

13.25½ hrs.

BUSINESS OF THE HOUSE

Mr. Deputy-Speaker: Some hon. Members had expressed a desire that the House may be adjourned earlier. The Speaker has agreed to that and the House would be adjourned at 4 O'clock. We shall take up the next item. The hon. Home Minister.

13.26 hrs.

RESOLUTION RE: PROCLAMATION
IN RESPECT OF ORISSA

The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):

Mr. Deputy-Speaker. I move:

"That this House approves the Proclamation issued by the President on the 25th February, 1961, under Article 356 of the Constitution in relation to the State of Orissa."

I have come up with this Resolution under very special circumstances. It is regrettable that a situation should have arisen in Orissa in which the President had to take over the administration of the State and run it through his representative, the Governor of Orissa. If you will permit me, I shall, in brief, narrate what has happened in that State during the last few years.

Shri Surendranath Dwivedy: (Kendrapara): Give us the Governor's report also.

Shri Lal Bahadur Shastri: About the Governor's report, of course, a gist of the report was presented to the House when the Kerala Government was taken over. But, personally, I think it is not always necessary to do so. Of course, the Kerala position was somewhat peculiar. We have to realise that the Government of India wants a very detailed and frank report from the Governor when this kind of an action is taken. If his report is placed before the House, if it is made a rule, it might even become difficult for the Government or at least for the Governor to give his full appraisal because so many details of information are furnished by him.

Shri Surendranath Dwivedy: It was decided, therefore, that a summary of the report of the Governor should be given so that we might have before the House the report and discuss any matter from all points of view.

Mr. Deputy-Speaker: Let us hear the hon. Minister.

Shri Surendranath Dwivedy: The same reasons were given when the demand was made in connection with Kerala. It was the decision of the Chair that the report may not be submitted as a whole as it has been reported to the Government.

Mr. Deputy-Speaker: I will look into that decision and if it is there ...

Shri Lal Bahadur Shastri: If the hon. Members are very particular. I have no special objection to laying a gist of the report. But, I am quite sure that the hon. Member knows which is in no way less than what has been presented or what has been written by the Governor in his report.

Shri Chintamani Panigrahi (Puri): We know more than the Governor.

Shri Lal Bahadur Shastri: I think so. That is my impression. Because, the hon. Member had given an adjournment motion some time back and seemed to express opinions on matters which were directly the responsibility of the Governor and yet, he felt that the Governor and made a mistake. Therefore, I feel that the hon. Member seems to know more the Governor himself. However, if they are keen, I shall place a gist of his letter. It is a very brief report by the Governor. Still, we will place a gist on the Table of the House.

Mr. Deputy-Speaker: This might be placed.

Shri Lal Bahadur Shastri: All right; we shall place it very soon. I was saying that I should like to narrate briefly about the political situation as it prevails there at present and as it was during the last two or three years. In fact, after the last general elections

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in 1957, the Congress emerged as the largest single party in the State Legislature. The strength of the other parties was like this: Congress 56; Ganatantra Parishad 51; Praja-Socialist Party 11; Communist Party of India 9, Jharkhand Party 5; Socialist Party 1; and Independents 7. So, out of 140, the Congress had 56 members, and the Ganatantra Parishad 51. The Congress formed the Government in April, 1957. They got the support of some other parties, some Independents and also some members of the Jharkhand Party.

The Government went on and functioned on the whole well. But the position remained somewhat unstable because of the substantial strength of the Ganatantra Parishad in the Legislature. And it happened that some members of one party joined the other party, and some members of the other party joined the first party. This coming in and going out was a frequent affairs in Orissa, and the result was that the Congress also had carry on the administration in a somewhat difficult situation.

Shri Asoka Mehta (Muzaffarpur): Was there a two-way traffic or an one-way traffic?

Shri Lal Bahadur Shastri: It was a two-way traffic.

Shri Mahanty (Dhenkanal): It was an one-way traffic.

Shri Lal Bahadur Shastri: No, some members of the Ganatantra Parishad also resigned; similarly, some members of the Congress Party also left it.

Shri Surendranath Dwivedy: No, no Those who joined the Congress from the Ganatantra Parishad again went back to the Ganatantra Parishad.

Shri Lal Bahadur Shastri: Anyhow, when they went to the Ganatantra Parishad, they became members of the Ganatantra Parishad. So, you cannot say that it was an one-way affair; it was a two-way affair obviously. But

I do not feel happy over it. After all, we have to set up certain standards in public life; and every political party has to work in that way. Therefore, I say that it was rather an unfortunate situation, and the Government really found it difficult to carry on the administration with a stable mind, and the situation sometimes became very difficult because there was a slender majority of two or three in the Legislature. In fact, in one of the discussions, I might say, it was just on a snap vote, the Congress Government was defeated, perhaps, in 1958. Dr. Mahtab, the Chief Minister then, in fact, tendered his resignation. But, later on the Governor himself, after having looked into the matter and discussed it found that the Congress Party was still in a majority, and Dr. Mahtab, therefore, withdrew his resignation, and carried on the Government. But, as I said, the position continued to be flexible, and created difficulties both for the Government as well as for the Administration. It was some time in April that Dr. Mahtab felt that if they had to carry on, especially the developmental work in Orissa, and execute the programmes and policies of the Second Five Year Plan, he should go out of his way and seek the support of the Opposition also.

He went to the length of suggesting that a coalition Government might be formed, and he made an appeal to the Opposition to lend their support to him. The Ganatantra Parishad responded to his appeal. Afterwards, Dr. Mahtab resigned, the Congress Ministry resigned, and a coalition government was formed on the 22nd May, 1959. This coalition Government, on the whole, functioned well, and there was co-operation also between the two parties, in so far as the administration of Government was concerned, and it functioned for about a year and nine months. However, differences again arose, not between those within the Government but within the two parties, both the Congress Party as well as the Ganatantra Parishad in

the legislature. If I might say so, there were extremist views in both the parties. In the Congress, there were members who felt that this coalition should not continue, and similarly, in the Ganatantra Parishad, I am informed that there were members . . .

Shri P. K. Deo (Kalahandi): Question.

Shri Lal Bahadur Shastri: . . . who did not feel happy over this coalition, well, about the Ganatantra Parishad, the members of the Ganatantra Parishad might be knowing it better, but I can say definitely about the Congress Party that there was a difference of opinion, and some members of the party, in fact, not some, perhaps later on, a majority of the members of the party felt that this coalition should not continue.

Shri Asoka Mehta: If it had been working well, why should it not have been continued? The hon. Minister said earlier that it was working well.

Shri Lal Bahadur Shastri: It was working well, but, as I said, there were differences outside the Government, and the position was not so happy. And things were being said or propagated against the Government itself; and members of the parties, even the Ganatantra Parishad and the Congress Party, did not feel happy, because one felt that the other was carrying on . . .

Shri P. K. Deo: May I say that there was no division of opinion in the Ganatantra Parishad on the working of the coalition Government? There was a unanimous view.

Shri Lal Bahadur Shastri: I do not know that. Of course, I cannot officially say anything, but I have also read, and I have been reading newspapers, and I know that even in the Ganatantra Parishad, there were two sections holding different opinions.

One section was definitely unhappy with this coalition, but I am saying this on the basis of the information that I possess through non-official sources as well as through the newspapers. But that is not a matter which is very important. Whatever the Ganatantra Parishad felt, at least in the Congress Party, there was an opinion, very clear and unequivocal opinion that this coalition should not continue.

Well, there are two things, as I said. The first is that this kind of coalition is in a way something new in the present context; since 1947, there have been very few coalition Governments—of course, not in the Centre—but in the States; for example, in Kerala, there is a coalition Government working. For the time being, we have found—of course, some differences crop up here and there, but—that in Kerala, things are going on on the whole normally, and the parties, both outside as well as inside, functioning in a co-operative way. But, still, as hon. Members might have seen in the papers, there are sometimes reports of differences cropping up . . .

Shri Chintamani Panigrahi: Cracks also.

Shri Lal Bahadur Shastri: But that is a different matter.

Shri Asoka Mehta: Even in single-party Government, we find that there are greater amount of differences which are washed in the public every day.

Shri P. K. Deo: Especially, in UP.

Shri Lal Bahadur Shastri: Yes, they are there, but it is not a very happy sign or happy feature. But in those parties also, ultimately, the discipline has to be observed. There may be difference, and even dirty linen may be washed in the public. Yet discipline is strictly observed. Hon. Members have mentioned about UP. I entirely agree; the situation there is most unhappy. Yet, the members

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were present and voted fully in so far as the Motion of Thanks to the Governor for his Address was concerned.

Shri Surendranath Dwivedy: Here also votes were never affected.

Shri Tyagi (Dehra Dun): As against the parties in Opposition, our Party is one.

Shri Asoka Mehta: It is because of the internal differences in one party that this is being referred to. You know that is the difficulty. Otherwise, we would not bring up the internal affairs of any party here.

Shri Lal Bahadur Shastri: Internal differences there are. But I shall give you another reason. A coalition can continue till the elections. But both the parties which merge or work together should have clear freedom and full liberty to fight the elections separately or independently, because at the time of the elections the policies for which parties stand have to be made clear. Even in Kerala itself, it was not possible for the PSP and the Congress to issue a joint manifesto. Two manifestoes were issued separately.

I am not opposed to coalitions as such because in parliamentary activity, one does not know what situation might arise in a particular State. But if coalition is agreed to at the time of elections, the parties should be free to make their choice and fight the elections independently; when the elections are over, the position could be reviewed, and if the two parties which had worked in unison before find it feasible, they might do so again or they may not do so.

So when there is a feeling in the Congress Party that they should fight their independent elections in 1962, they decided that they should end this coalition.

Shri Asoka Mehta: I do not know if the Minister will permit me to seek an explanation. I think he is enunciating a very dangerous theory. The world over in many countries there are coalitions. Take Austria or Belgium. The parties carry on the Government till the eve of the elections. Then they separate and fight separately. Then they come together if they want or they do not come together. But nowhere has any such theory been enunciated that a coalition government must be broken up 8 or 9 months ahead. In Austria, for instance, it has never happened. The parties fight independently, but they have a coalition government till the eve of the elections. That is also happening in Belgium. In Belgium, the coalition government ended on the eve of the elections and now the parties will be fighting separately. But if this pernicious theory is put forward by the Minister, I do not know whether any party would be willing to work in association with the Congress Party where it can be discarded like a soiled glove when it suits the ruling party.

Shri Lal Bahadur Shastri: I am sorry I do not agree with Shri Asoka Mehta. I am not saying that the coalition government should not function till the end of the elections. I am not denying that fact, but it depends on conditions in a particular and given situation in a given State. I am not enunciating a general principle that before the elections—seven or eight months before the elections—the coalition government should come to an end. But it might happen in a given situation in a particular State.

Shri Chintamani Panigrahi: In Kerala, it will not happen like that.

Shri Lal Bahadur Shastri: One does not know what will happen in Kerala.

Shri Goray (Poona): The hon. Member can pray for it.

Shri Lal Bahadur Shastri: Therefore, ultimately the Congress Party decided, on the 20th February, that the

coalition Government should come to an end, and the Chief Minister, Dr. Mahtab tendered his resignation on the 21st February. When he tendered his resignation, the Ganatantra Parishad also said that they were not willing to carry on. The Governor had naturally to consult both the Congress Party as well as the Ganatantra Parishad. In fact, he consulted the other parties also. The Governor found that Dr. Mehtab was insistent and was not prepared to carry on any further. The Ganatantra Parishad also, as I said, made it clear to the Governor that they were not prepared to carry on. All the other parties also said that they were not able to form a Government, except perhaps for one individual member, Shri Nityanand Mahapat, who said that all the different parties should be collected together and a Government formed.

Shri Chintamoni Panigrahi: Under his Chief Ministership?

Shri Lal Bahadur Shastri: I do not know that. But only one member said so to the Governor. But the Governor having discussed with the other parties, came to the conclusion that it was not possible to form any Government there unless one of the two major parties was willing to cooperate. In the circumstances, there was no alternative for the Governor but to make a recommendation for the Government of the State being taken over by the President. When this recommendation came, the Government of India naturally thought over the matter.

Dr. M. S. Aney (Nagpur): May I ask one question of the hon. Member? Before Government came to a decision, what was the Resolution of the Congress High Command in this matter and what was the advice given by the Congress High Command to the local Congress Committee in Orissa in this matter?

Shri Jaganatha Rao (Koraput): That is an internal matter.

Mr. Deputy-Speaker: This House is not concerned with the internal affairs of any party.

Dr. M. S. Aney: Will we be right in understanding that the Congress Party as a party had decided on this with a view to facilitate elections in their favour or the local Congress Party itself had taken this step in spite of the advice of the all-India Congress Party?

Mr. Deputy-Speaker: The hon. Member can ask that question in his party meeting.

Shri Lal Bahadur Shastri: As you have said, that is hardly relevant and we need not discuss it here. If the hon. Member so likes, I am prepared to talk to him outside.

However, as I said, the Governor made that recommendation and the Government of India gave thought to it and ultimately decided that there was no alternative for them but to declare President's rule in the Orissa State, as no Government could be formed under the Constitution. There are provisions under the Constitution according to which the Government of India have to function. Therefore, under article 356 of the Constitution, the President decided to take over the Government of the State.

If you will permit me, I shall add a word or two more about the Ordinance issued by the Governor. In fact, when the Government of Orissa tendered its resignation, the Governor advised it to carry on for some time at least. In fact, he suggested that the Budget might be passed by the State Legislature. He said that at least they should have the vote on account passed in the Legislature, but, as Dr. Mahatab had tendered his resignation on the 21st February, there was no way out, because Dr. Mahatab insisted that he would persist in this, and the resignation had to be accepted. Even that vote on account was not passed. The Governor was placed in a special difficulty, in a fix,

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because he could not incur the expenditure of a single pie. Even the Members of the Legislature who were there could not be paid their travelling allowance for going back to their places.

Shri Mahanty: May I ask one question for eliciting information?

Shri Lal Bahadur Shastri: Let me finish. Then, hon. Members can speak, and I shall reply to their points later. I am about to finish in a couple of minutes.

Then there was other important, urgent expenditure, developmental and other expenditure. So, the Governor consulted the Chief Secretary, consulted the Law Officers of the Government, and they all advised him that in order to meet the emergency which had arisen,....

Shri Chintamoni Panigrahi: It was wrong advice.

Shri Lal Bahadur Shastri: ...an ordinance might be passed; and the Governor, in consultation with them, of course, decided to pass that ordinance. When, as I said, we were informed about it, I need not repeat that, we wrote to the Governor telling him that this ordinance was not considered legal here, and, as the Prime Minister said the other day, of course, legal opinions differ, or even Judges differ among themselves.

Shri Surendranath Dwivedy: Has the ordinance been withdrawn by this time?

Shri Lal Bahadur Shastri: It is not necessary to withdraw it. It will lapse by itself, and no action, as I said, is being taken under the ordinance. So, there is no deliberate attempt on his part to usurp certain powers, and I can say, if the House will permit me to say so, that our Governor in Orissa is a very able and experienced administrator.

Shri Chintamoni Panigrahi: And weak also.

Shri Ansar Harvani (Fatehpur): There should be no aspersion on the Governor in this House.

Shri Mahanty: The Governor's action is unconstitutional, and he should be impeached.

Mr. Deputy Speaker: Order, order. Let not that arise at this moment.

Shri Lal Bahadur Shastri: Hon. Members, I think, will be good enough to use rather soft language while referring to the Governor.

Shri Chintamoni Panigrahi: Which is soft language?

Shri Lal Bahadur Shastri: It will be good for all of us.

Now, the Governor is in a way placed in your hands, because it is Parliament which will pass the Budget, the Supplementary Demands, as well as all the legislations. So, in the circumstances, the Governor has to get guidance from the sovereign body of Parliament.

Shri Asoka Mehta: How has this gap been met just now?

Shri Lal Bahadur Shastri: I shall tell the hon. Member later. I do not want to take more time.

Of course, Members from Orissa and other places as well will certainly like to speak, but I feel that in the circumstances, there is no alternative for the Government of India but to take this action. As I said in the beginning, we do not feel happy to do so because we want the State Legislature to function all the time. However, as the situation developed in this manner, we had no alternative and we took this action. I therefore commend this Resolution for the consideration of the House.

Mr. Deputy-Speaker: Resolution moved:

"That this House approves the Proclamation issued by the President on the 25th February, 1961, under Article 356 of the Constitution in relation to the State of Orissa."

Shri Surendranath Dwivedy: I beg to move:

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

"but regret the manner and the haste in which the Proclamation was made disregarding the constitutional proprieties" (1)

Shri Chintamani Panigrahi: I beg to move:

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

"but regret the way the President's rule was brought about in the State of Orissa" (2)

Mr. Deputy-Speaker: The Resolution and the amendments are before the House.

Shri H. N. Mukerjee (Calcutta-Central): Mr. Deputy-Speaker, Sir, before I go on to speak on the motion itself, you will permit me just for a moment to refer to the deprivation from which this House is suffering, as we all know, on account of the national calamity which took place yesterday. Pandit Gobind Ballabhji Pant is no longer here to function as the Home Minister of Government. The blow has been so sudden. It happened so recently that we cannot forget it, and I wish to begin my speech with a reference to the memory of the great man. He has left a void in Parliament and the country which will never be filled. We shall not see his like again.

The resolution which my friend, the Minister, has just moved, is, to my mind, rather significant because it illustrates something which is very rotten in some of the States of our

country, and particularly, as we find on this occasion, the State of Orissa. I am quite prepared to concede that there has been something like inevitability about the operation which has ended in the Governor's assumption of powers on behalf of the President in Orissa, but it is necessary that the attention of this House and of the country is directed not only to the fact of the President having taken over the administration of the State, but also to the circumstances necessitating this unhappy and undesirable event. It is very necessary that we go into some detail in regard to the circumstances which have brought about the present predicament and the hon. Minister also has made some reference to that.

I was rather interested to find that the former Chief Minister of Orissa, Shri Harekrushna Mahatab, has himself rushed to the press with some articles in regard to President's rule in Orissa, where he confesses that things have taken place under his leadership in Orissa, when he was in charge of the Government, which in any decent parliamentary set-up should never have been permitted to take place. There is no getting away from it that in spite of the Congress having nothing like a majority in the Orissa Assembly—they had 56 out of a total of 140 seats—they proceeded to form a Ministry, and they functioned for some time in a manner which went right against the grain of parliamentary decency.

I am quoting from an article which Dr. Mahatab has contributed, which was published in the *Amrita Bazar Patrika*, Calcutta Edition, of the 4th March, 1961. He says that after the Congress undertook to form the Government, it carried on with very great difficulty for two years. He adds:

"The Congress secured the support of the five Members of the Jharkhand Party. It roped in (these are his words) some Independents, and weaned away a few Members from the Ganatantra Parishad also. The total

[Shri H. N. Mukerjee] strength of the Congress ultimately went up to 71. Even then the Congress Party lost on one or two occasions."

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That was how it began. I fail to understand how it is that a political party which claims to control the destinies of our country today operates in a State in this manner where, obviously, it could not carry on in a principled fashion unless it weaned away people from other parties, which is a very euphemistic way of saying that undesirable practices, perhaps, were rampant in that regard. I see the future for the parliamentary set-up to be very dismal and dark indeed if the Congress Party, with all the power and all the authority which it has got in the country, behaves in this particular fashion.

Then came this coalition with the Ganatantra Parishad. I have no objection to coalitions coming into the picture. If, on the basis of principle, even on the basis of temporary expediency which can be justified before the electorate, it is necessary for the Congress Party or any other party to form a coalition with some other organisation, I have nothing to say against it. But if seems that this 21 years of joint Congress-Ganatantra Parishad rule (*An Hon. Member*: Twenty-one months,) in Orissa was not only a marriage of convenience but it has left Orissa in a state which it will take a long time for Orissa to get over.

Here was a coalition formed absolutely without reference to any principle. That is why the Congress Party, after the coalition was formed, had to go and tell the people that the feudal elements who were dominating the Ganatantra Parishad should no longer be described in the terms which were consistent with the facts of the life of the people but they should be looked upon as the natural leaders of society. And, there was a combination which rode rough-shod

over the declarations of the Congress in regard to agrarian policy and so many other matters.

This continued for 21 long months. I cannot understand why and how on any reasonable computation the parliamentary system in this country should be subjected to the kind of stress and strain which is represented by the formation of unprincipled coalitions of this description which, on the eve of General Elections, can no longer function because it is such an unprinciple combination that the mask is torn off its face and the people would recognise the members of that coalition much too clearly. That is why they part company nearly a year before the General Elections are coming into picture. This is, as it were, too much for us to swallow.

Why should this kind of thing be allowed to happen? That is why Dr. Hare Krishna Mahtab himself says in this article which he contributes to our papers, that three principles emerge out of our experience.

"The first is that a party in minority should not form the Government on the off-chance of securing some recruits later on".

These are his own words. Then he says:

"Secondly, in no circumstances should any attempt be made to wean away members from other parties who have been elected on a different and distinct manifesto."

He implies very definitely—I do not know Shri Mahanty's experience—on the experience of Dr. Hare Krishna Kahtab, he implies that the earlier marriage of convenience between the Congress and the Ganatantra Parishad could only function on the basis of weaning away people from other groups in a manner which was by no means founded on principle. Then, he says:

"Thirdly, whenever there arises a situation in which no single

party commands a majority, there should be open negotiation for a coalition in order that frequent elections may not be held."

I say I am somewhat supporting the principles adumbrated by Dr. Hare Krushna Mahatab that if there are to be coalitions let Congress join hands with the Ganatantra Parishad. I have no quarrel with it at all. But let that be on the basis of recognisable principle about which they do not have to be shamefaced on the eve of the next General Elections. That is exactly what happened. (*Interruption*). They could function for 21 months. Why could they not function for a few months longer? It was only because they were afraid of showing their faces too openly to the people on the eve of the General Elections.

Now, both the parties have got out of the picture. Both could carry on propaganda in their own way before the people and both would try to capitalise whatever advantage they will be able to get out of the situation. I am trying to take a dispassionate view of the situation. Here, in Orissa the elections took place. Here, in Orissa, if the Congress Party really wanted to form a kind of coalition, perhaps, their friends who belong to my hon. friend Shri Asoka Mehta's party and other too might have joined them, perhaps on the basis of some remotely recognisable principle of affinity in political thought. That kind of combination might have come into the picture; but it did not come into the picture. It shows a complete lack of constitutional scruples and complete lack of moral regard for the rights of the people. That is why, today, we find that the position of the Orissa is in a mess. That is why we find the people of Orissa deprived of the opportunities which Parliamentary Government gives them. That is why we find such egregious instances of executive encroachments on the Constitution as when the Governor of the State certified—it is a sort of certification—when the Governor of the State

authorised expenditure of nearly Rs. 4 crores by an Ordinance which the hon. Minister had to come to the House the other day and say was invalid. In regard to this matter I would like to say that the Governor has acted on the advice of his legal advisers as the hon. Minister has tried to point out. The *Amrita Bazar Patrika*, in its issue of the 6th March, 1961, observed editorially:—

"It is true that legal experts sometimes differ as the Prime Minister said in the Lok Sabha; but the advice of Orissa's legal experts to the Governor of the State on a matter that is not very complicated is strange indeed."

The other day my hon. friend, Shri Panigrahi brought up an adjournment motion and the Minister had to say that the Ordinance is not being put into operation, that no moneys have been spent. An apology is due, as a matter of fact, to this House for what is said to have taken place in Orissa. The Executive behaves in this fashion because the whole atmosphere of parliamentary activities is queer. The pitch is completely spoiled by the activities which have gone on in Orissa for quite some time now. That is why it is necessary for the whole country to beware. That is why it is necessary for this Parliament also to take up its responsibility in the matter rather more seriously. That is why I suggested the other day that something ought to be done to make sure that there is participation of the representatives of the people in the affairs even of Orissa in the present dispensation. That is why I suggested that following what happened in the case of Kerala there should be a parliamentary committee with members who come from the State of Orissa who would be associated with the President in giving himself certain advice.

Now when under our Constitution the President takes over the administration of a particular State, it is not

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like the application of the old section 93 of the Government of India Act, 1935. That section 93 was something like a punishment of the people; it was something like the abrogation of all representative institutions. It was a taking over by the bureaucracy of the administration in its own hands. But, under our Constitution, the provisions amount to what is called in American terminology 'Federal Coercion', where in one particular State the constitutional machinery has, for certain reasons, failed or has broken down then, the Federation or the Union comes into the picture and ensures that, in the circumstances, at least a certain amount of representative institutions can properly function and the representatives of the people can, to the extent that it is possible, be associated with the administration. That is why it is necessary that the President takes the advice not only of his advisers who are in the Government but also leaders of people pertaining to this unfortunate State and he takes the advice of the Members of Parliament who come from that area.

In that regard I would wish the Minister to give a very clear declaration of what is going to take place. I do wish to repeat what I said earlier that the events in Orissa are only a pointer, that they only show how the ruling party, was puffed up with pride of power and pomp and pelf and all that sort of thing. How the ruling party comes to behave egregiously in a State where possibly the thought that the political consciousness of the people was not advanced enough. The ruling party has tried to get away with all kinds of things. That is why we say the phenomenon of this most unprincipled combination functioning in the name of the Congress-Ganatantra Parishad coalition. That combination has gone. It is a good riddance for Orissa. But let us see, at any rate, that in future we get something rather clean, something more in con-

formity with the spirit of the Constitution.

Shri Surendranath Dwivedy rose—

Mr. Deputy-Speaker: Before I call the hon. Member would it not be better if I call one of the parties to the coalition? Anyhow, let him speak.

Shri Surendranath Dwivedy: Mr. Deputy-Speaker, Sir....

Shri Lal Bahadur Shastri: Sir, may I say something about the last point to which the hon. Member, Shri Mukerjee, made a reference. Other hon. Members also might refer to that. I would like to clarify the point. We are soon coming up with a Bill for the formation of a Committee of Members of Parliament both of Orissa and of other States as we did in the case of Kerala.

I wanted to make it clear. Under article 357, powers are conferred on the President for framing legislation for the State.

Shri Surendranath Dwivedy: Mr. Deputy-Speaker, no democrat will feel happy at this proclamation of the President so far as the State of Orissa is concerned nor would any one shed tears that this coalition between the Congress and the Ganatantra Parishad is dissolved. It is really shocking to the democratic sense of the people and it is a matter of grave concern that the 1.5 crores of people in Orissa have been deprived, not for a few days or weeks but for fourteen months, of their rights to have an elected assembly. What is proposed to be done and which is more serious according to me is that this arbitrary action is going to be ratified in this august House. The action of proclamation is constitutionally untenable and politically dishonest and I hold that the situation prevailing just before the Proclamation did not warrant any such issue of a proclamation or an ordinance. On the contrary the indecent

manner and haste in which it has been done has actually brought about a stalemate in the State administration.

14.11 hrs.

[SHRI JAGANATHA RAO in the Chair]

The Governor in haste promulgated an ordinance which has been declared invalid and I want to know how the expenditure is being incurred now. It is very good to say that he did not draw any money after the ordinance was issued but how is the Administration being run? I am told that officers are not being paid their salaries; very essential schemes have been stopped. If it is not chaos then what it is? The real constitutional breakdown has taken place after the Proclamation had been issued not before it. They have brought real breakdown of the Constitution to that land while there was no breakdown of the normal situation in Orissa before.

The people of Orissa have not only been denied democratic administration for all these long months but they will be ruled by a set of officers and men who have no practical knowledge about the conditions of the people living in that part and this will be for a long period. It is a very serious matter and I beg of the hon. Members here to consider this matter dispassionately, rising above petty considerations. I say this, not in anger but in anguish because these people who have run their State peacefully, without any disturbance at all, are being deprived of the normal democratic administration and if in the course of this speech I refer to parties, it is because I feel that for a healthy political development of the country we should know how we are functioning and discharging our responsibilities.

Let me first all examine the constitutional position. I need not go into the details of what happened when this article 356 was discussed in the Constituent Assembly. Very sweeping and wide powers were being vested in the President and Members expressed their apprehension and concern that they would be utilised for purposes other than administrative stability and would lead to various compli-

cations. I have gone through the proceedings and I read Shri Kamath, whom we are very much missing in the House today, and the liberal democratic leader, Dr. Kunzru, and many others also saying that such provisions in the Constitution would, instead of furthering democracy would be probably used to destroy democracy. Therefore, they opposed it. Ultimately when it was adopted, it was adopted after a solemn assurance was given by Dr. Ambedkar who was piloting the Constitution on behalf of the Government and I will only quote the relevant portions, with your permission. Dr. Kunzru visualised such a situation as has prevailed in Orissa. This is what he said:

"It may be a matter of regret if there are too many parties in a province and they are not able to work together or arrive at an agreement in important matters in the interest of their province, but however regrettable this may be, it will not justify, in my opinion, the Central Government in intervening and making itself jointly with Parliament responsible for the Government of the province concerned."

What was the final reply of Dr. Ambedkar?

"The proper thing that we ought to expect is that such articles will never be called upon into operation and that they would remain a dead letter."

They were used six times. He goes on:

"If at all they are brought into operation, I hope the President, who is endowed with these powers, will take proper precautions before actually suspending the administration of the province. I hope the first thing he will do would be to issue a mere warning to a province that has erred, that things are not happening in the

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way in which they were intended to happen in the Constitution. If that warning fails, the second thing for him to do will be to order an election allowing the people of the province to settle matters themselves. It is only when these two remedies fail, that he would resort to this article."

I was expecting that our hon. friend Shri Lal Bahadur Shastri, the hon. Home Minister would throw some light on this and tell us as to what steps they took when previously situation of a serious nature was developing and prevailing. I would also have welcomed a reference as to what advice the Governor or the Central Government gave to the President. Did they want him to issue a warning to the State of Orissa? He has made out no case; he has no case at all.

It is said that this has been done five times. Some made reference to PEPSU also. But PEPSU pales into insignificance before what you have done. There was no parallel and no precedent. In PEPSU conditions were quite different. The hon. Minister himself has admitted that the coalition was functioning well. I have no sympathy with the Parishad or the Congress in Orissa; as I have said before, I am of the opinion that this coalition was brought about not to bring stability in the administration nor to further the so-called socialist pattern of society of the Congress Party. But if it did anything, it really stabilised the vested interests and the feudal elements which were distributed in the two parties. It was a marriage of convenience, when they were in difficulties, to share power together. You know, Mr. Chairman—you come from that State that the Cabinet was not only dominated by these people but there was not a single representative of the Adivasis or Harijans although as many as 49 members represented them in the Assembly. It is the higher elements of the society that controlled it fully; this is the socialist pattern of

society that emerged. Of course this honeymoon has ended without grace.

Shri D. C. Sharma (Gurdaspur): You were talking about marriage.

Shri Surendranath Dwivedy: I am only sorry that my friends of the Parishad fell into this trap and became just a tool in this coalition... (Interruptions). I am not yielding. They do not know anything about Orissa and so they better not interrupt. I want to say that in spite of this, I must give credit, and say that this administration was running admirably well. There were no dissensions between the two parties. That has been admitted by the Home Minister himself. There were no divisions in the Assembly where they have not voted together, and there was no occasion to differ on measures even, because the Congress was always prepared to concede and, sacrifice its principles and accommodate the Ganatantra Parishad whether in land reforms, whether in "Kendupata" or in giving some more allowance to the ex-princes' families and so on. All these have been conceded by the Congress. There was no friction as regards the implementation of the so-called socialist pattern of society which is ultimately the capitalist programme. There was no hitch. Of course, I hope Shri Lal Bahadur Shastri will not take it amiss when I say that the situation there was not as bad as in Uttar Pradesh. In Uttar Pradesh, the whole administration was brought to ridicule and yet the Centre did not interfere because it is their own party there. (Interruption). Was the situation in Orissa as bad as in Uttar Pradesh?

Shri Tyagi: There is nothing wrong in Uttar Pradesh.

Shri Surendranath Dwivedy: Your whole affair is known to everybody; There is nothing secret. Everything is before the public

Shri Tyagi: It is not a totalitarian party.

Shri Surendranath Dwivedy: The rule of your party is in a mess. You

should be ashamed of your party in your State. I know that at the present time, after all—

Mr. Chairman: It is not relevant.

Shri Surendranath Dwivedy: After all, what have we done? The President's rule has been brought in. As the Home Minister said, the Governor will function through the wishes of the sovereign Parliament. You know how this Parliament is busy, how it is engrossed in national and international affairs and how very little time it has got to go into the details of the administration. Is it possible at all for this Parliament to go into the details of the problems of Orissa? It is hardly possible. Therefore, what you propose to do is, to delegate the authority to some persons who will function on behalf of Parliament. Who is he? He is an executive and so, it is the same bureaucratic rule. So, you cannot compare section 93-rule under the Government of India Act with this, and say that some democratic rule is functioning. It is all humbug. The people of that State are completely at the mercy of the bureaucracy.

I would, therefore, say this most humbly let us realise this and admit this. From the speech of Shri Lal Bahadur Shastri, it is very clearly established that not because of the breakdown of the Constitution, but because of the breakdown of the Congress Party itself, that the Constitution is being suspended. I make this deliberate charge. I say that the conspiracy was hatched here at the Centre, which has seen to it that the affairs in Orissa, that the Assembly in Orissa that the Government of Orissa, is carried on in such a manner that at long last there will be nothing but President's rule. It is their conspiracy; the Centre's conspiracy. I will prove it by facts, because it is not only bureaucratic rule, but for fourteen months there is no rule, in fact. After all, for these fourteen months, the Congress Government here, through the President, will function under the advice of the Central Cab-

net, and the Central Cabinet is nothing but the Congress Party. So, if we cannot directly rule in Orissa, we must indirectly rule from Delhi, 1,200 miles away. Now, I want to take some more time of the House. Although I do not dispute the facts which Shri Lal Bahadur Shastri has stated—I think on a serious matter like this, he should have placed the full facts and explained to hon. Members the real situation in Orissa—I would like to say this. Probably, Members of Parliament will excuse me when I say that they will think that this is the concern of the Orissa people only.

Some Hon. Members: No, no.

Shri Surendranath Dwivedy: Excuse me if I have that impression. But, is there anything new in the situation in Orissa? I want to know that. The Minister himself has admitted one thing. After the 1957 election, the Congress was only a minority of 56. Yet, how was the Government formed? The Minister says that the Government was formed and was assured of the support of some members, and how did the Communist friends at that time behaved. Their role was not quite—

An Hon. Member: Democratic.

Shri Surendranath Dwivedy: It was according to their own standard. But I want to ask, even on the 6th April, 1957, when the minority party, the Congress, was asked to form the Government what was the support of the Congress Party? Was it a majority support? No. The Governor himself, Shri Bhimsen Sachar, who is a Congressman, said this. What did he say, at the oath-taking ceremony? He said:

“According to the most rigid calculation, The leaders of the Congress Party appeared to me to possess the solid support of 65 members.”

It was a minority. Yet, the Centre at that time did not worry whether the Constitutional requirements were being satisfied. Did it? No. The Government was allowed to go on and it

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ran for two years. I would not go into the details as to how it ran for two years. My hon. friend Shri H. N. Mukerjee has quoted Shri Mahatab. I am glad that Shri Mehtab has admitted at last. In Oriya, there is a proverb which says "*Vrudha Veshya Tapasvini*". That is, a prostitute, when she becomes old, talks of hermitage, sanyas, etc. I am glad that he had admitted it but he should also have stated that in that article that all that was done was done with the full concurrence of the Congress high command. That would have been proper for him to admit.

Shri H. N. Mukerjee read out certain portions from the article of Shri Mahtab. I would like the House to know one essential portion of the article wherein Shri Mahtab says:

"...the method followed by the party was demoralising the entire body politic of the State".

After this *Prayaschitta*, he comes forward with some formula and says:

"Not only the pledge of the member to the party is broken but also disrespect is shown to the electorate".

This is what Shri Mahtab has said in the article, but the same Shri Mahtab, when we accused him and asked, 'Why are you forming a minority Government? Why are you taking away or bribe members of other parties? It is not Parliamentary etiquette and it is against democracy,' he said on the 26th March, 1957—it suited him then to say so—as follows:

A member is not attorney of his constituency. He is to represent all the people of Orissa and he is free to act as his conscience dictated in the best interests of the State...."

It may be the Congress, Ganatantra Parishad or anything. This was the

real time for those people to consider where they were drifting. The worst period, I would say, was April-May, 1958, a year after after, the Congress Ministry came into office; the bluff and bribery did not work. The administration came to a standstill. Arrests were made. The House is well aware of the situation. There was resentment all over the country as has been admitted by Shri Lal Bahadur Shastri. The Ministry was defeated in the Assembly and then actually on the 27th April 1958, the Congress Party's position was reduced to only 61. I would just say that in this game the now so-called dissidents were also with Shri Mahtab.

Mr. Chairman: The hon. Member's time is up. He has taken 20 minutes already.

Shri Surendranath Dwivedy: I have to cover many more points, Sir.

Shri Goray: He is the only Member who is speaking with some knowledge it seems.

Shri Asoka Mehta: We would like to hear you also, Sir, when you vacate the Chair.

Shri Tyagi: It is more of an election speech.

Shri Surendranath Dwivedy: It is very inconvenient for the hon. Member, I know. As I said, there was great resentment expressed all over the country, and what did the Congress High Command do on this occasion? They asked Shri Mehtab to resign. Shastriji is not present at the moment, but this will be given to him. To remove the misgivings from the minds of the people that Congress wants to stick to power by any means, the Congress High Command called on Shri Mahtab to resign on this occasion. Shri Mehtab submitted his resignation all right, but he said in the resignation letter: that although he commanded a majority, he was resigning because the High Command wanted him to resign.

What did the Governor do? The Governor played a constitutional trick in the sense that whereas the constitutional obligation is that as soon as a Ministry resigns, it should be accepted and the Ministry will be asked to continue till alternative arrangements are made, here the Governor said, "I keep your resignation pending". It was pending and he ran to the Home Minister and the Prime Minister who are again members of the High Command unfortunately and also the Government. The Governor came and consulted them and told Shri Mahtab that he should withdraw his resignation. When he invited other opposition parties, he did not invite them for forming alternative Government, but he said, I want to assess the situation". Naturally, in assessing he found that he was not satisfied. According to the Constitution, if he is not satisfied, he may not call upon them to form a Government. Although at that moment the opposition was in a position to form an alternative Government, no opportunity was given and for a year they carried on.

Shri Sinhasan Singh (Gorakhpur): On a point of order, Sir, May I know whether the action of the Governor can be criticised in this House like this, saying that he kept the resignation pending, he contacted the Government of India and so on?

Shri Surendranath Dwivedy: These are facts; I am not criticising.

Shri Goray: This is a statement of facts.

Shri Tyagi: It can be criticised.

Mr. Chairman: I understand the hon. Member as referring to the events that took place; he is not criticising the action of the Governor as such.

Shri Surendranath Dwivedy: One has to draw his own conclusion; I am only placing the facts. Even after all this, it was not possible for them to carry on even for a year. By April, 1959, there was crisis after crisis. It was almost a standstill condition in the State. I think it was another

occasion when the warning should have been issued and fresh elections called for. I would just quote a very interesting passage from the *Statesman* of April, 1959.

Shri Tyagi: He has taken enough time.

Shri Asoka Mehta: Why do you want everything to be covered up?

Shri Surendranath Dwivedy: I quote:

"The Assembly has been very disorderly; the rein on the Services has been slack; on all important matters of policy such as on land, minerals and decentralization, there has been temporizing."

While discussing whether coalition was desirable, it went on:

"Elections are expensive; but efforts to avoid them may in the long run, prove much more so, in money as well as in principles and morale."

Shri Tyagi should say whether these things have really happened or not. This was the time when the Central intervention should have been really done. They did not intervene and then this contract of marriage with the Ganatantra Parishad was made. This was not done not because of good coming to the State, because as will be clear from their public statements, both the parties were not prepared to face the election. Ganatantra Parishad was afraid that fresh elections probably would adversely affect them and the Chief Minister made a statement that it is not going to emerge better for the Congress. So, it was not a matter of stabilising the administration, because they were afraid of the people. Because you were afraid of the people, you continued in this fashion and ultimately you brought us to this very unfortunate development.

I think Shri Tyagi will support me now. I come to a very serious aspect, viz., how far the Congress Party can interfere in the administration. The

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Governor has been given certain powers under the Constitution. He has to follow a certain procedure. The coalition Ministry resigned in February, but from November 20, 1960, the Governor was ordered by the Congress Party to bring about a situation when there will be a break-down of the Constitution.

Shri Achar (Mangalore): On a point of order. This is going too far. Whatever the other aspects may be, he is going to the extent of saying that the Governor is ruled by the Congress Party.

Shri Surendranath Dwivedy: I did not say that the Governor is ruled by the Congress Party. The Congress Party has passed a resolution, which ultimately created a feeling as if they are ordering the Governor.

Shri Achar: What does it amount to?

Shri Surendranath Dwivedy: If Shri Achar is not satisfied, I will quote the resolution adopted on 20th November, 1960 by the Orissa Congress Committee. It says:

"... the coalition should be dissolved conveniently soon after the next annual budget is passed and at least 8 to 10 months before the general election in order that the coalescing parties prepare freely for the verdict of the electorate. The P.C.C. further requested the leader of the Congress Assembly Party"—Shri Tyagi to note—"to approach the Governor for President's Rule for the period between the dissolution of the Ministry and formation of the new Ministry after the general election."

So, on 20th November, 1960, they were conspiring to bring about a break-down of the Constitution. When it was known that such a situation was being deliberately created in the State what was the Governor doing? What was the central authority doing?

Shri Asoka Mehta: Conniving.

Shri Surendranath Dwivedy: What report they received from the Governor, I want to know. Did he tell them that these people are conspiring to break the Constitution? Did he report it to the President and did the Central Cabinet take cognizance of it? This is the height of irresponsibility, I would say. In such a matter, when a deliberate attempt was made to break the Constitution, you kept mum because it suited your own party interests and the Governor is following the decision of the Congress Party. The decision of the Congress Party is being followed *in toto* by what has been done afterwards.

I would not go so far as to say that you want dictatorship in this country, but I would like to express my apprehensions on this occasion. In the Weimar Constitution of Germany, the 48th clause was there, under which special powers were given as a safeguard to democracy. But Hitler used those powers to destroy democracy. By the way you have utilised this article, you are really placing democracy in danger and this comes at a time when the whole world is looking at the democratic development of this country, when we are taking pride that whereas in other countries, the Constitution has broken to pieces, there we, the people of India, are marching forward with faith in democracy. It is a disgrace and a shame.

The last thing I want to say is this. It is very much in the air now, that there may be a mid-term election and there may be an alternate Ministry. I want to know that definitely. Although the only course left now is to order elections immediately, the time factor has to be considered. What is the time factor? The bifurcation of constituencies has to take place. Then the rains would be coming in between. If you want to go through all those procedures and if you do not want to hoodwink the electorate, then more time should

be given to the people to prepare themselves for the elections. My own feeling is that proper facilities can be given only after the rains, that is, after October or November; that means, only three or four months prior to the general elections. So, although election is desirable, it is not a practical proposition. You wanted this thing to happen like that, and it is known to all. Now, if elections are held in November, we will have two elections, which will be a great strain not only on the people but on the administration as well. But we took it for granted. As I said, we are not happy. We are dissatisfied and we do not want President's rule, which is something which is imposed on us. But probably there we are helpless. Now the Ganatantra Parishad comes forward to say "We want mid-term elections". I am also told that the State Congress President is coming and lobbying here to see that mid-term elections are held.

Now, are you going to decide this for the party advantage of the ruling party, whether the Ganatantra Parishad or Congress, or are you going really to give proper scope to the people of the State? How are you going to decide it? I want a categorical reply to this question: are you going to have mid-term elections? If you are going to have mid-term elections, then people would like to know when they are to face the election. Let it not be sprung as a surprise. You will throw a surprise on the people and say: "we are going to have mid-term elections after a month" and then that will be the end of the whole thing.

I, therefore, say that this is a very serious matter which the whole House should take into consideration. I appeal to hon. Members not to approve of this proclamation but to agree to the amendment which I have placed before you.

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay a copy of the Summary

of the report of the Governor of Orissa to the President. [Placed in Library, See No. LT-2709/61].

Shri Braj Raj Singh (Ferozabad): At this time?

Shri Mahanty: It may be circulated.

Mr. Chairman: The hon. Members may take copies from the publication counter.

Shri P. K. Deo: It is too late.

Mr. Chairman, specially at this time when all the eyes of the world are rivetted at the working of the biggest democracy of the world, I do not think it would be proper for this House to endorse the bureaucratic encroachment on the democratic right of a section of the people. Last time, when this House debated the proclamation of the President, taking over the administration of Kerala State, we thought that was the last occasion. But, Sir, even today when there are so many problems to be solved, specially when the Third Five Year Plan is going to be implemented, to deprive the people of Orissa a democratic set-up is really very sad.

The President in his proclamation has mentioned:

"I am satisfied that a situation has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution."

The President says that he is satisfied that a situation has arisen for which he has received a report of the Governor and that he has come to this decision after careful consideration. Sir, I beg to submit that before this House endorse this proclamation of the President this House should have been in possession of the very report or the gist of the report of the Governor which helped the President in arriving at that decision. Though the gist of the report has been placed just now, it is rather too late and it

[Shri P. K. Deo]

is difficult for me to utilize it for my own observations.

As pointed out by the hon. Minister, Shri Lal Bahadur Shastri, in 1957 elections in a House of 140 members, the Congress had a membership of only 56, Ganatantra Parishad 51, Praja Socialist Party 11, Communist 9 and the rest were smaller groups or Independents. Under the circumstances, the only alternative left for any party at that stage was to form a coalition government. But it was very sad that the Congress party did not stick to the ethical principles and threw to winds all the democratic conventions and principles and started purchasing members from the opposite camp and there was regular horse trading of Orissa M.L.A.s. It is a disgrace. It became very difficult for the Members of Parliament from that State to introduce themselves before the people that they are the representatives of the people because the morality in public life of Orissa was at such a low level.

Shri Tyagi: It is rather a serious motive that my friend is attributing —'purchasing'. It casts an aspersion not only on the head of my party but also on those hon. Members whom he attributes to have been purchased.

Shri P. K. Deo: Nobody was purchased by the Ganatantra Parishad. So, it does not affect my party.

In the hope of fishes and loaves members elected on different tickets crossed the floor and joined the party in power. It is a fact, and, as pointed out by the hon. Minister, this sort of Government could not be carried on for long and, at last, in a prestige voting the Congress Government was defeated by a margin of 8 votes. It was called a snap vote. Immediately after that, there were two bye-elections and the Ganatantra Parishad had the distinction, had the privilege, to fight against the Raja of Kaonjhar's son as the Congress candidate and it defeated him severely at the polls in his former State. In the next bye-

election the Ganatantra Parishad Parishad candidate was the only Muslim Member of the Orissa Legislative Assembly and in spite of the communal propaganda by the Congress side he was returned with a thumping majority from, Sir, your Parliamentary constituency.

All these circumstances compelled the Congress then to give a call for a coalition government and at that time in the Assembly most helplessly the then Chief Minister asked for co-operation and asked which party would be coming forward for taking part in a coalition Government. The Ganatantra Parishad responded to the call and the coalition Government was formed.

The coalition was never a marriage of convenience. The coalition was formed on a definite and progressive 2½ years' programme. The programme was placed before the country and had the approval of all sections of the people. Even Pandit Jawaharlal Nehru, the hon. Leader of the House, had to say that the Ganatantra Parishad is something more than a rulers' party. It is a popular party of the western districts of Orissa.

Shri Surendranath Dwivedy: It is representative of the Adivasis.

Shri P. K. Deo: Yes, it is representative of the Adivasis. This is what he has said in his monthly press conference.

At that time even though there was some opposition in the A.I.C.C. from my hon. friends, like, Shri Ansar Harvani and Shri Shyam Nandan Mishra, Shri Bijayanand Patnaik, who was a member of the A.I.C.C., said that under the circumstances it was inevitable to have a coalition government. At that time he claimed himself to be the main architect of the coalition government.

The taste of the pudding lies in its eating. Let us see what the achievements of the Coalition Government

are. If you see the achievements of these 21 months, you will find that the most controversial Land Reforms Bill with a ceiling of 25 standard acres, probably the lowest in the country, was passed in the Orissa Legislative Assembly and was going to be given effect to. Anti-corruption measures were taken and given effect to more rigorously. The separation of the executive from the judiciary which was put in cold storage all these years by the Congress Government was given immediate effect to. A Pay Commission was appointed to go into the conditions of service and pay scales of the staff and the report of Pay Commission was fully implemented. Similarly, democratic decentralisation of power into the hands of the people, that is, Panchayati Raj, is the greatest gift of the Coalition Government to the people of Orissa.

Then, this period was a period of rapid industrial growth in all the districts with special consideration to the backward districts. In the field of education also, rapid strides were taken and several colleges were started in various backward districts. At the time there is no district in Orissa without a college. Two medical colleges, one at Burla and the other at Barhampur, and one engineering college at Rourkela were opened. Besides these there are several other achievements.

The most authentic report on the working of the Coalition Government would be available from the Governor's Address which was presented to the Orissa Legislative Assembly the other day. The Governor says in his Address:

"The year 1960-61 has been a year of many achievements in our State and we can legitimately look back with pride."

He concluded by saying:

"Successful implementation of that plan will lead us to the threshold of the take-off stage and result in a self-generating

economy. All this requires political stability, hard and disciplined work."

Throughout his speech he has been harping on political stability. It was always the interests of the State that were considered first by the party; it was never the party interest which stood in the way of the development of the State.

Lastly, the Governor at an entertainment to the out-going Ministers says—this is a report published in the *Hindusthan Standard*—

"The members of the outgoing Coalition Cabinet were guests of the Governor, Mr. Y. N. Sukthankar, at a luncheon yesterday at Raj Bhawan. Secretaries of the various departments and other top officials were also present.

In a brief speech the Governor is reported to have remarked that after the formation of the Coalition Government considerable progress in the execution of the various development plans had been made. The Governor advised the Secretaries and top officials to keep up the tempo of progress."

From all this you will find that these 21 months was a period of progress all round in the State of Orissa.

I fully appreciate my hon. friend, Shri Hiren Mukerjee's poetry, rhetoric and English phrases, but at the same time I beg to differ from him as he is not consistent with realities. It was never a marriage of convenience. The whole basis of coalition was a progressive programme which they have tried to implement in the short period of 2½ years.

Now let us see what stood in the way and why this coalition came to a certain conclusion even though two days ago the motion of thanks on the Governor's Address was passed in the House by a thumping majority and the House fully endorsed the Governor's

[Shri P. K. Deo]

Address. Immediately after that what circumstances were created that stood in the way of the functioning of the Coalition Government? In this connection, with all humility, I beg to submit that the whole trouble started because the Ministry was strict and the administration was carried on without any frown or favour. Those opportunists who claim to be the kingmakers of Orissa and who claim that they can do and undo things at their own sweet will could not be pleased. They could not take undue advantage which they were used to in an unstable political atmosphere. It is this group, as you know, which discredited Shri Nabakrishna Chaudhuri, the former Chief Minister of Orissa and brought Shri Hare Krushna Mahtab from Bombay. It is this group which successfully condemned Shri Hare Krushna Mahtab and are now trying to boss over the party.

14.58 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

I would be failing in my duty if I do not mention the name of Shri Bijayanand Patnaik. The whole trouble started on his being elected as the President of the P.C.C. Last year while taking part in the debate on the Demands of the Ministry of Commerce and Industry I had the privilege of drawing the attention of this House to Shri Bijayanand Patnaik's various *mala fide* actions.

Dr. Samantsinhar (Bhubaneshwar): To say that about a gentleman who is not here

Mr. Deputy-Speaker: I was going to stop him from saying that. The objection is valid. I will request the hon. Member not to cast reflection on a person who is not here.

Shri P. K. Deo. The whole thing started from that very person . . .

Mr. Deputy-Speaker: He may accuse the Government, the Party, or whosoever he likes, but not one particular individual who is not here, because he is not here to answer those charges.

Shri P. K. Deo: I will not mention the name. It is the President . . .

Shri Datar: Anyway, the words '*mala fide*' should be expunged.

Shri P. K. Deo: They should be explained. I am going to explain them . . . (*Interruption*).

Mr. Deputy-Speaker: Order, order. He should not take upon himself to dilate upon the same matter just because the hon. Home Minister asks him when I have just now particularly pointed out that this is not in order. He should not refer to that.

As to the question whether this should be expunged or not, I was rather reluctant because the hon. Member was saying that he had pointed this out in the House earlier. So if it has already come there I will look into it and decide whether it really requires something to be done. But '*mala fide*' is not a word which is objectionable.

15 hrs.

An Hon. Member: Expunged?

Mr. Deputy-Speaker: Not for explanation, but for expunction.

Shri P. K. Deo: If the Minister is not acquainted with facts, I may repeat, in this very house I have spoken regarding Rs 6,60,000

Mr. Deputy-Speaker: I have advised him not to do so.

Shri P. K. Deo: I am explaining.

Mr. Deputy-Speaker: Even if I ask him not to do that, would he go on because the Home Minister has just pointed out that out?

Shri P. K. Deo: I am sorry. Various misdeeds of this . . . gentleman . . .

Mr. Deputy-Speaker: Again, I am asking him to avoid referring to that gentleman. He is putting forward the same thing. He can criticise the Government, the party or any body collectively, but not individually.

Shri P. K. Deo: There are persons on whom the Government had to take strong action according to rules. This gentleman's mining leases were cancelled the other day because the royalties could not be paid and the labour laws could not be properly implemented. This was the last straw on the camel's back and naturally, these self-seekers were infuriated and they were determined to see the end of this coalition Ministry. As I pointed out earlier, the whole thing started with the election of the P.C.C. A vote of no-confidence was passed against the P.C.C. President and as soon as the seat was vacated, some one, all of a sudden jumps to the seat, he usurps the seat and declares himself to be the P.C.C. President. I do not think there is any such rule in the constitution of the Congress. When a vacancy arises, there is a notification, the returning officer calls for applications, there is a scrutiny and then there is voting. Whoever secures a majority of the votes is automatically elected. But, nothing was done. As soon as a vote of no-confidence was passed, he jumped in and usurped and he declares himself President of the P.C.C. and gives notice to the Chief Minister.

Mr. Deputy-Speaker: There ought not to be any void.

Shri P. K. Deo: There is a new thing. We have to learn many new things.

An Hon. Member: That is direct action.

Shri P. K. Deo: He gives notice to the Chief Minister that the Congress has no confidence in you and under these circumstances.....

Shrimati Parvathi Krishnan (Colm-batore): It is something unusual in the Congress.

Mr. Deputy-Speaker: Order, order.

Shri P. K. Deo: The Chief Minister refers the matter to the Congress High Command and the Congress High Command instructs the Chief Minister to carry on the coalition till such time as they decide to put an end to this coalition. This put the Finance Minister in a very awkward position. Rightly he thought, if this coalition is going to come to an end, why should he present the Budget in the House, let the Government which will implement the Budget prepare and present the Budget in the House and that would be none of his business. So, taking into consideration all the democratic principles and conventions, he himself rightly decides not to present the Budget in the House. That precipitated matters and this coalition came to a sudden close. In this connection the whole situation as it developed and various things as they unfolded themselves, as time passed, bring us to the conclusion that always the party interest was placed above the state interests.

In this connection, it would not be improper if I quote a few passages from the correspondence that passed between Shri Hare Krishna Mahtab and Shri Bijoyanand Patnaik which was published and circulated to all the Members of this House.

An Hon. Member: This House?

Shri Goray: It came to us.

Shri P. K. Deo: I have got it. Shri Hare Krishna Mahtab in his D.O. letter dated 25th February, 1960 writes to Bijoyanand Patnaik,

"After I had a talk with you on the 23rd night, I thought over the matter and write out the note which was not ready when you met me yesterday in my retiring room."

This is the note. I would like . . .

Shri Tyagi: On a point of order, Sir, I thought that correspondence of this nature was rather privileged. The relationship between a party leader outside and a leader in the Assembly is that of a husband and wife and the letters cannot be read in a public forum like this.

Shri P. K. Deo: This is most important: only two lines.

Mr. Deputy-Speaker: Order, order.

Shri Surendranath Dwivedy: Their relationship was more than that of a husband and wife; it is more intimate than that.

Mr. Deputy-Speaker: Order, order. There ought not to be any pun on the phrase husband and wife. We have to see whether it is admissible or not. Who circulated this? The hon. Member stated that this was circulated to the Members of this House. Who circulated it?

Shri P. K. Deo: Shri Bijoyanand Patnaik and Shri Hare Krushna Mahtab: both.

Shri Goray: It came by post.

Shri Braj Raj Singh: We have got it.

Some Hon. Members: We have not.

Mr. Deputy-Speaker: Even if it is circulated among the Members, we have to see the propriety of its being discussed here in the House. That is not enough ground that because somebody circulated it to the Members, therefore, it automatically becomes...

Shri P. K. Deo: The whole quarrel started from here. It came to a head, to the breaking of the coalition.

Mr. Deputy-Speaker: Independently of that, even if, according to the hon. Member, this was the root cause, then to, we have to decide according to our rules and regulations whether it is admissible or not.

Shri Braj Raj Singh: May I submit, Sir, that that matter has been the subject matter of certain questions in this House?

Shri P. K. Deo: It was published in the papers.

Shri Tyagi: For your ruling, I may submit, Sir, I think the leader of the legislative party, his conduct, can be discussed. Every time, I find it is the party outside and their office. That is not the subject of discussion here. What their attitude was is not the concern of Parliament. Their representative in the legislature and his conduct can well be discussed. Nobody says that is not at fault. You may discuss that.

Shri P. K. Deo: The whole correspondence was published in the papers.

Mr. Deputy-Speaker: Not two hon. Members at a time: let us be clear.

Shri P. K. Deo: The whole correspondence appeared in the newspapers. There is no harm if I quote from a newspaper. It is a public document.

Shri Jaganatha Rao: How is it relevant?

Mr. Deputy-Speaker: What is the object behind it?

Shri P. K. Deo: Let me read it.

Mr. Deputy-Speaker: If it is read out, then, there is no question of my giving any decision.

Shri P. K. Deo: This is the main reason for the breaking of the coalition.

Mr. Deputy-Speaker: I am just requesting the hon. Member to tell me how it is relevant to the present discussion. And then, secondly...

Shri P. K. Deo: The main disagreement started from this point. He wanted to put up certain industries which were denied. It is clear.

Shri Tyagi: Still further, if anybody wanted industries, that has nothing to do here.

Mr. Deputy-Speaker: The hon. Member says that somebody wanted to start an industry, he wanted permission or licence or permit, whatever it was desired. That is what I could guess from the words that have been uttered. Perhaps that was not given, and therefore, he started this trouble. That is why I was rather nervous. Because, the Home Minister while making preliminary remarks has said that some of the Members of the Congress wanted that this coalition should not continue. Exactly that was why Shri Asoka Mehta interrupted him and then too, it was explained by the Home Minister that some members in the Congress party desired that this coalition should be discontinued. The hon. Member, so far as I can make out, has tried to explain who those members were, what was their objective, what was passing in their mind and what motivated them to ask for this. This is the explanation of that, and I feel that I cannot stop any reference to that.

Shri P. K. Deo: Thank you. In this note, Shri Hare Krushna Mahtab . . .

Mr. Deputy-Speaker: If I feel even afterwards that that ought not to have been allowed, then I can decide and even order it to be expunged.

Shri P. K. Deo: This note was compiled by Dr. Mahtab after the talk with this gentleman. In the note, he says:

"In order to build up Congress organisation on a strong basis to be able to secure a large number of seats in the next general election, the Congress organisation should be based upon some definite industrial programme. Each district particularly in the ex-State areas should have at least one industry which is to be run by Congressmen, and through these industries, Congressmen will come in contact with the people and thus exercise their influence over them. About the second point, Shri Patnaik explained that the

industries to be started in the district will be managed by the Tube Mill Ltd. which will contribute controlling finance, the remaining finance is to be raised from the local people by Congressmen."

Shri Tyagi: I am afraid that it is not a genuine letter.

Shri Braj Raj Singh: How can he be afraid without knowing the details?

Mr. Deputy-Speaker: I am sure the hon. Member has taken precautions that these are genuine letters, and then he ought to be prepared to place them on the Table of the House.

Shri P. K. Deo: Yes, I am ready.

Shri Ansar Harvani: It may be placed on the Table of the House. We can never imagine a Congressman writing such a letter.

Shri Braj Raj Singh: You do not know what Congressmen are.

Mr. Deputy-Speaker: Order, order.

Shri P. K. Deo: To this, Mr. Patnaik replies:

"If, however, you have neither the will nor the courage for it, I must proceed in my own way ceaselessly and fearlessly to achieve the party's objective. The choice is yours. There is no midway."

So, he wanted to build up a Congress organisation by having a chain of industries, and he having the controlling finance.

Shri Asoka Mehta: Run by Congressmen.

Shri P. K. Deo: And those were to be run by the Congressmen. The Chief Minister did not agree to it, and the whole trouble started, and it came to a head when this gentleman was elected as the chairman of the P.C.C.

Mr. Deputy-Speaker: The Chief Minister also was of the Congress organisation.

Shri P. K. Deo: Yes, but he became stronger unlike others.

Shri Surendranath Dwivedy: This man became the president; he asked the Chief Minister to resign.

Shri P. K. Deo: The last letter of Dr. Mahtab to Shri R. N. S. Deo the Finance Minister, before the actual break-up of the coalition would be of interest to this House. Dr. Mahtab has mentioned in his letter to Shri R. N. S. Deo how difficult it is for him to continue as Chief Minister, in view of the pressure tactics of certain groups in the Congress for their own gains. From this, it is obvious that there was pressure tactics. There was a group inside the party, and they wanted to control the finance and the destiny of the State and have their own say in all fields of activity. When this could not be done, he came to the decision that this coalition should not continue.

So, I beg to submit that the interests of the State were never considered. The interests of the party and the interests of the individuals always ran supreme over the interests of the State.

In this connection, it would not be out of place to say that this gentleman who is the financier of *The Link*. He along with certain groups of my communist friends is trying to capture the Congress organisation in the garb of Congressmen.

Shri Chintamani Panigrahi: I repudiate this charge. I belong to the State, and, therefore, I know it.

Mr. Deputy-Speaker: When there was a reference to Congressmen all along, the hon. Member was silent.

Shri Chintamani Panigrahi: He said something about *The Link*.

Mr. Deputy-Speaker: We have to listen to him, even when he brings in communists also.

Shri P. K. Deo: The editor of *The Kalinga* was a communist candidate for the Lok Sabha seat in 1952, that is,

Shri Man Mohan Mishra. The manager, Shri Baidyanath Rath was a communist M.P. of the Rajya Sabha till the other day, and he is a communist member. Shri Baishnab Charan Patnaik was a Communist M.L.A., and he was my colleague, and we were together for five years in the local Assembly. These people have now come in the garb of Congressmen. It is a purely domestic affair. Of course, this relates to the Congress organisation, and I have nothing to say, but as they are the largest party guiding the destiny of the country, I request them to take a serious note of caution in this regard.

Mr. Deputy-Speaker: I hope the hon. Member is now trying to conclude. He has already taken about 34 minutes.

Shri P. K. Deo: Regarding mid-term elections, though my party is anxious that this opportunity for the revival of the parliamentary system of Government and the rule of the people by the people for the people should be had at the earliest occasion, yet, it has to be judged from the practical point of view. We find that the bifurcation of constituencies will take about a month or so. Then, it will be very hot, and it may not be possible to have the mid-term elections. The only time for mid-term elections would be immediately after the rains, and if that suits everybody, we shall be glad to have the elections at that time.

Dr. Samantsinhar: Before speaking anything on the Proclamation of the President regarding the political situation in Orissa, I have to say something about the statement made by my hon. friend Shri Surendranath Dwivedy. He was anxious to have the democratic form of Government in the State. Also, in his speech, he criticised the Centre and also the Congress High Command to show how they have been indirectly interfering in the administration of the State, and how they are trying to administer the State from here.

You know, Sir, what the party position in Orissa has been after the general elections. The Congress High Command as well as the Central Government have always tried to have a democratic form of Government in that State, and they have given every chance to every political party to have a democratic form of Government in that State. So, neither the Congress High Command nor the Central Government have interfered in the administration of the State; rather, they have tried to help in the administration of the State by their own people.

Shri Surendranath Dwivedy also expressed the desire that there should be early establishment of democratic form of Government in that State. I also agree with him on this point, because we are all sorry that in the greatest democracy of the world, that is, in India, any State should be ruled not by a democratic form of Government but by bureaucracy. But, when saying this, Shri Surendranath Dwivedy looks also to his own party interest, and he says that they should have time to be ready for the elections; it is also stated that it would be very hot in a month or two, then, there will be rains . . .

Shri Surendranath Dwivedy: I never said that. I only said that if the elections are to be held, let them be held at any period which is convenient to the people, not to any party.

Mr. Deputy-Speaker: Probably, all agree that the elections should be held after some time, and that means general elections.

Dr. Samantsinhar: If all are anxious to have a democratic form of Government, then, the elections should be held as early as possible. Why refer then to the rains, or to summer, or to the convenience? Even at this time, every thing is ready for the elections. It is not as if the voters' lists are to be prepared. We must have elections on any date in such instances. So, they should also be prepared for this and meet the people for their verdict. While criticising the Congress and the other party which formed this coalition, he also looks to the interest of

his party; that is the process of those who do not want to take responsibility, but only want to criticise.

However, under the circumstances, the position is now well explained and I need not go into details. What the President has done with regard to the administration of Orissa is a good thing. There was no other way open to him except to take over the administration of the State. According to the Constitution, on the report of the Governor and other facts that were available to him, he has taken over the administration of the State. You know that before the Chief Minister tendered his resignation, the Orissa State Congress Committee had passed a resolution. Subsequently, the Orissa Congress Legislature Party also passed a resolution asking the Chief Minister to resign immediately and not form an alternative government. After that, the Governor also asked other party leaders if they could form an alternative government. But no party was willing to form a government. So it is not a good thing to criticise the poor Governor saying that he has cast off democracy and wanted to have a bureaucratic government (*Interruption*). He has tried to his best to see that the democratic apparatus should function there, but when the parties were not prepared to take the responsibility, he had no other way but report to the President to issue this Proclamation.

So under the circumstances, the Governor was perfectly right, and the President has done a good thing in taking over the administration of the State. In the context of the democratic form of government, it is very difficult for the Governor or the bureaucracy to run the Government, because during all these ten years we have been functioning under the democratic system of government and our society and our people are accustomed to that sort of government. There is no doubt that there will be difficulty for the people in having their grievances redressed through the Governor or through the bureaucracy. But when there was no other way and when that was the only solution, we

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will have to accept it. I hope the Centre would do the needful to see how best the administration of the State can be carried on in a democratic way.

Shri Mahanty: I should confess I am speaking more in regret than in anger or in frustration.

An Hon. Member: In anguish.

Mr. Deputy-Speaker: Others did like that.

Shri Mahanty: I am speaking in sorrow. But I am glad to find that is the universal feeling also. My regret and sense of sorrow owes to the fact that personally I had to do my humble bit in bringing about the coalition Ministry in Orissa which, according to us, was the inevitable pattern of government. Therefore, I am more hurt than anybody else when I find that the coalition goes in that State under circumstances which are not graceful.

Sir, I have many points of difference with the Governor, but notwithstanding those differences, I should say he had no other alternative but to recommend to the President to issue a proclamation under article 356 of the Constitution. The basic fact has to be remembered that it is not upto a Governor to maintain the constitutional apparatus of government; there are political parties whose duty it is to maintain the political or constitutional apparatus in good trim. When the constitutional apparatus fails on account of the infirmities of the parties, it is the duty of the Governor, painful though it is, to step in and issue a proclamation under article 356. Here I do not agree that the Governor was wrong in advising the President to issue a proclamation. In his report, you will find that the Governor says:

"All of them were unanimous"—
that means all the political parties
whom he had met—

"that the present Coalition Ministry must go forthwith and the

State should come under the President's rule. The only exception was an independent member who had advised the Governor to take the initiative to get leaders of all the parties together and form a new broad-based coalition Government representing all the parties".

Therefore, in all fairness, I should say the Governor had no other alternative but to recommend to the President to issue a proclamation under article 356 of the Constitution. I believe there the matter ends.

But a basic question emerges out of this sorry state of affairs, as to how the constitutional apparatus in that State had failed. I do not wish to apportion blame. I can lay blame at the door of the Congress and the Congress also with equal emphasis can lay the blame at my door. There can be no doubt about that. It is not a question of apportioning blame. That we will do outside when the election comes. But here is a basic need of bringing to bear an objective thought and mind on this painful state of affairs.

I do not know if my views will be shared by many inside my Party, but I say the coalition failed because in the conflict that emerged between the ministerial wing and the organisation, the organisation prevailed (*Interruption*). We find that in U.P. In U.P., the organisational wing had wanted to assert itself over the ministerial wing. We find the same spectacle in Mysore and in Andhra Pradesh. In the British Labour Party also, the same spectacle is being re-enacted in one form or other. There seems to be a tendency among those who occupy power that after having come to power through the organisation, they forget about the organisation and treat the organisation as a sort of Cinderella. Therefore, it is only natural that an objectivistic frustration creeps into the party. That happened in the case of Orissa also. The hon. Minister said

that both the Congress Party in the Assembly as well as a certain section in the organisation wanted its dissolution. It is a fact. Various motives can be attributed. Perhaps those motives may be good, bad or indifferent; I am not in a position to comment on those. Perhaps what has been said may be right. But it is also a fact that inside the Ganatantra Parishad also, there was a certain section which wanted that the coalition should go. In fact, the Kalahandi District branch of Ganatantra Parishad, passed a resolution to the effect that the coalition Ministry should go on account of the objectivistic frustration that had crept into the party. In the last annual conference of the Ganatantra Parishad also, a resolution was passed urging that the coalition should go. The Coalition Ministry in Orissa was not a mere opportunistic alliance, as my hon. friend, Shri H. N. Mukerjee, thought fit to characterise it. We had a certain basis and a certain programme, but when it was felt at least in our camp that those policies and programmes were not being pursued with the effectiveness and vigour which was expected, naturally there was a sense of frustration. And I am glad to say our Ministers represented in the Government were ever ready and willing to respond to the call for leaving the coalition. But, notwithstanding these, if we had chosen to continue in the alliance in the coalition, which was an uneasy alliance, an uneasy coalition, we did so to maintain the constitutional apparatus in the State. It has to be remembered that what was done in Orissa was a new and novel experiment in the post-independence period.

You will perhaps recollect, Sir, that the Congress Party had sought coalition with the Akali Party, and in the process the Akali Party had lost its integrity, its distinction, and it became a part of the Congress, but ultimately it had to come out of it. That happened also in Andhra, when the Praja Party had to join in coalition with the Congress, and ultimately it was absorbed by the Congress. But for the first time in the history of post-inde-

pendence India there was a coalition between the Congress and the Ganatantra Parishad on a programmatic basis, not on the basis of opportunism or sharing power. We took courage in both hands, and I am glad to say that we, in our own humble way, paved the ground for a coalition Ministry in Kerala also. The fact has to be remembered that notwithstanding our political differences we have to carry on the responsibilities that fall on us as political parties, and we have to carry on the administration somehow, anyhow. Therefore, there can be no escape from the responsibility when coalition becomes necessary. Therefore, nobody should think that a coalition means an opportunistic alliance. I should like to pay my handsome tribute to the leadership of the Congress as also of the Ganatantra Parishad, because they were not swayed by political animosities. They came to realise the basic responsibility, the necessities, the dictates of the times, and they chose to work together in unison for the furtherance of the best interests of the State.

But then, why did this happen? This happened because those who were the leaders of the coalition did not give a correct lead. You know, Sir, it is not in my nature to speak unpleasant things, but when circumstances demand, I believe one has to discharge a public duty by speaking the bitter truth also.

Mr. Deputy-Speaker: Unless he is checked by the Chair!

Shri Mahanty: I always bow down to your ruling, Sir, as you know.

The Prime Minister has been urging to encourage co-operation. I am glad to say that in Orissa we had a co-operative society. (I will give you just an instance as to how this objectivist frustration creeps into the people.) The President of the State Co-operative Marketing Society was no other than the President of the Utkal Provincial Congress Committee. There is something known today as the fertiliser scandal which was brought on the floor of the Legislature, and the Minister for Co-operation was constrained

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to confess that a quantity of 5,000 tons of fertilisers had moved across Orissa's borders and was sold in black market.

Shri P. K. Deo: O.T.M. scandal also.

Shri Mahanty: I will come to O.T.M. later. It is something different from the fertiliser scandal.

Then what happened? A Government which was formed with the basic objective of rooting out corruption appointed a committee,—with whom as Chairman? The Chairman was the Chairman of this Co-operative Society. The man who was the principal accused in this fertiliser scandal, who happened to be the President of the Utkal Provincial Congress Committee, himself presides over an enquiry committee, which went into this fertiliser scandal, and even that committee reported. That there was substantive truth in the allegation that a huge quantity of fertilisers had moved across the State and sold in black market. I ask in all earnestness and in all sincerity even of my friend: can he defend this? If this cannot be defended, I would like to ask one question. The coalition Ministry was not formed so that an individual here or there will stand to gain. What about the basic objectives which we had set before us? The Ganatantra Parishad did not sacrifice its principles in agreeing to work in coalition for this kind of opportunistic activity. Therefore, it is my painful duty to say that for this objectivist frustration that has crept into the rank and file of the parties and also among the people, the responsibility fairly and squarely rests on the leaders of the coalition, and that is an inescapable responsibility. That responsibility cannot be evaded merely by speech-making. History will call us to account. We had made this novel experiment in post-independence history that political parties differing in policies can come together on a programmatic basis, on maximum points of understanding for the maximum good, but that experiment has failed; that experiment has failed on account of this lack of leadership.

I think even in the event of a mid-term or a general election, the pattern is going to be perpetuated which will warrant another condition. I am reminded of what Winston Churchill, the great architect of national coalition, has said in his war memoirs. He has said that coalition cannot function during peace time when self predominates over duty; coalitions function satisfactorily during time of war, during the stress and strain of war, when service overrides self. Therefore, without further going into the matter, I would once again like to emphasize and underline the fact, that in Orissa the coalition is the only pattern which is going to prevail for another two elections, come what may. Whatever may be the permutations and combinations, basically there is no escape from the fact that there are going to be coalitions in Orissa, in future too.

I am glad my hon. friend, Shri H. N. Mukerjee, has read out from the article written by my friend, Dr. Mahatab, whom I hold in great esteem and regard. What does he say? —“We tried to wean over Members, we tried to rope in Members for forming a Government.” Therefore, unless you try to rope in Members of the Opposition Parties after the general election, you will have to agree to the pattern of coalition, but I only wish and pray that from our failure we learn our lessons. In those coalitions, we shall have to function in a manner where statesmanship will override petty political considerations, where there is a large amount of understanding and tolerance and forgiveness also, and where there is a better spirit prevailing between the junior and the senior partners. Ultimately, it is extremely necessary that you create that moral atmosphere where the people are behind you, otherwise resentment and a sense of frustration prevails among the people. It pains me to say so, but after the fall of this coalition Ministry in Orissa, not a single dog has barked, not a single statement has been issued expressing sorrow and regret. Rather, the political parties, the opposition

parties, the people in general, have heaved a sigh of relief. I hang down my head in shame that we had failed in the task which was entrusted to us, but, as I said earlier, I do not wish, to apportion blame. The blame I am prepared to take fairly and squarely on our shoulders because it was ours—the political parties'—duty to maintain the constitutional apparatus, to maintain the normal flow of the rule of law. If that has failed, it is not the failure of the Governor, it is our failure.

Before I conclude, I would like to make a reference to the unconstitutional ordinance, to which reference has already been made. I do make a distinction between the Governor and the immunity that he enjoys from being discussed on the floor of the House, and the Governor functioning under article 356 of the Constitution. You may kindly consider this. When the Governor takes over the reins of administration of a particular State, if Parliament is not going to consider him, then, whose acts is Parliament going to consider? Therefore, with all great respect to the Governor, whom as I have already said I hold in great esteem and affection being a very sen or administrator, I would submit that the manner in which this Ordinance has been hustled through....

Mr. Deputy-Speaker: I would just like to make some observations. There are certain rules that must be observed; there are certain conventions that must be upheld. Certainly, the hon. Member is entitled to discuss the action of the Governor, of what he has done under article 356. But there is a propriety which we always keep before ourselves whenever we discuss the Governor or the President or any such dignitary. We always say that he was advised like that; that was a wrong advice. Whether there are the Ministers to advise or there are the government servants or officers to advise them, the Governor or the President never does anything himself but he has to be advised. Therefore, the manner in which these observations should be made should always be that he was not correctly advised, that he was wrongly advised and that that was

not the proper advice that was given to him. Something like that should be said.

Shri Mahanty: I perfectly agree with you, Sir, and I am in your hands. As they say, the King can do no harm, we will have to say that the Governors cannot misgovern. The Governors also cannot do any wrong, because Kings cannot do any wrong. It was not my intention to criticise that august personality.

Mr. Deputy-Speaker: I am not accusing the hon. Member; but I am only making some suggestions which may be kept in view.

Shri Mahanty: I am grateful for your guidance, Sir. I do not wish to discuss him. What I was pointing out the other day was that a very significant question has been put to the hon. Prime Minister as to what is going to happen to this Ordinance which the Government of India holds to be illegal. This morning also that question was put to the hon. Home Minister and the hon. Home Minister said that it would continue to lie and lapse. Since we are going to create precedents, I should point out that for the first time when Mr. X who was asked to uphold the Constitution came forward with an unconstitutional Ordinance, it has got a great impact on our precedents. Therefore, I venture to submit that the Government should not stand on grounds of prestige but should request the Governor to withdraw that illegal piece of Ordinance.

The basic fact has got to be remembered that when Parliament is in session, it is nobody's business, not even the President's, to issue an Ordinance. After the Assembly had been dissolved, I believe somewhere on the 25th, all the powers were transferred to this august House. And, on the 22nd Feb., the Assembly was prorogued under an order. Before the Assembly was dissolved, even though the Assembly had been prorogued, it had a physical, legal and constitutional existence. What stopped the Governor or the Government of Orissa from convening the Assembly which had been pro-

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rogued? Even when the Assembly was not likely be in session it had its physical, legal and constitutional existence. Therefore, without summoning the Assembly or without referring the matter to the Parliament, even the President had not the right to issue an Ordinance. I say so because it fatally affects the democratic norms and principles which we are so eager to uphold.

The Supplementary Demands can only be appropriated after the Demands have been passed. There are two stages. The Supplementary Demands have to be formulated and passed on the basis of which the appropriation can be made by the Governor. On that fateful day the Supplementary Demands had not been placed on the Table. Therefore, even the Legislature of Orissa had not the right to appropriate Rs. 4½ crores from the Consolidated Fund of the State, much less the Governor through an Ordinance. It pains me to say that the executive of the Government of Orissa wrongly advised the Governor and the Governor, notwithstanding being a Barrister, had also to accept that advice without much thought. Whatever that may be, it only shows the indecent haste and hustle by which we have been ruled. That is why I say that unless Parliament thinks of some better methods of ruling us, under the Governor's rule the same hustle and haste will prevail. Of course, it will be our painful duty to bring it to the notice of this House from time to time.

In conclusion, I should say in all fairness to the Governor that there was no escape from President's rule under article 356. The failure of the constitutional apparatus was there; and it took place because the parties, including the Opposition parties, the P.S.P. and the Communists, could not provide another alternative government. The Governor had not other alternative. That is our responsibility too. I should say, having been a contracting party; it is also our failure that we could not maintain it.

Shri Asoka Mehta: May I seek some elucidation from my hon. friend? I do not know if my hon. friend, Shri

Mahanty has had the time to go through the summary of the report of the Governor of Orissa to the President which has been made available to us. On page 1, the Governor says:

"While it was expected that the Ministry might resign after the end of the 1961 Budget Session, the present situation was unforeseen and resulted in certain grave consequences due to the Legislature not meeting one of its basic responsibilities of authorising, from out of the Consolidated Fund, the reimbursement of the commuted expenditure even for the current financial year."

Then, on page 2, it is said:

"The Governor asked him" that is, the then Finance Minister "to consider the possibility of at least having an 'on account' budget passed before resigning; but he emphasised the inability of the Caretaker Government to undertake the responsibility for putting through the Assembly even an 'On Account' Budget. The Chief Minister, too, confirmed the inability of the Caretaker Ministry to pass an 'On Account' Budget."

Now, the question I want to ask the hon. Member is, Who put the Governor in a quandary? Here were two responsible parties knowing full well that some kind of 'On Account' Budget has to be passed. These two parties were approached by the Governor. They were told that the Legislature must discharge its liability. Either the two parties together or any one of the parties should have undertaken the responsibility and discharged it. Not only has the Governor been put in a quandary—it is a different matter and the Governor, I think, can take care of himself—but the whole people of Orissa have been put in a quandary because of the manner in which the parties seem to have responded to the call of responsibility to which, evidently, the Governor had drawn their attention. I would like to know from Shri Mahanty this, because he had been rather so strong on this matter, as to what he has to say to this.

Shri Mahanty: I do not know if in my own humble way I would be able to satisfy my esteemed friend, Shri Asoka Mehta. He has put two questions. The first is, 'Who put the Governor in a quandary?'. I would like to point out to him that if he goes through article 356 of the Constitution he will find that the Governor has to be satisfied that there has been a failure of the constitutional machinery. In order to be satisfied, the Governor has to keep himself wide awake. Since the 13th February, when the Congress Party passed a vote of no confidence against its own President and demanded the dissolution of the coalition ministry, the Governor should have been wide awake. If the Governor has to really function he must have kept the President advised from time to time about what was happening in that State. Therefore, if the Governor was helpless as to find himself in a quandary overnight, then, I must say the blame does not rest at our doors but lies somewhere else. That is very different. It was really for the Governor to have thought over the advice he was going to tender to the President, this being the pattern of position there.

My hon. friend is right when he says that the Governor asked both the parties even to present a 'Vote on Account'. I am sure my hon. friend, Shri Mehta has also read the report of the Governor wherein he says that the Chief Minister agreed that a 'Vote on Account' could not be presented. As you know we are working according to Cabinet principles where the views of the leader of the Cabinet, namely the Chief Minister, prevails. When the Chief Minister.....

Mr. Deputy-Speaker: But this has been admitted that even the Finance Minister refused to put that before the House.

Shri Mahanty: I am not concerned with the Finance Minister. According to the Governor's report, it has been said, even the Chief Minister, when asked by the Governor to consider the possibility of at least having an on-account Budget passed be-

fore resigning, expressed his inability to undertake the responsibility for putting through the Assembly even the on-account Budget. The Chief Minister too confirmed the inability of the caretaker Ministry to pass such a Budget.

Shri Asoka Mehta: May I ask him to read the next sentence?

Shri Mahanty: I am coming to the next sentence. Before I complete this one, there is bound to be a gap. My hon. friend will have no doubt in his mind that in any cabinet, it is the view of the Chief Minister that prevails. In the Union Cabinet, it is the view of the Prime Minister, notwithstanding the views of his juniors, that prevails. It is likely that they concur with his views but that is a different thing. So, the responsibility for this rests on the Chief Minister of Orissa. May I ask: what stopped the Chief Minister from presenting the Budget? Therefore, though I say that we might share the responsibility for having brought about this situation, the responsibility for all this lies fairly and squarely on the shoulder of Dr. Hare Krishna Mehta and none else.

Mr. Deputy-Speaker: That should be enough.

Shri Mahanty: I have said this by way of explanation. I am sorry if I have not been able still to satisfy my hon. friend.

Shri Ansar Harvani: Mr. Deputy-Speaker, I congratulate the hon. Shri Shastri on the speech that he delivered today in his capacity as Home Minister. In fact, there is no body in the House, either on this side or that side, who will shed any tears on the dissolution of that unwholy marriage which was consummated between the Indian National Congress Party and the Ganatantra Parishad. I remember very well that when this question came up before the supreme body of the Indian National Congress, the All India Congress Committee, some of us vehemently opposed any

[Shri Ansar Harvani]

coalition with the Parishad. The name of Shri Bijoyanand Patnaik had often been referred to; today he is the President of the Pradesh Congress Committee. He supported the coalition at first but today he has been converted to our viewpoint, whatever reasons there may be and I congratulate him at the conversion.

The question of coalition in parliamentary politics has got certain implications, and the Congress Party in this country has got certain traditions about it. When we started our parliamentary career in the Swaraj party, we often used to be in the minority and we had coalition or alliances with certain parties. In 1936, when we decided to accept office we came in absolute majority in several of the States and there were three of the States where we were the single biggest party and if we wanted to enter into alliances with the other political parties, we could have captured those States also. But in Bengal we refused to come to power by entering into an alliance with the Krishak Praja Party. In Assam and in NWFP, we waited and accepted office only when we found that certain elements had decided to resign from their party to accept our manifesto, our ideas and our programmes. They were the traditions that the Indian National Congress had in the past. But, alas, in the 1950, we discarded that policy. Alas, in our lust to continue in office, we did not adhere to those policies. Some of us were not very happy about what we did on the eve of the elections in Kerala. But I am glad that after the election was over, wisdom dawned on us and we entered into a coalition with the Praja Socialist Party, whose programme is very much like ours. In fact, we invited them because with the exception of personalities, there is hardly any difference between them and us. We find Shri Dwivedy and Shri Asoka Mehta nearer to us than many who sit on our own benches and we hope and trust that before 1962 many of

them will be in our own fold. I am glad that after the elections were over in Kerala, we decided not to enter into a coalition with the Muslim League. It was a happy decision that the Congress Party made there and the Congress High Command made here. Unfortunately, something different happened in Orissa.

There was a political party, the Congress Party wedded to socialism; that was a party which had decided to abolish the jagirdari system, to liberate the people from hold of feudalism. It fought for years and years against imperialism, against feudalism, against conservatism and against all that was reactionary. There was another party—the party of rajas and maharajahs, which enjoyed privileges in the past.

Shri Mahanty: It is not a party of Rajas. Let him not misrepresent. Party means a collection of individuals. There are other individuals also.

Shri Ansar Harvani: It was a party dominated by maharajas and rajas who had suppressed the peasantry in the past. We forgot the struggle of the kisans, the struggle of the Praja Mandals in most of the States and we forgot the blood of these people in all these places where they had fought these rajas and maharajas. We entered into an alliance with these people and we came to amiss. Today, fortunately, the Congress there and the Congress here has realised the mistake. We congressmen, having been brought up in the tradition of Gandhiji, always accept our Himalayan blunder. I say it was a Himalayan blunder when we entered into a coalition with the Parishad and I congratulate them that today we are again out of the office. It is not only for preparing for an election as some hon. friends on that side accused us. It is the realisation of the mistake that we had made. We hope and

trust that the time is fast approaching when the peasants and workers of Orissa will realise that their future lies not with the feudal aristocracy there but that their future lies with the socialist party that is the party of the Indian National Congress.

Shri Braj Raj Singh: You are equally feudalist.

Shri Ansar Harvani: Their future lies with the party which is preparing for socialism in this country. It is true that there have often been references about attempting to get the spoils, certain mining leases, etc. *(Interruptions.)* The hon. Home Minister will make enquiries about them. There were certain letters which were read out here by my hon. friend Raja of Kalahandi and I as a Congressman can never imagine that a Congressman can write letters of this type. I have already demanded that these letters be placed on the Table of the House and I have no doubt that our own Home Minister will make thorough enquiries about the genuineness of these letters and if these letters are genuine action will be taken. With these words, I support the motion.

Shri Chintamani Panigrahi: Mr. Deputy-Speaker, I was called last of the speakers. I listened to the speech of the hon. Home Minister very attentively and it clearly indicated that the internal quarrels between the Ganatantra Parishad and the Congress in Orissa have brought about a situation like this. I am also grateful to our friend, Shri Asoka Mehta, who also pointed out how utterly irresponsible both of them were. Neither the Chief Minister nor the Finance Minister was prepared to present a vote on account Budget so that the officers of the State to which they belong, the State which they want to rule and had been ruling for 21 months, could get their salaries and

at least the offices could be maintained. But the Chief Minister and the Finance Minister acted so irresponsibly and because of their internal quarrel I am sorry that my own people have suffered for the last 21 months. The 1.40 crores of people of Orissa suffered because the two parties quarrelled between themselves. I welcome the feelings expressed by Shri Harvani and I appreciate his sentiments. When this coalition Ministry was formed, a large number of people belonging to the democratic forces, progressive sections even in the Congress were completely opposed to it.

16 hrs.

It was so because they were brought up in a tradition of feudal rulers. You, Sir, may have read the report about the movement of the States' people, and how some Rajas and Maharajas opposed and suppressed those people in those days. Really, it was a matter of shame on the part of even the progressive Congressmen in the Orissa State to go and face the people in those areas, when they were told that they form the natural leaders of those areas, and not the Congress, nor the democratic forces, nor the progressive forces, who fought for the interests of the States' people.

Mr. Deputy-Speaker: I was waiting for the hon. Member to look at me. I think he has to say something more.

Shri Chintamani Panigrahi: Yes, Sir.

Mr. Deputy-Speaker: He may continue tomorrow.

16.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the March 9, 1961/Phalguna 18, 1882 (Saka).