruption and its policy are making the people disgusted and, naturally, in Kerala, they turned to the Communists. If they did not turn to the P.S.P. then I cannot help it. If they did not take to R.S.P. I cannot help it. They have a chance in U.P. where with 98 dissidents the Congress party is in crisis. They have chances in other States like Bihar where there is a big force. Let them try their luck. Why should they be jealous of us and give up their platform of socialism?

So, in Kerala there was this peculiar situation. From 1947 there were 7 ministries. They tell us that we are the cause of instability. No; we were the cause of the largest amount of stability and continuity and of proper rule. Within 10 years there were 7 ministries; out of them 5 Congress ministries and four of which fell because of dissensions in the Congress Party. This was the picture of Congress rule and instability. There were 4 or 5 general elections and 2 interventions.

Were we the cause of it? No. The cause of it, the background of it, the foundations of the instability in Kerala were laid by the Congress ministries; and they are the causes of what happened later on even in our regime. Therefore, the instability and insecurity is not our creation. Instability and insecurity is the creation of these dissidents, these factionalists doing all their deeds—I do not want to describe them, they are there on record.

That was the position when we fought the last elections. Did we want the communist party rule? People charge us by saying, communists are out for power only for their own party. Does our behaviour show that? Why do you forget the facts of history? When the elections were to be fought we proposed to the P.S.P. the R.S.P. and others to have electoral alliances, platform alliances, seats alliances. These political parties whom Shri G. B. Pant mentioned so graciously and so very flatteringly—because he wanted us to forget the Catholic Church and the N.a.r Service Society—to these political parties we offered an alliance. And, in that alliance what did we offer? The P.S.P. were demanding 37 seats and we were compromising very near; the R.S.P. wanted 17 seats; we were prepared to compromise. I hope that in the new congress alliance they got that much at least. Now let us wait and see what they will get. They will have to meet a situation where it may be 97 seats for the Congress and whatever is left over, the crumbs, for them.

In any case, what does this show? This shows that we were not trying to get power only for our party but we were trying to get power for a front, a democratic force, a socialist force, a stable force which would put down once and for all these dissensions, these ministries crumbling and this picture of instability and insecurity. Therefore, we said, let

us have an alliance. Their offer came out first only for negotiating on the number of seats. They quarrelled later on with us because they wanted such a number of seats that as would leave us in a total minority of one, or two which we refused because we wanted the front to have absolute majority against the Congress and other opposition. So, they dropped from that alliance. What could we do? We had to stand alone.

It is a fact; I do admit that I did not expect that we would be getting such a sweeping poll, such sweeping numbers of seats. Not that we had not expected it at all, because if we had not expected that at all we would have made any compromise with these gentlemen with 32 and 40 and 60 seats. We had just an inkling that we might win, but if the front was there so much the better. But if it is not, then let us try our luck and let us hope that the people will trust us. They trusted us and we got the majority.

There was this thing. From the very beginning these people had a fright and a shock about the electoral results, and the results came, as I am telling you, because of the situation that prevailed.

They say, we have a lust for power. Even after this, when we were in a majority, did we or did we not make an offer to the left parties to come and join the Government? This was an unprecedented example set by the communist party only in India, that though we had a majority yet we offered to the other left political parties seats in the ministry.

An Hon. Member: For retaining power.

Shri S. A. Dange: That was an unprecedented example. We did it not because we wanted power for our party only but we wanted a Government, a real democratic Government. If that were not so we need not have offered any terms. A letter

was written to the other parties and the letter was kept pending for a number of months. But they said they would not join. That did not matter. I am quoting an example to show that the prejudice that the people carried about us that we only want to be in power even after the majority of seats were won or we want only our Ministry to function was belied. Previous to the election, we offered a front. After the elections, even when we had a majority, we offered a composite Ministry to be formed but these forces rejected it. They may be right in their rejection, they may hate us or dislike us. That is another matter. The question is whether we tried it or not. If certainly they had accepted it, then the position would have been quite different, there would have been a Ministry of the front and there would have been a majority in the Assembly of the Communist Party, the Praja Socialist Party, the KLP, etc. So, in the method of coming to power, in the formation of the Ministry, in the method of running the administration, all along we did not show any desire to have a Communist rule as such. We showed a desire to have a Ministry which would be composed of all the leftist parties, a democratic ministry of the leftist political parties. This was our position. We were not really out for what they call the total dictatorship of the Communist Party. However, when they were disappointed with the election results, the first shocks were somehow or the other digested they started a cold war. This Ministry must not be allowed to govern in peace. They expressed a surprise that the communists did not do things which they were expected to do. That is another difficulty that the Congress has run into. They did not demand nationalisation of this and that and all that tremendous programme identified with communism, and did not have violence, dictatorship, suppression and so on. All that was not tried by the Communists and so there was some disappointment. In fact this

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appeared as a complaint in some of the publications about Kerala. They found that we were trying to put into practice the programme of the Congress. Some of them asked: are you not falling from your pedestal of communism? I say: what is communism in this country? Land reform is the basic tenet of communism, the earning of a living wage is a basic tenet. In fact the position is that, if the Congress were really to put their own programme into action, they would not be what they are today and the country would be quite different. The problem is not one of programmes or objectives. Socialism is the objective. The programme is there; the Nagpur programme has been included just now. The difficulty is that it is not being put into effect. When evictions are taking place, such sentiments are expressed—the Ministries do not act with such firmness and in a non-partisan manner as to see that they are not evicted. The land-lords evict the tenants and they are told to go to law and be merry about it. The programme prohibiting eviction is good; it is there. Take zamindari abolition. Zamindars exist by whatever other name you may call them. Therefore, the question is not about the programme or the objective. The goal of a classless society has been accepted by the Congress; we have no quarrel about the objective. Our quarrel is that these measures are not executed; they are not properly implemented because they lie on the side of the peasantry, the working-classes and the middle-classes for whom the laws are supposed to be made to make them prosperous, so then what is happening? Within the framework of socialism, monopoly capital is growing. The tenants are not getting land; the peasant does not get his rights; the worker and the middle-class do not get their rights and everywhere there is a feeling of frustration. Why is it so? What was wrong with the old programme?

Certainly everything was right with the programme and when we said that we would implement their programme, it was just another fright for the Congress Party. They were frightened at this: Communists implementing the Congress programme! That has meant that the Communist Ministry implemented the same land programmes as the Congress Ministry tries to implement in another State, and the same laws. If the laws are implemented in the proper way, the peasant will be benefited. The laws in U.P., Bengal and Kerala are all the same but the effects differ. People in Kerala gain while they do not gain in those States because the Ministries are different. This answer would naturally be fixed in the minds of the people. The Congress has become the Ministry of the bourgeois land-lords while the other Ministry is not. Hence, with the same law, there is a fundamental change. In effect this fundamental difference would grow and then perhaps people would gravitate more and more towards a view point where they would keep the same laws and programmes but change the Ministers and Ministries so that they may have a better society. Once that feeling comes, then there is the end of the Congress Ministry everywhere. This was the second fright in their minds. Implementation of the existing laws and the existing programmes and also making new laws—this double-edged weapon was used by the Kerala Ministry in order to guard the interests of the toiling people and that was the complaint against us.

Sometimes, they hurled ridicule at us: you are communists but you are only implementing the Congress programme. But then they should thank us, for Kerala also in that sense had a Congress Ministry. But instead of that, they hated us. Why? Because the example that we started setting in Kerala was most frightening to them and they did not know what to do because we were implementing the

Congress programme. They did not know what to do and so there was confusion.

A third thing frightened them. The sense of State power is the police. What does the police do in a State? It enforces the class relation that exists. The laws are enacted; they are outwardly impartial. But in effect they work against the worker, peasant and middle-class people and work in favour of the exploiting classes. In this, the police is a vital element. For instance, there is a law that a tenant is not to be evicted. The tenant says that he is not going. Then the land-lord rings up a daroga and the police man comes and evicts the tenant. He says; I am not to be evicted as I have a right but he is told: you go to the court later on and see your right there. The police is on the side of the rich, moneyed elements who just ring up the police because the police is on the tap. It has to serve the ruling Ministry, what it is and what it orders them to do. The police is pitted against the people.

Therefore, the first step taken by the Kerala Ministry was to make a police statement. We defend that statement and we shall make it again—that the police shall not interfere in strikes in favour of the employers, that the police shall not interfere in peasant disputes in favour of the land-lords and the police shall observe the law in such a way that it is not a party against the workers and the toiling masses and in favour of the exploiting classes. It was correctly declared and I would in fact welcome if some of the other Ministers and Ministries also declare it. They do not. At the slightest sign of a strike, they adopt other measures. When some demands were presented before the Prime Minister and when he was negotiating them, the police were shooting the workers in the Bhangli colony. That is how they rule in the Congress Party but we did not want to do

that. . . (Interruptions.) The reference to the bhangli colony firing is inconvenient; forget it.

So, the police statement was there and that irritated them again. But what was wrong? They started a scare that the police would remain neutral and that there would be murders and loot and dacoities, insecurity and so on. If the police are not let loose against the workers, how can there be insecurity? For whom is there insecurity? For the exploiters who want to suppress the workers? No. We are not going to give them security. The Congress Ministries want to give securities to the exploiters. A charter was given, as one Minister stated here, that for the next twenty years, in the Third, the Fourth and the Fifth Plans, there would be no nationalisation. Yes. You Ministers may give them the charter of life for the next four Five Year Plans. We are not going to give. And, if we come to power we will see that we make that statement again. Therefore, it is a question of principle. It was not a question as though the police were neutralised, not as if all crimes were not to be stopped, corrected and all that. It is a question of policy in relation to classes and the struggle.

16 hrs.

So, Sir, that was another grouse. Shall we retreat from that? No, we are not going to retreat from that position. Then, when they found that the workers and the peasants were going to make their demands, they said that all these demands were made in order to buffness the Communist Party. Sir, if the plantation workers get their minimum wages, if the coir workers get their wages, if the minimum wage clauses are enforced—we enforced minimum wages clauses for 18 industries—if we reorganise the coir industry because there was unemployment there, if we tried all these measures, what are we to do if it is attributed to the Communist

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Ministry and by logic of extension, unfortunately, it is applied to the A.I.T.U.C.? In fact, these gentlemen should have sided with us. Some of them did. Their own workers sided with these measures. When it became a political question, that this may be regarded as a political question by the party, they all came down and took their stand against these measures. That was unfortunate. What were those measures? They were the minimum wages laws, enforcement of anti-eviction laws, the police policy etc. How were those measures against the people? How were they against democracy? How was democracy being butchered by these measures? I cannot understand. How were we going against democracy? We were not going against democracy. We were, in fact, buttressing it, strengthening it. And, democracy in this country, if it is to be real democracy it must be a toilers' democracy. It cannot be an "impartial" democracy belonging to the exploiters and the exploited, where an exploiter can make himself rich and put the country in a ditch as much as he can and still be a claimant of democracy. No, Sir Democracy is certainly for all. For all to do what? Not for the exploiter to exploit in such a way that the country goes to the dogs. No, Sir; that is not called democracy.

Therefore, while taking these measures which are called partisan measures, we were actually, in fact, defending the economy. We were defending the economy of the country also. We were defending the poor class, the exploited class. And, naturally, the revolt was a revolt of the bankers, the planters, the landlords and all those gentlemen. They started and organised this conspiracy.

So this is a conspiracy with a definite motive. What is the motive? Is it to put down the Communist Party? No. It is a question of the large masses, the large people who are the

real nation here. The definition as to who are the real people, who are the real democratic masses was at stake in Kerala. We said that the nation is the exploited mass, and if the nation has to be defended the exploited mass has to be defended. In the name of the nation if you allow capitalists and the landlords to control powers and corner all the gains of our hard labour, the hard labour slogan that is to be sung at us day in and day out, then, Sir, where is democracy left, where is prosperity gone?

Therefore, of course, these measures we took with open eyes. But that also caused a little heart-burning and so on. Then came the other measures. We introduced the Education Bill. We introduced the Agrarian Bill. We also had on the anvil the Trade Union Bill. I admit there was a furore and agitation against the Education Bill. It may be that people had objection against the agrarian Act also which we passed. But if they had a discontent, how did they express it? What was done by the Central Government, the Congress Party and other people in organising the discontent and leading to a certain conclusion? That is the point.

I do not want to go into the question as to how many mistakes we committed or whether we committed mistakes at all. I am quite prepared to admit that we committed several mistakes that the people had a grouse and they were quite justified in expressing it. But I am quite sure that the Home Minister would not admit it in my case or in the case of the State of Bombay or in the case of the State of Bengal and allow people to express the discontent in the same way, because the discontented class whom they organised in Kerala gave a call for a straight rebellion against the established government. It was nothing less, nothing more than a little picketing meant to be symbolic, which was blessed, of course, in a symbolic way by the Prime Minister. But the symbolism became a bigger reality. Then it became a violent picketing, then it

became burning of buses, then it became invasion and planting of a flag on the Secretariat in Trivandrum when there were no police around—which, of course, is a very heroic act—and then finally it was a threat of a gigantic march to Trivandrum to occupy the Secretariat and to paralyse the administration. What is it, if it is not a declaration of a rebellion and overthrow of government by forcible means? What is it if it is not that? Would that same right be allowed to us, I would like to ask in between?

Is that right allowed to the Samyukta Maharashtra Samiti? The Samyukta Maharashtra Samiti got six lakhs votes more than the Congress in Maharashtra. Yet the Minister dares to sit there claiming that he has got the majority votes of the people. The Samyukta Maharashtra Samiti gave a wonderful picture of 'people's upsurge', 'mass upsurge' or whatever upsurge you may call it. But there, at that time, we were told,—it is good that theories are being revised—it was the Home Minister himself who said that direct action and satyagraha are not allowed in swaraj. Before independence, against the British it was holy and right, and after independence direct action and satyagraha is wrong.

That whole theory was thrown to the wind when it was the question of the Communist Ministry, when it was the question of the Kerala Ministry. Then direct action was sanctioned, satyagraha was sanctioned, invasion of Trivandrum was sanctioned, capturing of the Secretariat was sanctioned, tampering of administrative and police services was sanctioned, a whole rebellion was sanctioned.

Some Hon. Members: No.

Shri S. A. Dange: They say that it was not sanctioned. But there is one funny thing here. When the question of responsibility comes, somebody says that he is not a member of the Congress Parliamentary Board and he does not know what they did. When the question came whether Mr. Shankar was given the sanction or not, suddenly it was found that Mr. Dhebar

passed the resolution but Shanker got the uncorrected copy and the corrected copy was left in his pocket. Therefore, the "uncorrected invasion" took place on Trivandrum. If it is a question of the Congress President doing it, well, we do not know what relation she has to the Congress Party. As regards the Congress President I do not want to say anything because she is just a child in politics. So I do not want to criticise her conduct or say anything about that. Generally it is not always an inevitable law of nature that wisdom is inherited by laws of heredity. I do not want to discuss that; it is embarrassing and it is uncultured.

Therefore, here, in this particular case, in this delicate position, I would only discuss my friend, Shri Dhebar or my friend, Shri Sadiq Ali or other gentlemen. I would like the Congress Committee to appoint a commission to find out who sanctioned what, whose responsibility was what in what sphere, and who disowned what and ultimately attributed it to others. We would like to know that.

In any case, Sir, the cumulative result was that thousands decided to march on to Trivandrum, the Governor made a report that security has gone and Government cannot be conducted, the Cabinet advised the President, the President decided and the Kerala Ministry vanished.

Shri C. K. Nair (Outer Delhi): When the employer has no right is it not a sense of insecurity? What will he do? (Interruption).

Shri S. A. Dange: Sense of security having vanished, the best measure to give security to the people was to burn buses; security having vanished, the best security to give to the people was not to bring school students to schools and teach them but to send them out on the streets; that is the Congress method of restoring security in the country, when it is disturbed by the Communists. Close down schools; let loose the students; close down buses; burn them and then start marches with jesusshikhas and so on. It is a wonderful method of restoring

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security. I think I should like to try that recipe when the time comes. But then at that time I hope the same measures will be taken, that is, the hon. Prime Minister will visit and dismiss the ministry concerned. I do not mind that. So, here that is the position.

Now, let us argue this question. We committed ourselves and put these laws into effect. You disagreed with them. There was a difference of opinion. How could that difference of opinion be resolved? Our Ministry said: Are there charges? All right, there are charges. Let us enquire. Are these motives implied? Let us enquire. Are there demands to be argued? Let us sit round the table and have a conference. These friends of ours, who never refused a round table conference with the British, refused to have a conference with the Kerala Government—their own kith and kin (*Interruption*). On bended knees they would go to the British Governor for a conference, but with us poor people, no conference. We have become so untouchable that they will not even sit round the table with us. What more democratic method would you want? You talk of democracy and rule of law. All right, come and sit round the table and negotiate. Here was a proposal to restore the rule of law to which you objected. We preach negotiations to the world outside but when it comes to negotiations with the world inside, people turn deaf ears. So, here we were following the most democratic method—negotiate, sit round the conference table and resolve the differences. If you want an amendment in that act, suggest that. In some of the Acts they do not want to suggest amendments even. To one amendment that was suggested we said, "All right, we are prepared to take it into consideration and do it." You want an enquiry in the firing. We will have it. Certainly, have an enquiry into the firing. There is no objection to that. But you stop, sit down and nego-

tiate. What better democratic method is there than this?

Here, we are told by the hon. Labour Minister every day, "Negotiate a dispute, do not go on strike; negotiate a difference of opinion, do not go on strike; negotiate a difference, go to arbitration, but do not strike." Suddenly, they dropped the whole idea of negotiation when it was a question of Kerala Ministry because they wanted to dismiss it anyhow. Provide grounds to dismiss it because if you sit round and negotiate there may be a way out. If there is a way out and a settlement, the Ministry lives. But the aim is to get the Ministry out. If there is a negotiation then the Ministry lives because they are bound to settle. They are about to settle. Demands can be enquired into. Charges can be enquired into. So, they said, "No negotiation, no enquiry and only the slogan 'Out with the Government'." If the Centre would not help we will march

At such a time we tried the last thing. We invited the hon. Prime Minister himself to come. Was that not a respect for the law, the hon. Prime Minister and democracy that we invited the hon. Prime Minister himself to come? We were not afraid of his coming. In fact, the other gentlemen were rather afraid of his coming. In fact, it should have been the Congress Party, led by the Congress President, who should have invited him first. But no, he was not invited. He was told, "You be at a distance. We will see here what is going to happen." He came. What was his conclusion? His conclusion was that there was a certain amount of hysteria there. What was his next conclusion? It was, surrender to hysteria, dismiss the Ministry. Is that politics? Is that democracy? Is that respect for an elected legislature? You come in, you are surrounded by hysteria and then you say, "It seems that there is a lot of discontent. There is a mass upsurge which is intangible and cannot be measured because you do not know it by asking how many

people went to jail." Then you go round and say it is intangible, it cannot be measured but there is an upsurge. All right, there is an upsurge. But as the Prime Minister he is the one man in this country today who has got the reputation that he can bring the contending sides to some compromise. He is respected. He has got the weight of his opinion in the country. The masses certainly obey him and do hear his advice. Of course, if the advice is wrong they do not hear him also. That is true. But then what was his duty as the leader of the people, as the leader of the country, as the Prime Minister and as a Congress leader? He simply gives an opinion that the whole thing has hardened into two blocks with no link between them. Well, we invited you to become that link. He refused to become the link. And what happened was that he kept the two blocks separate, as they were, suppressed one and raised the other. Is that the role of a mediator, an impartial leader, a respected leader who stands by democracy, namely, to go to a country and say that there are two blocks with no link? We invited you to be link. Resolve it and bring them to a conference. Do you mean to tell me that if the hon. Prime Minister had told his people to go to a conference they would have rejected it, that is, these Congress people, Christian missionaries and all those? The way he thunders at us, if he had done one-tenth of that thundering against them they would have come round. But he did not. Why, because he was hemmed in by all the weight of the hysteria. He was hemmed in by peculiar conceptions of an indefinite mass upsurge. He got overwhelmed and then instead of becoming a link in order to bring about a compromise, find a solution by suggesting amendments to the laws, certain measures to be taken, enquiry committee to be set up—all that he rejected—he said, "Either you resign or submit to re-election." Re-election? Why? (Interruption). If there is no compromise

Raja Mahendra Pratap (Mathura):
To soften the feelings better say that

this was not a Communist Government but an independent Government because only five independents could make that Government possible.

Shri S. A. Dange: If that logic were to be applied then the conclusion is still worse and that is that it was a conspiracy not only to oust the Communist Government but even an independent Government, because it was not a Congress Government. All those independents who wish to go with the Congress beware.

What I was saying was that there was a way out, there could be a compromise. I am sorry to say that the way to compromise was not pointed out and was not worked out by the very and the only person who could bring it about and who had the authority to do it. What did he do instead? I do not want to attribute any personal motives to him. I should be the last person to do that. But the thing is that objectively at least he did what was totally reactionary.

Somebody asked me, "Is not midterm election a democratic solution? Why did we not accept it?" Our Party resolution says that the demand made against the Kerala Ministry on the grounds that are given is a demand which is discriminatory. It should be incorporated in a convention. If there is to be a national convention or if there is a provision in the Constitution for a right of recall, we would be the first to admit the right of recall and abide by it. But why should it be applied first only to the Kerala Ministry? Why was not that thing applied when the food scandal in Bengal was found out, when one Deputy Minister resigned, stood for election and defeated the Congress candidate? Why was not that Food Minister made to resign? I do not even ask for the resignation of the whole Ministry but only that of the Food Minister whose scandal was proved and in the election the seat was won by the man who made the allegation. And yet, no action is taken.

I do not want to quote other instances in several other Congress provinces. If a simple statement of somebody belonging to Opposition says that

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insecurity is there and there is a different Government or Ministry, overthrow it or order mid-term elections, it is not heeded to. What is the allegation of the 96 or 98 dissidents in U.P.? They say that there is insecurity in this province and the Government is being run not only not for the Congress Party as a whole but for one group inside the Congress Party. With this wonderful manifesto of those 96 people they have the moral courage to charge us of defying democracy and not abiding by the opinions of the Opposition! It really requires an immeasurable amount of arrogance to say those things about us with all that fire burning under their feet in U.P., Bengal and elsewhere. However, that is their affair so far as it is limited to the Congress Party, but unfortunately it embraces the whole country and also the States concerned. So, in this case, what I was saying was,—well,—if it is mid term elections, yes; we are prepared to accept it, provided it was general. The simple thing to do was to call a round table conference of all the parties in this country or this House and have a convention. Let us by a convention accept that when there is a certain amount of protest, a measurable protest, by say, a number of signatures or some such thing, we should come to a conclusion on findings which are plausible and reasonable. If, say, 30 per cent. of the electorate in a constituency says this man has lost our confidence, there should be a re-election. Put it in the Constitution. If not in the Constitution, you could have a convention of all parties here who could meet. By that convention we would be the first to have gone and had that mid term election! But we were shown a gun: "No, you must accept it because we feel so." Who are you? We are the elected legislators. Therefore, why should we accept that? You have a convention binding on all the parties. We will abide by that.

Even the idea of convention was rejected; the suggestion about the right to recall was rejected; an enquiry was

rejected. Mid term election by convention was also rejected. "Only we must accept it". Why? Therefore, it is true that their idea was not democracy, rule of law, dignity and all that. It was complete hatred for the communist ministry and a desire to get rid of it somehow. If that is democracy, in that case, I do not know what is dictatorship. If under article 355 of the Constitution, this is the way in which that article is applied, if this way is democracy, I would like to know what would be dictatorship. I do not say that it is dictatorship of the Ayub type. No. We are not as backward as that. We are more advanced and more civilised. We have quite good provisions in the Constitution and are backed up by a properly made Governor's report.

There is also a fun about this report. The first Governor's report is not worth revealing here. Even the poor Governor is called to Delhi, and asked to give a summary which is worth keeping here. Why? I do not know how a Governor could write two reports, one which is not capable of being put here and another which satisfies the Home Minister as capable of being put here. This is a peculiar machinery which we have got here for working out democracy.

Mr. Speaker: The hon Member's time is up.

Shri S. A. Dange: As you have given me a warning, I would like to sum up the position. Here, it is not a question of democracy being violated by us; it is not a question of laws being violated by us; it is not a question of this prisoner and that prisoner being released or not. If some bad prisoner is released, make amends for it, whatever way you require. But then you will say, "No, it is not a question of any one act. It is a cumulative act." What cumulative aspect hinges on this question. Some people wanted to overthrow the Government. They organised processions and marches. The Government

or India said, "This is insecurity". Where does the incapacity of the ministry to rule according to the Constitution arise? At what point does it arise? It arose with the point where the Vimochana Samiti said, "we are going to occupy the whole State Government." The Government of India said, the situation cannot be resolved except by intervention. So, the question does not rest with this man being transferred or not, or the co-operatives being started by the party and all that. The Prime Minister himself knows how the co-operatives are run by the Congressmen and all the story is known. Why go into it? I do not want to go into it. That is not the point. The point is, all the material which the Home Minister gives is totally irrelevant. The point is, the Samiti organised a revolt. The Prime Minister accepted there are two blocks and they cannot be brought together. Therefore, he suppressed the ministry and imposed the President's rule, and said "let us see what happens".

Therefore, I would say that the position that Government could not be conducted according to the Constitution does not arise out of any of the releases, or in respect of the sub-inspectors or of co-operatives. The position arose out of the revolt organised by them and on violent basis? Did it arise suddenly? No. The conspiracy developed from certain of their assumptions: "The communists shall never be elected". But now they have been elected. "They have bursted up our established notions. If once they start getting elected that malaise or disease will spread". Then, after getting elected, they conduct according to the Constitution. That is another surprise. Then the Government is good. It gives good measures. That is another surprise. They take up policies which should be incorporated by the Congress ministry with the programme which is theirs; with the law which is theirs; with the Constitution which is theirs. If these things survive, it is a threat to Congress rule in other provinces. So, "overthrow". The overthrow was organised and

blessed. Let anybody own it or disown it. That is not the point. As a whole, it was supported; as a whole it was not disowned; as a whole it was not fought against; as a whole, the best ministers and the best leaders in the Congress never went there to say, "Stop it". As a whole, the best of them supported it. Therefore, it was a conspiracy against the ministry, and I am sorry to see that the conspiracy has succeeded.

I must say it is a fall of certain democratic values. According to those values we thought that there would be impartiality in working the Constitution. We thought that the ministries at the Centre would forget in the service of the people these questions of parties and politics. But what has come out of this? They are absolutely partisans, narrow partisans, and would overthrow people's government just because it is called communist government, and secondly, because it acts in favour of the masses. What has fallen is, a step which we were taking in favour of the masses is being halted by the action of the Central ministry. And of all things, people's faith in the Prime Minister also. I may here tell a story which may not be very appropriate to modern times but you know there was a story in the *Mahabharata* that Dharmaraja's rath or chariot used to go along with others, but it was always about one foot above the earth because he never told an untruth. But once he vacillated in the war. He was asked whether Aswatama was dead or not. He knew he was not dead. He vacillated and said, "Naro va kunjaro va",—may or may not be man or elephant. The rath then touched the earth, and the man became as mortal, as good or as bad as the others were. This is the fall of the Prime Minister in Kerala. He vacillated and said, "I do not know. There are two blocs. You may be right; you may not be right". His rath has fallen and he has become as mortal as the others were or are. And that is not a gain to the country. His

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reputation is lost and it is a loss to democracy, because, now there is no one whom people can trust;—the others, some of them we know very well; we know their democracy; we know their methods and we know everything.

I am coming from Bombay and I have the experience of the Samiti. We know it very well, what non-violence they practise, what truth they practise and all that against us there. But there was one figure symbolising the Indian nation, as we think, nationally and internationally, and that one figure, in this hour of trial, where there was a question of not being partisan, siding with the people, siding with the ministry which may even be communist, that man fell a victim to that over-riding thought. Marx is still hunting him though he is out-of-date. He arose out of the grave and came up in Kerala. And he had to be buried.

And so, instead of the Constitution there is the gun. What is going to happen to the Constitution? He fell a victim and there is a loss to democracy. Therefore, it is not only a loss of the communist ministry. It is a loss to the country also because the Constitution, democracy, the conception of non-partisanship, the conception of wielding the police for the exploited—all that has been defeated. That is not, however, a final defeat, because, this time the Central Government has intervened, but the people are going to intervene in the last

Acharya Kripalani (Sitamarhi): Mr Speaker, Sir, I am not an injured party, and I cannot rise to the eloquence of an injured party. At first our communist friends said that the President's proclamation was against the Constitution. But the Constitution is so clear on the point. Whenever the President feels—whether he gets information from the Governor or not, that the Constitution is being violated he can intervene. I think this is his privilege. At first the

communist friends denied it. Afterwards they accepted it. But what did they say? They said, "The spirit of the Constitution is being violated". May I ask my communist friends, when did they believe in spirit, human or divine? I do not think they believe in any spirit except today, (Interruption), whose tappers they organised and gave them lethal weapons to go about. And, it is very significant that the first and the biggest murders took place when toddy shops were being picketed. There was no political question involved at all; it was the picketing of toddy shops. That is a very sensitive point, because the communists believe only in these spirits—toddy spirits—and in no other spirits.

They talk of the Constitution. What did they say in 1950 when we framed the Constitution? This is what they said. The CPI called upon the people "to fight this charter of slavery". Our Constitution was a charter of slavery and now they swear by the Constitution. (Interruptions)

Shri V. P. Nayar: He was a congressman then.

Shri Hem Barua (Gauhati): How does that affect matters now?

Mr Speaker: Order, order.

Acharya Kripalani: I have their latest party resolution itself which gives us the picture of the situation when the Centre was obliged to interfere. This is what their resolution says.

'Economic life was disrupted; education sabotaged, normal life brought to a stand-still; a state of chaos and lawlessness created'

Shrimati Renu Chakravarty (Banrhat): By whom?

Acharya Kripalani: By whomsoever, but not by the Centre.

As Hon. Member: By the Home Minister.

Acharya Kripalani: I deny it was created by the Home Minister. You yourself complained that he did not go to Kerala; you accused him of it. I do believe he did not go to Kerala, but his spirit did go and you do not believe in spirits. What was the poor Central Government to do? In the country there was an impression, on account of the bullying tactics of our friends which were manifest last year here, when even a telegram which can never be considered a secret document, was not placed before the House that the Centre was yielding to the bullying of the Communists. The Government would not allow the P.S.P. to give a description of what was happening there in Kerala. At every stage, I accused the Centre, it had shown soft regard for the communists. They had a soft corner for the communists and now they have been served right. Even the Prime Minister is served right. If his rath has gone two feet down and if he is considered by our communist friends as mortal, I do not know when the communist friends considered anybody to be immortal. If they consider the Prime Minister mortal, it is good for the soul of the Prime Minister that he has come down and become a more moral.

They—the communists—have said that the movement is communal. I want to understand what is the meaning of communalism. Communalism means that one community wants to gain advantage over another community. Communalism means that one community wants to take advantage at the expense of the nation. There is no other definition of communalism. Now, there is another aspect of communalism. Communalism divides, not unites. But here this communalism is so communalistic that it unites peoples. It unites the Catholics; and the Nair community, which in the beginning had been set against each other by the communists. They were set against each other and the

communists enjoyed the fruit of this disunion for sometime.

But this new communalism is such that it unites the people. It unites the Hindus, the Christians, the Mussalmans and everybody else excepting the communists. They talk of the vested interests; But these people—the communists—went down on their knees before Birla. (Interruptions). They went down on their knees licking his boots and denying to the labourers what they enjoy in the rest of India, so that they could induce him to start some industry in Kerala. They are talking without their book; they forget what they have been doing.

Shrimati Eenu Chakravarty: That brought you Rs. 50 lakhs.

Acharya Kripalani: But what about the 50 industries that have been destroyed, which was admitted on the floor of the House? After the communists came to power, instead of increasing employment, they have decreased employment. They have destroyed 50 industries.

Shri C. D. Pandey: They have destroyed men also.

Acharya Kripalani: The facts of the agitation are quite clear. All sections of people—of course, there were Hindus, Mussalmans, Christians, etc. joined—they did not cease to be religious. In order to combine together, it is not necessary that people should cease to be religious. The only unreligious people in Kerala are the communists and their fellow-travellers.

Shrimati Eenu Chakravarty: And the Harijans and the backward classes.

Acharya Kripalani: Harijans also have religion; if they had no religion, they would not have fought for entry into the temples. The Hindus, Christians and Mussalmans—because they all belong to a religion, therefore, they are communalists.

Christians are communalists; Hindus are communalists; Mussalmans are

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communalists and the movement is communal. And then, it is inspired by vested interests. When the Government was popular, when it was a people's Government, when it was a proletarian Government, how did the people join? Not only the people joined, but also, women and children—because they have imprisoned children also—all of them together. It was worth seeing the movement and those who have seen, have said that "we have never seen such an upsurge in society". All right, leave that—Hindus, Mussalmans and Christians. (Interruptions)

I remember last year I went to a conference called by Vinobaji and Vinobaji said, "Look here, our non-violent methods and sarvodaya are so powerful that even the communist Government came to a compromise with the students at the instance of Shri Kelappan" I was thunder-struck. But you cannot disillusion a saint. He must live in illusion, because with that illusion he can convert people. I knew better. Here is now the testimony of Shri Kelappan. He says:

"The two recent incidents in which I had a chance to intervene have taught me a great lesson. One has to be very cautious to deal with a Government which has scant regard for justice. I speak of two student agitations in which I interfered. I am now posing the question to myself: 'Was it not the fear of the spreading agitation that forced the Government to conclude an agreement?'"

He goes further and says:

"An important term in the agreement, that of instituting a judicial inquiry, has been dropped."

Then he says:

"The inference of this is clear. That the poor and the unorganised

sections of the people will never receive justice. The result of this will be only the growth of grudges and ill-feeling and also the development of an organised struggle."

This is what a Sarvodaya worker who pleaded with them says. They promised to do certain things and then they refused to do them. Then they talk "conference". Conference with them? With those who time after time have proved that they do not believe in conferences? It is only a camouflage. They want to save time, or Bill time, and they do not want to carry out their promises. This is from Kelappan and he is not in politics any more. And the Sarvodaya people are not in politics and they have passed a resolution that this Government should go. The Sarvodaya workers have passed a resolution, the labour organisations, except those of the communists, have passed resolutions, all the lawyers' associations—lawyers are not a very revolutionary people, they are very respectable—they have passed resolutions, all the panchayats have passed resolutions, the local boards have passed it, the municipalities have passed these, saying that this Government is not wanted. What greater proof could there be that this was a mass upsurge?

At first they said it is a communal movement. Then they came forth and said it is inspired by the Congress. If it is communal, how can it be inspired by the Congress, unless you say the Congress is a communal body, which nobody is going to believe? Why did they say that? Because Congress Governments are amenable to criticism. So they thought that it is best to focus attention on the Congress. Moreover, they have seen last year that Congress is capable of being bullied. So even a telegram was not kept before the House. If the telegram had been kept before the House the Committee which had gone into the question of privileges of this

House would have come to different conclusion. The telegram was worse than what had been alleged in the Press. That is a fact. (Interruptions.) But the Privileges Committee did not consider this telegram, because it was not in the terms of reference. They emphasized the participation of Congress deliberately, because Congress is carrying on Governments. Therefore, it is amenable to blame and criticism. Also they threatened the Congress: if you overthrow the Kerala Ministry, we will create confusion everywhere—in Bengal, in Andhra, in Maharashtra

Shri C. D. Fande: They wanted civil war throughout the country.

Acharya Kripalani: People know better than that. It is no use their denial.

They said that democracy has been imperilled in Kerala. Those who call our Constitution, the Constitution of slavery, they say that democracy is in peril. Let us see what they say: They say that if the Kerala Government had been allowed to run its course of five years, democracy would have been established everywhere else in India. This is what they said with 35 per cent of votes and a majority of two, having induced those two by giving them two Ministries With 35 per cent votes and a majority of two they say they have democracy while in many States the Congress has, unfortunately, three-fourth, or two-thirds majorities and at least 45 per cent of votes. As if that is not democracy enough, these people say that democracy would have been established in the whole of India if their Ministry had been allowed to run its course. That is exactly what the people feared. Therefore, they took up cudgels.

And who was the leader of the movement? It was not a Congressman. The Congress in the struggle did not pull its weight. And I say the PSP did not pull its weight. Who was the leader of this movement?

Who came before the country as the leader of this movement? He was a non-political person

An Hon. Member: Worst communalist

Acharya Kripalani: He may be a rank communalist. But he was not of the Congress; he was not of the PSP. He did not belong to any political party. Under Mannath Padmanabhan the whole upheaval took its present turn and it became strong. And all the people recognised the leadership of Mannath Padmanabhan, an old man of 85....

An Hon. Member: . . . who supported the Communists in the last election.

Acharya Kripalani: Yes, who supported the Communists in the last elections, so spiritedly. (Interruptions) The Prime Minister has been always friendly to them but they turned him into their opponent. Now this Mannath Padmanabhan, who supported them, has turned into their bitter enemy. What could be greater evidence of their powerful perversity?

All this is in line with the Communist ideology. Everything that they have done, they have done according to the philosophy of Marx, as interpreted by Lenin and Stalin

An Hon Member: And understood by Kripalani

Acharya Kripalani: and as understood by our communist friends. When the communism came first in India—then the communists were few—when they were in the Congress, there is not a single occasion when they have not received instructions from Russia, and nowadays they are . . .

Shrimati Benu Chakravarty: Even about supporting your Government?

Acharya Kripalani: About everything that they do. They believe in the dictatorship of the proletariat.

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Not only that. They believe in the dictatorship of the party and the party dictatorship was going to be established in Kerala.

And what steps did they take? First they enunciated a new labour policy. This is what they enunciated: "workers constitute the people". Is that the Constitution of India, I ask? The workers do constitute the people, but there are also other classes of people. We are also among them. Then they say:

"Therefore, their movement is the peoples' movement and hence any action against them will be anti-people in character."

The workers may be right or wrong. They might demolish the mills, they might demolish the factories, as they did in Russia when the Revolution took place. But they are right as they are the people and they must be supported.

Regarding police, they take pride in saying: we have said that police must not interfere with the workers. This is equality before law in which they believe! The fundamental principle of democracy is equality before the law. And they proudly say that they do not believe in the equality of law. And they are talking of the Indian Constitution. If you allow the police not to interfere, what is the meaning of that? You allow different associations in a nation—they may be communities, they may be classes—to fight out their own battles. Could there be anything more confusing than that associations and individuals should fight out their own battles and those who have to maintain law and order, namely, the police, remain silent? If that is your conception of democracy, if that is your conception of . . . (Interruption).

Shri S. A. Dange: I want these quotations to be laid on the Table.

Acharya Kripalani: Here is another principle they enunciated:

"If the majority of workers went outside, the management will not be allowed to run the industry, either by recruiting temporary hands or with the help of loyal workers."

Shri S. A. Dange: That is quite correct.

Acharya Kripalani: I am telling you it is quite correct. Then why do you want me to lay anything on the Table, as if I am telling lies! Of course, I am telling the truth.

And then: The police will interfere only if the lives of the owners and the members of their families are in danger.

Their property may be in danger. Nothing will be done. The manager's life may be in danger. Nothing. The foreman's life may be in danger. Nothing. You say it is the truth . . . (Interruption). I am quoting from your own bible I am not quoting my scripture but your scripture.

Shrimati Renu Chakravarty: Put it on the Table.

Acharya Kripalani: Whether I put it on the Table or on your head, it does not matter. But I will neither put it on the Table nor on your head, but I will place it in your head if you have one left.

Shri Easwara Iyer (Trivandrum): Sir, on a point of order. If a document is cited inside Parliament, is it not necessary that the Member should be called upon to place it on the Table?

Acharya Kripalani: Quite right. But when they themselves say it is true, I am not obliged to keep anything on the Table. I have written notes, and I can place them on the Table, if you like.

Mr. Speaker: The hon. Member is reading a document. How can I ask him to place it on the Table? He must read it and thereafter alone I can ask him to place it on the Table, if he has the original. If any hon. Member in the opposition is questioning the correctness of this, the hon. Member will put it on the Table, if he has got the original.

Acharya Kripalani: I am not reading any document. It is a typed note.

Mr. Speaker: All right. Any hon. Member can give a summary of what he has read about something. If he reads out from a document, then it is another matter.

Pandit K. C. Sharma (Hapur): Sir, the whole thing is going down in the record.

Mr. Speaker: Whoever comes next may say "this is wrong". Very well.

Acharya Kripalani: You heard them say it is correct. Shri Dange said it is correct. Then why do you want me to keep anything on the Table?

Mr. Speaker. Very well.

Acharya Kripalani: Then, they interfered with the course of justice. On the floor of the Assembly they said that they had withdrawn 354 cases, at that time. How many they have withdrawn afterwards, we do not know. And it was also admitted that most of these cases were against the Communists.

Pandit Thakur Das Bhargava (Hissar): Three thousand.

Acharya Kripalani: I can understand that the cases were against the Communists. I can also understand that the previous Government was anti-Communist and they arbitrarily put charges against them. But then, when they came into power, the judges would at least give a judgment which is impartial. Where was then the necessity of withdrawing so many cases?

Then, also, in 326 cases where judgments had been given and fines imposed, the fines were remitted and returned back. Afterwards, this has been a continuous process wherever a Communist is concerned. You can read the judgment of Mr. Shankara Menon, the Chief Justice. It is very illuminating. How they have interfered with the police, I have told you. With the magistracy and with the judges they have interfered and brought false cases against those who belong to other parties and got them convicted.

Shri Dange said, "Oh, yes, we want that there should be no interference by the police wherever there is a labour trouble." But I know that whenever there was labour trouble created by any organisation other than the Communists, the police did interfere and the magistracy did interfere. Then they established cell courts, and these cell courts gave orders to the officers—individual Communists and the members of the cell courts issued orders, they issued orders even how cases should be tried and conducted!

They allow tenants to occupy land, not only the land of the private people but also forest lands. They did not interfere with this. This is their idea of equality before the law!

Then, contracts were given to party men and when there was a report against one contract of rice from Andhra they said "this report is wrong". Finished!

And then, they created the co-operatives. Of whom? Of predominantly Communist people, and to them also they gave contracts at extraordinary rates. There was no question of competitive rates.

Now, how do they defend themselves? I have read their pamphlet which they have written in reply to the Kerala PCCs. The Kerala PCC. issued a document against them, and they have given an answer to it. I will give you only one instance of the

[Acharya Kripalani]

answer. They have quoted me there —page 42 If anybody has the report, he can look into it They must have got it I had in an article said:

"I am conscious of the fact that Congressmen do indulge in irregularities There are instances where it is alleged that they have interfered with the administration, not excluding the police and the judiciary Criminal cases are said to have been withdrawn at the instance of Congressmen There have been political murders in Congress-ruled provinces Congressmen try to do many things that are undemocratic to perpetuate Congress rule"

This is the bare quotation that is given What I have said after that, they have dropped I have said this is not the Congress policy, individual Congressmen do this I have said this is not the policy of our Government, individuals for their benefit or for the benefit of their relatives or friends do such things And I have said clearly that when a Congressman interferes with the administration, he has 'a bad conscience' But when the Communists interfere with the administration, they have no bad conscience, they have a clear conscience, they are doing their duty, they are doing their dharma according to Marx as interpreted by Lenin and Stalin, and now that Stalin is historically liquidated, only by Lenin and by them! I have said this before also.

The whole trouble is that their values are perverse What is right with Congressmen, however defective their action may be, is wrong with them What is really wrong in democracy is right with them They wanted to establish in Kerala, and through Kerala, a communist government or party government

Shri S A Dange tells us that the people are uncomfortable Yes, the people were uncomfortable They

were very very uncomfortable, Mr. Dange, with all the things that were going on in the province that you had claimed for yourself They were uncomfortable. If this disease goes on spreading, then, what will happen to our liberty, what will happen to our freedom? We will have a party rule, we will be suppressed as the people are suppressed in China and Russia We do not want this kind of suppression It is better to have no bread than to have one's liberty lost, if this the kind of liberty allowed to the people

17 hrs.

Why should the Communists complain? What have they lost? After all, democracy means government by consent The people had withdrawn their consent It has proved to the hilt that the people had withdrawn it Suppose the people have not I say, new elections are less costly than putting down the agitation that was there Why did they not take the Prime Minister's advice whose foreign and home policy they have always supported? Why? Because, it pinches them That is all The Prime Minister is all right But, if he says anything against the communist, he is wrong His credit has gone down When you agree with them, you are a good man If you disagree with them, you are a devil You are engaged in a conspiracy against them This is a strange way of arguing one set of morals for yourself and another set of morals for others I say it was definitely more dignified and cheaper to have a new election than to deal with the agitation that was going on in Kerala

The Central Government gave them all opportunities, whatever they wanted They wanted to terrorise the people by flag marches The Defence Minister gave them the army to have their march They

wanted to guard some Central Government installations and they wanted the military which was given to them. Nobody was going to do anything there

An Hon. Member: They wanted a link

Acharya Kripalani: They have the link in Delhi

What have they lost? After all, a mid-term election It gives the opposition parties an advantage that we can also, if the Congress misgoverns, ask for mid-term elections It is an advantage to the opposition parties It is no advantage to the party in power, because, after all, they have 14 or 15 Governments and the Central Government. The advantage is yours and yet you cry?

There is another thing You can pose before the people as martyrs But, you begin to weep Gandhi used to say, if injustice is done to you and you suffer in silence, you grow, you expand They would have expanded People would have sympathised with them But, they begin to abuse, they begin to curse How can the people who curse be martyrs? When Christ was put on the cross, he did not curse his enemies He rather blessed his enemies If you have to appear as martyrs, the opportunity was given to you But, you have wasted the opportunity

Again, you have got a principle established It is impossible in India any more to take away this movement of civil disobedience It was taught by Gandhi and it will remain It was the Congress who denounced it in a democracy You have been indulging in it Today, you denounce it I cannot say that the PSP should denounce civil disobedience because we have indulged in it You denounce it It does not lie in your mouth We have the whole field of India where we can organise civil disobedience provided there is a call

for it Civil disobedience means that all other remedies are exhausted

Then, you say you called for a conference The Catholics pleaded on their knees for a conference on the Education Bill and you refused it

Some Hon. Members: When?

Some Hon. Members: No

Acharya Kripalani: They did, I say It is wrong They—the Catholics—wanted it and said, let us sit together You said, nothing will be altered

I say, all these advantages the Communists have They have got first of all, mid-term elections Their Chief Minister said, we are certain of winning a victory If they have a victory, they will justify themselves They have been given the crown of thorn of martyrdom which they are repudiating Similarly, civil disobedience has been established as some thing which cannot be taken away from India What have they lost? What are they crying for? In every point they have gained

Some Hon. Members: We are not crying

Acharya Kripalani. It is just like—I should not say it—a sex which kicks and begins to weep itself It is just like that It is their error and they begin to weep themselves

I am sure the House will agree with me that there was ample cause for the interference that was provided for in the Constitution I am only sorry that the trouble was allowed to grow and that the Government had not interfered earlier I assure you that is the complaint of the Kerala people also We have got to be very careful lest we establish here a proletarian dictatorship, a party dictatorship that would annihilate all our liberties

Shri M. R. Masani (Ranchi East): Mr Speaker, it was exactly two years

[Shri M. R. Mazani]

ago that our esteemed President visited Kerala and on the 14th of August, 1957 he made this statement:

"I am happy that this great experiment which is being made in your State is going to serve as a lesson not only to other States but to the country as a whole, as an example of co-existence."

It is an irony of fate that, within two years, our President, who, with his trusting nature had expected great things from this experiment in Kerala, has had to come to us and confess that this experiment is a failure. A lesson has undoubtedly been learnt, but it is a different lesson from what the President with his good and trusting nature had imagined. Archarya Kripalani in his magnificent speech, has said that the people who had illusions have learnt a lesson and "serve them right". I will not be so unkind. I do feel that this lesson, even if it has been learnt at some cost to the country, has been well and truly learnt. The Home Minister, this morning, expressed regret that this intervention by the President became necessary. I am sure that we all regret in this House the fact that it was made necessary for the smooth running of the Constitution to be disturbed in any State of our Union.

It has also been said that this may be a bad precedent. A political party in power at the Centre advising the President to remove a Government of another political party still enjoying a majority is not a very happy expedient. Good friends of mine have said: "Today it may be the Communist party, tomorrow it may be the Gantantra Parishad or the P.S.P., and the day after it may be the Swatantra Party. I do not suspect the good motives of the Government I do not think that they would consciously do an injustice to an opposition party. Indeed, the statement made by the Home Minis-

ter this morning showed conclusively that, if any one leaned over backward and showed more patience and indulgence than was due, it was the present Government in regard to Kerala. Therefore, I do not suspect their motives, but I do think it is unfortunate if one party Government puts itself in the position of being so accused rightly or wrongly. I think there could be better days of dealing with a situation such as has arisen.

Under article 103 of our Constitution, if a single hon. Member of this House behaves in a way that it disqualifies him from maintaining his seat, the power to remove him is given to the President. But the President does not act on the advice of his Cabinet. The article lays down that the case will be referred to the Election Commission, and it goes so far as to say that the President "shall act" on the advice of the Election Commission. In other words, a quasi-judicial remedy is found by which an independent judgment is brought to bear and the President acts on it. I wish some such expedient had been devised in this case. Indeed, my good friend Dr. K. B. Menon provided all of us with such an opportunity almost a year ago. He asked for an investigation into the misrule in Kerala. If at that time that move had not been frustrated, we would all have been in a happier position because today the President and this House would have been in possession of a judgment of a quasi-judicial tribunal or authority proving the indictment and making the removal of the Kerala Communist Government a harmless, neutral, non-political act. I think that, in future this precedent might be avoided and something on these judicial lines might be devised.

As I pointed out, if one single hon. Member cannot be removed without a judicial procedure, not by the President on the advice of his Cabinet,

then surely a duly elected State Government should not be removable without the same care and the same scrupulous investigation.

But the real issue of this debate is very simple. Have the people of Kerala got the right to choose and change their Government from time to time? By "time to time" I do not mean five years. Our Constitution lays down that Parliament and the Assemblies can be dissolved earlier than the stated term. That is only the maximum. Articles 72, 174(2) and 164 make it perfectly clear that the existence of a State Government is at the pleasure of the Governor, and that the life of the State Assembly is also at the discretion of the Governor who may dissolve it at any moment.

The thesis behind this, which we have taken from the British Parliament, is that at no stage should a divergence of wishes be allowed to develop between the electorate on the one side and Parliament on the other, and when the Head of the State, be it the British Crown or our own President or the Governor of Kerala, becomes aware that a divergence has developed, it becomes his duty to dissolve Parliament and to have fresh elections so that the identity of views may be restored.

The Governor in his Report makes it clear on pages 12, 13 and 15 that in his opinion the Communist Kerala Government had lost the confidence of the overwhelming majority of the people. He also makes it clear in his report that that Government was guilty of misrule and of subverting the Constitution. If that is so, the question arises: why did he not dismiss the Communist Ministry of Kerala? The answer is that normally the Governor acts on the advice of his Chief Minister. Therefore, we find that if Central intervention had to take place, two people are responsible, primarily the Chief Minister of Kerala who, despite the

Prime Minister's advice, despite the obvious gap between the people's confidence and his Government, clung to office in a way no self-respecting Chief Minister should cling to office. It was high time for him to go to the people and ask for a fresh mandate. We cannot imagine any British Prime Minister clinging to office under conditions which Shri Namboodiripad thought were good enough. On the other hand, I do believe that the Governor could have and should have dismissed the Chief Minister and called another Chief Minister to office, who would have advised dissolution. The British Crown has twice dismissed Prime Ministers who, like Shri Namboodiripad, tried to outstay their welcome. It is true that this has not been done in recent times, but that is, as I said, because no British Prime Minister in that democracy would cling to his office one day after his mandate was really challenged.

Thus, by a process of elimination, we come to this conclusion that if the people of Kerala were to be given a chance to change their Government, the Proclamation by the President became inevitable. Clause C(iv) of the Proclamation lays down that elections shall be held "as soon as possible." I do hope, and I am sure the House will agree with this, that no single day will be allowed to pass that is not necessary before the people of Kerala have a chance to cast their mandate. Faced with this situation, reluctantly as one does, I see no option, every Member of the House who respects the Constitution will have no option, but to vote for the Resolution moved this morning by the hon. Home Minister.

I have another equally fundamental ground for supporting the President's action. It has already been stated by Acharya Kripalani that it became necessary to intervene, to remove this Government, because the democratic rights and liberties of the people of Kerala were in danger and

[Shri M. R. Masani]

because the Constitution was being subverted. We have heard some amount of talk in this House and outside about democratic liberties. Coming from the quarters that it does, it has an audacity that takes one's breath away. What kind of democracy does the Communist Party believe in, and what kind of Constitution do they achieve or establish when they come to power? Since Acharya Kripalani's remark about Lenin was questioned, I shall take the liberty of reminding the House what the concept of democracy or dictatorship of Lenin, who still remains the Father of that Church is. This is what he said. This is from his Collected Works published by the Communist Party itself.

Shri T. B. Vittal Rao (Khammam)
What is the Volume number?

Shri M. R. Masani: Collected Works, Vol. 21, pages 155 and 156, International Publishers, New York. This is Lenin's fundamental thesis about the nature of Communism and the nature of bourgeoisie democracy.

Shri Narayanankutty Menon: New York edition?

Shri M. R. Masani: Published by your people, the International Publishers, a Communist publishing house in New York. He says,

"The State is an organ or apparatus of force to be used by one class against another—a machine for the oppression of one class by another. So long as the State remains an apparatus for the bourgeoisie to use force against the proletariat, so long can the slogan of the proletariat be only the destruction of the State, but when the State has become proletarian, when it has become an apparatus of force to

be used by the proletariat against the bourgeoisie, then we shall be fully and unreservedly for a strong power and centralism... The substitution of the proletarian State for the bourgeois State is impossible without a violent revolt."

The Communist International, when it came into existence, naturally agreed with this. I shall quote from the Statutes of the Communist International adopted in 1920.

"Communism repudiates parliamentarianism as the form of the future—it repudiates the possibility of winning over the parliaments, its aim is to destroy parliamentarianism. Therefore it is only possible to speak of utilising the bourgeois State organisations with the object of destroying them."

And here comes an anticipation of Kerala. The Comintern talked of a local Communist Government faced by a non-Communist Centre.

'If the Communists have the majority in the local Government institutions, they must (1) carry on a revolutionary opposition to the bourgeois Central authority, (2) do all for the aid of the poor population (economic measures, establishment or attempt to establish an armed workers' militia), (3) point out on every occasion the barriers which the bourgeois State power puts against really great changes, (4) develop on this basis the sharpest revolutionary propaganda without fearing a conflict with the State. Each Communist must remember that he is not a 'legislator' who is bound to seek agreements with the other legislators, but an agitator of the Party, detailed into the enemy camp.

so, Parliament is the enemy camp

"... in order to carry out the orders of the Party there. The

Communist Member is answerable not to the wide masses of his constituents, but to his own Communist Party—legal or illegal”

This is the Communist conception of democracy! It is obvious that it has nothing in common with the conception embodied in our own democratic Constitution

This morning a Member of our House told me “Oh, but Lenin is out of date, at Amritsar the Communist Party accepted the Parliamentary path to socialism” Since there are people in this House who, evidently, are under that illusion, let me refer to what was decided at the Amritsar Congress of the Communist Party in April, 1958

Six months before the Amritsar Congress took place, when this alleged change of line was brought into force, there was a conference in Moscow of the Communist Parties of the world. The Indian Communist Party was represented there in November 1957 by a delegation led by Shri Ajov Ghosh, the General Secretary of the Party, but very cleverly and for tactical reasons they did not sign the Moscow Declaration. On the other hand, Shri Ghosh, on returning to India, made it clear that the absence of signature was purely tactical. This is what he said in the *New Age* the organ of the Communist Party

“The specific form in which the unity of the world Communist movement has been achieved in the past is no longer suitable. Past forms therefore should not be revived. At the same time, there is a necessity of closer contact between Communist Parties, greater exchange of experiences and views. Concerted action on common issues thus will strengthen the struggle of the working classes in all countries.”

In other words Shri Ghosh reaffirmed the link with Moscow, made it very clear that the Communist Party of

India is not just an ordinary Indian political party, but it is one finger on the two hands of the international Communist conspiracy

Now, Sir, the Amritsar decisions are nothing but a paraphrase of the Moscow resolution. Just to give an example, let me quote three passages. I would not take up much time. I shall quote only three short passages to show how the language of the Moscow Declaration has been paraphrased verbatim into the text of the preamble to the Constitution of the Communist Party adopted at Amritsar in April, 1958. Let me give just three short quotations, but anyone who reads those documents will find that one is merely a carbon copy of the other.

Now this is the Moscow Declaration

Stronger fraternal relations and friendship between the Socialist countries call for a determined effort to overcome survivals of bourgeois nationalism and chauvinism.”

The preamble to the Amritsar Constitution is

“The Communist Party fights against chauvinism and bourgeois nationalism.”

Again the Moscow Declaration says

At the bed rock of the relations between the countries of the world socialist system and all the Communist and Workers' Parties lie the principle of proletarian internationalism.”

The preamble to the Amritsar decision reads

The Communist Party of India bases itself on the principle of proletarian internationalism.”

I could go on quoting sentence after sentence showing that the whole preamble is just a copy of the Moscow Declaration.

Shri Nagi Reddy: The hon Member may quote from 1920, that is all right.

Shri M. E. Masani: Now, what was the Amritsar thesis? The Amritsar

[Shri M. R. Masani]

thesis was the application of the Moscow Declaration, that there were two paths to socialism. I may mention for the benefit of the House that in 1936, during the first flush of reaction against Stalin, Mr Khrushchev had said that there were many paths to socialism, but two years later, when the retreat to Stalinism started, the many paths became just two paths. The two paths to socialism embodied in the Moscow Declaration are as follows:

The parliamentary path. The parliamentary path may lead to winning of State power and thereafter the parliament is to be used for transforming parliament itself into an instrument serving the working people.

which now means the communist party.

In addition the communist must launch a non-parliamentary mass struggle and smash the resistance of reactionary forces.

This is a nice parliamentary method which is a first alternative. The second alternative is worse.

The second path for which the party has to be prepared is one of 'non-peaceful transition to socialism'.

Justification for this path is to be found in the observation of Lenin:

Leninism teaches and experience confirms that the ruling classes never relinquish power voluntarily.

Therefore, both alternatives in the end become one alternative, which is that, without a violent revolution and destruction of the State apparatus, no transition to socialism is possible.

Shri Nagi Reddy: That has been proved in India.

Shri M. R. Masani: If this is the proof that they have, they are welcome to have it. I think India has proved just the reverse. India has proved that the transition to socialism, whether we like it or not, is, and can be, attempted peacefully and democratically. (Interruptions).

Shri Narayanankutty Menon: In spite of the Swatantra Party?

Shri M. R. Masani: I said 'Whether we like it or not'.

I do not believe in denying historical facts, whether I like them or not. (Interruptions). That is the monopoly of the Communist Party. As Acharya Kripalani has rightly pointed out, the practice of the Communist Party in Kerala has faithfully followed these theories which I have just quoted. Lenin said that the bourgeois State must be smashed and should be replaced by the dictatorship of the proletariat which means the dictatorship of the Communist Party.

Well in India the Kerala Government had to face these three hostile forces, which did not allow them to smash the bourgeois State. One force was the Central Government which was not in their control. The second force was enlightened public opinion within Kerala itself, and the third was the Constitution. So, faced with these the Constitution, the Central Government and public opinion, they could not do what Lenin did in Moscow, but they did very nearly the same, and the summary of the report which we have seen today, and Acharya Kripalani's evidence, show that they did several things or tried to do them.

They tried to build the party into a parallel administration. They took measures to secure the obedience or the impotence of the State administration and its officials. They gave effective power to their own cells and local units to override the machinery of the State. They conferred on these

people immunity from criminal law and the punishment for criminal acts. And, as a result of these four measures, they tried to exercise a subdued terror against all who would not line up with them. A citizen of Kerala and a former Minister of the Kerala Government has been quoted publicly to have said 'I have lost my Indian citizenship. I can only regain it, if I agree to take up a communist party membership card'. When a former Minister of the Kerala Government feels that his citizenship is being taken away from him as a result of this Government, and the only way he can have full rights is by becoming a limb of the party in power, then, I think, it will be agreed that you have a situation very nearly parallel to that in Hungary or that in Tibet.

The only difference between Hungary and Tibet on the one side and Kerala on the other is that, in the one case, there was an Iron Curtain and the Red Army or the Chinese Army, while in the other, there is the Indian Constitution and the rule of law in this country. If it had not been for the fact that the rule of law is here, that the Red Army is not here and the Iron Curtain is not here, the people of Kerala would have today been undergoing the same slavery that the people of Hungary and Tibet are undergoing today.

Therefore, this action had to be taken, if we did not want within our own country a Hungary or a Tibet. Are we going to have the shame of standing by and seeing our people enslaved again within ten years of our Independence? That, I think, was the issue before the country. As I say, it seemed there was no other constitutional method than the President's Proclamation to achieve this end.

There is just one last point. What is the duty of democrats faced by a party that tries to use the mechanism of democracy for its destruction? Are we to stand by and helplessly see the people of Kerala or of India taken under toe by a ruthless minority

which fights elections and tries to use parliament, as I quoted, for its own destruction? Is there an obligation on us to hand over our Constitution, the shield of our liberties, to be used as a cloak and dagger of a future tyranny? Has the Communist Party, in other words, the right to claim the facilities of democracy?

Put it another way: One of the rules of the democratic game is, as was mentioned by Acharya Kripalani, it is government by consent. Shri G. B. Pant also made that point this morning. There can be no democracy if there is no tolerance, if there is no give-and-take, if people will not hand over office peacefully to those who defeat them at the polls. Can you plan tennis with a man who does not agree to return your service? What kind of tennis will it be? Again, what kind of a cricket will it be if a team is sent in to bat and it refuses to vacate the pitch even after ten of their people are out. This is exactly what the Communist Party in Kerala and every Communist Government does.

An Hon. Member: We did not do that.

Shri M. R. Masani: If you allow them to occupy the pitch, they will refuse to vacate the pitch for eternity.

Shri Narayanankutty Menon: What has your own leader said about Kerala?

Shri M. R. Masani: Never mind my leader.

I am talking here as a Member of this House, responsible to my constituency and to my conscience. There is no question of leadership here. This is a question on which I am speaking on behalf of the Independent Parliamentary Group which is going to vote for the President's Proclamation and the Home Minister's resolution.

An Hon. Member: The hon. Member is quoting scriptures.

Shri M. E. Masani: My hon. friends will quote the devil or God as it suits them. They are welcome to do so. I was saying that the real issue is this Should a democracy allow the enemies of democracy to utilise democratic processes for their own destruction? I shall not answer that question, because I shall be accused of intolerance. I shall quote a very well-known British socialist, Mr. E. F. M. Durbin from his book *Politics of Democratic Socialism* which is well-known to my Socialist friends here. Now, Mr. Durbin was a junior Minister in the last British Labour Government, and one of the theoreticians of the British Labour Party whom my hon. friends will not accuse of being reactionary

Shri Narayanankutty Menon: Now, does he belong to the Forum of Free Enterprise?

Shri M. E. Masani: This is what Mr Durbin says

He has answered the questions that I have tried to put He has said

"In the first place, I think it is important to realise that Fascists and Communists cannot claim, as their right, the privileges of a democratic society

"We should continuously remind ourselves that the enemies of democracy have no moral right to the privileges of democracy, and that a time may come when, to defend ourselves, it will be necessary to suppress their political organisation

" It is only the intolerant who cannot be tolerated, and those who deny freedom to others have lost the right to freedom for themselves."

I think this is a sentiment with which every good student of communism and of democracy would find it impossible

to disagree. Now, I am saying that the Communist Party has no right to exist. If, today, the Indian people are allowing them to exist, if today the Indian people ... (Interruptions).

Mr. Speaker: Order, order. If hon. Members go on interrupting, what is the wonder? They interrupted there in Kerala. (Interruptions). Order, order. Hon. Members who are trying to oppose this Proclamation and who are trying to oppose the resolution for approval of the Proclamation must show greater calmness here. The very accusation is that they did not allow law and order to be maintained properly in Kerala. If hon. Members make it impossible for me to carry on here, I do not know what they had done there. (Interruptions).

Shri Punnoose (Ambalapuzha): We will keep quiet provided you promise us protection

Mr Speaker: Yes

Shri V P Nayar: But when Shri Masani makes such statements, we must take note of them

Mr. Speaker: If hon. Members will not misunderstand me, I always find that there is not as much heckling from the right side as from the left side. I find that constantly, except the hon. the Leader and the Deputy Leader of the Group, all the others seem to be, sometime or the other, doing half their speeches by interruption. They will keep quiet hereafter

Shri M E Masani: In a country like Britain, the Communist danger simply does not exist. They are too educated and too mature a people to take Communist propaganda seriously. And yet here is a theoretician of the British Labour Party who quite clearly says that if ever the time came in Britain when Communist activities became a danger to the State, his Party would have no hesitation in outlawing the Communist Party. We in India are not as happily placed as the people of Britain. We have not

got the same education, we have not got the same tradition of democracy. Even so, I have enough faith in the Indian people and their intelligence to say that we need not ban the Communist Party of India. Let the Indian people show their *meherbani* to the Communist Party of allowing them to function legally, because the Indian people have the intelligence, if properly led, to realise the difference between democracy and Communism and close their doors against the latter. The only thing is this: in order that we can allow them the liberty of functioning normally and officially, it is doubly necessary that they should be defeated politically. Let us not use police power to defeat our opponents. Let us defeat them by the weight of political intelligence and superior morality.

Now, in order to do that, two things are necessary. One is that we must not forget the real nature of Communism, its theory and its practice. I quoted the statement of the President in the beginning, because it seemed to me then—and it is obvious now—that it was based on too much of a trusting nature, too much of an innocence about the real nature of the theory and practice of Communism, whether in this country or abroad. Let us hope that that lesson has been learnt, wherever it needed to be learnt. In other words, let us not have any illusions about the people we are dealing with. Let us remember the old proverb: 'He who sups with the Devil needs a long spoon'.

The other thing that needs to be learnt is that in the face of the totalitarian threat, all patriotic citizens, all good democrats, have to sink their differences and come together. Whether we are socialists or conservatives, whether we are Catholics or Muslims, as Acharya Kripalani pointed out, the nature of Communism is such that it drives us all together. The only difference is that if we are driven together in time, as in Kerala, we may escape; if

we are driven together too late, it may be too late for us to get out of the net.

One would like to think, therefore, that as a result of these two years' unfortunate experience in Kerala that lesson has been learnt, that we have learnt, as Abraham Lincoln once put it, that "a nation cannot be half slave and half free", that freedom is indivisible, that we cannot have a Free India and not a Free Kerala, that if India is to remain free, Kerala also has to be liberated.

I have no doubt that the people of Kerala have learnt the lesson. They have shown it in practice. They have shown it by their struggle, a united struggle. They have shown it by their sufferings and by the blood that they have shed. But I think we shall be letting down the people of Kerala—and that grand old man, Mannath Padmanabhan, whom they have thrown up as the symbol of their resistance—if we do not also learn this lesson at second-hand. Let us learn from them the real nature of Communist rule. Let us tell the people of Kerala that we admire what they have done, that in fighting for their liberties they have fought for ours also, and that this House will not let them down.

Sir, I support the Resolution moved by the Home Minister.

Shri Khadilkar (Ahmednagar): Mr. Speaker, Sir, spokesmen of two ideological camps who have tried to analyse developments in Kerala from their standpoints, one ideological camp represented by Shri S. A. Dange and the other represented by two other hon. Members, Acharya Kripalani and Shri M. R. Masani, unfortunately, have not come to the realities of the situation. As we all know, Shri Masani is haunted by the fear of Communism and today he has to come to the conclusion, because of this haunting fear of Communism, that even the Congress is going Communist. I for one would not like to

[Shri Khadilkar]

interpret events in Kerala from a partisan angle. I would neither like to go with those who worship a negative creed of anti-Communism nor would I follow those who fanatically worship a particular ideology known as Communism. I feel—and I am proud in saying this—that the vast majority of the Congress people in the country, and people at large today, in considering democratic development in this country are not in any way influenced by the 'ideological conflict', or the partisan view points.

Therefore, freeing myself from this conflict, I would like to consider the situation in Kerala. What has happened in Kerala? My hon friend, Shri M. R. Masani, asked: how are we going to fight the Communists? Are we going to fight them democratically? Are we going to fight them with due regard to the fundamentals of the Constitution or are we going to allow an undermining of the Constitution with disastrous consequences for the future? This is the issue before the House.

I do recognise that events had come to a pass where Central intervention was inevitable. There was no escape from it. I have discussed this question with Communists and they themselves admitted—as several other leading people of Kerala admitted—that at a particular phase of the struggle, the situation had gone out of control. But when I say intervention had become inevitable, are we not to consider the antecedents—who brought about the situation and did we act without violating the spirit of the Constitution?

I would like to refer to the Constituent Assembly Debates, particularly when this article was discussed. Some of the Members of the Constituent Assembly are present here. Then Shri H. V. Kamath raised an objection. I would like to refer to what he said at that time when this emer-

gency article 356 was debated. He said:

"Do we want to confer powers upon the Union Government to see that peace, order and tranquillity in the State are not jeopardised or are we going to confer powers upon the Union Government to intervene in the internal affairs of the State?"

Shri Nath Pai (Rajapur): Shri Kamath had asked for intervention

Shri Feroze Gandhi (Ra: Bareli): Shri H. V. Kamath is supporting the intervention

Shri Khadilkar: Shri Kamath has a right to change his opinion. Shri Dange has also a right to change his opinion, if he believes in democracy today. I cannot believe those who claim to be Gandhians saying that a person has no right to change his opinion. You have a right to change your opinion and, therefore, you must also accept his *bona fides*. When this article was debated, Dr Ambedkar persuaded the Constituent Assembly to accept it with this viewpoint, that it would be almost a dead-letter; it would be taken advantage of in the last resort, normally it would not be invoked. These were the words of Dr Ambedkar. At that time, Dr Kunzru said the same thing. He expressed doubt. Today, a certain situation has developed in Kerala. When that development was taking place, did the Party in power at the Centre and in 13 other States act up to the spirit of the Constitution?

Pandit K. C. Sharma (Hapur). Cent per cent

Shri Khadilkar: Leave aside the letter of the Constitution.

I would like to make an appeal to the Prime Minister, because when I move in the streets I find that even the common man is stirred, today his faith in democracy is shaken. In this

country, we may talk of Constitutions, we may talk of Parliament, but Government is certainly sustained by faith in a person, and today the vast majority of the people outside have an immense faith in Panditji and, therefore, this democracy or democratic system is sustained. We cannot ignore this fact. If their faith is destroyed, if it is shattered, if it is outraged, are we going to ignore it and say 'Look here, once in a way, we were not prepared to tolerate a Communist Ministry coming to power through elections. Therefore we must express our glee in this fashion' Are we paying real tribute to our Constitutional faith? We know what happened in the name of the Constitution when Hitler came to power. We know the same type of Constitution, very well outlined, was there in Spain, but when Franco forced his way to power, he shattered the Constitution. (Interruptions)

I know how it happened. In Spain events happened in such a way that the Constitution was perverted and allowed to be perverted. We remember those days when Pandit Nehru used to move from place to place giving the implications of this Spanish civil war to the people and teaching them a lesson. 'If you want to live for democracy you will have to be very vigilant.' I remember one of his speeches in Poona one of those days. I was very much impressed by that, how certain events in international affairs affect people.

Therefore, while we are trying today to justify a certain action taken by the Central Government, are we going to justify all the acts, the antecedents of that act? In my opinion it is vitiated. If I were to pass moral judgment, I would say, in the eyes of the people, in the spirit of the Constitution, a Government that has no other course in a particular case—that they had to intervene—stands morally condemned. I cannot minimise this issue in any other manner.

Why does the Constitution envisage

Pandit K. C. Sharma: Because you are in anger.

Shri Khadilkar: I am not angry, I am not frustrated as so many of you are. (Interruptions) I say I am not a bundle of frustration as I see every body here.

What I was saying was this. From one side the Constitution empowers the Centre to intervene. I have gone through the scheme of the Constitution. It lays it down as a duty, as an obligation of the Centre to intervene to give protection to the legally constituted Government. I have consulted judicial opinion in the country. I have consulted legal luminaries, and no one with a clear conscience or a certain ideological faith for this or for that type has come forward and said that this is in keeping with the spirit of the Constitution. Because you are intervening here in such a way what happens? Are we to understand that this Constitution is to be operated by the Union Government to their convenience? If we are going to support this proposition in this country there is no possibility of any Government—leave aside the Communist Government—functioning in any State which is not falling in line with the Congress completely. Today men like Shri Masani are trying to mobilise revolution within the Congress and outside Congress in the country and saying 'Oh, Congress is today undermining the liberties of the people. Rajaji, his leader has said that it is a constitutional rebellion.'

You must look at this again. If you bear them in mind, I would like to remind the Home Minister who is sitting here of what he did when he acted in one way while dealing with the Kerala situation. I admit the communists have committed mistakes. A certain barrier was created between the people who were ruling and

[Shri Khadilkar]

the Opposition. That has been admitted by the Chief Minister of Kerala on several occasions. And, the communists, perhaps, did not try to win them over or did not succeed. That is just possible.

But, in one case you intervene on the side of the law-breakers, those who were out to pull out a Ministry legally elected and constitutionally elected. But what did you do in Bombay when there was a genuine up-surge?

Shri Nath Pai: They made a basic mistake.

Shri Khadilkar: You tried to impose a solution of this August Assembly without consulting the people of Bombay, Gujerat and Maharashtra (Interruptions). One of the colleagues of the Prime Minister said: If you do not allow debate, discussion and persuasion, in a democracy people are likely to take the issue to the streets. The Prime Minister declared at Amritsar: If you are threatening that issues will be decided in the streets, then, I will also meet these people with the danda.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Where?

Shri Khadilkar: I will quote it if necessary. I do not know where he has kept that danda. In the case of Maharashtra when 125 people and more—they were innocent people—who were trying to agitate and demonstrate in a peaceful way were killed like flies, you glorified the Chief Minister by upgrading him, shook hands with a man who has not the least consideration for democracy or for human values. And today what is the position? If you consider you have stabilised the Maharashtra situation, you are wrong. But the main consideration is, while operating the Constitution if you are going to show discrimination on the side of law-

breakers to intervene in Kerala and on the side of a sort of dictator and ruthless man in Bombay, you put him and say, all right, kill people to your heart's content; it does not matter; we are going to impose a solution on the people concerned and we are not going to listen to them, is this the way of living up to the spirit of the Constitution? (Interruptions). I want to know this. Therefore, it has outraged the common mind. Kerala has roused these people and they are discussing the issues. Constitutions are to be lived upto. The Constitution is not a dead document. And, in the ideological conflict that is going on, I am afraid, it is likely to be torn to pieces. If the Central Government and the Congress party which rules in 14 States are going to take this attitude that in this land no other party through constitutional channels, can ever aspire to come to office, I fear, there is no future for democracy. So, this event in Kerala is a great tragedy in the early period of our democracy when we have got to create better precedents for the generations to come. We are not here concerned so much for tomorrow.

Those who were talking about Kerala just now quoted several instances and said that these things have happened. But you must go to find out what is happening in Kerala. I have talked to the people, High Court Judges, ex-Ministers and common people. They say,—excuse me for saying this; I am trying to convey the feelings of the people of Kerala—they say that they are disgusted with party rule in the State once for all. This is their feeling because they have had experience of the Congress, of the P.S.P. and, unfortunately, when they gave an opportunity to the communists, the communists also did not, perhaps, satisfy them as they should have. This is the position. If such a feeling grows in the country, where is the growth of democracy and parliamentary institutions; if people feel

that they have no faith in party rule, where is the future for democracy? This is a question which should be considered very calmly and quietly by this House

One more thing So far as communist rule in Kerala is concerned, I have expressed myself sufficiently

Shri Nath Pai: Very eloquently

Shri Khadilkar: And they did not operate the constitutional machinery as they ought to have And because of that failure a certain disillusionment that was existing has further grown I do admit that (Interruptions)

I was reminded of a crisis of a somewhat similar nature that took place in 1931 in Britain when the Labour Government came to power The conservatives manoeuvred the international finance world in such a manner that they conspired to bring down that Government At that hour a great political thinker in Britain had uttered certain warnings for those men like the Congress people who believe in socialism, as I take it or the communists or others of us, excluding Shri Masani, of course in this House (Interruptions)

Shri M. R. Masani: A few million others outside this House also

Shri Khadilkar: I would like to read that passage for the benefit of the communists and for the benefit of the House

It has been observed by a very great thinker while dealing with the 1931 crisis in Britain

Shri Nath Pai: Who is he?

Shri Khadilkar: Professor Laski in the crisis in democracy

You must have read it, I have done it in my own way He says

"A socialism which pays reasonable tribute to the established

expectations of vested interests is far more likely to succeed than a socialism which insists upon their forthright destructions Therefore, prudence is a primary virtue in political behaviour The socialist Government has so to act that two lessons follow from their policy What it does must seem to be just to bulk of the opinion in society and what it does must be done in such a way that the transition is not marked by the kind of abruptness which moves those affected to justifiable despair and indignation The refusal of the socialist Government to invite a challenge is safeguard for its policies and not a danger to them"

In my opinion, as I had said earlier, the Chief Minister of Kerala had realised that there were barriers I have also seen such a polarisation of opinion, on the one side were the communists and their friends and on the other all the others whatever be their character In such a position, the democratic institutions cannot function and therefore it is absolutely essential that the position should be rectified I would like to remind Shri Masani whether he likes it or not, once the Communist party takes to constitutionalism

Shri M. R. Masani: It never can

Shri Khadilkar: They have Let us give them a trial If it comes out successful, how are you going to deal with it? We have no short-term solution Either you must keep them outside the pale of the Constitution or allow them to function with its fold But once with the sanction of the electorate—a growing sanction because there is a growing dissatisfaction in the country—the communists emerge as a constitutional opposition to the ruling authority you have got to decide today or tomorrow how you are going to face them, because the Kerala crisis is not over After the election, I know what is going to be the result? No party is going to

[Shri Khadilkar]

win People have no love for the Congress Acharya Kripalani cited instances Some of them are true. I have gone through the reports I would request Acharya Kripalani—I have the highest regard for him—let him undertake a sort of an enquiry in any Congress Government of his choice My experience is the same All types of nepotism, corruption, party rule and total disregard for normal political behaviour—you will find all these He was once the Chairman of the Railway Corruption Enquiry Committee

Shri Nath Pat: He said so (Interruptions)

Shri Khadilkar: Therefore, while indicting the Communist Party, your conscience must be clear Those who are indicting the communists, particularly the Gandhians like him, must also see their faith and their attitude so far as the opponent is concerned so that he is not prejudiced by certain ideological attitudes (Interruptions)

An Hon Member: He wants to be returned unopposed'

Shri Khadilkar: There is one other aspect which needs reference while we are dealing with Kerala You are playing with fire I would like to utter a word of warning You are reviving—I had been to Kerala—for the sake of getting into power, the Muslim League Somebody said that the League in Kerala was a democratic party. I was surprised One great achievement during the last ten years under Panditji's leadership is that we are developing a type of secular democracy There is no place for communal party or caste parties Are we going to sacrifice that big achievement during his lifetime for the sake of getting into office in Kerala and giving a call all over India to Muslims to organise because they will get recognition from the ruling party of this country which rules at the Centre and 13 other States. Is this the position

we are visualising in this country after we have seen what has happened in the past and the country was divided in order to get freedom. This is an issue which cannot be lightly brushed aside In conclusion, I may say that while discussing Kerala, I am not taking a partisan attitude It is not a question of liberation of the Kerala people Their grievances are there They are frustrated You are talking in terms of liberation. You borrow phrases from foreign conflicts which are not applicable to India Therefore, let this House assure the people of Kerala that after the next elections a fair trial will be given to the Constitution and whatever was done in the past, though not in keeping with the letter or spirit of the Constitution, was done because it became inevitable In all humility, we assure them that they will get a fair deal from this House That alone would be the best way of giving support to the Resolution before this House

Shri Easwara Iyer: Mr Deputy-Speaker, I am not entering now into a controversy as to the various charges levelled against the Communist Ministry or the counter-charges nor shall I go into the question of allergy that has been suddenly developed by leaders like our Acharya Kripalani towards toddy spirits keeping their bias towards arrack particularly in Kerala nor shall I deal with the question as to whether they have still got the bias of stoning the transport buses and setting fire to those things, but I shall confine myself to an analysis of what has happened regarding the Constitution. Shri Masani might have said that we had no right to touch the Constitution People who have got ostentatious reverence towards the Constitution have not declared that the communists have no right to touch the Constitution standing here

Under article 356 of the Constitution this Proclamation has been issued. Why is it that this article has

been resorted to? The Home Minister said that the situation there had been such or the mass upsurge as a result of the direct action that has been practised there has made it impossible for the Congress Party or the Congress Government in the Centre to be complacent observers of the situation. I pose this question once again. The Communist Ministry in the Kerala State has been enjoying the Confidence of the House by a narrow majority of 35 per cent, as Acharya Kripalani would say. But the cold fact is that at the time of the Central interference it still enjoyed a majority of the House by two or three, whatever it may be. That majority has not been split up by factions or internal politics as we find in other States. That majority has not been artificially won by throwing the leaders of the opposition parties in jail and getting a vote of confidence. That majority was in fact. The Central interference under article 356 has been indulged in for the purpose of saving a particular situation. I ask the question again, is article 356 the remedy. Why have you not looked into article 352? There is another kind of proclamation in an emergency and I may be permitted to refer to article 352 in this regard.

18 hrs.

Article 352(1) says

"If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof is threatened, whether by way of external aggression or internal disturbance, he may, by Proclamation, make a declaration to that effect.

(2) A Proclamation issued under clause (1)—

(a) may be revoked by a subsequent Proclamation;

166 LSD.—9.

(b) shall be laid before each House of Parliament,"

So, article 352 deals with a situation where there is an internal disturbance also. Why was not article 352 resorted to. It is just for this reason, that they cannot oblige the Vimochana Samiti people, they cannot oblige the leader of Shri Masani, Mannath Padmanabhan with whom they are hobnobbing or identifying themselves. Article 353 of the Constitution provides for the consequences of an emergency proclamation under article 352. Article 353 says.

"While a Proclamation of Emergency is in operation, then—

(a) notwithstanding anything in this Constitution the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised

(b) the power of Parliament to make laws with respect to any matter shall include power to make laws conferring powers and imposing duties, or authorising the conferring of powers and the imposition of duties, upon the Union or officers and authorities of the Union as respects that matter, notwithstanding that it is one which is not enumerated in the Union List."

Therefore, if article 352 is resorted to, the executive is not destroyed—the Ministry in Kerala will not be destroyed—the legislature cannot disappear, the Centre's power shall extend to the giving of directions to the State as to the manner in which the executive should be governed, and Parliament

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respect of Kerala

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{Shri Easwara Iyer}
will also be vested with power to
legislate with respect to items in List
I contained in the Constitution

Mr. Deputy-Speaker: Is the hon
Member likely to take a long time?

Shri Easwara Iyer. Yes Sir

Mr. Deputy-Speaker: He may con-
tinue day after tomorrow.

10 02 hrs

The Lok Sabha then adjourned till
Eleven of the Clock on Wednesday,
August 19, 1959|Shravana 26, 1881,
(Saka)