

YIP

CHAVAN

SELECTED SPEECHES IN PARLIAMENT



EDITOR : R. D. PRADHAN

Y. B. CHAVAN

SELECTED SPEECHES
IN PARLIAMENT

VOLUME II

HOME MINISTER

Editor
R. D. Pradhan

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FOREWORD

Shri Y. B. Chavan, who as a young man participated actively in the freedom struggle, emerged as one of the prominent leaders of independent India.

He spent almost half his life in the Legislature, Sixteen years between 1946 to 1962, in the Legislative Assembly of the erstwhile Bombay State and later of Maharashtra. On November 21, 1962, he was called to take over as Defence Minister of India. Till his death, 22 years later on 25 November 1984, he remained a Member of the Lok Sabha.

Y. B. Chavan was a great patriot, perspective thinker and a true democrat. He also proved himself an able administrator in all the high positions that he occupied as Chief Minister, as a Minister for Defence, Home, Finance, External Affairs as well as Deputy Prime Minister of India. He emerged a great Parliamentarian as well. With his strength of character, sense of fair play and ability to engage in repartee, he established for himself a unique place in democratic India.

Y. B. Chavan Pratishthan has undertaken a project to publish his selected speeches. His speeches in the Legislative Assembly in the State have already been published in two Volumes. Now, the Pratishthan has great pleasure in offering in two volumes Y. B. Chavan's Selected Speeches during his tenure as Defence Minister and Union Home Minister. It is

proposed to make available his other speeches in the Parliament in due course.

I am confident that Shri Y. B. Chavan's Speeches will serve as useful reference material to students of politics and constitutional authorities. It should also prove useful to future historians.

August 1, 1995
Mumbai.

Sharad Pawar
President,
Y. B. Chavan Pratishthan

EDITORIAL NOTE

Y. B. Chavan Pratishthan has undertaken a project to publish selected speeches of Shri Chavan in the Parliament. First phase of the Project includes publication of his speeches as Defence Minister of India and as Union Home Minister in two Volumes, covering a period between November 1962 to December 1970.

Volume I contains speeches as Defence Minister and selected speeches concerning the law and order as the Union Home Minister. Volume II contains speeches as Home Minister on constitutional matters, mainly those covering the role of office of the Governor and imposition of President's Rule under Article 356 of the Constitution.

Shri Y. B. Chavan became Defence Minister on 21 November, 1962 at a time when the Indian Army was facing a major debacle in the North-east. During his stewardship of Defence Ministry upto November 1967, his main achievements were to expand and reorganise the Armed Forces, modernise their equipment and establish new productive capacities for Defence.

Shri Y. B. Chavan's contribution to India's Defence is well covered in the three speeches that he delivered for seeking budgetary grants for the Defence Ministry. During those speeches, he shared with the Parliament and the country his perception of the nature of threat on borders and his own approach to reorganising and reestablishing proper relationship between the political system and leadership of the Defence Forces. These speeches also represent development of Shri. Y. B. Chavan from a State level politician to a national leader and therefore these represent his evolution as the

Defence Minister.

The handling of the Report on the debacle in NEFA popularly known as the Henderson - Brookes Report was a challenge that he ably faced in the Parliament. The Statement that he made and the spirited manner in which he defended the Government, represent a high water mark of his Parliamentary career. With his masterly handling of the debate, he put an end to the witch-hunt into the NEFA debacle and reaffirmed proper relationship between the political authority and the Defence services.

As Union Home Minister, Shri Y. B. Chavan assumed office after a serious law and order incident near about the Parliament House following which his predecessor had to resign. Shri Y. B. Chavan with this vast administrative experience and skills in management, firmly reestablished law and order. He also proved himself a forward looking Home Minister by reorganising and giving legislative basis to the functioning of several Central paramilitary forces, including the Border Security Force. He handled complex problems in the South arising out of the reorganisation of States on linguistic basis. He ably handled the legislation to provide for three - language formula to establish proper balanced relationship between the South and the Hindi speaking States of the North and at the same time reaffirming the role of Hindi as national language. He made a great contribution in handling the problems of the reorganisation of Assam in a sensitive manner.

1967 General Elections represented a water mark in Indian politics. The Congress Party in power at the Centre had to deal with non-Congress Governments in several States. The role of the Union Home Minister as the king-pin of the Centre - State relations thus became crucial. Shri Y. B. Chavan excelled in performing that role. Many of his speeches in the Parliament

connected with the office of the Governor, the role of the Central Government and imposition of the President's Rule under Article 356 have become constitutional precedents. His approach to complicated legal issues and the manner in which he shared his own perception of the problems, constitutional as well as political, established him as a national leader. By his readiness to engage in verbal duels and sharp repartees he soon won recognition as an able Parliamentarian.

All the above aspects of Shri Y. B. Chavan's personality namely as a political leader, an able administrator and as a Parliamentarian are brought out in these two volumes.

It has been possible for me to undertake this task thanks to the encouragement and spontaneous help offered by Hon'ble Shri Shivraj Patil, Speaker of the Lok Sabha. He very readily made available to me facilities of Parliament's Library. At his initiative, name of an able official, who had recently retired, was suggested to me. Shri Rup Chand, former Deputy Secretary of the Lok Sabha Secretariat worked tirelessly and meticulously and got all the material photocopied and arranged methodically. My selection is based on that material.

About the editorial task, I ought to mention that I have selected only those speeches, especially during Y. B. Chavan's tenure as the Home Minister, which are of relevance and of interest to the future. In editing the same, I have retained the interventions and replies - often sharp repartees - that bring out the skills of Y. B. Chavan as an able Parliamentarian. Also while maintaining the substance of the speeches I have deleted certain repetitive portions and long wordly duels that are part of Parliamentary debate and add flavour to the same. However, this editing has been undertaken so that a reader does not lose sense of continuity.

The 'Selected Speeches' have been compiled in different Sections, each one under a subject heading. Each speech has been presented in a different Chapter, under the relevant Section.

I have also given brief editorial notes to each Section and also to some Chapters to recall the events, circumstances or the context in which the debate took place. This may prove of some use to a reader since most of the speeches included in these two Volumes are over three decades old.

I am grateful to the office bearers of the Pratishthan for all the co-operation extended to me. I am specially appreciative of the assistance that was given to me by Vidyadhar K. Kandalgaonkar by working for long hours in giving a shape to these publications.

I take this opportunity to thank Pratishthan, in particular, its President Shri Sharad Pawar, for having entrusted this task for me. For me it has been a labour of love and my tribute to one who gave me his trust and affection.

August 1, 1995
Mumbai.

R. D. Pradhan

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Y. B. CHAVAN

SELECTED SPEECHES
IN PARLIAMENT

HOME MINISTER

SECTION - 1

OFFICE OF GOVERNOR AND ART. 356

EDITORIAL NOTE

The five year period beginning the year 1967 has been described as a period of political turmoil and uncertainty. The Fourth General Elections of 1967 brought end to one party dominance in many States and also Congress was reduced to marginal majority in the Lok Sabha. Opposition parties formed the United Fronts and came into power in several States. These parties had removed the Congress from the power. They had hardly any common philosophy to guide or common programme to implement.

With the new phenomena of defections gaining momentum, there was political instability from time to time in some of these States, the handling of which brought into focus the office of the Governor, his responsibility and powers, in the dissolution of the Legislatures and imposition of Presidential Rule. Y. B. Chavan as Union Home Minister had to handle in Parliament and explain the Central Government's legal and moral perception of the issues involved and also to defend the office of the Governor and actions of the individuals holding that office in several States.

Imposition of the Presidential Rule in Rajasthan in March 1967, developments in Madhya Pradesh in July 1967, the Proclamation under Article 356 in relation to the State of Haryana in 1967, the dismissal of the United Front Ministry by the Governor of West Bengal in November 1967, the Constitutional Developments in Punjab in March/April, 1968, the imposition of the President's Rule in Uttar Pradesh in 1968 provided opportunity to Shri Y. B. Chavan to analyse, explain to the Parliament, as well as to defend the Central Government of the Constitutional propriety of action by the Governors. In doing so, Shri Y. B. Chavan made perhaps the greatest contribution in making the office of the Governor, the king-pin of the delicate mechanism governing the Central-State relations.

This part contains selected speeches on that subject.



SECTION 1

CHAPTER 1

IMPOSITION OF PRESIDENT'S RULE IN RAJASTHAN

Rajya Sabha on 20 March, 1967

After the Fourth General Elections in 1967 in Rajasthan, no party could get majority in Legislature. While the Congress emerged as the single largest party in the Assembly having won 88 seats, the United Front, a coalition of the non-Congress parties claimed the majority status in the House with the support of Independents.

Dr. Sampurnanand, the Governor invited the leader of the largest single party M. L. Sukhadia of the Congress Party to form the Government. He did not invite Maharawal Laxman Singh, the leader of the United Front who claimed support of 93 members.

Shri Bhupesh Gupta M.P. (West Bengal) moved a Motion in Rajya Sabha to " call attention of Minister of Home Affairs to the refusal of Governor of Rajya Sabha to invite the non-Congress parties in that State indisregard of well-established conventions and the imposition of President's Rule in Rajasthan"

Shri Y. B. Chavan replied to the calling attention notice in Rajya Sabha on 20 March, 1967.

Shri Bhupesh Gupta (West Bengal) : Sir, I beg to call attention of the Minister of Home Affairs to the refusal of the Governor of Rajasthan to invite the non-Congress parties to form a Government in that State in disregard of well-established conventions and the imposition of President's rule in Rajasthan.

The Minister of Home Affairs (Shri Y. B. Chavan) : Sir, as you are aware that the recent General Election did not result in an

absolute majority for any political party in the Rajasthan Assembly. The Congress emerged as the single largest party with 89 seats in the house of 184. Since one of the members of the Congress party, Shri Damodar Lal Vyas, was elected from two constituencies, the effective strength of the Congress Party became 88 of a total membership of 183.

Both the Congress Party and the opposition parties that had formed themselves into a United Front tried to secure the support of Independent members in order to attain a working majority in the House. Claims and counter-claims were made by both sides. The Governor of Rajasthan had consultations with leaders of various political parties in an effort to ascertain the correct facts. After deliberating over the various aspects of the situation, the Governor decided to invite the leader of the Congress Party, Shri Mohanlal Sukhadia, to form a Government. He explained the reason for doing so in the Press conference addressed by him on the 4th March, 1967, at Jaipur. He said he had decided to invite Shri Sukhadia to form the Government because the Congress Party was the largest single party in the Assembly enjoying a strength of 88 members as against the combined strength of all the opposition parties of only 80. He further said that he had not taken into account the reported defection of a member from the Swatantra Party nor on defection from the Congress. The Governor also pointed out that some complaints had been made to him that some MLAs had been locked up and were not allowed to meet their relations. He observed that such methods had no place in democracy and to encourage such tendencies would be to cut at the roots of democracy. He also referred to the quick changes in the views of some persons who had met him. One member had written to him that he had been asked to support a particular party at the point of pistol, but the member had detracted his statement within 24 hours.

Shri Bhupesh Gupta : No.

Shri Y. B. Chavan : I am merely referring to what the Governor said in his Press conference.

He also mentioned one or two other instances to show that some

members had been changing their allegiance under unhealthy influences and observed that while everyone had a right to take a decision and change it if he so desired, the circumstances in which such a thing took place had also to be considered. Finally he said that he had considered the alternative of recommending imposition of President's rule and dissolution of the Assembly but had come to the conclusion that the normal democratic processes should be brought into play.

I would also invite the attention of the House to article 164(1) of the Constitution which says that the Chief Minister shall be appointed by the Governor and the Chief Minister as also other Ministers shall hold office during the pleasure of the Governor. The indirect check on the Governor's discretion in this matter is that if the Chief Minister and the Ministers appointed on his advice do not command the confidence of the majority of members in the Legislative Assembly, the Government will not be able to function. The Governor must, therefore, appoint as Chief Minister a person who is likely to command the confidence of the majority of members of the Assembly. When a party or a pre-existing coalition of parties secures a clear majority at the elections, the Governor must obviously ask the leader of such a party or pre-existing coalition of parties secures a clear majority it becomes a matter of ascertaining the alignment of the Independents etc., or of a judgement as to who has the best prospect of securing additional support. This judgement may not in the event prove to be correct in every case. But until it is proved to be incorrect, it must be respected and accepted.

In exercising his discretion, the Governor was also guided by the Madras, precedent of 1952. In the Madras Assembly the Congress had emerged as the largest single party after the 1952 General Election and although there was a United Front headed by Shri T. Prakasham, the Governor invited Shri C. Rajagopalachari as leader of the Congress Party to form the Government.

The opposition parties reacted to the Governor of Rajasthan's decision in a manner which can only be described as wholly unfortunate. Instead of waiting for the new Assembly to meet

so that the strengths of the two sides could be tested in an open democratic forum, they formed a Sangharsh Samiti with Shri Kumba Ram Arya as its convenor. Highly provocative and inflammatory speeches were delivered in a meeting that was held on the evening of 4th March, 1967 and open defiance of the prohibitory orders under section 144 Cr. P. C. was encouraged by the leaders of the United Front. I have no intention of burdening this House with details of what happened between the 4th and 12th March. It is clear that a sustained agitation involving recourse to violence was built up with encouragement from the United Front. In an atmosphere vitiated by inflammatory speeches even the withdrawal of prohibitory order under section 144 Cr. P. C., which had been decided upon in view of assurances given by Maharani Gayatri Devi, did not help. Mob violence on a serious scale occurred with tragic consequences which we all deeply regret. The activities of the Sangharsh Samiti did not undergo any change even after the sad incidents of 7th March, 1967 when firing had to be resorted to. The State Government had reasons to believe that a regular programme of agitational activities was to be launched from the 12th March onwards. One of the leaders of the United Front had declared his resolve that the opposition would not allow Council of Ministers to be sworn in and in case the ceremony was held secretly, the agitation would be continued.

It was in the context of these happenings and prospects that Shri Sukhadia wrote to the Governor on 12th March, 1967 expressing his unwillingness to form a Ministry. In this situation, the Governor felt that when the opposition had chosen to disregard democratic methods and procedures it was not possible to carry on the Government of the State in accordance with the provisions of the Constitution.

The Government agreed with the assessment of the Governor of Rajasthan and were of the view that regrettable as it was, there was no alternative to the assumption by the President temporarily of the functions of the State Government under article 356 of the Constitution. It was decided, however, not to dissolve the legislature so that the position could be reviewed after some time with the object of restoring normal responsible

government in the State. I share the unhappiness and anxiety of the honourable Members of the House at the interruption of responsible Government in Rajasthan and would like to assure the House that the Proclamation will be revoked as soon as it appears that normal conditions and feelings have been restored, and that a Ministry can be formed without any risk of disturbance of peace and order.

Reply to questions posed by Shri Bhupesh Gupta in his speech:

Shri Y. B. Chavan : Personally, it would have been much more easier to answer questions one by one. For example, the long eloquent speech of my hon. friend, Shri Bhupesh Gupta possibly he may have satisfied himself - has made an impression on my mind that he has not fully heard the statement I made. The only argument that he is making is whether the Governor while making up his own mind, had taken into consideration the position whether any particular party had an absolute majority or not. I have started my statement by saying that as a result of the elections, the picture was very clear that no particular party was in absolute majority. Where, as it has happened in many other States, some pre-existing coalitions had majority, the Governor invited the leader of the existing coalition to form Governments. Here the situation was that not one political party including the Congress was in absolute majority, neither the pre-existing coalition that existed in Rajasthan had also any majority. Therefore, the Governor, naturally, had to ascertain the position and I have made a reference to the Press statement, the statement made at the Press conference which he held on 4th March, in which he has given his reasons why he decided to call the leader of the Government because it was very difficult for him to depend upon the changing loyalty of the so-called Independent Members. It was rather difficult to go by that. Therefore he decided that the leader of the largest party should be invited to form the Government. So it was absolutely constitutional as far as he is concerned and I do not think there were any subjective elements to which Mr. Gupta has not understood this constitutional position. The constitutional position is, even after taking an objective view to be incorrect and

what is the correction for it? The Constitution itself has provided a correction for it; because, the man chosen to become the Chief Minister ultimately has to face the Assembly and if he fails to get a majority, certainly he has to resign. Here in this, he had convinced himself that it was difficult to go by the individual Members in their loyalty because it was changing. He also had expressed the view that these people were under undemocratic influence, as he has mentioned himself. So I personally do not think that the Governor's view was unobjective. I would certainly offer further information about it that when the Governor had invited this person, some of the Opposition leaders felt that certainly it was a challenge and should be taken on the floor of the House and the question should be decided. This view was conveyed to me and the view was conveyed to the President and we, who wanted to restore responsible Government there on the basis of the elections advised the Chief Minister and the Governor to advance the date of the Legislative Assembly which was called originally on the 20th or 21st March by one week. It was decided that the Assembly should be called on the 14th March and really speaking, the whole question could have been decided there and then but unfortunately the Opposition parties took another view and that view was to fight the issue not on the floor of the House but to fight the issue on the streets.

Shri Bhupesh Gupta : That has been repudiated by the Opposition parties.

Shri Y. B. Chavan : We seriously object to this method and really speaking - you wanted me to answer to the essence of Mr. Gupta's point the reply to the essence of his whole speech is that we did not succumb to the pressure on the streets.

In reply to the questions posed by Shri Vimal Kumar Mannalalji Chordia (Madhya Pradesh) :

Shri Y. B. Chavan : Sir, I think I have answered the hon. Member's questions in the statement I have made. If he reads my statement again, I think he will find all the answers therein. There was no question of Congressmen indulging in any violent activity there. The reference to pistol I have made in the statement was

from what transpired from the Press conference that the Governor held there. I have not given any opinion on my own. It is an incident to which the Governor himself made a reference. Again I would like to say, leaving aside the question of majority for the moment, what the basic issue is, what our intention behind this Proclamation is. Our intention behind this Proclamation is that a situation had arisen a day before the Assembly was called to, when Mr. Sukhadia did not want to form the Government there, and it was because he felt that there would be further disturbances. Now let us forget party loyalties; let us leave aside the political situation. Constitutionally the invitation was sent to Mr. Sukhadia because he felt that he commanded a majority. Whether this was right or wrong, I do not want to go into the merits of the case, but then the invitation was with him. On the 12th of March Mr. Sukhadia, taking into account the condition that prevailed in Rajasthan, felt affected by it and he did not want to create a situation where there would be further disturbances, and therefore he did not do so. He took a view that was quite right, based on a certain assessment, with which we agreed. I take the responsibility for agreeing with that assessment of his. He made an assessment of all those things that happened during that week or so and he took the view that they were the result of statements made by - I am not holding all the leaders responsible - leaders or members of the Sangharsh Samiti that was formed, the inflammatory speeches that were made by them and the destruction of property that took place as a result thereof. In the light of all this the Governor had the fear that if any party was asked to form the Government, there would be further disturbances, and therefore he did not want to ask the Opposition parties also to form the Government. This exactly the view he took and this is mentioned in the report, in the statement which I have placed on the Table of the House. In these circumstances, when the Governor had invited a person and he refused to form the government for reasons best known to him, the Governor, on his own assessment of the situation, did not want the Opposition to form the Government. So the only remaining alternative before us was either to dissolve the House, or to temporarily suspend it and wait for normalcy to return to the

State so that a responsible Government could be formed then. So we took the latter or last view.

In reply to questions raised by Shri A. P. Chatterjee :

Shri Y. B. Chavan : Sir, as the honble Member tried to raise some interesting points, I am afraid he has misread the Constitution. His point is that there was no Council of Minister, that the Governor had no occasion to use his individual judgement. That is the point that he was making, and that he made a recommendation on the advice of the Council of Minister. That is not true. Sir, the whole position is misunderstood. Some people might ask why the Governor waited for seven or eight days. As a matter of fact the old Assembly was dissolved on 28th February, 1967 and the question of formation of Government afterwards only after the 28th and the other process started. Here in this matter of forming government the ...

Shri Bhupesh Gupta : Undertaker government.

Shri Y. B. Chavan : Caretaker government was a caretaker government. The matter of forming a government is a completely new process. In this matter the Governor has to depend on his own judgement. Here he does not take the advice of the Council of Ministers. He has misunderstood the Constitution.

Shri Bhupesh Gupta : Undertaker Government.

Shri Y. B. Chavan : To carry on the administration. But it is a completely new process. It is a process of choosing a leader to form a Government. It is a process in which he has to act in his own individual judgement. There is no doubt about it. I have no doubt about it if I understand political democracy and I understand the Constitution properly. In this process he has to act on his own individual judgement. It seems Mr. Bhupesh Gupta has not understood the Constitution. That is all I can say about it. When he decided to ask the leader of the Congress party, that judgement he took on his own. You can ask why he took that decision. He could as well ask the opposition. While saying that the honble Member used very interesting words - "conspiracy", "conspirators". He could say so. But I can also say that they are conspirators in

making all these allegations against the Government; they are conspirators. I can also say that but I do not want to say that.

Mr. Chairman : We are not always very accurate about the use of English words.

Shri Bhupesh Gupta : No. We are very accurate.

Shri Lokanath Mishra : A private Member can say that but a Minister should not say that.

Shri Bhupesh Gupta : I say it is a monstrous, political conspiracy perpetrated by you and by your men.

Shri Y. B. Chavan : I can also call you by the same names. Shri Bhupesh Gupta : I do not mind.

Shri Y. B. Chavan : The point is that there in this matter the Governor went by his individual judgement as he should have. On the 12th of this month, it was not merely a question of A has refused, he has to take into account what happened after the 4th of March. That becomes a very relevant matter.

Shri Bhupesh Gupta : What happened between the 4th and 12th of this month?

Shri Y. B. Chavan : If he had decided not to make a recommendation for taking over by the President, the only- other course for him would be to ask a Council of Ministers to be formed. Therefore, he decided in view of what happened between the 4th and 12th not to invite the opposition leaders.

Shri Bhupesh Gupta : Why?

Shri Y. B. Chavan : That is what I am explaining all this time...

Shri Bhupesh Gupta : That is the crux of the issue.

Shri Y. B. Chavan : Yes, that is the crux of the issue. But that is exactly what you are not following. His own assessment was that he could not call the other parties because of what happened after the 4th March. It is his view. You may say it is wrong....

Shri Bhupesh Gupta : The functions of the Governor do not hang in the air. They follow a pattern...

Mr. Chairman : There is not debate on this.

Shri Y. B. Chavan : He took into account the political situation the social conditions, because democracy is not merely a game of numbers. It is a question of

Shri Bhupesh Gupta : Yes, democracy is a game of the Congress Working Committee.

Shri Y. B. Chavan : The Governor has taken into account all these factors. After taking these things into consideration, he made a definite recommendation.

SECTION 1

CHAPTER 2

REPLY TO NO CONFIDENCE MOTION

Lok Sabha on 20 March, 1967

The motion was moved on the Rajasthan issue. In the Assembly Election, the Congress party had won 88 seats. Prior to elections, the Opposition parties had not formed any coalition. After the Elections, the United Front comprising of 80 members was formed. There were 13 independents. It was not clear how many independents unambiguously supported the United Front. As the single largest party in the Assembly the Governor invited the Congress Party to form the government, the opposition parties launched an agitation.

Shri M. L. Sukhadia, leader of the Congress legislature party found that in the prevailing conditions, it was not possible for the Legislature to function. In this background, he wrote to the Governor on 12 March refusing to form the Government, though he considered that he was in majority. Taking an overall view of the political law and order situation, the Governor found it inadvisable to ask the opposition party to form the Government. In these circumstances, the Governor recommended imposition of the President's rule for a Short Period.

In the background of above circumstances, the No Confidence Motion was moved in the Lok Sabha by Shri Atal Behari Vajpayee. Shri Y.B.Chavan's reply dealt with the complex political situation and the Constitutional responsibility placed on the office of the Governor.

The Minister of Home Affairs (Shri Y. B. Chavan) : I cannot claim that I have heard all the speeches, but certainly I have heard the most important speeches in this debate...

Shri S. M. Banerjee (Kanpur) : It is an aspersion on the members. Every Member's speech is an important one.

Shri Y. B. Chavan : Not necessarily; I was only referring to my presence in the House because I had to be in the other House also for some time. My hon. friend did not allow me to complete my sentence; I was going to say that even though I had not heard the speeches of the other Members I had certainly got the important points that they had made.

Some of the members naturally confined themselves to the specific issue on which this no confidence motion is based. Others naturally tried to cover general issues and they made the attack a little more comprehensive. But I would certainly like to begin with, to confine myself to the Rajasthan issue itself, in respect of which Shri Vajpayee had decided to move this no-confidence motion.

I would like to state the facts as they are about this Rajasthan affair. Some Members have tried to make out that this was the first act of this new democratic government. Yes, it is one of the major acts after the Council of Ministers was sworn in . But any government has to perform its duty even though it is a sad duty. And a Proclamation of this type had to be agreed to and had to be issued as a duty, though it was a sad duty. I would like to make the position very clear at the outset that it was not a pleasant choice. But really speaking, there was no other choice. And when I make this statement, certainly I shall have to state the facts and point out how the whole thing had developed. It is much better to see this decision in the context of the events that led to it. One of the Members has asked why it is that the Governor had waited for so many days after the announcement of the results of the elections on the 25th or the 28th February. Naturally, the Governor had to wait till the 28th February. The previous Government resigned on the 28th February and it was only after the resignation and after the dissolution of the old Assembly that the governor could start the process of forming a new government.

If we look to the results - this question of arithmetic that is raised very often, namely 89 versus 93 is very interesting certainly, but the picture of the election results as it has emerged makes it very clear that no political party had absolute majority as a result of the elections. That fact has to be conceded because it is a fact. Whether one likes it or not, it is a fact some people have tried to interpret it as a defeat of

the Congress. If it is a defeat of the Congress, certainly the Congress will accept it as a defeat. In many other States where the Congress was defeated in the sense that the other parties had a majority, we certainly accepted the defeat. But in the case of Rajasthan, it is difficult to accept that the Congress was defeated in that sense, because every other political party was equally defeated and badly defeated too. If we look at the figures of the number of people elected, no party can say that it had a majority, neither the Swatantra Party nor the Jan Sangh nor even the Communist Party because they had only one solitary Member elected to the State Assembly.

Shri S. A. Dange : Who decided the fate.

Shri Y. B. Chavan : He is certainly capable of making such feats. There is no doubt about it. That really speaking explains that the existence of only one Member can be construed as a majority. Shri S. A. Dange alone can do that, and nobody else can do that.

What is the significance of this? We have to consider one thing that the Governor or any person placed in that position had to take an objective view of the picture that was emerging. If there was a pre-existing coalition - I am deliberately saying this - before the elections, if any party or group of parties had decided to form a United Front, that is understandable. It is an accepted political device. If it had collectively a majority, I can understand it. On the basis also, the pre-existing coalition, in whatever form it might have existed in Rajasthan, had no majority after the elections. Their total strength came to 80.

It was eloquently argued that the Independents had defeated the Congress. I am not prepared to accept that because it was not the Congress alone that the Independents defeated; it was the Swatantra and Jan Sangh as well. They had defeated other political parties also, not the Congress alone. Therefore, one cannot morally claim that the Independents should sit with the anti-Congress group. They certainly represent their people. In the election results, they had defeated all the political parties in the State. Therefore, one cannot say that they had a natural political claim to sit only against the Congress. Naturally, they had to be treated as individuals, to that extent representatives of their people who elected them. Certainly it is their right.

The position after the election was that one party had 89 members and the other group of parties had a total strength of 80. Then there were these Independents. That was the picture presented to the Governor. He had to make up his mind. Naturally, the Governor called the other leaders. He had discussions with them. He had discussions with the Congress leaders. Possibly he tried to have information about the other people also. In the statement that he has made - I am only making use of the statement that he has made at the press conference that he held on the 4th March ...

... I was referring to the press conference that the Governor held on the 4th in which he has explained his approach to the problem. Here we must see in what position the Governor was, what his constitutional right was and in what way he was exercising it. It is much better that we consider this very delicate constitutional issue. One should not merely look at it from the party Point of view. I would certainly like to assure this hon. House that this Government has looked at this question not from the party point of view at all, but only from the point of view of constitutional propriety. I will explain how we have done that.

Here the Governor was exercising his individual judgement. This is the only occasion he could do so. Otherwise, in other cases, in the normal functioning, he has to act on the advice of the Council of Ministers. But here one Government was out; the other government was in the process of coming into existence. It was the process of the birth of a new government on the basis of the election result. He has expressed his view that it was very difficult for him to accept the Independents as a reliable factor in calculating the strength of the government.

Shri N. C. Chatterjee : May I ask if the Independent Members had not sent their consent in writing, that they are going to join the Samyukta Dal, the Opposition bloc?

Shri Y. B. Chavan : That is exactly what I am coming to. In his press conference, he had mentioned about the flexible loyalties of these members because he found that one name was mentioned on this side as well as on the other side. In view of these claims and counter-claims about the Independents, who were supposed to be representatives of the people, it was difficult for the Governor to go by their number in this particular matter.

The main point is that naturally he had to go by certain factual position before him. When he had decided not to go by the number of Independents, the only thing he could do was to go by the largest party returned.

It is not for the first time that this has happened. He has made a reference to a precedent, the precedent of Madras where Shri Rajagopalachari was invited to form the Government.

An hon. Member : Do they remember that?

.... This is the position he took. One may agree with it or one may not. I can see that some members here may possibly take a different view. If some of them were Governors, possibly they might have taken a different view. That is quite possible. But the question is : are we going to accept the judgement of the Governor in this case or not? That is the main question before us. Only because it is not acceptable to you, you are not going to accept it. It is here that democracy comes in danger. See the constitutional position. This is the delicate fulcrum on which parliamentary democracy functions. Here is a person functioning as Head of a State in the process of the birth of a new government. He has to make a certain judgement. It is quite possible that the judgement may be incorrect.

Shri Surendranath Dwivedy : It was a perverse judgement.

Shri Y. B. Chavan : That is perverse remark, if I can use that word.

Shri Surendranath Dwivedy : You will know how it is perverse.

Shri Y. B. Chavan : I am conceding that possibly it may be an incorrect judgement. But the Constitution itself has provided the corrective.

If the wrong person was called upon to form the Government the very next day he has to face the legislature. Only because the Governor had called somebody and only because he has become the Chief Minister and only because he has formed a Council of Ministers, he does not continue to be Chief Minister. He has to face the House and he has to prove that he commands the majority.

Therefore, it is incumbent on the Governor, while making a selection

of the person on whom he is going to call to become the Chief Minister, to see that he is likely to command the majority of the House. It was on that basis that he asked the leader of the largest party in the legislature to form the Government. The whole trouble started on this thing, when the Governor took this, according to me an objective, decision.

I think all the lovers of democracy must learn one thing. In this process, if there was a mistake, there was a constitutional remedy, it was the duty of those who are interested in the formation of responsible governments and of running the Constitution in a proper spirit, to accept the judgement of the Governor,...

Shri Piloo Mody : Was this judgement independent of the Centre?

Shri Y. B. Chavan: It is in this context that I am mentioning certain facts. Immediately after this decision of the Governor, all parties combined, not to form a Government, but to start an agitation. A Sangharsh Samiti was formed.

They wanted to know what had happened. What has happened between the 4th March and 12th March is very material and is very relevant. A Sangharsh Samiti was formed, not to run a constitutional government, but to create conditions, to create scenes, to create disturbances.

It might not have been their intention probably, I quite concede that, the leaders of the groups may not have had the intention, possibly they wanted to have a peaceful demonstration, which is their right, but a person who a few weeks ago did not belong to any other political party, who really speaking was a Congressman, Kumbha Ram Arya, was asked to lead the Sangharsh Samiti and the whole thing started drifting onwards.

It was after this demonstration started that section 144 was imposed. 1 These people decided to break Section 144. A big procession of 10,000 persons was led by the leaders. At one stage there was talk with the police, the leaders said they did not want mass breach of the order, but there would be some sort of symbolic action. Four to five of them offered themselves and they were arrested, but by symbolic arrest things do not stop. When the people's minds are inflamed by speeches, by slogans, by every type of instigation, and conditions of disturbance started growing

in the city of Jaipur..

We saw a rather difficult situation coming. I personally saw that it will a dangerous thing which would lead to an uncalled for political situation also. On the 6th and 7th I had some discussions, I invited some leaders to come and have a discussion with me in Delhi. I would like to explain what is our intention, our attitude in this matter, because the attempt of the no-confidence motion is to prove that we wanted to kill responsible government. On the contrary, we made all efforts to see that a responsible government was formed in Rajasthan.

I was very grateful to Maharani Gayatri Devi whom I invited for discussions. She came, and at that very time, another event had taken place. Some of the leaders of the Opposition from the Lok Sabha had called on the President, and they had pointed out that this type of trouble was starting there, so it was much better that some way was found out. The President suggested to them that it was much better that the Assembly was called earlier. The moment I heard about it, I had consultations with the Chief Minister of Rajasthan and the Governor also and I wanted to know whether they would be willing to advance the date of the meeting of the legislature. The next morning I met Maharani Gayatri Devi, who is an hon. member of this House, and suggested to her that, instead of starting this type of campaign on the streets of Jaipur and other cities of Rajasthan, it was much better that we created conditions conducive to a peaceful running of government and peaceful holding of the meeting of the legislature. I told her that the Government of Rajasthan was willing to advance the meeting of the legislature. Originally it was supposed to be held on 21st March, they agreed to advance it to the 14th March. When I suggested this Maharani Gayatri Devi made a counter proposal. She said this could be done, the situation in Jaipur could be controlled, but it was necessary that Section 144 should be withdrawn. I said in the prevailing conditions it was rather difficult to consider the suggestion, but if she was going to help, to go round and persuade people to give up this type of activity, certainly I would make this suggestion to the Chief Minister of Rajasthan. Immediately I talked to the Chief Minister of Rajasthan and asked him whether he would consider the withdrawal of Section 144. I must say it was a rather difficult decision for him, because in the disturbed conditions to withdraw Section 144 was a

difficult decision, but looking to this possibility that this was going to facilitate normal conditions in Rajasthan and was going to facilitate the holding the legislature's meeting earlier, he still took that risk.

As to what has happened afterwards, I do not want to go into detail, because that is a matter for the judicial inquiry to go into, because what happened is certainly very relevant to the inquiry, about the firing etc. So, I do not want to touch those particular facts.

I have mentioned all these facts to show that there was no question of defeating democracy. There was no question of depriving the Opposition parties of their right of forming a government. If at all they wanted to have a showdown, if I can use that phrase in a constitutional sense, it is better to have a showdown on the floor of the House instead of having that on the streets of Jaipur. That shows the attitude of the man. He was certainly exercised because of the rioting, because of the firing etc., but he still persisted in resorting to the right type of measures.

Unfortunately, the story did not stop there. I was asked many times during the course of the speeches what happened after 7th March. It was all quiet, it was all quiet in the sense that there were no disturbances, but there were no disturbances because afterwards strict curfew was imposed and even the army had to be called into the city of Jaipur. But what was the activity of the opposition, some of the opposition leaders, I am not saying all the opposition leaders. Wall posters were distributed all over the city, if at any time this wretched Sukhadia Government was sworn in they would see how it was being sworn in. Telegrams were sent to different places for processions, the type of speeches that were made giving all sorts of threats and creating a condition which would make it impossible for any legislature to meet peacefully or any responsible government to function peacefully - all this is the background in which Mr. Sukhadia decided on the 12th March, and he wrote to the Governor that he still thought that he commanded the majority - somebody can dispute that point, I am only mentioning a fact - but he did not want to take the responsibility of forming the government, because some people were determined to create disturbance, and he did not want the lives of the poor people sacrificed in this way. It was much better that he did not take the responsibility of forming the government, and he wrote to the Governor declining, not the offer, but refusing to form the government,

though he considered that he was in a majority. (Interruptions)

That only shows your dislike of Sukhadia, but that does not prove your point.

Again the issue comes; what was the alternative before the Governor? According to the Governor's judgement, Mr. Sukhadia was the right person to form the Government; he sent an invitation to him to form the Government and Mr. Sukhadia in turn wrote to him that he commanded a majority but that he did not want to take the responsibility of forming the Government because of certain happenings there. It was naturally the duty of the Governor to take into consideration what happened after the 4th March. Under those circumstances, he felt that to invite the opposition leaders to form the

Government would be putting a sort of a premium on violence; in those disturbed conditions he felt it better to allow the conditions to neutralise. I would like to assure hon. Member Mr. Dange that it was not to suppress anything; it was only with a view to neutralising the situation that the Governor was forced to take certain decisions. The only other alternative before the Governor was to ask the Opposition to form a Government, which he thought would be unwise. So, he made a recommendation to the Government which reached us on the 13th just before we were being sworn in; his view was that Mr. Sukhadia was unable to form the Government which reached us on the day we were to take the responsibility of forming a Government. The Governor said that under those circumstances he could not in all conscience ask the opposition parties to form the Government.

Shri S. M. Banerjee : Has he a conscience?

Shri Y. B. Chavan : If you have a conscience, he has. Now, in those circumstances, what was to be done? The legislature was to be convened the next day but it could not be, because there was no Government. The alternatives before us were either to dissolve the Assembly to suspend it and create conditions so that ultimately responsible Government might be restored. That is the background of the decision which the Government took. It was a sad and difficult decision but it was a duty for the Government to take such a decision. I have no doubt in my mind that even if Mr. Dange was sitting on this side and if he had the same

faith in democracy that I had, and if he had the same loyalty to the Constitution that I had, he would have taken the same decision.

Shri S. A. Dange : I would have dismissed the Governor.

Shri Y. B. Chavan : That is why I put an 'If - if he had the same loyal to the Constitution as I had Unfortunately, you have not got the same loyalty.

Shri S. A. Dange : The Constitution does not prevent the removal of a Governor who is incompetent.

Shri Y. B. Chavan : Only because he took a decision not to your liking you consider him incompetent. That is a very arbitrary way of judging very important functionaries under the Constitution; you cannot think of them so lightly.

Shri S. A. Dange : The Home Minister should remember that Dr.

Sampurnanand was made a Governor after he proved his incompetence in U. P.

... The question ultimately comes to this. Our intention was to create conditions in Rajasthan so that a responsible Government can be installed there; our intentions are still the same and this Proclamation is for an interim period. I would therefore request the hon. Member to use the language of restraint which will help us create conditions in Rajasthan so that a responsible Government may be installed. Even today suggestions were thrown about that the Governor should be dismissed that they will fight this and they will fight that. This type of talk is not conducive to the restoration of responsible Government.

The basis on which the no-confidence motion has been tabled is completely misconceived. It is rather an unusual decision but it had to be taken to save the democratic form of Government in Rajasthan. We wanted that the people should have the right to form their Government as early as possible and run the administration of Rajasthan. That is exactly the purpose. The basis on which this no confidence motion has been tabled is misconceived and misleading and has possibly arisen out of the political hostility to this Government. I could see that from the speeches. Other Members instead of confining themselves to the issue of Rajasthan, went to the right and to the left and found fault with the Government.

An hon. Member : Where are you?

Shri Y. B. Chavan : At the Centre. The last speech I heard was very interesting. I can find the real reason for this no-confidence motion. It is not only Rajasthan; it is something else which is troubling them. The hon. member Mr. Dange has mentioned many other points. He does not like the Government. The Members there do not like the success of the Government at the Centre here or the Congress Party. Taking a general view of the election results, we never thought that we were going to be the monopolist party in this country. We have accepted the rules of the game. I think the Congress at least has a better claim that the present form of elections and the present form of the Constitution was their gift to the country.

When I said 'gift of the Congress party', the Congress represented the entire people... (Interruptions). When we were not winning at these elections, we were not sad. After the elections, when we were in the process of getting results and knowing the defeat of one Congressman after another, I was asked for my reaction in one sentence and I said: I am sorry that the Congress was defeated, but, I am proud that the country has done well. Maybe, we were defeated here or there.... This is a large election; we were defeated here and there. (Interruption) Not everywhere. We were not defeated everywhere. The proof is that we are sitting here, and you do not like that. Therefore, you have moved a no-confidence motion. (Interruption) This is proof, that we are sitting here. Wherever you have your own government, run them properly; do service to the people. We all want to do service to the people. Let the people judge. You ask and let the country develop. Let the progress of the people, the march of the peoples progress go ahead. We are not bothered about whether one party remains or the other party remains. It is not that.

The hon. Member Shri Dange said, and that is very important, that he has got one Member in Rajasthan but he is supporting it because of tactics. I hope his speech was also one of tactics. When everything becomes tactics one does not know what the strategy, what the philosophy behind it is. What is the positive approach to the problem. He made mention of me. He said that I am a big question mark. I am so proud that I am still a question-mark to Shri Dange. They have the habit

of trying to put down any party and individual to a formula. I am very glad that Shri Dange has not yet found a formula for me. I have some hope of succeeding as Home Minister. My party knows me; my leader knows me, and I am sure my country knows me. (Interruption). I am a humble servant of this country. I am a humble follower of my leader. I stand for democracy; I stand for progress; I stand for the welfare of the people. My people know me very well. If nobody can reduce me to any formula, I am very glad about it. But this Government has got a philosophy of its own; it has an approach of its own. Through thick and thin, and in difficult times, we stand by that philosophy.

One saddest speech I heard. And that was the speech of Dr. Ram Manohar Lohia. He is not present here today. Why do I say that it was a sad, rather tragic speech? It is not what he said; I am not going to say about that. He is one of those leaders which my generation held in esteem. In the 1940s and 1942s, we looked up for a second line of leadership after Pandit Nehru, and we were looking up to Dr. Lohia, Shri Jai Prakash Narain and other people. We have respect for them; we worshipped them at that time. We worshipped, as young men those leaders.

An Hon. Member : Masani also.

Shri Y. B. Chavan : Unfortunately no. I heard the speech of Dr. Lohia, which he made yesterday.

Eloquent sentence - a rather tragic utterance. He said that a big fort is being destroyed, but there is nothing to replace it. That is the tragedy of it; with all the experience, with all his intelligence, with all capabilities and devotion, he has only learnt to destroy and not to create. He was very happy that the Congress was defeated. If that is the only consolation, you have in mind, we will be fail the country. Destroy the Congress if you want and if you can. But what is there to substitute it? (Interruption) Coalition? You are going to substitute coalition? Look here, my friends from the Swatantra party. You may be very happy and I will certainly make an appeal to Shri Dange; it may help him as a tactician in Rajasthan. But what is the picture for the future?

Shri S. A. Dange : Substitute in Kerala, Tamil Nad, West Bengal, Bihar.

Shri Y. B. Chavan : I wish you well very well; you have your Government and I wish you well. I have no doubt about it. But what is this? Is this some thing that you are going to substitute.

Therefore, what I say is this. I appeal to the people through this House What is the result, the sum-total of the elections of 1967? That possibly you are trying to destroy something, but we are not trying to substitute or reconstruct something. Dr. Lohia's speech was something on the same lines, a negative line, this substitute line. He made rather an unfortunate reference to the late Prime Minister Nehru, with reference to a foreign exchange account in London or somewhere. He also made mention of the then Finance Minister and the present Finance Minister, Shri Morarji Desai. Shri Morarji Desai had never visited any bank nor checked any accounts. There was no necessity of doing it. It was a completely false statement.

Then about Panditji's account, I think sometime before, this information may have been given, but I would like to give certain information now about it. Panditji had royalty account with his publisher and literary agent in London from the 1936. All the royalties due to him on his books from the foreign publishers were credited to his account. As in 1947, Panditji had 3,864 and the dues and other accruals since then have been repatriated to India. The monies were repatriated to India as and when required by him. The question of rules, etc. or regulations on foreign exchange came into existence after Independence, and immediately after that the whole accounting procedure was subjected to regulations as existed from time to time. So, there was no question of having any very large amount. Naturally, Panditji was not merely the Prime Minister of this country; he was not merely the leader of humanity and was accepted as a thinker in the world. Crores of people in the country wanted to know how Panditji thought, how he wrote, how he spoke and reacted. Therefore, his writings and speeches were looked at with some respect as we Indians were looking at. And therefore his books were sold in different parts of the world. His publisher had naturally some credits but they were completely subject to regulations, the foreign exchange regulations.

Why I mentioned it is this : this is an attitude of pathological obsession to certain persons and personalities. It is rather very tragic. It is wrong

to have this obsession; it is a very tragic thing for the man concerned. I would request Dr. Lohia to realise this. We all have regard for him; he may talk of A or B or C. But we still have regard for him. Why think in terms of trying to do damage, do damage to the reputation of one big man?

Dr. Lohia again made mention of our present Prime Minister. He made that rather unfortunate, may I say, indecent reference to the necklace. The hon. Member, Shri Dange made a reference to the necklace, may be his move was a tactical one. I do not know. (Interruption)

Shri S. A. Dange : I said I am not bothered about it.

Shri Y. B. Chavan : That means you have accepted it. You are not bothered about it. That means you have accepted that version.

Shri S. A. Dange : I did not care about it. (Interruption)

Shri Y. B. Chavan : Really, as an important leader, as a leader on the floor of the House, I think it was his duty as and when to oppose politically to oppose from a political angle the election or otherwise. We are prepared to stand on merit. If we are not proved by merit, we are prepared to be rejected and thrown away. It does not matter. But this personal attack by creating an image, a slur, is nothing but a game of character assassination.

One of my friends said, "we attacked some persons here and they were defeated." This process of deceiving the people, of creating confusion, putting up rather a distorted image of the people, and trying to mislead the people at large and trying to achieve political results out of it is something which is not consistent with the idea of democracy, the idea of decent life that I have understood. I think I have tried to answer the general points raised. I do not want to meet every point that was raised.

I would only submit that we stand by the commitments that we have made. Whatever party has a majority, we will support them and give them our constructive co-operation. We wish them well.

SECTION 1

CHAPTER 3

SHORT DURATION DISCUSSION ON MADHYA PRADESH

Rajya Sabha on July, 1967

In this case, the main issue was whether the Governor was right in accepting the advice of Chief Minister of Madhya Pradesh to prorogue the Assembly. Defending the action of the Governor, the Home Minister made a strong case that except in cases where the Constitution specifically provides that the Governor is not bound by the advice of the Chief Minister, the Governor as the Constitutional Head must act on the advice of the Chief Minister.

Shri Y. B. Chavan : Madam Deputy Chairman, it is a rather very interesting situation that after having advanced all their arguments for three hours the hon. Members of the Opposition have no patience to listen to the replies to the points that they have raised.

Madam, this debate became quite an interesting debate in the sense that very controversial constitutional arguments were advanced criticising the prorogation which was advised by the Chief Minister of Madhya Pradesh and which was accepted by the Governor. I must make it clear at the very beginning that this is a situation which is not the creation of the Central Government. At no stage were we consulted about it nor we had the authority or the desire to give any advice on this matter. In certain circumstances the Chief Minister gave an advice to the Governor and the Governor accepted it. Now the point that we have debated here was whether the action of the Governor was constitutional or not and criticising this action some Members brought in certain political factors into it. If we are discussing a constitutional, matter, it is much better that we discuss it objectively, as a sort of an impersonal problem and as an impersonal issue. As Mr. Rajnarain said, it has to be considered

coolly but while advancing the argument he was very much excited about it. Once we raise the point as to whether the Governor has acted constitutionally or not, we have to find out what the role of the Governor is under our Constitution.

Mr. Rajnarain made a very interesting point. He quoted Article 155 and said that as the Governor was appointed by the President therefore he becomes an agent of the President. I do not think there can be more ignorance about the Constitution. It is certainly a rule in the Government Services that the Government servant who is appointed by a person to that extent becomes responsible to him. In the protection of the Constitution, certainly the Governor is responsible to the President; there is no doubt about it but he is functioning as Head of the State, except in certain matters where the Constitution has specifically provided for it, the Governor functions not as an agent of the President but he functions as the Head of the State. That is the basic position of the Governor. If we take into consideration the political exigencies which differ from State to State and take a judgement on the action of the Governor then we are going to destroy the very spirit of the Constitution. Therefore, we will have to be very objective in this matter.

In this connection, I agree partly with the argument of the hon. Member, Shri Kaul, when he said that it is a very dangerous doctrine to accept that a Governor can reject the advice of the Chief Minister. Once you accept the position that he can reject the advice of the Chief Minister, we really speaking, undermining the very basic concept of parliamentary democracy in the States and in the Centre. The whole structure of the Constitution as we understand it, at least as I understand it, is based on the position that the Chief Minister submits or gives his advice. Sometimes it may be called a request. Whether it is called a request or not, it does not cease to be an advice. It is rather too technical a view of the matter. It is a basic principle of parliamentary democracy that the leader of the House or the leader of the Party which is voted to power by the people, becomes the Chief Minister and when the Chief Minister gives advice it is the bounden duty of the Governor to accept it, except in cases where the Constitution specifically provides that he need not do so. A study of the Constitution would show that except under three articles, viz., Articles 200, 239 and 356, the Governor as the constitutional head has to act on the advice of the Chief Minister. That

is the constitutional position.

Now, I am not entering into an argument whether the Chief Minister should give a particular advice or not. I do not want to hold brief for anybody, whether he is a Congress Chief Minister or a non--Congress Chief Minister. I am not taking that position. We can say under what circumstances what advice should be given which is good or bad politically. That certainly everyone has right to say. About that the final view can be taken by the people. That is why ultimately every five years we go back to the people who can decide whether the Chief Minister acted wisely and democratically or not. It is ultimately for the people to decide. I am not taking any view on behalf of the Central Government in this matter. Whether a particular advice was good or bad is not our concern. When advice was given to the Governor and when the Governor accepted that advice, whether he acted constitutionally or not, that is the basic issue, and I have no doubt in my mind, as I have understood the Constitution, that the Governor's act was very constitutional. Whether it is good politically or not.

Shri A. D. Mani : May I interrupt? I am not trying to prolong the discussion. Madam, the Vidhan Sabha of Madhya Pradesh was in session.

Shri Y. B. Chavan: I am coming to that whether it should have been done or not is a different matter. If you were there in that position or if I were in that position whether I would have done it or not is a hypothetical matter. Possibly I may not have done it; possibly you may have done it. I do not know what would have happened in those circumstances, but what we are discussing is something very important. By taking only a particular case in a particular State, if you are trying to subvert the functions of a Governor, if you are going to subvert the Constitution, let us not forget that it would be harmful.

Now, let us come to the question of prorogation. There I have got a slight difference of opinion with the hon. Member, Shri Kaul. It is an academic argument, though he has made a very effective argument and prima facie it appears to be a very valid argument. He made some distinction between this right of prorogation and the right of dissolution. He said that prorogation is a procedural device while dissolution is a political weapon. This type of classification is not always valid in legal

matters. Dissolution also can be procedural device. When the House is dissolved at the end of five years, it is not a political weapon. It is a procedural matter. (Interruptions). It, therefore, does not become a political matter. Whether it becomes a procedural matter or a political matter depends on the objective for which it is used. It is in that sense we are not making a distinction. Now, in the case of prorogations also, prorogation as it is understood in Britain and in India is quite different. At least the effect of prorogation in England and the effect of prorogation in India is different. I have also got Basu's book. I can read something from that but I do not want to take the time of the House. It is obvious that as a result of certain provisions in the Constitution itself, prorogation does not take away many matters. A bill which is introduced or moved does not lapse. In England, after the prorogation everything lapses. Then, may I ask him one thing. He himself gave that information which was very useful information, that is prorogation is not accepted that way in India as it takes away the right to issue Ordinances. When prorogation is resorted to do with a view to having the right to issue an Ordinance, is it not a political weapon? The right to issue an Ordinance is a political right. Therefore, to say that prorogation is exclusively procedural and dissolution is exclusively political is not very valid. Sometimes prorogation is procedural. Dissolution in some cases is procedural and in some cases political. Therefore, to make a distinction in this way and, therefore, it is wrong, monstrous, brutal and all that is a very eloquent argument, but that is not necessarily a valid argument.

Shri M. N. Kaul : I did not use any one of those words.

Shri Y. B. Chavan : You did not say these, but others used that argument.

Shri M. N. Kaul : I merely said that it was a new use and, therefore, it has been misunderstood.

Shri Y. B. Chavan : You have been very parliamentary in your expressions and in your arguments. I do not deny it, because I heard your argument with great care and, I must say, with admiration and respect. With the experience you have in parliamentary affairs, certainly your argument has to be heard with great care. Therefore, not wanting to be caught napping, I immediately consulted some books. Ultimately it comes to this. It is no use merely trying to attribute political motives

because certain thing was done or not done.

Other matters were raised like the matter of dissolution etc. That matter is not before me at the present moment. Whether there should be dissolution or not is a matter ultimately between the Governor and the Chief Minister there. We want certain political situation to be resolved by constitutional methods. My personal view in the matter is that when we are interpreting the Constitution, it should be interpreted from a long range point of view. Are we in order just to meet some people's political expediency, here trying to degrade the office of Governor whereby we give him the right to reject the advice of the Chief Minister? This may increase the scope of his discretion. I think we are not helping anybody. We are not helping ourselves. At least we are not helping democracy, when we want it to grow healthily in this country.

Then, somebody mentioned about the contradiction between what I said in Lok Sabha and, what I am saying here. I would like to repeat it again here that at no stage the Governor asked for our advice about it and at no stage we gave him any advice about it. It was not incumbent on him to ask us for advice. At no stage we were required to give advice in the matter. The Governor was functioning in his own constitutional authority. Somebody mentioned that the Governor had said something which was contradictory to what I had said. Certain questions were raised in Lok Sabha and I had already replied to them. I would like to read a part of the reply that we had received from the Secretary to the Governor and I think it would be interesting to see how things are misinterpreted sometimes :

" I have placed the papers before the governor and he desires me to say that the reports quoted in the main as having appeared in two Delhi papers are incorrect. Some representatives of the Press met the Governor on the 20th July and he handed over to them a prepared statement, a copy of which is enclosed. One of the representatives asked him whether in arriving at his decision to prorogue the Assembly he had consulted the Centre. The Governor replied, 'I consult, the Centre to the extent the Constitution permits. What he meant was that it was only where the Constitution requires it that he consults the Centre.'"

"In this particular case such a consultation was neither required nor permitted and no advice was given by the Centre. He took the decision

on the advice of the Chief Minister.”

I think I have given the necessary explanation for the so-called contradiction in what I said and what I am saying now. I am repeating that it was the decision of the governor on the advice of the Chief Minister which he was constitutionally required to take. I do not want to express an opinion on the political merits of the decision. It is for the Assembly to take; it is for the Chief Minister to decide; it is for the Governor to take a constitutional view. This is our position in this matter.

SECTION 1

CHAPTER 4

PROCLAMATION UNDER ARTICLE 356 IN RELATION TO
THE STATE OF HARYANA

Lok Sabha on 21 November, 1967

After 1967 General Election; the Congress Party as a single largest party formed Government on March 10, 1967. Eight days later, Chief Minister resigned because of defections and the new Government was formed .

Haryana represented a new and unique phenomenon in Indian politics namely defections, redefections and continuous fluidity in the political party system. In the Assembly with an effective strength of 79, 30 members defected one way or the other. Some members defected even 3 or 4 times.

*In the two speeches delivered by Shri Y.B.Chavan on the Haryana situation, he dealt with the role of the Governor in fluid political situations and also with the new phenomena which he called the politics of AYA
RAM GAYA RAM*

Shri Y. B. Chavan : I beg to move :

“This House approves the Proclamation issued by the President of India on the 21st November, 1967, under article 356 of the Constitution of India.”

This motion is a constitutional requirement, because after the Proclamation of the President taking over the administration of any State is issued, this motion has to be approved by Parliament if the Proclamation is to be effective after two months or so.

I am not going to reply to the points that Shri Vajpayee has raised, because that is a separate motion. I think I have got a right of reply to that some time, a little later. Naturally I will have to intervene in the

debate, because it is a rather unusual debate that we have started.

This report of the Governor is on the political situation in Haryana, which I think any person who has got the cause of democracy at heart will study with care not merely from the point of view of a political party but from the point of view of the party system.

I know this is a rather exceptional step that the Governor had to recommend, and it is certainly after very careful consideration and great anxiety and unhappiness, that we had to accept this recommendation of the Governor. It is not a matter of happiness, but it is much better to see the facts as they are.

The situation in Haryana is this. The first Government was formed after the elections on 10th March. Immediately, within eight days, the Government was voted out, and, as a matter of fact, the leader of the Congress Party, who was then the Chief Minister, gracefully left office, and a new Government came in.

This matter of defection is certainly a new phenomenon in Indian politics.

There may have been individual defections and crossing of the floor, but organised defection of this size certainly is a new phenomenon in Indian politics.

I can understand the defections to a certain extent, because at a certain stage, somebody may think that he can go from this party to the other because he believes in the programme and ideology of other parties. (Interruption). But the organised defections to become Ministers and Deputy Ministers and Speakers (Interruption) are strange. I can very well understand, and I can even go to that length and concede that if somebody goes and because a member of the other party to become a minister, he must have the honesty to remain in that party at least. We have got instances in Haryana -

There is some limit. There are some people who have crossed the floor four times. I need not read the whole report to make you aware of this because it is now the property of everybody here. It makes a rather tragic reading the way defections take place. (Interruption).

In the report, the Governor has not spared any one party. I am not

holding any brief to any party and we (Interruption), have accepted the Governor's report. Just as he has criticised the party in power, the Governor has also criticised the party in the opposition also. And certainly it was his duty to say exactly what was happening. At least one para maybe quoted, in which he has described the situation. He says:

"In an Assembly with an effective strength of 79, some 30 members have defected one way or the other. Some members have defected not once but even three or four times. Two members have defected four times, two members thrice, and six members twice. To some members, changing the party is apparently of as little consequence as changing a coat. With such large scale and frequent defections, it is impossible to find out whether the will of the majority in the legislature does really represent the will of the people:'

Certainly, we have to take into account the whole position. The hon. Member, Shri Vajpayee, while moving this motion, asked what was the position of the people in this whole thing. I must say that those parties or those members who went to the people to get their verdict in this matter have . practically cheated the people. The people really do not know to which party their representatives belong, to what programme they are committed and what is the behaviour of those representatives going to be the next day. They do not know it. The course which the Governor has recommended to the President affords one more opportunity to the people, because the Governor has also recommended that after a brief period of President's rule, there maybe another fresh election so that the people may take steps to see who their real representatives should be. (Interruption). It is not a question of President's rule for any length of time.

When this type of defections go on taking place, what happens then? Have the hon. Members tried to think about this particular problem. The officers do not know who their ministers are going to be and what their policy is going to be.

As far as the administration is concerned, it has come to a standstill, and consequently democracy has become a mockery in that State. Naturally, the Governor had to take up this basic position into consideration and make up his own mind. Naturally, when he was speaking on the 30th

October, the question before him was the same - the points that the hon. Member was referring to - the reply to the points made out by the Opposition, who wanted to be the stable government. He made a proposition of calling the Assembly to the Chief Minister, to which he said, sometime in December it could be A called. He accepted it. But when later on also he saw that tendency of defection - one person joins the party, becomes a minister and within a few hours he again comes back - he was wondering, even if there is a majority Government of 3 or 4, who are the invisible defectors on each side. One does not know.

An hon. Member : Who is the Governor?

Shri Y. B. Chavan : Governor is the Governor.

An Hon. Member : Governor has defected. (Interruptions).

Shri Y. B. Chavan : I think the minds of some of the members are defecting here also. (Interruptions)

The Governor, after careful consideration, came to the conclusion that Government, according to the Constitution, was impossible. Let us not make a mockery of majority and minority. Certainly there should be a majority, but here really speaking, the relationship between the representatives of the people and the people themselves has completely broken down. Therefore, the will of the people was not represented in the present composition of the legislature as it functioned. Unfortunately, it is a fact. Therefore, the Governor had to take cognisance of this extraordinary political situation in the State. When he has to do that, the Constitution has to be interpreted with the political assessment of the situation in the State. He certainly assessed the political situation in a particular way and recommended to the President to take over the administration of the State.

As I said, it was not a matter of happiness for anyone. The report came before us on the 17th of this month. We carefully considered the pros and cons of the situation. It was with unhappiness and reluctance that we had to come to this conclusion. It is not pleasant that we had to come to this conclusion. It is not a pleasant duty to take over the administration under President's rule. Independently of the Governor's recommendations, even some eminent members of the opposition came to their own conclusion that President's rule should be established. I

am not asking an explanation. If he has changed his mind, he has a right to change his mind. Normally they change their mind when we take a decision. The hon. member, Mr. Sondhi, who can be considered to be the brain-trust of the Jan Sangh had made this statement. It is not something very extraordinary that the Governor thought of it. He was watching the situation from day to day. He naturally had the responsibility to make an assessment and he made that assessment. His recommendation to the President was based on that assessment and this Government has agreed with that. Therefore, we advised the President to issue the proclamation.

Sir, I would commend this Resolution for the acceptance of this House.

SECTION 1

CHAPTER 5

MOTION BY SHRI A. B. VAJPAYEE RE : HARYANA

Lok Sabha on 21 November, 1967

Shri Y. B. Chavan : I have heard for the last four hours with interest, the debate on this double motion, if I may call it, because the first motion is by Shri Vajpayee, and the other is a statutory motion that I have moved for the approval of the Proclamation.

The main argument that was made against this Proclamation was a political argument, which is rather a biased argument. The main line is that this is a political action taken in the interests of the Congress Party, that there was some sort of conspiracy between the Central Government and the Governor. This is the usual type of argument which I must at the outset repudiate as a biased argument, untrue argument.

The essence of the whole position is this : whether the assessment of the political situation that the Governor has made in his report is a valid assessment, a correct assessment, and whether the action that we have taken on the basis of that assessment is right or wrong. All other issues

are irrelevant issues here.

No member has said with any conviction that that assessment was wrong. Even hon. Shri Ranga, when he spoke, said that he does not regret this legislature has gone, he does not regret that this Government has gone. I think Shri Vajpayee has moved this motion as a formality perhaps, I do not know whether in his heart of hearts he really wants to oppose this, because I can understand that as a leader of the opposition they have to say that they are opposed to this.

Some member said that what has happened in Haryana is a mockery of democracy, that what is happening here is a mockery of the Constitution. Not at all. Ultimately, our whole Constitution is based on the fundamental principles of democracy. If there is a mockery of democracy in Haryana, and in order to remove that mockery if we have to take action under the Constitution, it cannot be a mockery of the Constitution. It is with a view to support the Constitution that we are taking this action.

What is the position there? I am reading a report of the Chief Minister's speech from the Patriot of 11th November, in which the Chief Minister says:

"The epidemic of defection among legislators has assumed a menacing and disturbing form in the State. The disease has spread so much that none could be relied upon. The Chief Minister alleged that some legislators defected from their parties because of money."

This is what the Chief Minister says,

... I am only talking of the feeling of the Chief Minister himself, that he thinks that this is a diseased condition. Every Member has been saying that what is happening in Haryana is bad. Each and every Member said that we cannot defend what was happening there. Nobody has any sympathy for that sort of thing. There are those who can say this and just get away with it. But the man who is legally responsible and has a duty to see and act in the State was the Governor. He just cannot say, "I see a diseased condition here and still I sit quietly about it." He is the person who has to take note of these things and act.

Shri S. M. Banerjee : Waiting up to the 3rd. (Interruption)

Shri Y. B. Chavan : The hon. Member has not read the report

carefully. The Governor has acted upon it, he has said that suppose he had waited, he might have had a government with a majority of three or four, but how long would the Government last ? Because of defection, in the morning, "We have voted for you", it would be said, and in the evening something else, would happen.

The people of Haryana are wise, but unfortunately they are unlucky in having a representation like this. There is a popular saying in Haryana; I do not know whether it is true; but I have heard it. They have given very peculiar names to the defectors: Aya Ram and Gaya Ram.

Aya Ram's value is Rs. 20,000 and Gaya Ram's value is Rs. 40,000. This is the political situation in Haryana. The Haryana situation is a class by itself. It required a special action by itself. It is an unfortunate thing. (Interruption). I am not having any brief for any political party. I entirely agree with the sentiments expressed by Acharya Kripalani; all political parties have failed in Haryana's democratic life. We are all sad over it. Nobody can be proud of it. The Congress party has failed; the Jan Sangh has failed; every political party has failed. (Interruption). The hon. Member there has said that the Jan Sangh has not failed. I have a point about it. It is true that the Jan Sangh has not participated in that government. But, I should say, that does not absolve, them from the responsibility for what has happened. Some of their members have also defected once or twice. But how can they say that "we have not participated in the government." When, with all their strength and moral support, they were allowing this sort of thing to happen?: (Interruption). This is the moral position. They did not want to participate, but they would take the position of a saint, stand aside, allow the situation to grow, and then take the position of a saint and say, "Oh, all others are not good." (Interruption). This is the position.

If there is immorality in my party, I have the guts to admit it, but you do not admit it. That is the difficulty. What I am saying is this: all the political parties have failed. What is the solution for that? The ultimate solution that I offer is, take the whole thing back to the hands of the people. This proclamation is not meant to continue this power in the hands of the President a day longer. It is just for a few months, and then we want to go back to the people and tell them, "Choose your representatives right again."

The Constitution itself has provided a mechanism. The Constitution framers were very wise people; they knew that such difficulties would arise and they anticipated these difficulties. (Interruption). When the whole thing has resulted in such a bad condition, what is the Governor to do? Is the Governor supposed, expected, merely to wait and whoever defects, he is brought to him and he is allowed to become a Minister and sworn in? (Interruption)

An hon. member : Even the Chief Minister.

Shri Y. B. Chavan : That is true. Even the Chief Minister. The hon. Member seems to agree with me. I am very glad. The point that we are ultimately discussing is the assessment as expressed in the report of the Governor. The Government has done only one thing. When they saw that there was irrefutable logic in the report, when there was objectivity in the report and there was wisdom in the assessment of the situation in the report, in that situation, it was the duty of the Government of India to accept it. We would have failed in our duty had we not accepted the report. If it was a question of party interests, I would have recommended something else. We are not taking any action in the interest of any political party. I can say with my hand on my conscience that we have come with this recommendation of acceptance of this proclamation with a national sense of responsibility. I have no doubt in my mind about it. It is a rather hard and unhappy decision to take over the administration of State under President's rule. It is not something very happy. But one has to do sad duties sometimes.

Shri Nath Pai : I am a little intrigued, Sir. This is a new thing. I know a man can put his hand on his heart. But he said, he can put his hand on his conscience. Where exactly is his conscience located?

Shri Y. B. Chavan : I can say, my conscience is in my heart. Shri S. M. Banerjee : Why don't you lay it on the Table?

Shri Y. B. Chavan : This is an absolutely essential step that had to be taken and therefore, I have no hesitation in my mind in recommending the acceptance of this Proclamation by this House.

SECTION 1

CHAPTER 6

REPLY TO NO CONFIDENCE MOTION

Lok Sabha on 16 November, 1967

On 15 November, 1967 Shri Nath Pai moved the following Motion

" That this House disapproves the action of the Central Government for using the institution of Governors of States not as instrument for proper functioning of the Constitution but as agent of the Party in power at the Centre, as exemplified by current developments in Bihar and West Bengal."

The Home Minister replied to the debate on 16th November 1967.

Whether the Governor is an agent of the Central Government came up to the fore in 1967, In the case of Bihar, the Central Government had held consultations with the then Chief Minister on the appointment of a new Governor, on completion of full term of five years of his predecessor. The Chief Minister who was facing certain political difficulties, could not reply 'Yes' or 'no' to the name proposed by the Home Minister. After some months, the Central Government had to take steps to appoint a new Governor without obtaining the consent of the Chief Minister. In this context, Shri Y.B.Chavan as the Home Minister made it clear that while the Central Government had an obligation to consult the chief Minister, it was not obligatory that the Chief Minister's consent must be obtained for appointing a Governor. He puts the right of the President to appoint a Governor beyond doubt.

In the case of West Bengal , a question arose whether it was right for the Governor to accept the advice of Chief Minister on the dissolution of the Assembly. The Home Minister made it clear that except where the Constitution itself made a provision for the Governor to use his discretion, the Governor must act on the advice of the Chief Minister / Council of Ministers.

The Home Minister replied to the Debate on 16 November 1967.

I am glad that an important debate has taken place in this House

since yesterday, and I must say that the speeches on both sides were worth hearing yesterday. I cannot say the same thing of the speech that I heard this morning.

Basically, the question of the role of the Governors and the working of the Constitution is under discussion, and a charge has been made by the mover of this motion that the office of the Governor has been used for party purposes in the last 20 years and also this is being done .today, taking examples statement was made that incompetent, inconvenient, defeated persons were appointed as Governors.

I must say that anybody who speaks with a sense of responsibility on the floor of the House should not have the monopoly of competence to declare everybody else incompetent.

They also made mention of persons like Shri Sri Prakash, Shri Pattabhi Sitaramayya, and our ex-Speaker Hukum Singhji. They also mentioned - they want really to protect him - Shri Anantasaynam Ayyangar who is at the present moment the Governor of Bihar.

I would like to remind them that they are all Congressmen, and they are very competent persons. I can certainly mention a long list of persons...

Shri Hem Barua : Are they competent because they are Congressmen?

Shri Y. B. Chavan : All of you were Congressmen some time.

Shri Surendranath Dwivedy (Kendrapara): We are proud of that heritage. Do not forget that Congress was a national movement. Congress was not a cotorie.

Shri Y. B. Chavan : Do not forget, being a Congressman at one time or the other is not a disqualification.

There is no objection to able Congressmen, objective Congressmen, competent Congressmen, being appointed as Governors, as I have no objection to appointing people competent, convenient, PSP members, even Communist members if it comes to that.

... My main point was that we are discussing the function of a very important office in the political life of our country, because the Governor's

office is very important office in working out the Constitution and therefore; while we are discussing this, we should be rather moderate in our statement. This is my only point, if there is certain point worth criticising the Governors or the Government about, they are free to do that, but certainly I take objection to a sweeping judgement that all were incompetent, inconvenient people, defeated people. I must say that in the last eight or nine months this Government had to appoint, the President had to appoint more than seven or eight Governors. One of them is a defeated person.

Shri Nath Pai (Rajapur) : That was because of our vigilance.

Shri Y. B. Chavan : Not at all.

Shri Nath Pai : Of course.

Shri Y. B. Chavan : It was because of our vigilance that we appointed them. There were persons who were defeated. I would like to tell Mr. Nath Pai, because he knows them, persons of the stature of Mr. Pataskar and Mr. Gadgil who were defeated in 1957 in the upsurge of a certain movement at that time. Can he by any stretch of imagination say that they were less popular than Mr. Nath Pai himself? All of us would have sat at their feet and learnt something of politics and political life.

So, it is not merely that a certain person is defeated in a certain election, therefore, he is considered to be an unworthy person. This would be absolutely wrong. Therefore, to describe the whole category and galaxy of people who happened to be the Governors of this country as incompetent, defeated inconvenient persons is a statement to which I certainly take objection. They were very able persons, they have done the greatest service to this count during these 20 years, they have worked the Constitution smoothly, they have certainly laid down foundations on a sound basis as to how to run office of the Governors.

I am amplifying this proposition, they have taken the case of Bihar and they have also taken the case of Bengal. I do not want to go into the very nice and subtle discussion on the Constitution here, because even if I say something here, it would be only an opinion on the Constitution. Nobody can here express or give a judgement on the Constitution. An opinion inherently an opinion, it is liable to be wrong, it is liable to be changed because it is an opinion.

They are expressed because they are believed to be right, it is not merely liable to be right, but at the same time one must know that they are opinions, they are liable to be wrong, and they are liable to be changed also.

Therefore, I do not want to go my merely expressing opinions.

Mr. Deputy Speaker, Sir, I was just referring to the case of Bihar and thought I should give certain facts in this matter. It is not really a question of constitutional arguments, but really speaking, a question of facts which is very material in this respect. The hon. member, Shri Dandekar, explained the constitutional position very correctly and I stand by that, that the convention should be that the Chief Minister should be given a choice in the sense that he should be consulted but, at the same time, as Shri Dandekar has explained, the Chief Minister should not have the right to veto. That is to say, the judgement of the President must not be subjugated to the decision, wish or whim of the State Chief Minister to have or not to have a particular Governor. That is the spirit of the Constitution.

If we look at Article 155 the constitutional position is very clear, that the President will appoint the Governor of a State and he will continue to hold office during the pleasure of the President. But during the last twenty years, we have established an extra constitutional convention that the Chief Minister of a State should be consulted.

Here I would like to inform this hon. House that in this matter the Chief Minister of Bihar was consulted more than once. I would like to give the facts as they are. The office of the present Governor was to expire on the 12th of May. So, immediately after the new government was formed - naturally, that was the time when we had to consider the appointment of the new Governor - during the first or second visit to Delhi, the Chief Minister of Bihar, Shri Mahamaya Prasad, met me and the Prime Minister and we broached this subject to him.

Shri Kanwar Lal Gupta (Delhi Sadar) : Casually?

Shri Y. B. Chavan : It was not casual. When the Home Minister or the Prime Minister raises a specific question with the Chief Minister of a State, it is not casual; it is always official; it is consulting informally. During the discussion that I had with him he said "I have no objection for

Shri Nityananda Kunungo; we know each other very well; even though he is a Congressman, that does not matter." But, then, he made one point clear. He said that he would like the present Governor to continue for another two or three months. We said "all right, if that is your wish, certainly you can have him for two or three months."

... After that, when two or three months were about to be completed, we again broached this subject with him and he said "after some time" or "when I come next". I talked with him once or twice over the phone but during these discussions, the only point that he raised was "give me more time". He never took objection to Shri Kanungo's name. As a matter of fact, I would like to say that I made it very clear to him that even if the period of the present Governor is to continue, we would like to establish a convention that no Governor should have second term in the same State and, as far as possible, his period should not be extended and that the maximum period for which it can be extended is about six months. So, when six months were to be completed, we again reminded the Chief Minister.

Shri Ranga (Srikakulam) : You suggested only one name. You did not place before him another name.

Shri Y. B. Chavan : I will tell you my difficulty in these matter. As I said I had to initiate proposals for the approval of the Prime Minister and the President of nearly 8 or 10 appointments of Governors during the last six months. Whenever I initiate a proposal I have to consult the Chief Minister. If the Chief Minister has no objection, then I have to consult the person concerned. Do not suppose that anybody whose name is approved by the Chief Minister will be willing to accept through this process. Some people refuse to become Governors. There are some such cases. So, we have to go through this process.

When the Chief Minister of Bihar accepted Shri Kanungo's name, it was only a question of period. Naturally, we had to consult Shri Kanungo also, and Shri Kanungo also agreed to go to Bihar. Once having gone through that process, at a later stage even when a formal order was approved, the announcement was postponed because some more time and even for that we agreed. But when we found that he has no other name to suggest but wanted the present Governor's term to be postponed still further, till March, then we had to tell him "No". I talked

to him on the telephone that we are announcing this, as approved by the President. At that time also he did not say anything. But, after the announcement was made and the notification was issued, I received a telegram saying "We protest; we are against appointment; the Cabinet is against this appointment."

I can understand informal consultation with the Chief Minister. I am now coming to the real political difficulty, which is somewhere else. At a later stage, even when he was asking for more time, the Chief Minister of Bihar told me "you better speak to half a dozen of my colleagues also about it." Well, in order to be courteous to him, I did accept this offer also, because I wanted to be courteous to the Chief Minister. I find Shri Mahamaya Prasad a gentlemen; I have no doubt about it. But, unfortunately, he is in some political difficulty.

He is in some political difficulty. Possibly, the Cabinet people did not want him to accept this appointment, I do not know why.

So, the basic and essential condition of the convention that we have established is that condition of consulting the Chief Minister. Constitutionally speaking, it is not necessary to have the consent of the Chief Minister, if it comes to that. It is not only in one non-Congress Government State that we have appointed Governor. During the last six or seven months we had to appoint Governors in 7 non-Congress Government States. So, there is no question of any particular attitude on the part of the Government of India. There was no difficulty in any of those cases. In many cases the Chief Minister said "We do not want this man." Then I suggested a second name or a third name till I got "no objection" from the Chief Minister. I had to go through this process of suggesting names after names and no difficulty arose in the case of the other Governments. So, why should Bihar alone get this difficulty?

So, I would like to assure this House that there is no question of imposition of any Governor on any State. But it is the right of the President to appoint the Governor after consulting the Chief Minister. But having consulted the Chief Minister and appointed a person as Governor, there is no question of withdrawing that name. I am told that there would be certain constitutional difficulties about it. I cannot understand this position of non-cooperation with the Governor. There cannot be non-

cooperation with the Government and the head of the State. There are certain constitutional requirements, that in certain matters the Council of Ministers has to keep the Governor informed. If it is not done, I must warn in advance that it will be a constitutional failure. I do not want to say anything more on that.

Shri Vasudevan Nair (Peermade) : You are threatening already. (Interruptions).

Shri Y. B. Chavan : I am not preparing. As a matter of fact, I am asking you not to get into this difficulty. If I am preparing for it, I would not have warned you. If I am preparing for it, I would not have cautioned you. My object in giving this caution in advance is that we do not want any trouble anywhere. I wish all governments well.

Coming to West Bengal, there again the questions were raised about the constitutional position of the Governor, the constitutional rights of a Governor. I was very extensively quoted by some hon. Members. I stand by whatever I have said on the floor of the House, I have not changed my opinion. But there are other opinions also in this matter. That I must say.

What is the position of the Governor under such circumstances. My hon. friend, Mr. A. K. Sen and also the former Chief Minister of U. P. Mrs. Sucheta Kripalani, they made a very able case yesterday for West Bengal. There is no doubt in our mind that a Governor is the constitutional head of the State. There is no doubt about it. We have always taken that position that he has to act on the advice of the Chief Minister because the entire constitutional scheme is based on that. I have no doubt about that. But, at the same time, I must make it clear that, in certain matters the Constitution has given discretion to the Governor. That is also a fact. These are not questions of interpretation; these are questions of facts. In what matters is the discretion to be used? Under Article 163(2) of the Constitution, he has to make a judgement where he can use his discretion. In which case the discretion can be used is to be inferred by certain circumstances.

When the Chief Minister is first appointed, there is no aid and advice and he has to use his judgement. For appointing other Ministers, he can take the advice of the Chief Minister. That is the constitutional position.

But for appointing the Chief Minister, he has to use his judgement. While using his judgement, he has also to look to the Constitution. I know that. There the Constitution certainly says that the Council of Ministers has to be collectively responsible to the legislature. Therefore, naturally, he has to find out a person who can have a suitable majority in the House. That is the guiding principle for him. As he has no aid and advice necessary for appointing the Chief Minister, at the same time, while withdrawing his pleasure from the Chief Minister, he does not require the aid and advice of the Chief Minister. That is the constitutional position, whether it is Bihar, West Bengal, Madras, Maharashtra or any other State.

So, that position is very clear. My whole approach is based on this. Definitely, the Governor is bound to accept the aid and advice of the Chief Minister. But the basic question that arises is, when the Chief Minister ceases • to enjoy the majority or there is a doubt that he does not enjoy the majority, what is to be done. Somebody misquoted me or misquoted the Home Ministry. I do not know whether Mr. Nath Pai read the extract...

Shri Nath Pai : I am never in the habit of misquoting.

Shri Y. B. Chavan : Thank you very much. Somebody read some extra from some paper, may be Statesman. I can tell very clearly that neither the Law Ministry nor the Home Ministry believes that the Governor has a right to summon the Legislature. We have never said that. There, he cannot use his discretion. But he can, certainly, advise the Chief Minister to do so. He himself cannot directly call the Assembly. I know that. He cannot also prorogue it by himself. Naturally, he has to accept the advice of the Chief Minister. But he can, certainly, in certain conditions, advise the Chief Minister to call the Assembly within a reasonable time if he feels that the Chief Minister has ceased to enjoy the support of the majority in the legislature. What is wrong there? May I ask those who speak in the name of democracy as to what is wrong there?

I was told by one of the hon. Members that there is a provision of six months. It is quite possible, and now it seems it is quite possible that a man can become a leader of a minority immediately after the session is over. It is intended in the Constitution or is it our intention that somebody should rule for six months without having the majority

of the House?

Shri S. M. Banerjee : He has the majority.

Shri Y. B. Chavan : We want that to be proved. Somebody asked, is it intended that the Governor should be a dictator? No, Sir. The poor Governor, even if he asks one Chief Minister to go away, has to appoint another person as the Chief Minister. The Chief Minister enjoys hundred times, thousand times, more executive power than the Governor. If you allow one person who has no majority in the Legislature to continue as the Chief Minister for six months, you are making him a dictator, not the Governor a dictator. I am not taking any party-line. Yesterday, Mr. Nath Pai made a very good point : let us not think in terms of parties. I entirely endorse his statement. Let us not merely think in terms of the Congress alone. Others also must take the position. Let us consider the national attitude in this matter. Let us be patriots. I agree with him.

It was said, last time, if Mr. Mishra was not resigning, let the Governor be impeached if he does not dismiss the Chief Minister. That was the argument advanced on the floor of the House. Now, I am told, the Governor is becoming a dictator because he is not of the Congress. Ajoy Babu is a patriot; we all respect him. There is no doubt about it. But only a few weeks before these very people who are now chanting his name were abusing him.

Now, I take another point, of six months period. What sort of six months? In this particular case, I am not expressing any view as to what should happen. I have nothing to say about it. It is a matter between the Governor and the Chief Minister there. There is no question of giving direction in this matter. But, certainly, the governor cannot be a helpless witness to a particular situation. I would like to ask someone to think very seriously that only a few weeks before the Chief Minister came out with a proposal, discussed that with the Governor, gave us also the information without asking, that this is what he wants to do because he thought the law and order situation in the State was in danger and that some of his colleagues were likely to do something which was not in the interest of the nation. These are his statements. Somebody told me that we supplied him certain statements. That is absolutely incorrect. We never supplied him any statements. He was acting on his own information, on his own judgement. As to what happened in

between, I am not concerned with that. I am not expressing any opinion on that.

... When again a senior Minister of the Cabinet resigns and reports the same matter, about the support that he has got in the House to the Governor and informs him seriously, the Governor, if he has any intelligence or a national sense, if he owes any duty to the Constitution for which he has taken the oath - I was told about the oath that he took about the Constitution - if he has any sense of responsibility, he must take cognizance of that and he must express a doubt about the majority. This is all that the Governor has done. He has not done anything more or less. Where does the Congress policy or the Central Government come in? I would like the hon. members, those who are responsible for leading the non-Congress Governments, to consider this. May I give them a piece of advice. I know that they do not need it from me. (Interruptions) We have the experience of running the Government for the last 20 years. Possibly, it may be of some use to them. (Interruptions)

People have accepted us. That is why we are here and you are there. People have very much accepted us.

The point that I am making is that the real difficulty is not with the Central Government. What can the Central Government do. The difficulty is that they cannot have their own contradictions, the inherent contradictions. Whenever they find their helplessness to cure their own difficulties, then they want to find a scapegoat and immediately find it on 'Central Government' or 'Congress' or their people together. Why don't they do that? It is a question of making their Ministers work in a team - spirit. Why don't they do that? Instead of doing that, instead of keeping their people in a disciplined manner, why should they come and give us lectures on democracy?

Mr. Ramamurthi told us this morning rather very eloquently that these are the people and not 'mob'. We know the people ... (Interruptions)

... I do not understand this logic, this mathematics; if you have deficiencies in the number of members in the House, in order to compensate that, if you create a mob on the street, will it be all right? The Constitution requires that you should have majority in the House. In order to compensate that, if you want to have a mob on the street, this is not constitutional, this is not democracy; this is mobocracy. If you

want to have a majority in the House, you should have the support of the people. You can have the majority only if you have the support of the people...(Interruptions)..

The point is that I am only thinking about the function and the role of the Governor. A Governor has constantly to watch one thing and that is, whether the man who is the chief executive of the State enjoys the majority in the House. As long as he does it, the Governor is only a Constitutional Head; he cannot do anything, but the moment he creates doubts whether he has the majority or not, it is the duty of the Governor to take note of this. This is very democratic. This is very fundamental for democracy; this is very fundamental for the running of Parliamentary democracy at least. This is, really speaking, the position. These people are losing their majority. We also lost the majority, but we did not go on arguing like this. See the way how Mr. Chandra Bhan Gupta, when he was told that he had lost the majority, resigned; see the grace with which he left office...(Interruptions)

An hon. Member : What about Rajasthan?

Shri Y. B. Chavan: What happened in Rajasthan? That also, I had explained on the floor of the House. I do not want to take more time, otherwise I am prepared to explain that also again. We are very consistent about it. What happened in Haryana? When the Chief Minister lost the majority, he did not hesitate even for a minute; he went to the Governor and submitted his resignation. These are our values; these are our traditions. The Cabinet members have told him; the members of his Party have told him, the Governor has told him; still he say, "No, we have the majority". It is not democracy; this is a farce of democracy. Having done all these things, now somebody comes and tells us here that the Central Government has done this. Not at all. On the contrary, whenever the question of the rights of the Governor came, we have always told him that he must use objectively his discretion in the matter. There cannot be any direction from the Central Government as to who he should use his discretion. He has personally to use the discretion, bringing should in his own judgement. It is not merely that I am making the statement here. I would like to read out a portion of what I said in the last Annual Conference of the Governors, what advice I gave to the Governors there. This is what said:

"In a period of transition, with more that its due share of political difficulties, it would be natural to look for guidelines which might provide an answer to the problems as they might arise. While I clearly understand the usefulness of such guidelines. I am also aware that the formulation of such guidelines would not be an easy task. If these guidelines are to be in general platitudinous terms, they would not be of much help to the Governors. If, on the other hand, we try to anticipate developments and seek an answer in such guidelines, it may be difficult to be free from the bias of deliberations on the subject and our own efforts in this behalf..."

Then, this is what I said:

"...I would commend to the Governors our Constitutions as the best guideline. Most of the Governors are also aware of the discussions and debates which preceded the adoption of our Constitution. The Constitution and the recorded ideas and views of our Constitution makers would provide a far surer and less controversial basis for the problems that Governors face and I will continue to face."

This is the advice that I gave to the Governors.

There is no question of the Central Government or any Central leader interfering in the working of the Governors when they are functioning as Governors. The only guideline that we could recommend was Constitution, and the deliberations that took place on the Constitution were made available. We have never tried to take any partisan or party attitude. Therefore, it is absolutely wrong to make the allegation that is made in the motion before this House...(Interruptions).

Shri Bhupendra Jha (Jainagar) : Mr. Jairam Das Daulat Ram, was a respected Governor of Bihar. When the then Chief Minister Dr. Shrikrishna Sinha, a Congressman, did not want him, he left in the middle of the term... (Interruptions)

Shri Y. B. Chavan: Mr. Limaye made a mention of Article 160. I can only tell him that he has misread the Article.

I consulted the Law Ministry also in this matter before I am making this observation here.

... Article 160 does not contemplate the making of any provisions

where the other articles of the Constitution could very well be attracted. It is only in those matters where the Constitution has not made provisions that the President's order can be issued and he can issue it under article 160. So, there is no question of having any guidelines prepared in this matter.

I think I have tried to meet the major points. I do not want to touch each and every argument that has been made here because most of the points related to other issued. I must say again that I am not expressing any views about what is likely to happen and what should be done in Bengal. This is a matter certainly between the Governor and the Chief Minister. The Governor, according to the press reports that I have read, has asked the Chief Minister to hold a session within a reasonable time. They are holding discussions. Shri A. B. Vajpayee told me here that he also believed that the session should be called quickly. I would request him and his other friends who hold opinions like him that instead of telling us something here they may better give their advice and find a political solution to this problem. Certainly we would like them do it. Nobody wants any precipitate action to be taken in this matter.

SECTION - 2

GOVERNANCE OF WEST BENGAL

EDITORIAL NOTE

In West Bengal, after the Fourth General Elections (March 1967), a number of political parties formed the United Front and unanimously elected Ajoy Mukherjee as their leader. They also reached an agreement on a common programme. The Governor invited Shri Ajoy Mukherjee to form the Government.

In November 1967, Shri P. C. Ghosh and 16 MLAs defected and formed the Progressive Democratic Front. Doubts were raised about the support of majority in the House and the Governor asked the Chief Minister on 6 November 1967 to convene an early Session of the Assembly. The Chief Minister claimed that some of the defectors had returned to the United Front. The defectors denied the Chief Minister's claim.

The Governor, Shri Dharma Vira ICS (Retd.), asked the Chief Minister to convene the Assembly not later than 23 November 1967. The latter, however, insisted that the Assembly could not be called before 23 November, the Governor dismissed the United Front Ministry on November 21, 1967, on the ground that the Ministry had lost its majority.

The confrontation between the United Front Ministry and the Governor raised matters of Constitutional propriety and the Governor's responsibility in dealing with unstable political situations and Governor's

powers. Shri Y. B. Chavan replied to the debate in Rajya Sabha on 27 November 1967 and in the Lok Sabha on 4 December, 1967.

On 4 December, 1967, Shri Chavan had also to reply to a Motion moved in Rajya Sabha by Shri Bhupesh Gupta "that this House recommends to the President that the Governor of West Bengal be dismissed forthwith."

In three speeches Shri Y. B. Chavan exhibited high degree political acumen and Parliamentary debating skill.

SECTION 2

CHAPTER 7

DISMISSAL OF THE U. F. MINISTRY BY THE GOVERNOR

Lok Sabha on 20 November, 1967

Dismissal of an elected Government by the Governor of West Bengal raised for the first time questions about the Constitutional power of the Governor.

Under Article 164 (1), the Governor uses his discretion in inviting a person to become a Chief Minister. In doing so, the Governor has to make a judgement whether the person concerned is in a position to hold or command a majority in the House. In this case the Chief Minister instead of testing his majority, by convening the Assembly, for some reason or the other, delayed facing the House. Shri Dharma Vira, the Governor of West Bengal dismissed the Chief Minister.

Speeches delivered by Shri Y. B. Chavan, the Home Minister, in connection with the West Bengal situation are of great historical importance, and also of considerable significance in interpreting the power of the Governor as Head of the State, of the Chief Minister, and the constitutional issues involved in the functioning of the two offices.

The debate has raised some facts of law, constitutional law, and some questions of facts themselves. The hon. Member who moved this motion for discussion said that he would confine himself to the constitutional aspects only which he did not do. He brought in much of the political facts. He did certainly deal with the constitutional points, I quite see. Sir, I have had an occasion to speak on the role of the Governor before on the floor of this House and the basic thing that we stated there, I would like to say that I am consistent with that even now. The role of the Governor is the role of a Head of the State, Constitutional Head of the State. We are not taking any other position but at the same time the

Governor under the Constitution, by the 1. Constitution also, is entitled to use his discretion in certain matters. The hon. Member, Shri Kaul, who also spoke, theoretically conceded the position that under certain circumstances, the Governor has the right to dismiss a Government. That also he has conceded. Let him say 'no' and then I will certainly reconsider. He has certainly conceded the theoretical position that the Governor has the discretion to dismiss the Government. Now what is the position here? I am not going to discuss any particular position because whatever happens in Bengal, certainly will not be under the direction of the Central Government. The Governor there will have to take his own decisions in this matter. This is a politically motivated allegation which I repudiate. There is no question of having any conspiracy. So the difficulty is that these Governments are full of conspiracies among themselves. That is my difficulty. I cannot help that. These are the difficulties which really speaking I have repeated before and I would like to repeat again that these difficulties are arising because of certain inherent fundamental contradictions in the working of those Governments. For that they will have to find a political solution. Unnecessarily they are trying to blame the Governor, they are trying to blame the Central Government. I can read some of the articles of the Constitution but they were very extensively quoted by other Member and I do not want to take the time of the House more on this matter. The position is that under Article 64, which was read by the hon. Member and on which very able comments were made by Mr. Mathur on this side that the Government will hold office during the pleasure of the Governor. Clause 2 of the same Article says - that lays down the principle that collectively the Government or the Council of Ministers would be responsible to the Legislature. These are the two positions. The hon. Member who moved this motion said that there were only certain cases, in which the discretion is to be used, which are mentioned in the Constitution. Certainly there are instances where he has to use his discretion, but there can be certain other circumstances under which he has to use his discretion. The question of appointment of a Chief Minister is a matter for his discretion, a matter on which he has to make a judgement. Naturally that judgement cannot be whim, I know. There is certainly political restriction on that. That is, the man, the person concerned must be in a position to hold or command a majority in the House. Not only that, he must, during his

period of being the Chief Minister, naturally it is incumbent on him to continue to hold that majority in the House. That is really speaking the basic condition. The one question that the Governor should see, it is his duty very rightly - and hon. Mr. Mathur quoted Dr. Ambedkar - that this is one of the fundamental duties of the Governor to see, and this is a basic condition that he has to see, is that when he has used his pleasure and appointed somebody as the Chief Minister, it is his duty to see that that person continues to hold the majority in the legislature. There is no doubt in my mind that there will have to be the supremacy of the Legislature, but we are going to take it merely as a formal supremacy of the legislature? What is the spirit behind it? The spirit behind it is this - tremendous executive power is exercised by the Chief Minister. Really speaking, he has the entire executive power. In the name of the Governor he exercises those powers and it is a very tremendous power in his hands. Naturally the Governor has to see that the Chief Minister continues to have support in the House. Therefore if somebody says that pleasure can be with-drawn only after the vote in the House - it should normally be done in the House, I have no doubt about it - but if you say that he can only do that after the expression of vote on the floor of the House, then I am sorry I can say that the spirit of the Constitution is missed because there can also be certain circumstances. Normally it should be done. Ordinarily it has to be done...

As it is the duty of the Governor to see to the spirit of the Constitution, it is really those who are using the power under the Constitution, it is their responsibility to see that the spirit of the Constitution is exercised. In this matter some people have said that once the man is put in power, once he is made the Chief Minister, then for six months, between the two Legislatures, which is the upper limit really speaking, and there is nothing very sacrosanct about the six months, nothing should be done.

This would be misreading the Constitution. This is my own view and this is my reading of the Constitution, because a situation can arise between the two sessions of the Legislature, and in this particular case I do not want to particularly explain, what the Governor can do, or will do. He can do, I can say, but I cannot say what we will do or what he should do. I am not going into that aspect in this matter, but within this period six months certainly an extraordinary situation regarding the

functioning of the Government arose, and that was in the first week of October, when the Chief Minister himself wanted to resign. He informed the Governor about it. He gave the reasons for it. He had certainly a plan. And hon. Member, Shri Mathur, has raised a very relevant point - he asked my explanation - that he made such - I should say - a very damaging statement to himself personally, but damaging to the very security of this country. Now the Governor had to take note of this. Not only that. Then what happened? Afterwards, why the Chief Minister changed his mind, it certainly is still a drama, a story untold. But, later on, another senior Minister of same Government resigns. Not only he himself resigns, but he resigns with other seventeen Members. Now, Madam, what is the duty and function of the Governor here? Is he merely to watch all this as a helpless spectator? What happens then? Naturally, he has to take cognizance, of this new situation that has arising in the State. And then what did he do? He did not merely say, "Well, I am the Governor. I want to exercise my discretion." No, he discussed the matter with the Chief Minister and advised him to call the Legislature as soon as possible. The idea was that he should demonstrate to himself, to the country, to the State and to the Governor that he continues to enjoy the majority in the Legislature. And then, the Cabinet or the Chief Minister decided to advise the Governor to call the Legislature after nearly six weeks. The reason that is given is the reason of procurement, which the hon. Member mentioned. Is it self-deception in that we' are giving out this reason? But I do not want to go into that. When, Madam, a certain situation has arisen when the Governor wanted to convince himself that the Government continues to hold a majority in the Assembly, if, really speaking, they were democratic, if really they were confident of their majority, they would have said, "Here it is. Whatever date you, Governor, suggest to us, on that date we are prepared to demonstrate the whole thing." Now I am asked, "What is going to happen within eighteen days?" May I ask the counter question, only because that question is asked of me, "What would have happened if the Legislature had been called eighteen days earlier?" Here is the question whether a Chief Minister, whom the Governor has reason to believe is heading a Ministry which has no majority in the Legislature, whether he is to be allowed to continue to exercise that tremendous executive power vested in him as the chief executive of the State. This is the basic question

that will have to be asked and I think that this is purely a constitutional issue and this is a circumstance relevant to the issue. Once we accept the theory that he has right to dismiss the Government, how can we say that these were circumstances which did not justify, or did not call upon the Governor to act if he wants to act.

...So, Madam, I have no doubt about the basic question. The Governor is a constitutional head. But at the same time the Governor has a certain discretion to exercise his discretion, he has to make his own judgement. This is the constitutional position and this is absolutely clear to me.

Shri Chateau Basil : Why is it not referred to the Supreme Court?

Shri Y. B. Chavan : Why to the Supreme Court? The matter was very carefully examined here and we have come to the conclusion that it is not advisable to refer the matter to the Supreme Court. (Interruptions.) As I said, once you allow this constitutional right to the Governor, then the use of the discretion depends upon the assessment that he makes of certain political factors that exist. It would not be right to drag in the Supreme Court into this.

In certain other matters the Supreme Court has gone into them, in which case their advice had to be asked, but in purely socio-economic matters, on political matters this reference should not be made. They don't give the opinion I because it is not incumbent on the Supreme Court also to give judgement. ` It is just advice and in this matter also it will be just advice, which is neither binding on the Supreme Court, nor binding on the person to whom it is given. And again Madam, the use of the discretion under the Constitution is itself not a justifiable matter. There are many other things. So, Madam, it would have been certainly a wrong thing to do. (Interruptions) Therefore, Madam, we have decided that it is not advisable, that it is not expedient to refer the matter to the Supreme Court for advice.

Shri Niren Ghosh : Because you are not sure of your ground.

Shri Y. B. Chavan : If you are sure of the basic fact of your majority, even now you may advise the Chief Minister to call an Assembly session soon. What is the use of shouting before me? You talk in the name of the people. Some people just advise us that a number of murder will be committed. Is it an argument that only because certain numbers of

murders are going to be committed, we should therefore coerce ourselves into accepting a certain position which is not constitutionally correct, which is not, politically correct? Is this the idea to run democracy in this country? (Interruptions). The main question I have asked you. You have the opportunity to call the Legislature. Why are you afraid? You talk in terms of the supremacy of the Legislature. Here is a challenge to you. Here is an indication to you. Here is an appeal to you to call your Legislature and take the verdict of the Legislature. Why are you not doing it? This is, really speaking, the basic thing.

Shri Niren Ghosh : They could have done it but for..

Shri Y. B. Chavan : All other arguments are baseless... (Interruptions) They are political arguments. They are self-interested arguments. Therefore, I am not going... (Interruption) Therefore my position is very clear. As far as Bengal is concerned, these are the facts and this is the constitutional position. What happens or what decision the Governor takes there is his discretion. I have no further comments to make on this particular question.

Now, Madam, coming back to Bihar, there, as I said, it is a question of merely facts. We ourselves have developed an extra-constitutional convention to consult the Chief Ministers in this matter. And why should I be rather unco-operative with the Bihar Government? In the last six months the Government of India and the President had to appoint Governor in nearly seven non-Congress Governments. It is not for the first time that we have appointed the Governor in any non-Congress Government. Madam, I cannot discuss what advice was given or what consultation took place, because it is done in trust and confidence. Therefore, I am not going to do that, but I can tell you, Madam, that in many cases I was told that they did not want a certain type of persons or certain individuals. We conceded their desire. In the case of Bihar itself, we had the discussion, not once, but more than once. Not with myself alone, but in this matter the consultation took place with the Prime Minister even. The hon. Member thinks that I am telling a lie? Why should I tell a lie? I consider him and I claim to be a friend of Mahamaya Prasad Babu.

Shri Sundar Singh Bhandari : Why should he also tell a lie?

Shri Y. B. Chavan : Not at all, but where I am concerned, I am telling you the facts. Why should I tell whether others lie or not. I do not want to go on abusing anybody else. Where I am concerned, I am telling you the facts. It was not only once, but twice and thrice that the consultation took place. It was not merely with myself alone, but the consultation took place with the Prime Minister also.

And never the question was raised by the Chief Minister of suggesting another name. The only question that he raised was the continuation of the period of the present Governor there, to which we conceded. (Interruption) There is no question of acceptance, there was no objection to it.

What is the process of consultation? The Central Government on behalf of the President suggests a name. If there is no objection then the person whose name has been recommended has to be consulted, because you cannot appoint a man as Governor without consulting him. In this matter naturally when we put this name to them the Chief Minister said, "Certainly he is a good person. I know him. He is an old friend" and I think that is enough. And this happened twice, thrice,. And then we naturally consulted Mr. Kanungo and Mr. Kanungo consented to it. And then there was the question of the announcement of the date of his joining. They wanted further time, six months (passed) like this. When they wanted a further period up to March, I had to say I cannot agree myself. Certainly, they met me and made this request and I said, " I cannot agree to this. I must consult my other colleagues." And later on I told him that I cannot accept it. I say this not with view to run down anybody. I know Mahamaya Babu. He is a gentleman. He is a friendly person. But unfortunately he has to do these things because of certain political difficulties. At one stage he told me, "You please talk to my other colleagues also." I am telling you the facts. And twice I talked to five or six Ministers simultaneously, coming in group. What more care can I take? What more consideration can I give to the Government? Naturally the announcement was made. And after that certainly he sent me a telegram to which I replied, "You never raised this question. Now the notification has been issued and the name has been mentioned and there is no question now of withdrawing the nomination."

I am sorry, I was not present here, but I am told that Shri Rajnarain gave a sort of threat and said that nearly ten or twenty thousand people will be killed. This is democracy. Everything has just to be expressed in terms of threats. Madam, I can say that if I am to be a real or trustworthy Home Minister of this country, who is responsible to this Legislature, then I cannot weaken before such threats. After full consideration, after taking care of all the matters involved in this matter, a certain decision was taken and communicated. I would make an appeal to hon. Members, and I would make an appeal to Mahamaya Babu again. But certain conventions have to be observed and observed properly. I would certainly make a request to him not to further carry on this controversy and to accept him. Mr. Kanungo will be the Governor and he should give him full co-operation in carrying out his work.

Shri Sundar Singh Bhandari : Send him after March and then the Chief Minister will accept him.

Shri Y. B. Chavan : Not with such conditions, because the President's (decision cannot) be subjected to the consent or veto of the State Government however important the Chief Minister may be. That is very clear.

I have explained myself on the constitutional aspect and I have cleared my point on the facts. I have nothing to add.

SECTION 2

CHAPTER 8

DISMISSAL OF THE U. F. MINISTRY

Rajya Sabha on 27 November, 1967

In this important speech the Home Minister said in explicit terms: 'The Governor has very few functions, but he certainly has two duties. One of the two duties is to appoint Chief minister and the other duty is that when he is not responsible collectively to the Legislature, to dismiss him also.'

Madam...

I want to examine some of the points that were raised during the course of the debate. I have heard some important speeches but I am sorry that I have not had the privilege of listening to all the speeches but I have points of the speeches made on the floor of the House in the course of the debate. I think there are two aspects of the problem both in Haryana and in Bengal. One is the constitutional aspect and the other is the political aspect. It is very useful to go into the constitutional aspect first because many deferring views have been expressed here. Naturally, where the interpretation of the law and particularly where the interpretation of fundamental law like the Constitution comes there are bound to be different views in this matter but they are views ultimately. I will try to present the view as we see it, as a Government.

Shri Bhupesh Gupta : The whole lot of you?

Shri Y. B. Chavan : The whole lot of us. I am not speaking as an individual but I am speaking as the representative of the Government.

This question of the role of the Governor has been discussed many times and I have had on occasions to give my view point about it or our view about it, on many occasions. The most important articles in this connection are articles 163 and 164. What is the role of the Governor? The role of the Governor is essentially the role of the Head of the State. No one has any doubts about that but at the same time he also represents the President in one important matter because when he is sworn in, he is sworn in under the Constitution to see that the Constitution is properly worked. His oath is to the Constitution and there, in that capacity as the representative of the President, he has to see constantly that the State is governed according to the Constitution. The other matter is, he is the Head of the State wherein he has to act on the advice of the Chief Minister. Even in that matter, under the Constitution, by the Constitution, under certain articles he has been given certain discretion. That is again a very special case in the case of the Governor. In the other capacity, he has been given certain discretionary powers. This is my understanding of the Constitution as I see it. I heard some speeches and they say and some of them also quoted...

Shri A. D. Mani (Madhya Pradesh) : May I ask the Home Minister whether he accepts the interpretation of the Constitution by Mr. Basu, which is considered to be the last work on the Constitution? He says that the Governor has no discretionary power excepting what is contained in the Sixth and the Seventh Schedule.

Shri Y. B. Chavan : I am exactly coming to that point because when he functions as the Head of State, excepting those articles which are mentioned there under which he has the discretion, certainly he has to go by the advice of the Chief Minister. I had myself quoted that last time when we were discussing the Madhya Pradesh problem in this House. I have conceded that point but that is when he is functioning as the Head of the State but as I said, under Article 163 - particularly under Article 164 - when really speaking, he functions there as the representative of the President... (Interruptions) when I used the word representative of the President, it means that he has to see that the Constitution is properly worked.

May I ask one question. If we accept the position that the Governor has discretionary powers only those which are mentioned by Mr. Basu or

Mr. Seervai under those three articles only, then a very peculiar situation arises. Suppose when a Governor has to appoint a Chief Minister in his pleasure, is he supposed to take the advice of the previous Chief Minister?

Shri Bhupesh Gupta : Shall I say something?

Shri Y. B. Chavan : No, I am asking a very patent question.

There are certain inherent situations in which the Governor has the discretion, and naturally this discretion is not any individual whim. This discretion is also subject to certain constitutional provisions. This is not an individual desire or wish of the Governor. There he has to see Article 164 which says :

“The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister and the Minister shall hold office during the pleasure of the Governor:

Provided etc...” Article 164(2) says:

“The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.”

The word ‘pleasure’ which was tried to be interpreted by reference to May’s book by Shri Chatterjee is quite all right regarding procedure. That point I would take a little later. When he uses the word ‘pleasure’ the other parties in England do not wait to be dismissed; when they suspect that they have lost the majority, they themselves offer to resign.

Shri Bhupesh Gupta : Not at all.

Shri Y. B. Chavan : They do not wait. They say ‘no’. It is such a delicate matter. This collective responsibility to the Legislature is the soul of parliamentary democracy.

It is their responsibility. The moment the Chief Minister suspects that he has lost the majority, it is the duty of the Chief Minister to submit his resignation, and if the Chief Minister does not do that, it is then the duty of the Governor to see that first the Chief Minister calls the Legislative Assembly and tries his strength and proves that he is the majority leader and if he does not do that he naturally advises the Chief Minister to call

the Legislative Assembly and try his strength and prove that he is the majority leader and if he does not prove that he is the majority leader, naturally he has nothing else to do but to get himself dismissed.

Shri Bhupesh Gupta : That is not permitted under the British Constitution.

Shri Y. B. Chavan : We are discussing the Indian Constitution which is written Constitution. So the basic question that really arises is that the power and pleasure is, really speaking, not an individual pleasure. The question of pleasure of the Governor is connected with the collective responsibility to the State Assembly.

The whole case is based on this one thing; if we do not understand this fundamental principle of the working of the Constitution. It is no good if one has read tons of books and speeches...

Shri Bhupesh Gupta : I have read books on constitutional law by Ivor Jennings and others and have understood the constitutional law as propounded by them. Now I am in too advanced a stage to be taught constitutional law by our Home minister, Mr. Chavan. What pleasure can I have to learn it from him?

Shri Y. B. Chavan: Now I do not want to get myself involved in this lest I should lose the link of the point I am making. In this whole controversy of Bengal, it is absolutely difficult to get at the major question because some people made very hackneyed arguments that the Central Government is interested in toppling the non-Congress Governments. Far from it. (Interruptions)

Madam, there were occasions when we had opportunities to discuss and criticise what was happening in Bengal. I had myself an occasion, while in Calcutta, to express my views about certain unconstitutional things that were happening in Calcutta. Worse still, this House was very much concerned when things were happening in Naxalbari.

For what was happening in the industrial field and in other fields, if at all, really speaking, the Government had no wrong intentions about any non-Congress government, action could have been taken at that very time by the Government.

Even today there are many non-Congress Governments. We always

wish them well, and whatever was possible was done for them. (Interruptions) Extensive co-operation was given to those Governments. But, Madam, it is not the Governor who is responsible for this position; it is not the Central Government that is responsible; it is they who are responsible for this position. Now it is very wonderful logic. When they got a majority by joining many parties together including Dr. P. C. Ghosh when he was a Minister there, they thought that they were very powerful and could be in a majority for all time to come. Now, Sir, they had not that majority, and it was because of their internal contradictions, and that is the main point I would like to place before the House. You can criticise the Congress. You have every right to criticise the Congress. So I have every right to criticise you also now. You think that the Congress is bad. Then why are you trying to imitate the Congress now? You say that the Congress had deteriorated. Granting that, the Congress, took at least twenty years to deteriorate, but then you took only six months to get deteriorated. (Interruptions)

I am not holding any brief for either the Bengal Congress or any particular Congress. We are discussing here a certain constitutional and political situation and the Governors role in it, I am not holding any brief for any particular group or party in Punjab or Haryana or Bengal. That is not my present task. I will perform that task when it comes to me. That is different matter. Now you are angry because you have lost the majority. (Interruptions) Therefore, instead of trying to find fault with others it is very necessary for you to find out why it has happened so.

Some other hon. Members tried to compare the situations in Bengal, in Haryana and in Punjab. It is absolutely wrong to compare the things. Punjab is Punjab and Bengal is Bengal (Interruptions) and Haryana stands on its own; it is a class by itself. So what happened in the three places are three different situations, completely different political situations, and it is no use trying to apply some sort of a uniform political standard in all the three States. What happened in Bengal was that the United Front Government lost the majority...

Shri Bhupesh Gupta : No.

Shri Y. B. Chavan : Then why did they not call a meeting of the Legislature?

Shri Bhupesh Gupta : The majority, if lost, is to be lost on the floor of the House.

Shri Y. B. Chavan : In Punjab, Madam, I must, really speaking, appreciate the behaviour of the Punjab Chief Minister, Mr. Gurnam Singh. Immediately he suspected that he had lost the majority, he resigned. (Interruptions) In Haryana the situation was completely different; there was the question of constant defections. Even the first Government of Haryana was also toppled by defections, but we did not take a very strong view at that time. That Congress Government was toppled by defections and the Congress Chief Minister of the time did not hesitate to resign. (Interruptions.)

In Haryana what was happening was that for anyone who, really speaking, claimed to have a majority, that majority was so thin and uncertain and invisible that the Chief Ministers themselves never felt certain whether to depend on them or not. Even on the 18th November the Chief Minister of Haryana made a statement to the Press - it appeared in the 'Patriot' in which he said that things had become so uncertain that he could not depend on anybody. That was a statement by the Chief Minister of Haryana himself. So, Madam, the Punjab situation, the Haryana situation and the Bengal situation stand on their own, and the Governors, naturally, had to take action as things developed there.

Then somebody, perhaps Mr. Murahari, said that the Congress is so fond of power ...

Shri G. Murahari : Exactly.

Shri Y. B. Chavan : That they just want to be in power everywhere. Well, Madam, in Punjab and Bengal they refused to be in power. There also he was blaming them, asking why they supported others to come to power and why they were afraid to come to power. And here they have said, "All right, we are prepared to...(Interruptions) The main point was that, really speaking, the Congress certainly has allowed itself, in these areas, to see that the other people succeed in their work, and they are prepared to support the right people. We wanted to support Mr. Ajoy Mukherjee also if he wanted to have our support. But he changes his mind, and the Congress Party today is supporting one of your own colleagues, Dr. P. C. Ghosh. Why are you afraid of it? Why are you

angry?

I was told that the hon. Member, Shri Banka Behary Das, said certain things I was rather shocked that he should speak in that way I can understand that sort of a speech from others.

...But what is the idea of saying, if you have strength, why not come to the street? This shows that really speaking those people have not yet understood the spirit of parliamentary democracy. Democracy and the politics of the street are different things. The politics of democracy means the politics of the ballot box and the politics of the legislature. It is not the politics of the street. Those who talk of the politics of the street believe in neither the ballot box nor in parliamentary democracy. The politics of the street is the very antithesis of parliamentary democracy.

- - - Interruptions are good if they are intelligent. If they are not, what can I do? My main thesis in this matter is that constitutionally the Governor has certain duties and these duties are those which Dr. Ambedkar while discussing these particular provisions of the Constitution in the Constituent Assembly explained. They were quoted by Shri Mathur also in this honourable House and even Shri Chandra Shekhar referred to them while replying to Shri Bhupesh Gupta. The Governor has very few functions, but he certainly has two duties. One of these two duties is to appoint the Chief Minister and the other duty is that when he is not responsible collectively to the Legislature, to dismiss him also.

(Interruptions)

Shri Bhupesh Gupta : He has no such power.

Shri Y. B. Chavan : Absolutely he has that power. If we accept this basic principle and this interpretation of the Constitution, then we will have to examine and judge the action of the Governor of West Bengal on the basis of this principle.

We should see how things developed in Bengal. At a certain stage the Governor of West Bengal realised that the Party that was thought to be the majority party was no longer the majority party. Therefore, he discussed the matter with the Chief Minister.

He discussed the matter with him and later he wrote to him requesting him to call a session of the Legislature as soon as possible..

(Interruptions)

Shri Y. B. Chavan : And the Chief Minister decided on a date more than six weeks later. And the reason that was given by him was that they wanted to intensify the programme of procurement which was important. After that the Governor wrote to him again and wanted the session to be called within a reasonable time and a certain reasonable time was also suggested, namely, the 23rd November. Now, Madam, was it not the duty of the Chief Minister, even supposing he was angry about what the Governor had done, to have called a session of the Legislature? These people here instead of giving lectures here why could they not advise the Chief Minister to call the session do decide the matter?

Shri Bhupesh Gupta : Why should he do it?

Shri Y. B. Chavan : Because that was the obvious thing. Whatever my happen on the 29th, the Legislature will prove. The Legislature will prove...

Shri Bhupesh Gupta : What was wrong in what he did?

Shri Y. B. Chavan : The Legislature will prove what is wrong and what is right. Suppose it is proved that the present Chief Minister has not majority, he will be thrown out. We are not worried about that.

An Hon. Member : Twentyninth is the day after tomorrow.

Shri Y. B. Chavan : So you should help the Bengal Assembly to meet peacefully and decide the matter. If you do that it will show that you are interested in democracy. That is what you should do to show that we can believe in your bonafides. Let us know exactly whether the Chief Minister has the majority or not. If he is thrown out and if he refuses to be thrown out, then the same Governor will have the same powers to dismiss him also. I have no doubt about that. Really speaking, what is happening in West Bengal is what - they have lost in politics they want to gain by interpreting the Constitution wrongly.

Shri A. P. Chatterjee : Madam, I am rising on a point of order. Here we are discussing the motion of Mr. Bhupesh Gupta that the dismissal of the Ministry in West Bengal and the action of the Governor, are unconstitutional and invalid. And now the Home Minister in his reply while dealing with the constitutional point, will he be in order when he

says that if such and such a thing happens we shall again dismiss the Ministry? Is it right on his part to say that?

Shri Y. B. Chavan : I have not said that I will do this or that. I said that the Governor can dismiss the Chief Minister if the Legislature proves that he has not got the majority. I have not said that I will do any thing. Why should I? Who are we? Let us be quite clear about this matter. In all these matters the Governors have acted on their own and I would like to repeat with all the emphasis at my command that in these matters at no time did the Government give any instructions to the Governors. The Governors have acted on their own.

I have no doubt in my mind that the Governor's actions were completely constitutional and completely consistent with the conventions and the spirit of the Constitution.

What is happening afterwards? As for the loss of life, we are all sorry for it. If any young man or old man gets injuries or is killed in this connection, we are sorry for it. But the moral responsibility for all these things will be on those people who are preaching and participating in...

It will be on those who advocate the politics of the street, those who are talking of the politics of the street. Even before any action was taken these people were stating that there will be very serious violence and that thousands will be killed. In this very House one hon. Member said that some twenty thousand will be killed. Those who are talking in terms of the politics of the street, they are the people who are responsible for the killing of innocent people. They will have to carry that responsibility.

There were certain public leaders of West Bengal, who said it. I do not think Mr. Bhupesh Gupta said it. They said that if this thing happened we will do this or that. This creating of this atmosphere of violence is bad and the sin of shedding blood, I must say, is not on our hands but on those who think in terms of the politics of the street, who talk in terms of violence and ultimately they will have to carry the moral responsibility for shedding the blood of the innocent. As far as Bengal is concerned I do not like politics there because certainly it is not a very good thing in Indian politics what is happening today, these defections. This crossing of floor being claimed as a parliamentary privilege of members, etc. is

quite all right, theoretically it is quite all right but on the whole it is not a good thing. But when defections from Congress took place they were jubilant. Today I cannot say I am very glad about any person who leaves his party. (Interruptions) I have nothing to say one way or the other; it is for them to say why they are defecting. But what I say in these defections is certainly a serious matter and all parties should sit together and find a solution for it. I cannot say that one single party should find a way out but all parties...

Shri Bhupesh Gupta : Are you ready for a provision in the Constitution for recall? Let the people decide.

Shri Y. B. Chavan : Let us sit together and discuss. I am ready for a discussion about it. Our Party would certainly be willing to sit with all other political parties and discuss about this matter.

Shri Bhupesh Gupta : Not defection; I am talking of recall. Whenever the electorate like to recall a particular Member they should be given the inherent right to recall him. Are you ready for it?

Shri Y. B. Chavan : What I am saying is that we are ready to discuss this general political question of defections, what should be the legal, political, moral remedy for it. I am prepared to discuss it. Neither mere moral, nor mere political nor mere constitutional solutions are going to help : all of them will have to operate to get at some solution for this.

About Haryana, it is a very sad case because I really do not know with whom to be angry about matters relating to Haryana. It is a sad thing that in a party of 40 there were nearly 26 people who defected...

Shri Akbar Ali Khan : Thirty because Jan Sangh was not co-operating was really thirty.

Shri Y. B. Chavan : ... Out of 23 some - defected four times, three times ; and some one time.

Shri Govinda Reddy : And one defected five times. (Interruptions)

Shri Bhupesh Gupta : You send defeated people as Ambassadors all over , the world and you are preaching morality.

Shri Y. B. Chavan : I am talking about the defections. I am not

talking about the defeated people. I am talking about the elected people who have defeated. The point therefore is that in Haryana there was a complete gap between the Government and the will of the people.

Shri Kesavan (Thizhava) (Kerala) : Do you mean to say that the Members who crossed the floor in Haryana are persons having no character?

Shri Y. B. Chavan : How can I say they have no character? As an hon. Member says here they have a character of their own, I do not want to discuss any individuals. Sometimes the political situation is created in such a way that the people are influenced that way. Therefore, I think the Governor very rightly considered this and I think the Report of the Governor is an objective essay on the political situation.

It was certainly objective because he has not spared any political party. He has criticised the United Front people, he has criticised the Congress also. Therefore this is a warning not only to the people of Haryana but this is a warning to all believers in democracy in India.

Therefore we will have to learn something from what happened in the last week. In a week's time three Governments toppled, it is not a very happy thing for anybody. To those who are interested in the stability of democracy in this country, it is certainly a matter of worry and anxiety and therefore we will have to learn something from the pages of history. Those who take the oath under the Constitution and become the highest executive officers of the Constitution, the Chief Ministers, they must keep always in their mind that they are there because they have got a majority in the Legislature. Once a suspicion arises that they are losing that majority in the House it is their moral duty - to come forward and say, 'Well, resign'. This is the objective lesson which we should learn from the pages of history that it is absolutely wrong to play with the loyalty of the people who are elected on the support of the platform or tickets of any particular political party.

And Mr. Prafulla Ghosh has not become a member of the Congress, nor Mr. Gill has become a member of the Congress. They have their own parties and those parties are supported by the Congress. That is the difference between the two. These are therefore two different propositions. Personally we are all really speaking sad about what is

happening but at the same time we have to take into account the situation that is there. What is required really speaking is self-criticism. If they want to criticise us, I would make an appeal to them that they should criticise themselves thoroughly in these matters and see what is wrong with our politics. With great hopes the non-Congress Governments were welcomed but what is happening to them? It is not merely enough to criticise a political party which was in power for twenty years. Really speaking what was the way in heterogeneous elements were brought together without any ideological commitment to the programmes. I would like to ask them : Can they, really say that they have done any progressive work? (Interruptions) These are important questions I am asking. They are not partisan questions. These are questions which both the non-Congress Governments and the Congress Governments will have to answer at the bar of History.

So what I say is this. If at all we have to discuss any fundamental questions, let us not make the Governors scapegoats. Let us not make some Ministers here or Ministers there scapegoats. Really speaking a basic challenge is before us as democrats. The challenge is before you as democrats. Why don't you accept the challenge and seek what the reasons are for these happenings? Don't hold the Governors responsible for it.

Shri Bhupesh Gupta : Take them out. Let them be removed.

Shri Y. B. Chavan : How can it be? The Governors will be there. The Governor will have to be there. May I ask this question? Why did in October Ajoy Babu come out and say that he wanted to resign?

What I say is the criticism or game of finding scapegoats for their own deficiencies and political weaknesses is not going to help anybody and, therefore, I must say that I oppose the motion moved by Mr. Bhupesh Gupta with all the emphasis at my command.

The other Resolution about Haryana, which is before you, is a statutory one moved by my colleague and I would commend it for the acceptance of the House.

SECTION 2

CHAPTER 9

SITUATION IN WEST BENGAL

Lok Sabha on 4 December, 1967

Shri Y. B. Chavan : Mr. Deputy Speaker, Sir, this debate has been going on for nearly four hours and I was really listening to the debate with an open mind to see whether they can prove that the Governor was wrong...(Interruptions).

(Mr. Speaker in the Chair)

I must say, after listening all the invectives and adjectives that were heaped on the Governor, no convincing point either on the constitutional point or on the political side has made by any of the hon'ble Members.

Hon'ble Shri Hiren Mukherjee who moved the motion made a very beautiful speech as far as the language goes. He is a master of English - there is no doubt about it. But the main sense of this whole controversy, if at all it has to be called a controversy, is : what is the role of a Governor in the working of a parliamentary democracy? Many hon'ble Members

have tried to reply to this point and I must say many of them have made a very convincing case that Governor has certainly, not merely a passive role but in a certain situation he assumes active role in the whole thing.

I can certainly quote the Article - I have done it before and I can repeat it - if we see the scope of Article 163 and 164, what is the function of a Governor. It is true that the Ministry remains in power during the 'pleasure' of the Governor, during 'the pleasure of the ...'

.. A controversy is going about as to what is the content and interpretation of the word 'pleasure'? Where is it used? Now, the hon'ble Member himself wants the President to use his pleasure to dismiss the Governor. So, it is a wonderful thing that when it suits, the right of dismissal must be used. It is, on their admission, that the content and meaning of the word 'pleasure' is that they can dismiss.

... The Governor has certain discretionary duties under the Constitution itself. That position is conceded. But, inherently in order to keep the working of the Government going, he has certain things to do as a duty to which Dr. Ambedkar in the debate in the Constituent Assembly has made a reference and it was very aptly quoted by Mrs. Kripalaniji here. Now I may ask one simple question that when a Governor invites the leader of a party to become Chief Minister, if we take a position that he is merely a constitutional head and he has to act on the advice of the Chief Minister.

An Hon'ble Member : Not at that time.

Shri Y. B. Chavan : How do you say that it is not at that time. Therefore, you concede the position that under certain circumstances Governor has to use his individual judgement. That is a very clear point. The whole delicate game of parliamentary democracy depends upon a very delicately balanced relationship between the legislature ... (Interruptions) and the executive... (Interruptions.)

The legislature and the executive are very delicately balance and there-, fore, Art. 164 of the Constitution make it amply clear that certainly the Governor has to use these judgements, but not as it suits him, not in his sweet will and he has to see that the executive is collectively responsible to the legislature. He can use his pleasure

only on the judgement whether the person concerned or the leader concerned maintains or commands a majority in the House or not. That is really speaking the essence of the whole thing. Now what was the Governor doing? (Interruption).

If you see the facts of the Bengal case, really speaking what was the Governor doing in this case? Was he trying to be a despot? What was he trying to do? He was trying to bring the executive and the legislature face to face with each other. If I can take a certain nearest analogy that I can give them as they are sportsmen, they will understand what I am saying. This is the role of an umpire. When two parties are playing on two sides, if one side is trying to fall out and get out of the ground, it is the duty of the umpire to see that both players come and face each other. Here, really speaking, a situation has arisen for a judgement, because certain people had come and informed and given in writing to the Governor that they were no longer supporting the Government party. The Governor was clearly in the know of the things that the Chief Minister had lost the majority. He merely asked him to call an Assembly session soon, to which the answer was given after nearly six weeks or eight weeks.

Shri Jyotirmoy Basu (Diamond Harbour) : What was wrong with that?

Shri Y. B. Chavan : He had asked for time. But what did the Governor do? He did not say 'No, no, I would like to dismiss you', but he again requested the Chief Minister to call the Assembly within a reasonable time.

... The real issue is whether when the Governor comes to know that the Chief Minister has lost his majority, he can allow that man to continue in power indefinitely. That is the main point. I have no doubt in my mind that it is the Governor's responsibility at that time to see that he brings the legislature and the ruling party or the Chief Minister and the legislature face to face, and when the Chief Minister refuses to call the legislature, I do not think he has any other alternative but to do what the Governor of Bengal has done in this case. Are we going to dismiss persons who certainly have taken a very grave responsibility and acted? Certainly, it is a very grave responsibility; it is certainly it is a strong action that he had to take. But he has taken strong action only with a

view to defend the Constitution and defend democracy (Interruptions). Are we going to accept the argument of those who are telling us that 'we will destroy this democracy?...

(Interruptions).

Other political parties can see from their own experience of the last 68 months. Many difficult situations arose and the members on this side criticised me also for showing a little more patience. But it was not what we could do anything from here. Ultimately, the local conditions and local politics have to be judged by the Governor and he has to try and find out solutions when developments take place. In this matter, I have no doubt - I do not want unnecessarily to prolong the debate more - I am absolutely clear in my mind that the Governor acted, and acted in the interest of the country democracy and the Constitution.

SECTION 2

CHAPTER 10

MOTION FOR DISMISSAL OF GOVERNOR
OF WEST BENGAL

Rajya Sabha on 4 December, 1967

Shri Y. B. Chavan : Madam Deputy Chairman, I have had the pleasure of listening to Mr. Bhupesh Gupta's speech twice in this debate, first when he opened and now when he concluded. I also heard some of the other speeches and also got almost all the points that they have made. I can say that most of the constitutional points, rather unconstitutional points that the mover, Mr. Bhupesh Gupta, raised have been very ably answered by my hon. friends on this side, Mr. B. K. P. Sinha, Mr. H. C. Mathur and, just now, by the very able speech of Justice Mookherjee.

Madam, this question of the role of the Governor has been discussed so much and so many times and on so many occasions in this House that I do not want to repeat the same arguments. The real point in this debate that the point that they have raised is a political issue, which they are trying to cover up with constitutional arguments. The political issue

in this case is that these people had lost the majority in the Legislature there. They want to hide this fact from the world and from themselves. Let us understand the basic fact about it. I am rather surprised...

When I was listening to Mr. Bhupesh Gupta's constitutional interpretation, I was reminded of one event in American history when a Congress election ion to the Presidency was fought by a person who lost it. It is interesting to hear it, Mr. Bhupesh Gupta (Interruption by Shri Bhupesh Gupta) keep it in your mind, Mr. Bhupesh Gupta. When he lost that election he sat with his friends to analyse why exactly he lost the election. They reanalysed it. Madam, in order to carry on their campaign they had recruited two types of people. One group of people were politicians who knew politics and how to campaign etc. The others were intellectuals who could foresee things and supply talking points, to serve as a sort of brain trust. But later on they found out what had happened in the campaign itself. What had happened was the intellectuals played the role of politicians and the politicians played the role of intellectuals.

Shri Bhupesh Gupta : It is all an old story.

Shri Y. B. Chavan : And the result was that the poor candidate lost his election. Therefore, your case Mr. Bhupesh Gupta really speaking is a political case and therefore you have lost both constitutionally and politically.

Madam, in the motion that I have placed before the House we have not tried to comment on the Speaker's action. As far as he adjourned the House sine die, that was certainly his right to do that whether he did it wisely or not is not for us to express our views. About the views he expressed, which he should not have expressed as a Speaker. That is really his main fault. He adjourned the House sine die.

Shri Niren Ghosh : You are casting aspersion on the Speaker.

Shri Y. B. Chavan : The Governor prorogued the Assembly. But look at the constitutional point about it. The hon. Member, Mr. Bhupesh Gupta, says that the House is speaking through the Speaker. Madam, can you admit that position, may I ask you, as a presiding officer of this House? (Interruption) Madam, the main point in this matter was what the Governor was doing. I was explaining the same point in the other House, and I am repeating the same again here the same day. The

main point in this whole thing, as the hon. Shri Mookherjee has pointed out, is that the Governor is not just an idle spectator. He is part of the Executive, he is part of the Legislature.

Shri Niren Ghosh : No.

Shri Y. B. Chavan : You do not know the Constitution.

Shri C. D. Pande : You are a foreigner.

Shri Y. B. Chavan : You do not know the Constitution. Possibly you know the Chinese Constitution.

Shri Niren Ghosh : What do you know of the Constitution?

Shri Y. B. Chavan : The point is he is not an idle onlooker. (Interruptions) They have really lost one very important thing. The essential point is his function. He has to see and he has to bring the Government and the Legislature face to face with each other. That is his function. Here is a Government which claims to be the majority Government while the others had no claim to be the Government. When they lost the majority, the Governor took notice of that fact and called upon them to call the Legislature and get it decided.

It is really the basic convention of any democracy that when the Government loses its majority ... it has to take the decision of the House. In this case this man had an opportunity to go and face the Legislature. I am always asked, "Is it not the right of the Chief Minister to wait for six months?"

This is an absurd position. I was discussing this position about the absolute right of the Chief Minister not to call a meeting of the Legislature. May I, Madam, give you a conceivable position?

So the Government had lost the majority. It was said that they were entitled to continue for six months without calling for a session. Certainly when the Governor knows that the present Chief Minister, who is the Chief Executive, has lost the majority, it was his moral duty to see that he does not continue...

Therefore, I think the Governor was within his rights and constitutionally entitled to act in this matter. I have no doubt that the Governor acted in this way to uphold the Constitution and democracy.

(Interruptions) Therefore, this question of accepting this motion of Mr. Bhupesh Gupta is something which I don't... (Interruption) The basic point is, and I must emphasise it, that the Governor has certain duties and these duties have been discussed in this House. And in this matter, the Governor has discharged his duties according to the Constitution. I must say that if he had not acted as he did in Bengal... (Interruptions)

The main point that I was making is that if we accept the case that anybody can uninterruptedly go on ruling for six months without calling for a session of the Legislative Assembly...;

It will be a very absurd position. It is quite conceivable that immediately after one session, the Chief Minister may lose his majority. Then it is quite possible that the Chief Minister - I am just conceiving such a position - has the Constitutional right to withdraw his pleasure or approval of the other Ministers in the Council and get them removed. So a Chief Minister who has lost his majority can conceivably get all other Ministers removed in order to keep it as a Council of Ministers, he can take only his wife as another Minister, vwho may not also be a Member of the House...

And then as a dictator he can rule for six months. (Interruption) Are we to say that the Governor has no responsibility in such a situation? (Interruption) So constitutionally it is an absurd position when you say that we should take the rule of six months as something very absolute something very sacrosanct...(Interruption)

Shri Bhupesh Gupta : He wanted only 19 days.

Shri Y. B. Chavan : It may be 19 days, it may be 10 days. May I ask what was so important about 19 days? (Interruption by Mr. Niren Ghosh)

I would not take more time. The main point is when you say, 'Why not for 19 days', I may put a counter - question. 'Why were those 19 days so important to you?' If you make allegations of conspiracy against you. But I do not want to do so. Then they say, 'This is conspiracy because you are not disproving it.' But an allegation of conspiracy has to be proved; it has not got to be disproved by us. But nobody tried to prove that. Then they said that Mr. Dharma Vira was sent there to topple the Government. But Mr. Dharma Vira had the reputation of swearing

in a non-Congress Government in Punjab. (Interruptions) This is absurd logic. (Interruption)

It is absurd logic to say that because he went there and ultimately he had to topple the Government, to dismiss the Government, therefore, he was sent there with that intention. On the same lines, suppose one argues this way that God has given to Bengal such an intelligent person as Mr. Bhupesh Gupta; ultimately Mr. Bhupesh Gupta became a Good Communist - I have no objection to that; so it is proved that God is a Communist. Is this not a funny argument? Mr. Dharma Vira was a very able administrator and a successful Governor in Punjab. He was a very objective man; he had no prejudices against any party or persons. When he found that the non-Congress parties were in a majority, he asked the leader of the non-Congress parties to form the Ministry in Punjab.

So I want to say that all these allegations are politically motivated. The main point is they have no majority in the Bengal Assembly. They have no unity inside in the political parties. And now in order to cover up all these deficiencies, they are coming out and saying, 'Here is a conspiracy; here is some sort of a difficulty about the Constitution.' There is no difficulty. The Governor acted as he did to uphold democracy and to uphold the Constitution. And I think if he had not acted the way he did, then possibly he would have failed in his duty. The present Government governing there is a Constitutionally constituted Government and it will continue to govern.

SECTION 2

CHAPTER 11

RE : WEST BENGAL SITUATION

Rajya Sabha on 23 December, 1967

I am brought up in a tradition where relevancy is considered to be a great virtue and so I would like merely to touch on those points which are related to this Resolution. I do not want to go left or right. This entire issue arises out of a certain situation that has taken place in Bengal, the different aspects of which were considered by this hon. House. And this hon. House also had the privilege of expressing its own opinion about the central fact of this whole episode. And what was that central fact? It is that the present Government of Dr. P. C. Ghosh is a legally constituted Government. Whether : they like it or not is a different matter. If we are to go by the likes and dislikes of individual members or individual parties, there will be nothing but chaos in country. Sir, this House has accepted this fact, I have accepted this fact and the Government. Now, Sir, further difficulty arose out of certain things that happened in the Bengal Assembly. As we all now know, the Speaker by his ruling has

practically silenced - I was going to say gagged - the representatives of the people of Bengal from expressing their view in this particular matter. Now, Sir, as a continuation of this tactics, the parties which were ousted from the Government have decided to start a civil disobedience movement - I do not know whether it is civil.

It is not civil. But they have certainly started a movement of anarchy, a movement which I may call is some sort of a rebellion, in Bengal. Now what is the duty of a legally constituted Government when there is an attempt of organised rebellion among the people? I think the Government would have failed in its duty if they had not taken up the challenge to meet this organised anarchy in that State. Sir, hon. Member Niren Ghosh said that Bengal is under army occupation...

Sir, the point is there is some logic behind it. I would like to go to the essence of it. It is a technique of some of these political parties to think in terms of treating a State which is part of India as a nation and create a sort of contradiction or an enmity or opposition between the Centre and the State. This is the most dangerous game that these people are playing. About the people of Bengal, Sir, I come from an area of this country which has traditionally loved and respected the people of Bengal. Which Indian does not know that it was the Bengalis who gave us the ABC of nationalism? Sir, every child in this country is singing Vande Mataram. That is a Bengali song. Every person in India today is singing Jana Gana Mana. It is a Bengali song. The great slogan of 'Delhi chalo' and 'Jai Hind' was given by another Bengali. Bengal taught us to think in terms of India and Indian people. They taught us to die bravely for India. Now, here are people who are claiming to be representatives of Bengal are trying to tell us 'Die to see that ultimately India dies'. Sir, I have all the respect for Mr. Niren Ghosh and Mr. Bhupesh Gupta as hon. Members of this House, but with all humility, let me say that the great Bengal of Rabindra Babu, that great Bengal of Bankim Babu and that great Bengal of Subhash Babu is not represented by Niren Babu and Bhupesh Babu...

Sir, what I was trying to convey was that he represents something. But I would like to repeat that, that he has no right to say that he represents Bengal. He represents his party very well. Niren Babu represents his party very well.

My only point is, Sir, that with the consistent manner with which Prafulla Babu has served Bengal for the last 40 years, if at all anybody has a claim to be the real son of Bengal, it is Prafulla Babu.

Sir, hon. Member Niren Ghosh told us what Gandhiji said about the repression by the Britishers. Sir, he ought not to have mentioned 1942 because I do not like to remind them of 1942. But he has mentioned 1942. In 1942 what were you and your party doing and what was Prafulla Babu doing?

Sir, the way they are trying to interrupt me only shows that my arguments are unanswerable as far as they are concerned. I have heard their speeches very patiently. Now listen to my speech patiently. Sir, they say that there are some police actions, etc. They say that police action has been taken. I am very sorry about one thing. Renu Chakravarty was our colleague and if some police action has been taken in respect of her and if she has been insulted, I am very sad about it, if it is a fact. Sir, I heard about the treatment to the press. I am very sorry that this thing has happened, because the press has not gone there to break the law. I can see that point. Therefore do not suppose that if something is wrong we will not say it is bad or we will say that it is good. But at the same time when the police have to undertake a very difficult and arduous task of establishing law and order, and at the same time go on facing enquiries of this type. It is absolutely a wrong thing to do. If at all they have got any moral courage, why don't they face the Assembly? I am making them an appeal. I made the same offer yesterday in the Lok Sabha and would like to repeat that offer here also. Let the Assembly be called. Why don't you face the Assembly?

Ultimately, Sir, what they could not do these they are now trying to do this way. Nowhere they are coming and telling us that there has been police action and repression and therefore we should take some action about it. There in Calcutta you go to teach the people to break the law and here we are told, "Look, what is happening there?" I am asking them one simple question. What is the police for? Is the police meant for merely being helpless spectators when you go on breaking the law and breaking the hands of the people? Niren Babu very dramatically and poetically described the incidents. I do not know whether it is correct or wrong.

(Interruptions)

Shri Niren Ghosh : How can you know?

Shri Y. B. Chavan : I have got some respect for truth. So unless I know about the facts, I cannot say whether it is wrong or right. May I ask him when one of the Members of Parliament was paraded naked in the streets of Calcutta, where was their conscience?

(Interruptions)

Then, Sir, of all the persons I was rather surprised when our great friend, Shri Rajnarain, said and he went to the extent of saying "Use swords and, if necessary, even armed violence."

There is no question of using arms or armed violence. The only person who can use arms is that person who is authorised to use arms under the law. But I will tell him that he is trying to go in the company of Shri Bhupesh Gupta and Shri Niren Ghosh. He is talking in their terms.

Shri Rajnarain : I want to bring them in my company.
(Interruptions)

Shri Y. B. Chavan : Really speaking they are trying to use this platform of democracy to subvert democracy. That is what really they are doing.

Shri Bhupesh Gupta : That is what Hitler used to say.

Shri Y. B. Chavan : Now, Sir, they talk about bombs. As a matter of fact the bomb was exploded in the police headquarters in Calcutta. Do you mean to say that the police themselves exploded the bomb in their own headquarters?

(Interruptions)

... The basic point, therefore, is that this is a kind of propoganda which they have started. When they lose with the people, they start shouting more and more. So, this is a sort of shouting conspiracy that they have started. They have no face to show to the people and they do not want to face the Assembly and put their strength to test. Therefore they are trying to raise their voice here to tell the world that their voice is being stopped by somebody. It is not so. Sir. I have no doubt in mind and I as a democrat am prepared to give them a piece of advice although I have

doubt whether they will accept it. Let Mr. Bhupesh Gupta go back and advise his party leaders to withdraw this agitation, let the Assembly be properly called. Let the Speaker allow it to function and take the verdict of the House and if the verdict of the House goes against Prafulla Ghosh, he will go out of office. I can say with pride as to what happened in the case of the Congress Chief Ministers. Congressmen may have other defects but I can say with pride that we certainly are the best democrats under the circumstances. What happened in U. P. Madhya Pradesh, Manipur? What happened in Haryana? They had won the elections and they had the majorities there. The moment they saw that they had lost the majority, they gracefully left the office. Here the Governor felt that they had lost the majority and therefore they were asked to call the session immediately. (Interruptions) Try it in the Assembly. Why don't you do that?

Now, Sir, here the office of the Speaker unfortunately is being employed to gag democracy. I remember what one of their comrades mentioned in the other House. That instance happened in England's Parliament which is called the Mother of Parliaments. When King Charles entered the Parliament and wanted the Parliament to be closed, he went and gave some orders to the Speaker. And do you know that historic statement that the Speaker made? He said, "Your Majesty, I have no ears and eyes but for the Parliament." But here the Speaker has eyes and ears and everything else for the outsiders, not for the Assembly. That Charles was hanged and that Speaker became the greatest Speaker (Interruptions). Sir, I am not supposed to make any remarks against the great office of the Speaker and I am not making any comment of the conduct of the Speaker. Because I want to be a good Parliamentarian. I want to observe all the rules about it. But, Sir, the political fact of it remains that the democratically elected Bengal Assembly has not been allowed to function. Sir, is this a very healthy precedent. If suppose tomorrow the Speaker takes the clue from this or if suppose you decide to gag us, what happens to this great democracy here? A Speaker who really speaking is responsible to none but to himself, if he decided to start his own rule ...

So therefore the basic thing ultimately comes to this; all this violence and all these troubles and all these agitations ultimately go back to one central fact and that central fact is the unwillingness of the Chief

Minister to call the Assembly in time. And when the new Chief Minister called the Assembly, that Assembly was not allowed to function. That, really speaking, is the basic thing. If you want to correct these things, accept this constructive challenge. I will be your ally then.

Shri Bhupesh Gupta : We do not want you as our ally. Enough in Congress; don't you trouble yourself further.

Shri Y. B. Chavan : And if I become your ally, you will become a nationalist. But I know that you won't accept it.

Then, Sir, the only last point - which is not connected with this debate - arises because Shri Rajnarain has the habit of mentioning some sensational remarks - of course basically irrelevant. (Interruptions.) He said, Sir, that somebody telephoned to him at midnight.

Shri Abid Ali : At 1.30 in the night.

Shri Y. B. Chavan : That is midnight.

I think, Sir, he has habit of talking to ghosts at night perhaps, and since some ghost has told him this story, he seems to be possessed by the ghost. I tell you, if you were a wise man, you ought to have told that man, "You are telling a lie."

I would like to make him wiser still - because he is a very responsible person of this hon. House - by cautioning him that he should not believe in such stories, because only the enemies of India and enemies of Kashmir can start such things. There is absolutely no truth about it, no truth in the story that somebody has told him. Sir, Kashmir is a part of India; Kashmir will remain a part of India. Sir, we go on telling this thing, and still somebody, some ghost, goes and tells him a different story and he believes it and then he repeats it. Now if he is thinking that man is some responsible man and some great man, expose him.

I tell you; only because you people have a habit of listening to these stories and repeating them here, they are making use of you people. Now are holding very responsible positions in as much as you represent your States. You are not individuals. You are representing U. P. here.

Sir, it is very strange that Shri Rajnarain has to get up and solemnly declare that he is a human being and, Sir, as he has very solemnly

declared this, I have no hesitation to accept that statement.

May I tell my hon. friends that in all these controversies it is no use repeating the same thing. It is not a question of Congress and non-Congress. Forget this anti-Congress attitude because that is really speaking, misleading you. I mean, I certainly tried to understand what the trouble is with these people. Sir, they are not objectively analysing the political difficulties and that is the real trouble. If they like, they may criticise the Congress where the Congress is wrong, but they must also see that the Congress also has got support in this country. It is not just like a dying party. It is a very stable party. It is representing the Central Government here and in half of the States at least there is Congress Government.

And in those States where the Congress is not governing, Congress is the only largest party, it may be noted.

If they are realists, they must accept this fact and they must try to understand why even in these difficult times and critical times Congress represents such a healthy and big force in the country. Nothing is wrong; there is nothing entirely wrong with Congress. There is something wrong on their side also and they must try to find out how it had started. If Ajoy Mukherjee Government failed, it was not because the Governor dismissed him. If you want to be a real student of politics and a real student of history, you would appreciate that constitutionally and legally it was the Governor who signed that order. But what were the relevant circumstances attached to it? As a matter of fact, weeks before that, Ajoy Babu himself had dismissed himself. That is a fact; that is a political fact. They had demonstrated that the United Front Government was the most disunited Government. There was no unity of minds. There was no unity of hearts. There was no unity of action. There was no unity in thinking. The fact remains that the former Chief Minister had to come out and tell the whole world that he wanted to resign and get these gentlemen out, because they were anti-national. What is the use of becoming blind to these basic facts? Can Mr. Bhupesh Gupta convince himself, convince his conscience, argue here and tell us that this and that happened unconstitutionally, but can he forget one thing that the disintegration of the United Front Government in Bengal started much before the Governor dismissed Ajoy Babu and his Ministry? It was only a

diseased part which the Governor certainly had to surgically cut and free the people of Bengal from the control of this U. F. Government.

Shri Y. B. Chavan : I therefore make an appeal to them, Sir. Now we lost the Government in half of the States in this country. We did not start weeping. We did not start blaming the Governors. We did not start blaming this' or that. Sir, that party has the right to succeed which party also accepts defeat gracefully. This is the charm of success and gain in democratic life. We are prepared to accept all the defeat gracefully. I am sure, if they also learn this lesson and they really believe in the democratic methods, well, sometimes they can also become Governments. I have no objection. I have hundreds of times repeated in public meetings - which I would like to repeat here as a democrat - that when we weep we believe in Gods. At least I do. I do not know what Mr. Bhupesh Gupta does. I offer my prayers every morning to God. I do not pray to Him, 'Oh God, keep this Congress Government in power'. That prayer we make once in five years to the electorate. That we do once in five years.

The prayer that we offer to God is, let democratic rule always prevail in this country. Let our country remain for ever democratic. That is the prayer we offer to God. We do not pray to Him saying that we should be in power every year, year after year, in every election. If you have faith in democracy you will not be shouting the way you do now. Forget about it. Be a sport. Be a democrat, be an Indian, be a real Indian citizen. And accept the challenge, get the Assembly called; take a decision in the Assembly and let us follow the logical consequence. But they are afraid of the logical consequences.

I do not think I need take any more time of the House. I have tried to state things as they are and I seem to have convinced most Members. I am not sure about some and I do not think I have made any impact on these friends here. The only thing I can do is when I offer my prayers next day, I will offer my prayers for them also.

SECTION 2

CHAPTER 12

PRESIDENTS PROCLAMATION UNDER ARTICLE 356 IN
RESPECT OF WEST BENGAL

Lok Sabha, 1967

Shri Y. B. Chavan : I have to make a statement. I have placed on the Table of the House copy of a letter from the Governor of West Bengal addressed to the President wherein the Governor has given a detailed account of the recent developments in West Bengal. It will be seen there from that floor-crossing by Members of the Legislative Assembly had become a serious problem. As early as June, 1967, five Members of the Assembly, who had hitherto been supporting the United Front Government, had crossed the floor. It is not necessary for me to recapitulate the developments associated with violent gheraos, Naxalbari and the lawlessness in which the State was deliberately being plunged. The House may recall that the United Front Government was only united in name and not a day passed without one Minister or the other making public criticism of his colleagues. The principle of collective responsibility was more a fiction than a principle which commanded the support of the

Council of Ministers. The House is also aware that matters had indeed gone so far that Shri Ajoy Mukherjee was himself compelled to think in terms of resigning on October 2, 1967. The reasons he gave as to Why he contemplated such a resignation were illuminating. He admitted that there had been massive violations of law and order which had retarded the industrial growth of the State. He referred to the activities of a certain party in the Coalition as anti-national. Eventually, he was no doubt, persuaded, not to resign but it was clear to everyone that conditions of political instability had been deliberately fostered by some political parties, particularly, the C. P. (M.) The continuous attacks on a senior member of the Council of Ministers of the United Front Government left him completely disillusioned. Dr. Ghosh, the House is aware, found that he could not continue with his colleagues because of the unconstitutional manner in which the United Front Government had been functioning. He, therefore, resigned from Government on November, 3, 1967 and formed a new party, the Progressive Democratic Front with the support of 17 MLAs. In the first week of January, 1968, Shri Jehangir Kabir, a minister in the former United Front Government, broke away from the United Front and formed another party known as the National Party of Bengal. On February, 11, 18 MLAs belonging to the Congress Party and the Progressive Democratic Front withdrew their support from the Government and formed yet another party called the Indian National Democratic Front, under the leadership of Shri Shankar Das Bannerji. The Governor has described the resultant situation in mildly measured words by saying that the present position in regard to relative strength of the various parties is very fluid. I have no doubt in my mind that the existing position in the West Bengal Legislative Assembly was not only then fluid but would have continued to be fluid, so long as principles, programmes and policies did not determine the functioning of political parties and members belonging to such parties. In short political instability was certain to continue.

The political instability was aggravated by two other factors to which I would like to refer. In the first place, the House is aware that the faith in the democratic processes of our Constitution has not been the strong point of certain political groups and at least of one political party in the West Bengal Legislative Assembly.

They had been strenuously endeavouring, right from March 1967 to create conditions in which democratic concepts and principles would be impossible to practise. Their object in bringing about a complete collapse of rule of law was only part of a broader design to paralyse democracy. They were not willing to have issues settled on the floor of the legislature. The House has gone over this ground in elaborate detail during the last session.

But I would like to recapitulate very briefly that as early as in the first week of November 1967, when Dr. P. C. Ghosh and the Progressive Democratic Front had withdrawn their support from the United Front Government, the Governor of West Bengal suggested that the question whether or not the Government enjoyed the majority support in the Legislative Assembly should be promptly decided on the floor of the Assembly. The House is aware of the unwillingness to do so, of the attempts to postpone the day of opening of the Assembly and the circumstances under which the Governor had to withdraw his pleasure in regard to Shri Ajoy Mukherjee and his Council. The House is also aware that this matter was taken before the Calcutta High Court and the Calcutta High Court had confirmed the constitutionality of the Governor's action. What is however relevant for our present purpose is that Dr. P. C. Ghosh wanted to face the Assembly almost within a week of his assumption of office. The forces, which did not want the Assembly to function in a constitutional manner found an ally in the Speaker.

It is the role of the Speaker which is the second factor which had aggravated the situation. I have no doubt in my mind about the unconstitutionality of the Speaker's action.

It was not the function of the Speaker either to interpret the Constitution or in any manner prevent the Assembly from transacting its legitimate business including voting out of office a Government which does not enjoy majority support. The House is aware that even when a second opportunity arose to test the question whether or not the Government of Dr. Ghosh enjoyed such a majority support, the Speaker again adjourned the Assembly sine die.

It is the complies inter-play of these three factors, the chronic political instability, the deliberate policy of certain groups not to face the Assembly or allow it to function and the Speaker's repeated adjournments sine

die which provides the background against which the Government had to take a considered view of the measures that could be adopted to remedy the situation. If it were only a question of the situation created by the Speaker's ruling, I have no doubt that constitutional remedies would have been found. We had been advised that it would have been competent for the Parliament of a Proclamation being issued under clause (b) of Article 356 to undertake certain appropriate measures to enable the Assembly to start functioning again. But these measures could have helped only if there was a prospect of either a stable Government emerging out of the present Assembly, or a willingness to have issues which ought properly to be settled by the Assembly, decided in the Assembly itself. As I had explained, there was no prospect of either. In the circumstances, we had to come to the reluctant conclusion that the only appropriate constitutional course of action was to invoke the provisions of article 356 in West Bengal and introduce the President's Rule in that State. The Union Government which has the responsibility to ensure that the Government of every State is carried on in accordance with the Constitution could not countenance a situation in which the views of one individual, no doubt eminent in his office, had put in jeopardy the whole fabric of parliamentary democracy. Nor could we reasonably hope against the evidence of a deplorable trend of floor crossing that the present Assembly would produce stable Government in West Bengal. Therefore, there was no alternative except to recommend to the President that he may be pleased to take action under Article 356. I am sure, this House will extend its wholehearted support to the action taken by the President on our advice.

SECTION - 3

CONSTITUTIONAL DEVELOPMENTS IN PUNJAB

EDITORIAL NOTE

Three speeches in this Section deal with the Constitutional developments in Punjab and the role of the Governor in the prorogation of the Legislature.

On the eve of the adoption of the State Budget and passing of the Appropriation Bill, the Speaker of the Punjab Legislative Assembly adjourned the Assembly on March 7, 1968 for two months on the ground that it was impossible to conduct any business. Apparently, the Speaker had done this to thwart a move to pass a Motion of No Confidence against him. Unless the Appropriation Bill was passed, Government could not withdraw money from the Consolidated Fund after 1 April and there was a danger of the Government machinery coming to a standstill.

The Governor D. C. Pavate, on the advice of the Chief Minister prorogued the House on March 12, and summoned it to meet on March 18, for transacting urgent business, including the Annual Budget. The Assembly met on March 18 and passed Punjab Appropriation Bills. The complicated political situation and constitutional impasse were reported by the Union Home Minister to the Rajya Sabha on 20 March 1968. The next day, he dealt with the discussion on the subject in the Lok Sabha. Later on 2 April 1968, he replied to the debate on a Motion relating to

the alleged unconstitutional action of the Governor of Punjab.

In these three speeches, Shri Y. B. Chavan elaborated his perception about the role of the Governor in dealing with the office of the Speaker about the Prorogation of Legislature and other matters of constitutional nature. Generally, the stand on the Union Home Minister was endorsed later in judicial pronouncement bid the Supreme Court of India.

SECTION 3

CHAPTER 13

STATEMENT REGARDING CONSTITUTIONAL
DEVELOPMENTS IN PUNJAB

Rajya Sabha on 20 March, 1968

The Minister of Home Affairs (Shri Y. B. Chavan) : Madam Deputy Chairman, according to information received from the State Government of Punjab, the Governor of Punjab had prorogued the Punjab Legislative Assembly on the 11th March, 1968. The order, duly authenticated by the Chief Secretary to the Government of Punjab, was notified in the Official Gazette on 13th March, 1968 and copies thereof were circulated to all concerned. The order of prorogation was also notified by the Secretary of Punjab Vidhan Sabha, in a notification dated 13th March and copies were circulated, to all concerned. The Punjab Legislature (Regulation of Procedure in relation to financial business) Ordinance 1968 was promulgated on the 13th March 1968. Another session of the Punjab Legislative Assembly was summoned and the House met on 18th March.

It is also reported that when the House commenced its proceedings, one of the members of the Opposition objected to the presence of some strangers inside the Chamber. The Speaker is reported to have observed that he had allowed some additional temporary watch and ward staff inside the Chamber. At the instance of the members, the Speaker is, however, reported to have directed such additional staff to leave. This was followed by a number of privilege motions which were referred to the Privileges Committee. There- after, the aforesaid Ordinance promulgated by the Governor was placed on the Table of the House. The Speaker also read out a message under Article 175(2) of the Constitution from the Governor of Punjab to the Assembly.

It is stated that the Leader of the Opposition then raised a point of order challenging the constitutionality of the Governor's order re-summoning the House. A long discussion lasting about three hours followed. At the end of the discussion, the Speaker gave a ruling that the summoning of the House to meet on 18th March 1968 was illegal. He is also reported to have reaffirmed his earlier decision announced on March 7 adjourning the House for two months. After this, the Speaker and some of the members of the Opposition left the House. A little later, the Deputy Speaker called the House to order and conducted the proceedings of the House. The various items of the budget were then adopted by the House. The House is also reported to have passed the Appropriation Bill.

On the completion of the aforesaid business, the Deputy Speaker, after securing the necessary leave of the House, admitted a Motion for the removal of the Speaker. The House was then adjourned to meet on 5th April 1968....

I understand that there was some disorder in the House when the Speaker left the House and before the Deputy Speaker could restore order. I profoundly deplore the unseemly incidents in the House and fervently hope that such incidents will not occur in the future. It is incumbent on everyone who wants democracy to function properly to use his influence to ensure that decorum and propriety are maintained in legislatures.

I must say that the hon. Members, some of them, who criticised

this Government have either their own deep prejudices against us or they have decided to support wrong constitutional positions and wrong political attitudes. Madam, we here are not opposed to one party or the other that is functioning in Punjab. I must make that position very clear. When Mr. Gurnam Singh was Chief Minister of the State - I can say with some authority - we as the Central Government have given him co-operation in whatever form, it was possible. Madam, hon. Members, some of them, also know - the hon. Mr. Dugal spoke and others spoke - that when Sant Fateh Singh undertook his fast unto death, they came to us and we co-operated with them to save the life of that man. He is their leader. There is nothing like it that we want to support this group of people. The Central Government is interested to see that the Government functions constitutionally wherever it is. That is our position in this matter. As long as the Government has the support of the majority of the Assembly they must be allowed to function, and at the same time no constitutional breaches should be allowed. This is our position in this matter.

Also, Madam, if there is any constitutional failure, naturally the constitutional consequences will automatically follow: they should follow. I must say on the basis on what we have here at present. What is going to happen, we do not know. Naturally, Government has to function from day to day and face different positions, constitutional, political and others. Therefore, one has to look at this problem in wider sense. It is not that we try only to look at it in the sense of one party or the other. When I say that, they will say, well, I am speaking something which I do not believe in. I would request them to accept my bona fides in this. Running a democracy is a very delicate and difficult task. And it is the attitude with which we try to run democracy that is really speaking more important.

I refer to the great Parliamentary Practice by May...

... Here is a quotation by Edmund Duke which, I must say, is a very helpful quotation, and before May began this book he puts this question as some sort of a motto for those who want to run the democracy. Sir, I quote - "To make a government requires no great prudence. Settle the seat of power, teach obedience, and the work is done. To give freedom is still more easy. It is not necessary to guide; it only requires to let go

the rein. But to form a free government, that is, to temper together these opposite elements to liberty and restraint in one consistent work, requires much thought and deep reflection...”.

If we accept his attitude, then these are matters which require wisdom and deep thought in this matter.

What has happened? Let us go to the basic position. I am rather surprised that in the party interests my hon. friends, who always talk in the name of the people, when there is a question of people's representatives functioning in the forum of Legislative Assembly or Parliament, when the House's right to function comes in conflict with what technically a Speaker can do, (they side with) the Speaker, and not on the side of the people's representatives. I have understood this position. Madam, I must say what happened in Punjab - I am now saying this with all the sense of responsibility - I do not consider was a wise thing, namely, the Government or the party or whoever moved the no confidence motion against the Speaker. There no unconstitutionality about it because no wise government should start picking up quarrels with the Speaker acting during the Budget Session. That is not a wise thing. Sir, we are in Government for many many years...

You will see that I am not taking any side. Suppose if somebody made a mistake and the Speaker allowed this motion of no-confidence, then suddenly he realises that this is going to remove him from the office and then there is the very peculiar position of adjourning the House. Now let us see whether the steps taken by the Governor in this matter are constitutional or not. I am not speaking on the political aspect of it; I am only speaking on the constitutional aspect of it.

... Let me follow the sequence of thought that I was developing. Shri Bhupesh Gupta : But be exact.

Shri Y. B. Chavan : I am always exact. My difficulty is that I am a little more than exact. Now about the adjourning of the House. The House was gagged when the House was supposed to do the most important function of its life to allow the Government to function. What was the duty of the Governor there? Was it merely to just watch and do nothing about it? His duty was to see that the House was allowed to function.

.. Somebody said that he promulgated the ordinance sanctioning the Budget. They have not understood what he has done. He decided that the House must not be allowed to be obstructed in this way and that it must continue to function properly. For that matter, Madam, what did he do? He prorogued the House on the 11th...

Normally the Governor either prorogues or summons the House on the advice of the Government there. That is the Constitutional position. If you do not like that Government, are you going to take the position that the Governor should not accept the advice of the Government there? You cannot take that position. So he prorogued.

Now what is the position about prorogation? If you see Article 174 you will see, Madam, that the act of prorogation is a constitutional act; it is done under the Constitution. There, the moment the Governor signs the order of prorogation, the act is final. An authentication becomes necessary if somebody is acting in the name of the Governor. So the Constitutional act is complete the moment the Governor signs the order of prorogation.

... If you see that Rule of the Punjab Assembly - I do not want to read out everything. You better see it - that after the prorogation, the Speaker or the Secretary of the Legislative Department has to issue some sort of information. Therefore, the act of prorogation is complete, and it is only to convey that act of prorogation that the Secretary of the Legislative Assembly is to act further. So the constitutional act of prorogation was complete on the 11th. Whether one likes it or not, this is the Constitutional position which you have to accept.

Shri Bhupesh Gupta : Suppose Mr. Chavan signs an order of summoning Parliament and he keeps it in the Rashtrapati Bhawan. Now unless I get a notice the summoning is not operative and effective.

Shri Y. B. Chavan : Really speaking, publicity is not important. What I am saving is that publication was done by the Chief Secretary and it was published in the Gazette. For the information of the Members of the Assembly the Speaker did it on the 13th. As far as the act of prorogation was concerned, it was complete on the 11th.

Shri P. N. Sapru : May I just have a clarification : There was a Ministry functioning. So am I right in assuming that the Governor acted

in proroguing the House on the advice of the Ministry?

Shri Y. B. Chavan : Undoubtedly. Politically it may suit their argument but that was the fundamental position. The Governor has to do the prorogation of the House and the summoning of the House only on the advice of the Government, there I have no doubt about it. It is a firm constitutional position. Now, Madam, the prorogation was complete. Then he issued an ordinance. What was the purpose of the Ordinance? He has seen that the Speaker had taken an attitude of obstructing the functioning of the legislature. He had specific power and authority under the Constitution to issue an ordinance in order to complete the financial business expeditiously. So he issued an Ordinance only to see that if before the completion of this financial business, anybody tries to adjourn the House, that adjournment will be null and void. That was the basic purpose of the Ordinance. It was not for passing the Budget directly, but to enable the Assembly to function to pass it or reject it. If the Assembly had rejected it, the Government would have gone. It was merely an act, a Constitutional act, a democratic act to enable the people's representative body to function for a very vital activity, a constitutional activity a Governmental activity, of passing or rejecting the Budget. That was the very purpose of issuing the Ordinance. Therefore, Madam, I have no doubt that this promulgation of the Ordinance was a most constitutional thing that the Governor had done.

He has certainly, the right to pass an Ordinance about the functioning of the legislature. It is rather a tricky question that he has asked. It is a dialogue that is going on.

Now, if you pursue the matter further, the only thing that the Governor has done in this matter is prorogation of the Assembly which is constitutional and promulgation of the Ordinance which is also constitutional. Now, this is something that happened before the 18th. As far as the Governor is concerned, the story ends there.

Now, what happened in the House on the 18th? I have said, Madam, that on that day some unseemly incidents did take place. Personally I deplore them because such incidents will bring the democratic concept into contempt. Therefore, we have ultimately to assert the dignity of the House whether we are in a majority or in a minority. Even if I were a minority of one here, even then I must say that all the rules and the

dignity of the House will be properly observed. We will have to take up that attitude.

Shri A. P. Chatterjee : Would you bring in police into the House?

Shri Y. B. Chavan : Of course not.

Shri A. P. Chatterjee : That is the whole point.

Shri Y. B. Chavan : Of course not. I am making a very positive statement that bringing police into the House is something which I will never approve of. It is something against the very grain of any democrat in this country or anywhere in the world. If anything wrong has been done, it is wrong...

I am not asking the side of anybody because you are asking for my opinion on what is happening in other legislatures. Therefore, I am not going to give my opinion on what others did or did not do. As far as the action of the Governor is concerned, the prorogation of the House and the promulgation of the Ordinance were perfectly constitutional and perfectly democratic because it was intended to allow the democratic body to function and function effectively. That part is over.

Now, what happened in the Legislature? I just got information that the Appropriation Bill that was passed in the Legislative Assembly was sent to the Council...

... When this matter came up in the Council, somebody - some counterpart of Mr. Bhupesh Gupta in the Council - raised a point of order. And the Chairman has taken a line which I think is parallel to or identical with what the hon. Member, Mr. Kaul, has said. His line is that, suppose the Deputy Speaker has certified it...

... Now, what is ultimately the function of the certificate? The function of the certificate is to certify it as a Money Bill so that it ultimately has the effect of restricting the authority of the Upper House to discuss it in a particular way. Suppose there was no certificate or it was a wrong certificate, what will happen? The Legislative Council will get greater authority to consider the Bill..

Here ultimately what is the nature of the Bill is to be decided by the Chairman or the Presiding Officer of the Council. The certificate is intended to help him to decide this matter. So, it is not a question for

you and me to decide. It is for that presiding authority of the Upper House to decide this matter. The hon. Member, Shri Kaul has taken the position that this right of certificate is a personal right of the Speaker. This view is coming from a very valued colleague and friend of ours, but at the only present moment I am not sharing that view. This is the only comment that I would like to make at this stage. Certainly his view will have to be given due weight but I do not share that view yet. Of course, this will have to be seen further and examined further. It is quite possible to interpret that in these circumstances the Deputy Speaker can certify because I see the Constitution is meant to help a very complex and dynamic process of democracy to function. You forget this particular situation. Supposing tomorrow the Speaker becomes so ill - I do not want any Presiding Officer to be ill, but I am taking only a hypothetical case - suppose the Speaker becomes so ill that during the Budget Session he becomes unconscious, are we allow our democracy to go to dogs? So it is quite conceivable that under certain circumstances even the Deputy Speaker, the presiding authority, can certify a money Bill. (Interruption).

I think as far as these constitutional and legal issues are involved, this is the position. So far I do not think anything unconstitutional has happened. Of course unseemly incidents I do not approve of. What happens further or in future, one has to watch and see that constitutionality is maintained. That is the only concern of this Government. Democracy is valuable. As a representative of the Central Government, I stand on the side of constitutionality. I do not stand on the side of any party or any Government. Thank you. Madam.

SECTION 3

CHAPTER 14

CONSTITUTIONAL DEVELOPMENTS IN PUNJAB

Lok Sabha on 20 March, 1968

Shri Y. B. Chavan : I will try to be brief and I will take only the relevant points for consideration, because there are some points which are very humorous points. I will not touch them.

There are three aspects of this problem. One is the constitutional and legal aspect as to what happened. Secondly, what exactly has happened in: the House; the facts as to what happened on the 18th, particularly during that small period. I have not mentioned half an hour; the hon. Member rather wrongly quoted me. Whatever the time was, after the Speaker left and before the Deputy - Speaker restored order, whatever that period was, what happened then is a matter of fact. The third is the general political problem of Punjab and on that whatever criticism or suggestions were thrown up can be considered.

Now, let us go to the question of the constitutional aspect involved in

this. What the Governor did, whether that is constitutional or not, that is one of the points. Naturally, whatever I say is not the last word on the Constitution. I have not also practiced in the Supreme Court or High Court. But as a representative of the Government, certainly I express my views as I have received advice and I had discussions with officials. I am liable to be wrong; possibly, anybody who speaks here or gives an opinion on law here is liable to be wrong. I do not want to say - I would certainly remove any impression, if I have given any such impression to Shri Vajpayee - that I have a monopoly of knowledge in this or any other matter. But I will certainly argue with him on any point and I would certainly ask him to read that rule, rule 7 of the Punjab Assembly Rules, very carefully. That is exactly what I have said. If I have given any impression of being rude, I am prepared to apologize, because that was not my intention.

These two or three points were again summed up by my hon. friend, Shri Limaye. One is whether the prorogation that was made by the Governor on 11th became effective on the 11th or not. He also raised the point whether the Ordinance that was promulgated by the Governor during that period was valid or not, because he presumes that, first of all, the prorogation was not effective...

... Thirdly, he has taken Clauses Act about the notification. These are the three points he has specifically raised.

Let me go into the question of prorogation. The article which deals with prorogation is very clear about it. I think that article is 174. Clause 2(a) of Article 174 says :

"The Governor may from time to time - prorogue the House or either House."

It is a very simple thing. No conditions are involved there. Whenever the Constitution expects a Governor or the President to do a certain act and also notify it, it is specifically mentioned there. I can refer the hon. Member to Articles 341 and 342 where the President is supposed to take certain action and notify it. For example, Article 341 says :

"The President may with respect to any State, alter territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify etc."

Again the same thing is said in Article 342, which reads :

“The President may with respect to any State or union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify” etc.

Where the Constitution expects the Governor’s or the President’s action to be notified in order to be complete, the Constitution has specifically directed that. Here, prorogation is an act under the Constitution and I would humbly submit that in order to be complete it is not necessary that it should be authenticated by anybody. It is a very clear position. The minute the President or the Governor signs the order of prorogation that act of prorogation is complete in itself.

.. This is how the rule reads :

“When a session of the Assembly is prorogued, the Secretary shall issue a notification in respect thereof in the Gazette for the information of members.”

That means, when the act of prorogation is complete, it is incumbent upon the Secretary to notify it for the information of members. It does not say that the act of prorogation becomes complete when he has notified it. Better read it very carefully. The English that I have understood is very clear in this matter. It is said here :

“When a session of the Assembly is prorogued, the Secretary shall issue a notification in respect thereof in the Gazette: - in order to inform the members.” That also has been done.

When the prorogation was complete on the 11th, if authentication was necessary - according to me, it is not necessary; but suppose, it is necessary - it is done by the Chief Secretary and on the 13th the notification, which is signed by the Secretary (Legislature), says that it is republished for the information of the members of the Legislature. That was duty cast on the Secretary of the Legislative Department under the rules, which he discharged. But in order to make the act of prorogation complete, the Constitution does not expect a notification; the Constitution does not ask or regulate or command anybody else to notify in such - and - such a way.

Where does authentication come? This is also a legal theory which I would like to submit for your information or criticism, whatever you may say. Authentication becomes necessary when somebody else acts in the name of the Governor. But when the Governor himself is acting here, no authentication is called for. That is the last word about it.

Therefore, the prorogation was complete on the 11th and the conditions necessary to promulgate an Ordinance were ripe. What does Article 213 say? It says that when both the Houses are not sitting the Governor can issue an Ordinance. When one House was prorogued on the 11th, he was completely within his rights, Constitutional rights, to promulgate an Ordinance on the 13th. So, the promulgation of the Ordinance is accordingly valid.

Then, the hon. Member has said about the General Clauses Act. The General Clauses Act is not attracted in this particular matter. As I said, notifications are not really speaking, expected in this case; so, that point does not survive.

Therefore, I have said what happened in the House is a different aspect; I have classified different things. Sir, let me make my position very clear on the matter. Here I hold no brief for anyone. The only brief that I have is to see that the Governments are run constitutionally. I do not hold any brief for either Mr. Gill or Mr. Gurnam Singh or the Speaker. I do not hold any brief for anybody. Some people have tried to make me a villain. I wish I were a villain. (Interruption).

... I am a Home Minister of this Government. I am not a powerful man. Let me face that question also. The hon. Member, Prof. Ranga is not here. This is a privilege of old people. They take the cane in their hand, come and show their anger to us and then they get away without trying to know what the other people have to say. That is a privilege of the old people. I am prepared to concede that; I am not criticising that.

... About this toppling business, may I know who started it? May I ask that question? The people here got very angry saying, "This Governor is doing it." Who started toppling Governments? (Interruptions)

..The argument was that the Congress lost elections in 1967 and, therefore, they started toppling Governments. That was his argument.

Don't go by what happened in Kerala. The Governments started toppling in Madhya Pradesh, in Haryana, in Uttar Pradesh and they were all Congress Governments that were toppled. What did I do? I just bowed down to that. What about other non-Congress Governments that failed? Who toppled them? It is their own difficulties that toppled them. (Interruption). Now, Mr. Nambiar, be honest. (Interruption). He is an honest friend; I know that. Personally, he is a good friend that way.

The Uttar Pradesh Government toppled. Who toppled them? It was Mr. Charan Singh who toppled them. He resigned. We did not try to do anything about it. Then, the Bihar Government toppled. Who toppled them? Now, take Mr. Ramamurti's theory. I would make a request to Mr. Ramamurti not be angry if I say something about him. He said that this damned. Congress Party is suffering from the disease of power, that they are very hungry of power and, therefore, there are defections. That is true. I admit. I confess. Unfortunately, this Party is very old enough to have developed some deficiency. But here is a young Party, very young Parties who are looking for the future, for hundred years - very good; I wish them well. Who toppled the Bihar Government? Who toppled the U. P. Government? The Bihar Government toppled because some people left the Bangla Congress. The Punjab Government toppled not because the Congressmen defected but the great Akali Party was split. It was not my fault.

Then, the hon. Member, Prof. Ranga, said that I am a hangman of democracy. Why am I a hangman of democracy? Because I do not go about dismissing Ministries which he does not like, and I do not want banning political parties which he does not like. That is why I am called a hangman of democracy.

... With all respect I return that compliment to Prof. Ranga, with one additional word; he wants to be a super-hangman, making me hang everybody because I do not hang any one.

Now I come to NIL Ramamurti's point. He said that all other parties were suffering from defections and that this was the only party that did not suffer from defections. Only the other day we were discussing this Naga thing, Some people who belong to the Communist Party, according to them, tried to be friendly to the hostiles and treacherous to India and,

therefore, they have declared that they are no longer their Partymen. I can say that at least our Party is a Party of mortals who are loyal to the country, who want to be Ministers of their own States but their people defect in order to be traitors. If I say this, what is his answer to that? This is an argument. Let us not look down upon anybody. My point is that this question of defections is not confined to one political party. Possibly it is a problem which we as a nation are suffering from. We are sitting in a committee on which Mr. Ramamurti is also coming. Let us sit together and discuss. We are ashamed of this defection. It has not affected one political party, but it has affected this infant democracy in our country. That is our main worry.

An hon. Member : Who will break the circle.

Shri Y. B. Chavan : All of us should do that. No one political party can do that. If you expect that, it is absolutely unrealistic. I wish I was able to say that we can do it; I wish I were in a position to say that we could do that. Nobody can.

... I have agreed to sit with you and discuss the problem of defection. Certainly, I have a responsibility; I am not running away from my responsibility. I am looking at it not as a party malady; I am looking at it as a national malady which is, really speaking, eating into the vitals of the democratic life of this country. (Interruptions).

So, this idea of calling everything bad only because its Congress, is a very wrong thing.

Now let us come back to Punjab. Everybody has criticised this. What is wrong is wrong. I have said personally, and I am repeating in this House, that I can never understand this position of any government thinking of moving a no-confidence motion against the Speaker, at least when it is not in their interest. If that motion had not been moved, the whole difficulty would not have arisen at all. I can understand that. I am looking at the whole position critically. Suppose, somebody has done it, what is to be done? It is the right of the House to move a non-confidence motion against the Minister and also the Speaker, the Constitution gives that(Interruptions). When the motion was moved ...(Interruptions). The Speaker has given any reasons for that? It is obvious. As a man, I do not think, the Speaker can convince me that, when he adjourns for

two months, it was because there was trouble in the House...

Shri Ma! Bihari Vajpayee : He adjourned for half an hour.

Shri Y. B. Chavan : May be, for half an hour first, but after that, he adjourned it for two months. A man may be angry, Sir. You and I also get angry, but for how long? For a few hours. Sometimes a man who is chronically angry can be angry for one day, and after he sleeps over it in the night, his anger disappears. If somebody wants to sleep 60 nights to wash away his anger, then there is something basically wrong with him. The place to him is not the Assembly House, but some other correction House possibly. This is a basic thing according to me in a democracy; anything else we can correct and they can correct. But the soul of democracy is the functioning of the representatives of the people in Assemblies and in Parliament. If one individual, only because he happens to be in the Chair just freezes this right and gags the House, he is the first enemy of the democracy. If this had not been done, this whole trouble would not have arisen. Therefore, it is no use merely talking about the question that the police were taken into the house or about the treatment that was given and so on. I am not saying that it is good; this is bad.

... As regards what happened in the House, who had the custody of the house and whose word is the ultimate thing? It is either the record of the House or the view of the presiding authority which is the last word. I do not want to take any view in this matter, and I am not authorized to take any view in this matter.

Now, let us come to the other question. The Deputy- Speaker has certified that this has happened. Now, I come to the point about his certification that it was a Money Bill. I think I have been misquoted or misunderstood in this House. I said and my main argument was this. After all, what is the purpose of these certificates? What are these certificates of the Speaker intended for? Let us see the intention behind it. It is no use merely reading a certain article; one must see what the purpose of the article is and for what purpose it was put in, and what the intention of that article is. If it is a Money Bill, Article 199 has provided the necessity of certificates for two purposes. One is when it goes to the Upper House or the Legislative Council, and the other is again when

it goes to the Governor. On these two occasions these certificates are considered necessary. What is the purpose? When it is a Money Bill, the rights of the Upper House become restricted. Similarly, when a Money Bill goes to the Governor for his assent, the Governor's right to return the bill also becomes restricted. If it is the other way, even if the Bill is accepted by both the Houses, the Governor has the right to recommend it back to the Houses for consideration, but if it is a Money Bill he has no right to do that. Therefore, these are the restrictions of rights of both the Governor and the Upper House, if the Bill is certified as a money bill. If the recommendation of the Deputy_ Speaker is considered to be non-existent, what happens? The Money Bin becomes an ordinary Bill for the consideration of the Upper House.

... As regards the question whether the way the House was allowed to function as legal, for the matter the Governor perfectly constitutionally prorogued the House and he also promulgated an Ordinance. I am convinced that both these acts of the Governor are perfectly constitutional and good ill law and were meant to serve the cause of democracy. When the Speaker by his arbitrary act, illegal and undemocratic act had gagged the House, he did everything to see that the peoples representatives functioned, and functioned effectively. That is, really speaking, the purpose behind these acts (Interruptions). They may have different views about it.

As far as the constitutional point is concerned, I have made my point very clear. I have refuted the charges which are politically motivated charges. I have nothing more to say about that. As far as the rights of the House are concerned, I am one with Mr. Madhu Limaye on that point. I would request you, Sir, to consider this and through you we can approach the other Speakers in this country. I request you to do something and make recommendations to this House and to the country as to how we can prevent a person holding the high office of the Speaker from doing such an unfortunate disservice to the cause of democracy by adjourning the House when they were supposed to perform very vital functions.

SECTION 3

CHAPTER 15

GOVERNOR'S ASSENT TO
PUNJAB APPROPRIATION BILLS

Lok Sabha on 2 April, 1968

Motion: The unconstitutional action of the Governor of Punjab in giving his assent on a copy of the Punjab Appropriation Bill which had not been duly presented to him through the Speaker or Deputy Speaker of the Punjab Assembly.

The Minister of Home Affairs (Shri Y. B. Chavan) : Sir, according to the information received from the Governor of Punjab, two bills, namely, the Punjab Appropriation Bill 1968 and Punjab Appropriation (No. 2) Bill, 1968 were assented to by him on 22nd March 1968 after they had been passed by both the Houses of the Legislatures and had been certified to that effect and also under Article 199(4) of the Constitution, by the Deputy Speaker. However, two spare copies of one of the Bills which had not been signed by the Deputy Speaker were inadvertently signed by him. Those signatures were later on crossed by Secretary to

the Governor who had also initialed on the cuttings. One such copy is with the Legal Remembrancer, Punjab, and the other is missing. The State Government are making inquiries regarding the missing copy.

Shri Hem Barua : In view of this unconstitutional behaviour of the Governor who has been appointed by the Central Government, may I know whether the Government are going to dismiss him?

First of all, there is no question of this Government dismissing the Governor because it is not true he is acting in an unconstitutional manner.

We are not the body to decide constitutional issues taking one view or the other of the Constitution...

Shri Nath Pai : The matter is pending before the Chandigarh High Court and let them decide it.

Shri Y. B. Chavan : Even on that matter, I am giving my views; he may or may not accept them. I am giving my view about it. I am only reporting the facts as they were reported to me by the Governor and from the facts it is clear that he did sign a document which was certified by the Deputy -Speaker...

... But at the same time he inadvertently signed two copies...

... He has reported factually what has happened. I leave it to hon. Members to draw their own inferences about it. But these are the facts that he has stated. He has said that he signed those two copies inadvertently one of which is with the Legal Remembrancer and the other is missing still. Possibly the hon. member has succeeded in getting a photostat copy of that missing copy.

... I am only telling the hon. Member that this is not my opinion. I say this because this is what exactly I have got, a copy of how the certificate was given. The Deputy - Speaker himself has said. 'I certify under Article so and so.' I am merely stating facts. I am not giving any opinion.

.. The Governor never asked our opinion about this matter and we have never given any advice to the Governor about it. But after this dead-lock was created, the legal officers of Punjab government - they will have to see if the Governor's office is quite constitutional and the Government Department's functions are different - they did consult

the law officers here and they advised it is quite constitutional for the Government to recommend to the Governor to issue an ordinance which he ultimately did.

SECTION - 4

UTTAR PRADESH

EDITORIAL NOTE

In the Elections to the Uttar Pradesh State Legislative Assembly held in 1967, the Congress Party secured 198 seats in the House of 425 and emerged as the single largest party. All the opposition parties united together and formed SVD. Their leader Ramchandra Vikal claimed majority support and requested the Governor Dr. Gopala Reddy to invite him to form Government. The Governor, however, invited C. B. Gupta of the Congress to form the Ministry.

The political situation, however, remained unstable and later the SVD came to power.

Early in 1968, because of defection, the SVD Government had to resign but again claimed support of the majority of the members of the Legislative Assembly and asked the Governor to invite them to form the Government. The Political situation had become fluid with certain members claiming to belong one side and again saying that they belong to other side. In the circumstances, the President's rule was imposed in Uttar Pradesh.

Shri Y. B. Chavan in his reply to the debate regarding the President's rule in Uttar Pradesh on 18 April, 1968 in Lok Sabha tried to put across the ethical and political questions that had contributed to the fluid and unstable situation.

SECTION 4

CHAPTER 16

PROCLAMATION UNDER ARTICLE 356

Lok Sabha on 18 April, 1968

The Ministry of Home Affairs (Shri Y.B.Chavan) : I beg to move:

“That this House approves the Proclamation issued by the President on the 15th April 1968, under Articles 356 of the Constitution in relation to the State of Uttar Pradesh, varying the earlier Proclamation issued on the 25th February, 1968.”

I do not want to take the time of this hon. House at this stage because I am expected to reply again to the points that would be made by the hon. Members. But I would certainly state certain basic facts.

We have to take into consideration the whole history of the matter. As we know, two months before - it is now roughly two months - the then leader of the S.V.D. and the Chief Minister of U. P. offered to resign, not only offered to resign but also gave alternative advice to the Governor;

one was that he should invite the other leader of the S. V. D. to form a Government or, in the alternative, to order a mid term election, so that the people of U. P. may be in a position to say who are going to be in the stable majority. I am mentioning this fact because the question of mid-term election, which the hon. Member while moving his motion has condemned so much, was also contemplated by the leader of the S.V.D. himself when he resigned. I am merely mentioning the facts without any comments of mine...

... So, this is one fact. Again - it is an interesting fact - at that time he said that he had raised eight or ten points. There was this tussle in the SVD; I am not interested in this tussle but I am interested in a stable Government. When more than one party decide to form a Government with a promise and assurance to the people that they will form a Government, their agreements about programmes do become a relevant matter. Not that the Governor had taken the initiative in the matter. Publicly the then Chief Minister of U. P. and the leader of the SVD himself asked some questions of the other parties whether they agreed to such programmes or not. This sort of thing continued. This instability continued. This is one fact.

The other fact is that the Governor was, in a way, forced to accept the resignation and recommend suspension of the Legislature and taking over by the President to which we agreed and came before this hon. House and the hon. House approved of it. Now, there is a qualitative change in the situation.

The hon. member again referred to the recommendation or resolution of the Speaker's Conference. I think the Speaker's Resolution is a very important one; we have all respect for this Resolution and certainly we have to consider that, with all the respect and care, we have to bestow our consideration on that matter. But the situation that the Speaker's Conference has contemplated does not apply to the U. P. situation at all. It, really speaking, speaks about the Governor's right of dismissal and, I think, they have the situation of Bengal in their mind. When a Chief Minister has lost the majority or if there is a claim like that, under those circumstances what procedure should be adopted, is, really speaking, the matter which the Speaker's conference has raised. I do not want to offer any comment on that because that is a separate matter; we have

discussed this matter and possibly we will discuss it again.

In this matter, the fact is very obvious. There was no Chief Minister and there was no Government, and the Governor had to apply his mind afresh to making an assessment of the situation whereby he could find out who was in a position to provide a stable government to the people of U. P.

.. At this stage he is certainly entitled on proper consideration to come to a conclusion as to whether A is in a majority or is not in a majority. In this particular situation, both the parties had taken up the position that only if there was stable government should its leader be called upon to take the responsibility. Here again, there is another very peculiar situation, where both the parties, the Congress and the SVD claim a majority. This is also a fact. I would not be surprised if I hear speeches from the Congress side also oil this line. It only means that there is an element of membership of both the parties which is seemingly giving the impression to both the leaders that those members are on their side.

.. If it were a position like in Rajasthan where immediately after the elections a government were to be formed, then certainly those processes could as well have been adopted or should have been adopted, but here both the parties were given a trial. First of all, the Congress Party was called upon to form a Government and they formed a government; later on, they lost the majority in the Assembly and they resigned and resigned with great dignity and went out. Thereafter, the SVD was asked to form a government and all co-operation was given to the SVD Government by the Governor and by the Central Government also.

Shri Atal Bihari Vajpayee : The SVD was never defeated.

Shri Y. B. Chavan : The only party from which the Chief Minister of U. P. did not get co-operation was not this government or the Governor but it was his own party. This is also a fact. This is not a comment. This is absolutely a fact of life.

If they want a scape-goat for their failures and if they want the poor Home Minister to be made a scape-goat, then I am willing to oblige them for that. Why did we not want them to succeed? They should have carried on the Government. The rest of the five-year period was at their

disposal. Can they say that we did not give them any co-operation in this matter? I would like to deal with this point because this is very important and political motive has been attributed in this matter, and it has been stated that it is only for some political motives and because we wanted to bring in a Congress Government there that this has happened. Which Congressman opposed Shri Charan Singh? May I ask my hon. friend?

Shri Atal Bihari Vajpayee : How could the Congressmen have opposed?

Shri Y. B. Chavan : I know it from the evidence that I have; I know that some of the leaders met me and said that I was not showing any appreciation at all. We have all appreciation for the work that Shri Charan Singh may have done. But the tragic fact remains that the only people who did not appreciate the work that was done by Shri Charan Singh was the SVD members themselves.

The Governor was in a very difficult position. Here is a Governor who has been very keen to avoid mid-term elections. He could have very well asked in the very first instance, if he was so keen, for mid-term elections; in the very first instance he could have made such a recommendation, and I am sure that in the circumstances prevailing then this House would very easily have accepted that. He had said it in so many words that he wanted to avoid mid-term elections, and he has given his reasons, administrative reasons and political reasons, and he had been reluctant to have President's rule. But even such a man ultimately was forced reluctantly to come to the conclusion that mid-term election was the only solution.

Again, I would like to point out that in his second report he has said that he started with that hope but unfortunately that his hopes had been belied.

I would certainly like to keep something for reply, but there are some points which possibly might be made on the other side again, and which I would like to mention.

I would like to mention one point which Shri A. B. Vajpayee has mentioned. He has referred to the proceedings of the Constituent Assembly, and he had quoted from Dr. Kunzru's speech and also the reply by Dr. Ambedkar. I can tell him that I have read that debate very

carefully, not once but many times because that gives us the mind of the Constituent Assembly which drafted the Constitution. As regards what Dr. Ambedkar said, I entirely agree with him. The idea was that no government was to be taken over under the particular article either for misrule or for good government. That was not the position here.

Here there was no people's Government unfortunately. This taking over process is not for misrule or good rule; it is a process for no rule at all. There was no possibility of providing any on the fundamental principle of stable majority in the House. What is the use of quoting from here and there? What is, really speaking, the situation contemplated under the Constitution? What the exact purpose is, for which these articles are intended, has to be gone into.

I have no doubt that the Governor acted correctly, he was actuated by patriotic feelings of providing a stable government to UP.

.. Many times I have seen hon. Members opposite standing and throwing challenges to us, when it was a question of Bengal, when it was a question of Punjab. They asked "Why not go to the people and take their verdict? We are ready for it." I hope when they threw these challenges, they were confident of the peoples' support in advance.

Shri Atal Bihari Vajpayee : That does not give you right to murder democracy.

Shri Y. B. Chavan : Your idea of democracy is rather a strange idea. When it is run according to your ideas, it is democracy; when it is done according to the Constitution, it is murder of democracy? This is unfortunate.

The point is very clear. The situation was so uncertain that I think it is a very good thing that we go back to the people. We have reached a stage now when all of us have learnt in the course of the history of the last one year that is the only solution. There were coalitions before the elections; there were coalitions that have functioned. Then came the phenomenon of minority governments. Now we have reached the stage of mid-term elections.

Shri Atal Bihari Vaipayee : Punjab.

Shri Y. B. Chavan : That seems to be the effective answer to all these troubles. I personally feel that possibly what is happening in UP would

provide a solution not only for UP but perhaps to all the constitutional elements and troubles outside it also.

SECTION 4

CHAPTER 17

PRESIDENT'S RULE IN U. P. REPLY TO DEBATE

Lok Sabha on 18 April, 1968

The Minister of Home Affairs : (Shri Y. B. Chavan) : Sir, I have heard very interesting speeches in the course of this debate and I was trying to find out whether I could get a reply to the basic question that I had raised. But I can say with regret that unfortunately I did not get any reply to that basic question which I would like to repeat again. I did say that after the take over in February by the Governor when the legislatures were suspended, there was a qualitative change in the situation. When I said that it was a statement made in terms of the Constitution. I would like to explain it further.

Sir, the Speaker's Conference was mentioned when you were here. I said here that whatever the Speakers Conference has said is something very important which we will have to accept ultimately. I have no doubt about it in my mind. What happened here is this. There was no Chief

Minister or a leader had a majority or not. If this basic point is forgotten, what is the use of my replying to it again and again? When I said that there is a qualitative change, it was not an election speech. It was a proposition under the Constitution that when the Legislature suspended, there is no provision to go to the Legislature to find out who has a majority or not because the Constitution provides that the Governor cannot call a meeting of the Legislature on his own; it can be summoned only on the advice of the Chief Minister, which right you have all defended here in the case of Bengal. So, when I said that there was a qualitative change, the change was such that the Governor had to find again who commands the majority in the House.

Shri Atal Bihari Vajpayee : The SVD commanded the majority.

Shri Y. B. Chavan : That was the position when you took over. I did mention about the differences. I did say that there were differences. Every party has differences, because when dynamic political situations are discussed and decided, there are bound to be differences. There is nothing wrong about having those differences. But if the hon. member, Shri Vajpayee, wants those inside the party differences to be fought on the streets, it is his choice. But I do not want it and I would not advise those of my party to that. It is for them to decide what they should do. In this case, the differences were of such a nature that the Chief Minister had to come out publicly and say that he is not getting the co-operation of his colleagues and other parties and, therefore, he cannot run the administration and he, in the alternative suggested midterm elections.

Shri S. M. Banerjee : Shri Nandaji also said the same thing.

Shri Y. B. Chavan : I will come to Nandaji when we will discuss Nandaji and Banerjee, both. Now we are discussing the Governor and Shri Vajpayee, both.

This basic thing is forgotten. Nobody wants to rush to mid-term elections. When we did not want mid-term elections, we were told that we were afraid to go to the people. Here, in this case, when the Governor has recommended, and we have accepted that recommendation, to have mid-term elections, we are asked : why mid-term elections?

The hon. Member mentioned that we are trying to have katputli. He did mention katputli, puppet. He warned the Government, as if the Jan

Sangh is not aware of what it has done in Haryana. Have they forgotten about it? They remained outside the Government and they saw the game of this Aya Ram and Gaya Ram.

... Coming back to UP, again, two types of arguments were made. One was constitutional and the other was political. Some of the local political arguments have been answered from this side. So, I do not want to repeat them. But I want to make a reference to what Shri Dange has said, because he tried to raise the debate to a little higher political level; I must say that. He raised certain points and he asked the question: are we prepared to accept any norms for the running of democracy? It is a very relevant question and I certainly would like to answer that question and say here and now that whatever we have done so far we have done on the basis of certain norms of democracy. If you do not want to agree...(interruptions) Unfortunately, the difficulty at the present moment is, your norms are different from our norms. If you want to have a consensus of norms, we are prepared to sit with you.

... The whole trouble started with defections. He said that the result of the last general elections was that the monopoly of Congress rule was broken.

Well, it was broken and we had accepted that. But then, instead of breaking the monopoly of the Congress through the elections, it was the Opposition in this country which started the abnormal norm of defecting people.

Shri Atal Bihari Vajpayee : Remember Rajasthan.

An hon. member : UP.

Shri Y. B. Chavan : It was started in UP and in Madhya Pradesh.

Shri Onkar Lal Berwa (Kota) : Rajasthan.

Shri Y. B. Chavan : In Rajasthan it was not defection in that sense ... (Interruption), that is, inviting people, who are elected on other parties tickets, to come and become Chief Ministers. If you want to know the real meaning of defection, it is defection. Crossing of the floor was always there, but organised defection in the form of inviting people to hold big offices, not merely the office of a parliamentary secretary or a deputy minister but inviting somebody to become Chief Minister

and then say that we are going to have agreements with them on some minimum programme ...(Interruptions)

Shri Bhogendra Jha (Jainagar) : What about B. P. Mandal?

Shri Y. B. Chavan : The Opposition began the game. We are sitting in a meeting as a result of the Resolution passed by this House and we are certainly struggling to find out the solution for this. But how can I accept as a member of political party that every other political party can go on disintegrating our party by defections?

It is not likely to happen. As a party-man I cannot say that my party only should resort not to have defections when organised defections were unsorted to by other political parties. Unfortunately, this party also reacted to that position.

... You only raised the question of norms as asked me, "What are our norms?" I have said it before and I would like to repeat it whenever the Chief Ministers of the Congress Party lost their majority and saw the proof of it, they resigned without hesitating for a moment. And what is your norm? Stick on to the office, refuse to resign, refuse to call the session and wait for dismissal! Is it a political norm?

I am prepared, if at all there is a desire, to have some sort of a norm for all these activities. Let us sit together, think collectively and find out some sort of an agreed solution for this question of norms. I am willing for that. If we are discussing questions in an impersonal manner of the political difficulties that we are prepared to show the willingness of sitting with you and finding out the norm. But what is the norm? Whenever it suits the political parties, they say, "Have mid-term elections". Sometimes they say, "Invite our leader in order to form the government." It is not that they are talking about norms.

It is not only that to topple non-Congress governments Article 356 was' resorted to. In Bengal the Congress was in power and even there we had to resort to Article 356.

... When the Governor knows that a party which had formed the government and which had functioned for three months how it functioned and how it had to break, when he was again going to form a government, he had to satisfy himself that the government that would be formed would have stable support so that they could look into

the problems of the people in a constructive manner. That was really speaking his responsibility. When the Governor is forming a government afresh, it is his responsibility. If he does not do it, he will be failing in his responsibility. He has to choose a person who will form the government and who will be directly responsible to the Legislature. That is what the Constitution says. So, naturally, it was his responsibility to see that it was stable. Claims were made by the Congress leaders..(Interruptions)

.. When a group of people tried to go and tell the Governor that they belonged to the other side, it is this element which is rather fluctuating element, unstable element which brings the instability in the formation of Government and in the running of Government. It is exactly that thing which the Governor had to avoid while forming a Government. This is the basic position. It is no use getting lost into all other details. This is the basic thing on which the Governor's assessment of the whole political situation in U. P. was based. I have no doubt that was a bonafide recommendation based on his own honest assessment of the political forces functioning there and actuated by a feeling of doing, ultimately, the service to democracy of U. P. Legislature. This is my own point about it.

Shri Dange, certainly, raised a question of basic instability...

Shri D. C. Sharma : How could you put a stop to floor-crossing when somebody is offered to the Chief Ministership? (Interruption).

Mr. Speaker : He has covered that point.

Shri Y. B. Chavan : You may ask those questions sometime outside and I will answer them.

About the basic question of instability, Shri Dange brought in the value of the minimum programme, etc. in the formation of Governments. This is all high-sounding and good. But can he say that they have followed this ideology very correctly in having these coalitions? May I ask Shri Dange about it? Unfortunately, he is not here. How can you say that when his party is talking of economic transformation and other things and having understanding with Jana Sangh on the right side and Swantantra, still on the extreme right side? How can we imagine this sort of a thing? They are telling us about the ideological purity of concepts of stability and instability. I can understand if they stand ideologically on

their programme saying, "This is my programme. Whether majority or minority, I will follow this line of action." I would, certainly, say, "Hats off to you, Mr. Dange." Unfortunately, they have also looked to the tactics of politics and they have also tried to see if they can have a share in Government. What is the use of telling me the philosophy of stability and instability?

SECTION - 5

ROLE OF GOVERNOR

On 20th July 1967, the Home Minister informed the Lok Sabha of the message received from the Governor of Madhya Pradesh that stated :

“Following the defection of 36 Members of the Congress Party in the Assembly, there was an allegation of intimidation and wrongful detention of Members of the Assembly. Two of the signatories to the defection stated that they signed under duress. In view of the state of general tension and abnormality, the Chief Minister requested the Governor to consider proroguing the House for the present. After full consideration of the letter of assessing the requirements of correct Parliamentary practice, the Assembly session for the present was prorogued in the interest of proper functioning of the Parliamentary democracy...”

“The Assembly will have to be summoned again in good time to enable it to pass the budget and the appropriation bill before the end of this month. It is felt that this brief recess will help in lessening tension and help the Assembly to arrive at vital decisions in an atmosphere of normality.”

On 20th July 1967, a Motion of Adjournment was moved by Shri Madhu Limaye. The text of the motion stated :

“Failure of the Central Government to prevent prorogation of the M. P. Assembly by the government when the Assembly Session

had been 14 called to pass the budget and the vote was to be taken on the Education

Ministry's Grants; further when the vote was likely to go against the Government in view of the crossing of the floor by the several Congress Members."

Shri Y. B. Chavan replied to the debate on Adjournment Motion on 20 July 1967.

Again on 24th July 1967, Shri Chavan replied to the Short Duration discussion in the Rajya Sabha.

In all these speeches he elaborated on the role of the Governor under the Constitution in the functioning of democracy.

SECTION 5

CHAPTER 18

ALLEGED FAILURE OF THE CENTRAL GOVERNMENT
TO PREVENT PROROGATION OF M.P. ASSEMBLY

Lok Sabha on 20 July, 1967

Mr. Deputy Speaker, Sir, as was explained by the Prime Minister in the beginning, we welcomed this discussion because we wanted to have an opportunity to consider the constitutional issues involved in it. That was the reason why we thought that this discussion was welcome. But on the merits of the case, I have no doubt that this motion was uncalled for and unnecessary.

The basic position that the mover of the motion, Mr. Madhu Limaye, took was that under Article 355, it was incumbent on the Centre to ensure that the administration of the State is carried on according to the provisions of the Constitution. I was trying to follow the debate to find where exactly we have failed to see that the provisions of the Constitution were not abided were not accepted. I was trying to understand that.

Shri Piloo Mody : Motives.

Shri Y. B. Chavan : There is no objective test to find out motives. About what has happened since yesterday and today, I would like to correct Mr. Madhu Limaye if he wants to be corrected. There are some Members who are in the habit of making wild charges...

I would like to repeat what I said this morning. When the question was raised about the prorogation of the Assembly, I said, "I have no facts about it. Unless I get the facts from the Governor, how can I say anything?". I have not talked to the Governor in the last many weeks perhaps. There was no question of giving any direction to the Government. Certainly, I had talk with the Chief Minister yesterday.

... When yesterday I saw there was some news coming on the teleprinter that there was some kidnapping in Bhopal of M.L.A.s, etc., I really wanted to know exactly what was happening in the State. Therefore I took an opportunity in the evening to give a call to Mishraji which materialised sometime at 9 o'clock last night and, naturally, I wanted to know what was happening there. He mentioned to me that these things were not certain because he has not been able to contact the member, etc. and that whether he had a minority or majority, he had to make the assessment. This is what he told me.

Now, I say, when we are sitting in this honourable House, one who speaks, certainly, considers himself an honourable man but I would expect from them that they would consider the others also equally honourable. Unless we have that position, the debate in this House is impossible. Democracy itself will be completely incompatible without this proposition. (Interruption). At least Mr. Banerjee need not tell me about democracy; certainly, Acharya Kripalani can tell me about democracy.

What happened yesterday was political and what happened today was constitutional.

I have heard the speeches very carefully and I have found that speaker after speaker who criticised the Government tried to discuss what the Governor ought to have done or what he ought not to have done. They, really speaking, did not tell me that this was what the Central Government was entitled to, and that the Central Government did not do. It was not pointed out as to what were the omissions and commissions of the Central Government. I certainly can say that this is

a commission on their politics... (Interruptions).

Now we are discussing Constitutional issues. Let us not bring in politics. If we want to discuss politics, I am prepared to discuss politics, but When we are discussing Constitutional issues, let us not bring in politics.. (Interruptions).

Shri J. B. Kripalani : Moral issues.

Shri Y. B. Chavan : Even moral issues will have to be discussed.

Certainly constitutional issues are impersonal issues; Constitutional issues are non-partisan issues. You cannot consider or interpret the Constitution taking into consideration the Congress Government once and then take the same Constitution and try to interpret it in another way taking into consideration the non-Congress Government. The same criteria will have to be applied to the non-Congress Government and to the Congress Government

Now, what is the Constitutional issue? The hon. members raised a very important question. These discussions and these incidents have certainly raised an issue of the importance of the Governor's office in this country. I entirely agree with this because we are in a new phase of democratic life in the country where the role of the Governor becomes important. Therefore, let us try to find out what exactly is the Constitutional role of the Governor. I was trying to understand this question from the speeches; I discussed it with some of the legal pundits and I also referred to some books. The Governor of a State is a Constitutional head except in three Articles. I have referred to the latest Seervai, the Advocate - General of Maharashtra, and he has said that only under three Articles the Governor of a State functions as an agent of the President. They are Articles 239(2), 200 and 356. Except in these three Articles, the Governor functions as the Constitutional head. This position, we have to accept...

Once we accept this Constitutional position, the point is whether in this matter the Chief Minister ought to have given him the advice that he gave him or he could have given him some other advice. Let us certainly argue in a theoretical way; possibly I may agree or may not agree with you. But once having received the advice from the Chief Minister, let us

not take into consideration whether the Chief Minister is Ajoy Babu or Mishraji, let us not go into the names because then the matter becomes subjective; let us be objective. The point is when a Chief Minister gives an advice to a Governor, as Members of Parliament, as politicians, as democrats, as the supporters of Constitution, what is our position? When an advice is given by the Chief Minister to the Governor, the question is whether the Governor is bound by his advice or not. My answer to that is that he is bound to accept the advice.

Now, we are considering the Constitutional and legal position. The basic facts are that the Chief Minister gave him some advice, and the Governor accepted his advice. But then the later facts are also very important. He says that he had said that there was some sort of abnormality, and a state of normalcy should be expected soon and his intention was, because this prorogation was only for a brief period, that he wanted to call the Madhya Pradesh Assembly again for a session so that the budget could be passed before the end of the month.

When a Governor constitutionally accepts the advice of the Chief minister, does my hon. friend want me to interfere in that? When the Governor of Bengal comes here, it is said that it is a bad thing, when we do not talk to somebody else in the Congress Government it is considered to be a bad thing. I really do not understand what are the standards that they try to apply. Shri J. B. Kripalani had raised a moral question. Now, let us keep the constitutional aspect aside. If anyone wants to argue on the political ground, I am prepared for it. For, what happened yesterday was a political thing because a certain number of people had left a certain political party and moved to the other side. Are we going to accept this as something very moral? I find that hon. members are angry because they had certainly some presumptions in their mind.

Shri Surendranath Dwivedy : Do you think that the Congress Working Committee's resolution removing the ban on Members joining the Congress Party is moral?

Shri Y. B. Chavan: I am prepared to argue that point. This is not the forum where I can argue it, but certainly on some other forum I shall be prepared to argue it with him. I am prepared to argue it with him whether that is good or bad.

But the point is that when a moral position is taken, then this is

what it comes to. These people, it appears to me, have come to the conclusion that those who leave the Opposition Parties are a bad lot but those who leave the Congress are heroes. If that is the moral standard that they have...

My only point is that if moral standards are to be applied, they should be applied to all.

Shri J. B. Kripalani : I made a mistake in talking about morals. I withdraw it.

Shri Y. B. Chavan : My main case is whether the Government of India have failed in their duty and if so, where. I have heard the arguments. I am prepared even now to hear in which matter we have failed. What was I expected to do? To call the Governor and tell him, "disregard the advice of the Chief Minister and behave like a Badshah or Sultan"? Is that the role of the Governor? When he was taking certain steps to facilitate a proper discussion in the Assembly, his intention is to call the Assembly back and facilitate a further discussion of the budget.

Shri Ranga : Completely mala fide intention.

Shri Y. B. Chavan : That is very wrong. I did not expect this from Prof. Ranga to call a person's action mala fide just because he does something with which he does not agree. That is very wrong.

I do not want to go into those facts. But if anybody takes the position that only because some people have left a political party, therefore, they are good people, I am not prepared to accept it. It was certainly right for the Chief Minister of a State when he knows that some hon. Members of his party.:

Shri S. M. Banerjee : He is no more Chief Minister.

Shri Y. B. Chavan : For him he is not. I am a person bound by the Constitution; for me he is Chief Minister. I cannot help it. That is the difference between those who accept the Constitution and those who are not prepared to.

I am not going into those facts. But really speaking, the Chief Minister was entitled to meet his own people to find out what is the charge against him. The charge against the Chief Minister is that he has tried to

get his colleagues back. What is wrong in that?

Shri J. B. Kripalani : Nothing wrong.

Shri Y. B. Chavan : Nothing wrong. If he is trying to get back into this party with whom he has worked for years together, if he wants to talk to them for the purpose and iron out the differences, what is the wrong?

Shri J. B. Kripalani : He is perfectly justified to induce them to come back to the Congress. But he is not justified in getting the house prorogued on that account.

Shri Y. B. Chavan : Quite right. As to whether he should have given that advice, I am not taking any position on that. But when the Governor receives advice from the Chief Minister, was the Governor wrong or right in accepting that advice; that is the point. He was very much right in accepting it. There could be no other course open to him.

My mind is very clear. We have not given any direction to the Governor in this matter. We have absolutely observed all constitutional propriety and morality in this matter.

The Governor's office is a very important office. Let us not compromise the role of the Governor because sometimes it helps a political party. Let us accept this basic position. The Governor is the constitutional head of the State. He has to act on the advice of the Chief Minister, whether he heads a Congress Government or non-Congress Government. Let us act on that basis.

I am absolutely clear in mind that we have not failed in our duty, constitutionally, politically or administratively in any way.

SECTION 5

CHAPTER 19

CONSTITUTION (AMENDMENT) BILL

Lok Sabha on 14 March, 1968

On 1st March 1968, Shri P. K. Deo (Kalahandi) moved a Private Members Bill for substitution of Article 156 and insertion of new article 159A.

In moving the Bill, Shri Deo stated :

" It is the compulsion of recent undignified and inglorious political events and the compulsion of conscience which has made me bring this Bill."

The Amendment to Article 156 of the Constitution was intended to remove the present provision that the Governor shall hold office during the pleasure of the President. It was also proposed that there should be a provision for the removal of Governor from office by impeachment for violation of the Constitution.

In his reply to the debate while opposing the Bill, Shri Y. B. Chavan expounded on the necessity of the office of the Governor and he also defended the present provision that the Governor shall hold office during the pleasure of the President.

Shri Y. B.Chavan : Sir, the debate has revealed some of the contradictions in the thinking of those who support this bill. Those who want the abolition of the office of Governors also have supported the Bill. The purpose of the bill is not to abolish it. The only argument made on behalf of the mover is that this bill only contains what was there in the draft Constitution before the Constituent Assembly. If that is the only argument, my reply is, if a proposition was considered by the founding fathers and, advisedly rejected by them after careful consideration, there is no further wisdom in trying to introduce the same provision now by

amending the Constitution.

Those who criticise the office of Governors have not possibly understood the significance of that office. May I say, the word 'Constitution' itself is a continuation of an old idea and, therefore, can we say that it is also some sort of a relic of imperialism? When we say, there is to be a State under the Constitution, what is the idea? Let us understand the constitutional mechanism. There is an elected Chief Minister who represents the will of the people there. In that capacity, he becomes the Chief Executive. The proposition of the draft constitution was based on one idea. The amendment of article 156 which the hon. member wants to introduce was article 132 of the draft Constitution. Article 131 of the draft Constitution also has introduced the idea of an elected authority. I think the founding fathers thought about it and very wisely said that you cannot have two elected representatives functioning in the same body. Supposing there is a conflict of views whose view prevails? Does the view of the person responsible to the legislative assembly prevail or the view of the person who is elected as Governor directly?

Shri P.K. Deo : The same is the position as between the President and the Prime Minister.

Shri Y. B. Chavan : There is a difference. The President is elected not by the Parliament, the President is elected by all the members of Parliament and the members of the State Assemblies. He is also not elected directly but by indirect election. The President has got some special powers. It is absolutely wrong to compare the office of the Governor with the office of the President. There are certainly completely different constitutional powers and constitutional responsibilities.

There appears to be some sort of attraction for the word 'impeachment'. Sometimes people get possessed by certain associations attached to certain words. They think there is something very very powerful in it. What is impeachment? Impeachment is a mechanism is provided to remove a person from office when there is no other way of removal provided for. It is provided for President because there is no other way provided for removal of the President. The President does not work within the pleasure of somebody else. Here it is said that the Governor functions during the pleasure of the President and the President's pleasure can be withdrawn on the advice of the Council of Ministers whose life depends

upon the will of this honourable House. It is a beautifully and delicately balanced mechanism of democracy which is functioning here. Unless you try to see the symmetry of it, the beauty of it and the power of it, you will not be able to understand it.

As a matter of fact, it is very important to see whether the office of the Governor is essential to run the administration of the State. The quotation that my hon. friend Shri Tapuriah on the other side quoted was of Shri K. M. Munshi. It was very appropriate. He said he is a watchdog of constitutionality. He also said he is a symbol of the constitutional unity of India that brings together the States and the Centre. I must say, as the speech came from the Swatantra Benches, it was a very refreshingly welcome speech. I entirely agree with this young man. I wish that party has more young men like him. It will revolutionise that party. I am very glad.

Ultimately you come to this position that the Governor has to be nominated by the President and, as I said, he will function during the pleasure of the President. So there is a provision already made in the Constitution for the withdrawal of that pleasure and for the removal of the Governor. When there is a provision made, what is the idea of having again a provision for impeachment.

.. History had been misread by some people in the last few months. I must say our experience of the constitutional working in the last one year is very enriching; enriching in this sense that the types of constitutional difficulties and deadlocks we faced in the last one year probably no country would have faced in fifty years of its history.

They said that wherever governments were toppled the Governors were responsible. Why do they forget conveniently that more than half of the Congress Ministries were also toppled? It was toppled in Haryana, in U. P. and in Madhya Pradesh. Why do you hold the poor Governor responsible for it? The Governments are toppled or put in power by the strength of the party that they command. It is a very simple thing. Sometimes people are conveniently inclined to forget some inconvenient things.

... Only because one person belongs to a particular party, he does not lose his objectivity. Are we all opposed to be people lacking in objectivity

only because we have some loyalties to some party thinking? This is a very absurd argument that is being advanced. Any experienced objective person from any party can qualify himself to be a Governor and good people are appointed as Governors. I have no doubt about that. Are we very serious about one proposition that every Governor must have the consent of the Chief Minister? The answer was given very ably by my hon. friend, Shri Tapuriah from that side that within a period of five years, there can be six governments. Do you want six Governors simultaneously coming with that.

Sir, the Governor represents the stability and the continuity of constitutional functioning of administration. That is the main thing. We must understand what is the role of that big office. It is not merely to adorn the Raj Bhavan. That is not the function. It is really speaking, a special constitutional responsibility and the function that is attached to that office and, I must say, that the present provision has worked out satisfactorily and I see no reason or justification to accept the amendment that has been moved. I would, therefore, make an appeal to my hon. friend on my behalf and on behalf of his party to withdraw the Bill.

SECTION 5

CHAPTER 20

GOVERNOR'S ADDRESS TO WEST BENGAL LEGISLATURE

Lok Sabha on 20 March, 1968

As provided in the Constitution, each year the Governor of a State delivers to a joint session an address. This is actually drafted by the Government and approved by the Cabinet. Although called 'The Governor's Address', the Governor is expected to merely read out the address.

On revocation of the President's rule in West Bengal the new government that assumed office made some critical references to the action of the Governor in a recommending imposition of the President's Rule under Art, 356 of the Constitution.

The Governor while reading the address omitted two paragraphs that he considered offensive. This raised a debate about the right of the Head of the State and propriety of his action

Shri Y. B. Chavan defended the act of the Governor, as the Constitutional Head of State. This is an important Precedent.

Shri Y. B. Chavan : Mr. Speaker, Sir, the other day, when you decided to have this debate, you very rightly said that the constitutional aspects of the problem and the academic aspects of the problem would be very carefully considered during this debate. I must say the first half of the debate was very useful from this point of view, and the basic, constitutional issue of this debate was this, namely, the constitutional position of the Governor in setup in the Constitution. The other aspects of the problem that was considered by the House was the specific action of the Governor of West Bengal in omitting two paragraphs from the address that he was to deliver on the 6th March. I think these are the two aspects to be considered.

When I came to listen to the debate, I came with an open mind. I really ." wanted to know the position that would be taken : of course, as a Government we are committed to a certain argument, but in my personal capacity I was open to being convinced in the sense that I wanted to see whether the arguments, indicate a final conclusion. From this point of view, I must say that the honours of this debate go to Mr. Asoke Sen and Mr. Govinda Menon.

What is the issue here when we are discussing this particular matter? The issue is not political; some people unnecessarily attach importance to it. Certainly they have advanced political arguments. But the issue was whether the action that the Governor of West Bengal took in 1967 was constitutional or not. And on that issue the High Court of Calcutta had given its verdict. Whether that verdict is right or wrong can only be challenged and decided in the Supreme Court which is higher than the High Courts : whether this is to be done through the interpretation of the constitutional verdict or whether it can be decided in a legislature of the State Government.

The only body which has the right of amending the Constitution is this House, and no other legislature. The legislatures have their own powers and they are sovereign in their own respective fields of rights etc., but they have no constitutional power to interpret the Constitution or even amend the Constitution. In this matter I must say that the constitutional position, as far as I can see, is very clear. The point is whether by putting those words in the mouth of the Governor they could have interpreted the Constitution as they liked. It is very clear : that this was a completely unconstitutional position.

The other aspect was whether the Governor has the right to omit two paragraphs in the address he was supposed to deliver.

The constitutional aspects of the nature and character of the address of the Head of State while opening a joint session have been gone into very carefully. It is a public declaration of policy that the Government wants to follow in the coming year. This is what the address is expected to say.

Some hon. members have tried to quote the two paragraphs out of context. But if we read them completely as a whole, they try to

give a verdict on what happened a couple of years ago. The address is supposed to look onto the future and to the present. But the two paras tried to interpret history as they liked or did not like it. The constitutional aspects appear to be very clear.

I do not want to say a word which will come in the way of the relations of the newly elected Government of West Bengal and the Central Government. I do not want to look to the past; I want to look to the present and the future. I do not want to make any statement which will unnecessarily create bitterness and put obstacles in the way of co-operation between the rightly elected Government of the State and the Central Government. I do not want to go into those aspects, though some members used a very uncharitable expression that the Governor deserved the order of the boot. It is a fashionable phrase with my hon. friend Mr. Mukherjee particularly. He is free to use the language of the boot, but I do not want to repeat such phrases; the OF Government in West Bengal have their constitutional rights and within those constitutional rights, they have to use that mandate for the development of West Bengal in the right manner. They are entitled to do that. But I do not understand why they should have a complex of defeat. When they have won, it is much better they behave like victors. Why this idea of trying to humiliate the Head of the State? That too, after I made the statement on the floor of the House? What really mattered to them was the fact that the Governor had made a request to the Government of India, to the Prime Minister, that he wanted a change on personal grounds and it was said that the Government of India was considering his request.

The constitutional issues are very clear. But I am not dealing with the constitutional aspect; I am dealing with the political aspect of the problem, because ultimately the mandate for this government, or mandate for any government for that matter flows from it, whatever may be the philosophy. I have nothing to say about the philosophy. Shri Ramamurti tried to interpret it in a different way. Shri Hiren Mukherjee went to find examples from the medieval history of Clares, Richards and Edwards. Let us forget all that history; let us deal with Mukherjees', Tribedi's and Ramaurthi's the present and the future. Let us think about that.

I would only tell them one thing. Now that you have won, use that victory for the betterment of Bengal, for strengthening the relations of Bengal with other States and, ultimately, strengthening the unity of this country and strengthening the democracy of this country. This, really speaking, is your mandate and you have to use it.

But, in spite of the victory, some people sometimes forget that they have won. My hon. friend, Shri Asoke Sen gave the example of war-time leader, Sir Winston Churchill. I was reminded of another statement by another esteemed leader, of course a century before - Napoleon. When he was fighting the Britishers...

The difficulty of the Britishers was that many a time Napoleon had defeated the Britishers; but every time, the Britishers made preparations and started a war with Napoleon. So, once Napoleon said in a very typical remark "Britishers never know when they are defeated because Britishers have never understood what defeat was." I may say with a little change that my United Front friends never understand when they are victorious, because they have developed a complex of defeat so long. Really speaking, they should know they are victorious. So, why start this minor controversy about what happened two years before? Be magnanimous, be sportive to the Governor.

Let us go ahead, let us accept a constructive programme, let us accept the constitutional way, let us strengthen the unity of India, let us strengthen the welfare of the people of India because, really speaking, these are the issues that are involved. Unnecessarily going into other aspects and creating further bitterness is something which, really speaking, should be avoided.

I have never said that the State has no right to make such a plea. My only statement was that the State Legislature cannot start amending or interpreting the Constitution. That is my limited submission. What Acharya Kripalani said was, really speaking, a very elementary thing of human psychology. Can you expect a man, particularly a man of a Governor's status, to come forward and say that he had made all these mistakes? It was incomprehensible. Nobody would have done that.

As I said, I do not want to go into the details and create further problems for the United Front or the Central Government. I would only say that having debated this whole issue from the constitutional and

political point of view, the hon. mover should be sportive enough to withdraw the motion and if the hon. members of the opposition do not do that, I would request the hon. House to reject it.

SECTION 5

CHAPTER 21

GOVERNOR'S ROLE DURING FORMATION OF MINISTRY

Rajya Sabha on 24 February, 1970

During the Course of the Short discussion on 24 February 1970, the Union Home Minister dealt with the role of the Governor at the time of the formation of new Ministry particularly with reference to UP and Bihar, where the Governor had to use his individual discretion.

Shri Y. B. Chavan : Mr. Deputy Chairman, Sir, I am glad indeed that in this House also we have got an opportunity to discuss the role of the Governors in both the States, U. P. and Bihar. Unfortunately, the Member who initiated the debate has conveniently decided to be absent from the House.

Apart from that, I am glad that, in the speech which was delivered last in the debate, Shri S. N. Mishra at least attempted to make some case for the motion. But I would like to try to be objective in this matter because I do not propose to discuss the personalities involved in the politics here though I may refer to them because some points relating to them have been made. I do not hold a brief for either one party or the other. I think it is necessary for me as a member of the Central Government to see that the role that a Governor has to play in the formation of the State Governments is objective and constitutionally correct. Some light hearted remarks were made about the Central Government and the

Prime Minister and even the Home Minister. I would like to assure this hon. House that in the whole drama of formation of Governments in Bihar and Uttar Pradesh the Central Government, the Prime minister the Home Minister and other members of the Government , directly or indirectly, played no part at all. I would like to give that very solemn assurance. Merely drawing some light inferences which are politically motivated does not prove the case. The way Mr. S. N. Mishra started - he started by saying that Gangotri was polluted and all that - I thought possibly he was likely to prove something which we have done here. I would like to go into this matter a little later.

Sir, I think the question falls into two categories - what is the constitutional position and what are the facts. I think about the constitutional position there should not be two opinions about it. I do not know, but when Shri Mishra said that really speaking the whole thing should be tested on the floor of the House, does it mean before forming the Government it should be tested?

Now, what is the present constitutional position? The present constitutional position is - Article 164(2) lays down the fundamental principle that the Council of Ministers is collectively responsible to the legislature. This shows that the person who is to be nominated or selected or summoned to become the Chief Minister should have the capacity to command a majority in the legislature. This is a fundamental thing. This is an indirect command on the Governor that he must make an assessment before summoning a person to become Chief minister and convince himself that the man is likely to get - when I say 'likely to get' it means naturally it is a matter which will happen in the future and that is why I use the word 'likely' - a majority in the legislature. Therefore my use of the word 'likely' it means naturally that the thing would happen in the future. Certainly the Governor has to convince himself that the person he is asking to become the Chief Minister is in a position to command majority in the House. That is the position.

Now, Sir, some members made a suggestion to me and asked : Why is it that Government has not tried to formulate certain guidelines? I have already many times mentioned the facts on the floor of the House, but Members are apt to forget matters. In 1967 this question came up in a discussion here on the floor of the House when the matter of Rajasthan

became a little controversial. They asked me : Why is it that you are not making an attempt to formulate certain guidelines? I said I would certainly make serious efforts about it. I did make efforts. I called upon some very eminent jurists in the country and I wrote to the late Shri M. C. Mahajan, a former Chief Justice of India, Mr. A. K. Sarkar, another ex-Chief Justice of India, Mr. M. C. Setalvad, who is a distinguished Member of this honourable House and a very leading jurist of the country. Mr. P. B. Gajendragadkar, who is again an ex-Chief Justice of India, and Mr. H. M. Seervai, a great constitutional lawyer and the Advocate-General of Bombay. I requested them to advise me on the principles that a Governor ought to follow in appointing the Chief Minister when no party secures an absolute majority at a general election. The replies received from these experts indicated certain consensus. Three points which are relevant to the present debate are that the alignment of independents should not be ignored while assessing as to who is likely to constitute the majority. In an Assembly besides the organised members, there are also independent members. That should be the attitude of the Governor about these independent members? Their advice was that they also are members of the Legislature and so they should not be ignored in making the assessment. The second point was that the Governor should invite the person, who has been found by him as a result of his atounding, to be the most likely person to command a stable majority in the Legislature. He should form the Government. The third point that they had urged was that after such a situation the Governor should take care to see that the Assembly is called immediately to test the position. Unfortunately these guidelines could not be sent to the governors. I wrote to all the leaders of the parties in Parliament and requested them to send their views on it... Unfortunately till this day I have not received any reply to that...

I did not convey these guidelines officially to the Governors because unless I had some sort of agreement with the parties concerned, I did not want to put forward guidelines as from a party in Government. I did not want to take that position. Now, even the consensus, which has emerged as a result of discussions among the jurists in this country, is that ultimately the Governor has to choose a person who is likely to command a stable majority in the House. This is the constitutional position. As far as the present Constitution is concerned, this is the

position.

Shri S. N. Mishra : May I know whether the advice was elicited before all this fall of Ministries took places with great rapidity? All this rapid fall of Ministries took place after 1967.

Shri Y. B. Chavan : Quite right, but this discussion took place in the context of Rajasthan. When this discussion was going on the toppling of government was mentioned. It was a very fast development in this country. This was not something new. Whether there is the fall of one government or ten governments, ultimately the constitutional position remains the same. This is the basic constitutional situation. Now, what the Governors have done in this particular matter is a matter of fact. I do not hold brief for anybody. Now, what is the charge against the Central Government? His point is, why is it that the Governor of U. P. decided to come to Delhi? I do not know why he decided to come to Delhi. As he said, Delhi is a geographical centre. People are attracted to Delhi, but I do not know why. Mr. Arjun Arora said that it is a very fascinating place. Possibly so, but I want to assure this hon. House that we did not invite or we did not summon the Governor to Delhi. Somebody said that it was kept secret. It is not a fact. For the first time I knew about it from a newspaper that the U. P. Governor was leaving for Delhi. So, there was no question of inviting the Governor here.

Then, the most important thing that has to be noted is this. What started changing the whole thing in U. P. was the attitude of Mr. Charan Singh.

... The point is Mr. Charan Singh changed position, whether for right reasons or wrong reasons, it is a different matter. It is not for me to justify or do otherwise, but it does not lie in their mouth to say that Mr. Charan Singh was a very good person and a person fit to be the Chief Minister as long as he was with Mr. Gupta or Mr. S. N. Mishra and immediately he becomes an unworthy person and a wrong leader then he wants to be guided by his own judgement in the matter.

Then, again, Mr. Charan Singh did not change after the Governor came to Delhi. I would like to refer to the letter from Mr. Charan Singh which had appeared in the press. The letter is dated 11th February. From the content of the letter it appears that the letter was written by him

at eleven O'clock at night. In that he has made a reference to certain discussions he had with Dr. Ram Subhag Singh and Mr. Laxmi Raman Acharya a day before i. e., 10th February. It was about rethinking in the mind of Mr. Charan Singh, about continuing his alliance with the Jan Sangh and SSP. It started on the 10th February in the evening and as a result of that process which started on the 10th February he writes on the 11th February very categorically. This is what he says,

"I have had an unhappy experience of the Jan Sangh and SSP leadership in 1967-68. The talks that the Jan Sangh leader had with me this evening barely an hour ago."

That means that the Jan Sangh leaders seemed to have had talks with Mr. Charan Singh at 10 O'clock on the 11th, i.e., at about ten p. m. He says,

"In practice the attitude of the SSP has convinced me that my experience of the last SVD Ministry was going to be repeated. This is just to inform you in the circumstances it will not be possible for me to back a government that may be formed with the help or in association with Jan Sangh, SSP and your party."

He was absolutely clear in his mind as to what he should do and what he should not do and he has very categorically indicated the reasons for it. He has again said:

"I have, therefore, decided not to accept any invitation that I may receive from the Governor for forming the Government."

This was decided by Mr. Charan Singh before the Governor reached Delhi. There is no question of the Government of India trying to influence the decision of the Governor. Who could have influenced the decision of Mr. Charan Singh? If at all anybody is to be thanked, as I have said in the other House yesterday, for the change of mind of Mr. Charan Singh, the thanks should go to the Jan Sangh and SSP.

So, the reason why Mr. Charan Singh changed his mind lies in the history of the U. P. Governments. There is no point in blaming unnecessarily the Central Government for that. What could we have done? The earlier experience of Mr. Charan Singh about the SVD Government is mainly responsible for it. Now what was the Governor supposed to do? The point

argued is that Guptaji had recommended the name of Mr. Charan Singh when he resigned. When he resigned, some people had claimed that it was the right of the retiring Chief Minister to nominate his successor because he was not defeated. This is also a very interesting and an illusory logic. I have got all respect for Shri C. B. Gupta. He was a veteran, senior member of my party. Merely because he has left the party some months ago I do not want to speak in derogatory terms about him. But the fact remains that when Guptaji decided to resign, he did not desire to oblige anybody. I think he is a realist. Gracefully he decided that as he had lost the majority in the House he should leave. That was very graceful of him. I must also say that he made a very fine judgement. It is to his credit that he made a fine political judgement that after the split in the Congress Party, the only person who could lead a stable Government in U. P. was Mr. Charan Singh. Therefore, he decided to recommend his name. Ultimately whatever happened between the different parties, the Governor has accepted the recommendation to invite Shri Charan Singh. Where was he wrong? He accepted the resignation which Guptaji gave gracefully. Also he accepted Guptaji's political judgement. I do not think there is anything wrong about it. There is nothing wrong in it at all. I should say that all these different political forces have tried something in U. P. It is good that another socialist force has emerged in U. P. Let us give it a trial. Really speaking, it is not a question of this party or that party. A fair deal must be given to the people of U. P. Everybody wanted that Mr. Charan Singh should be the leader. They saw in him the saviour of U. P. He is the right man in the right place now. Let us try to give him co-operation. Let us try to give him our good wishes. I would like the hon. Members to forget all the political anger about it, be graceful, to fair, be a sport, and give all the compliments to the Governor that he has helped to bring a stable Government. This is about U. P.

Let us come to Bihar. What is the complaint about Bihar? Sir, in Bihar there was President's rule. The Bihar Governor has written two letters, copies which we have laid on the Table of the House. There was nothing to hide. Therefore, we decided that these letters should be placed on the Table of the House. The Governor has given in the first letter his assessment and his conclusion that there was no possibility of forming a stable Government because he wanted to convince himself about a stable majority. He also mentioned in the letter, that he had told so to

Mr. Daroga Prasad Rai who had claimed the support of some political parties. I think the central thinking of the Governor appears to be that he did not want merely to depend on the individual members because he had seen certain unpredictability about their political behaviour. That is why he viewed them as undependable. He also writes of a more qualitative dependability of certain political parties, because he found there is certainly some disciplined behaviour, there is some sort of national control over these political parties. Therefore, he has mentioned C. P. I., and also some other political parties as dependable. Dr. Mahavir made a complaint that his party was not mentioned. He has also not said that it is undependable. By implication if that is meant, I do not know about it. The main point of his argument is that he had asked Shri Daroga Rai to get in writing from these two important political parties that they supported his leadership. The others had written to him; the only two parties left were the P. S. P., and the C. P. I. Till the time on the 11th when he wrote this report there was no commitment in writing from these two parties.

.. In the normal course the period of the Proclamation was coming to an end on the 26th or the 27th of this month. Naturally he wanted to warn the Central Government of the possibility of none being able to form a Government. The Governor was then required to prepare a motion and bring it to this house this week. Instead of discussing the revocation probably we would have otherwise discussed the motion of the Proclamation. Naturally he sent the report. But all the time what was the duty of the Governor? Even though he had recommended the extension of the Proclamation, his basic duty, at the first opportunity, was to invite a person, with a stable majority to form a Government, to activate the democratic and constitutional machinery. It was his duty. As a last resort he had recommended extension of the Proclamation period. Naturally, even then he had not suggested the dissolution of the House. Even the first time when he made a recommendation for takeover of the administration, he did not recommend a dissolution. He kept the House in suspension because he always wanted to have an opportunity to allow a democratic and popular Government to be formed; to revive the constitutional working of the Government.

The intention of the Governor has always been to seize the first

opportunity to form a Government and revive the democratic functioning of the Government. It goes to the credit of the Governor that even when he had recommended the extension of the Proclamation period when he saw an opportunity to form a stable Government, he seized upon it and went against his own recommendation to make a recommendation to the President to this effect. You must give congratulations to the Governor for his moral courage, for his honourable conduct. The point is whether he made any miscalculations. There also is another drama, in both the States. There is one common drama. In both U. P. and Bihar, somebody was wanted as the leader, and he was refusing to be a leader. Here is another case. Shri Ramanand Tiwary was first of all appointed leader of the SVD. Somebody was trying to garland him and he was rejecting it. There was Shri Charan Singh, they wanted him to be the leader of the SVD, and he again rejected the offer. It is a story of reluctant bridegrooms in both U. P. and Bihar, I do not think that the Governors have made any mistake about it.

Shri S. N. Mishra: They have found a good bride in you.

Shri Y. B. Chavan : Polyandry is not allowed. Some Member made the suggestion, I do not know who exactly was the person who made the suggestion, but somebody mentioned about some Rs. 50,000. This is something below dignity to make such mention, to make such reference against the Prime Minister. In this matter the Prime Minister's behaviour has been absolutely above board. What we all wanted was that the democratic functioning in the two States should be restored, because I think in all this political game who have suffered most are the people of U. P. and Bihar. Let us forget all these insignificant controversies. Let us try to rise above party loyalties and wish well of the new Governments and wish well of the Governors.

SECTION 5

CHAPTER 22

DISCUSSION ON GOVERNOR'S ROLE IN HARYANA

Rajya Sabha on 5 March, 1970

The role of the Governor came up for discussion in the background of Haryana politics on 5 March 1970. During the course of his speech, Shri Y. B. Chavan asserted that " When the Governor functions, he functions as the Head of the State; he does not function as the agent of the President or the agent of the Government of India."

During the course of his speech, Shri Chavan also elaborated the role of the Governor vis-a-vis the Chief Minister of his State.

Shri Y. B. Chavan: Mr. Deputy Chairman, Sir, this has been a very interesting and very useful debate. There are three aspects of this problem, if I might put it that way. One is the set of facts about what took place in the Assembly. The other is about the role of the Governor, and the third is the politics of Haryana. Some Members said that we should discuss only the Constitutional part of it. Some put emphasis on the political part of it. But I will certainly discuss this question in its totality. First of all, I would take the Constitutional implication of what the Governor did because that is the question before this honourable House.

I find that very interesting points of view have been expressed about the Governors here. One school of thought, though not against the office of the Governor, is angry with the Governors because on occasion they do not suit their political convenience. The other school of thought does not want the office of Governor. The third not only do not want

the office of the Governor but they would like to wreck the Constitution. These are the three points of view about Governors.

Sir, in the type of parliamentary democracy that we have to work it is very essential that there should be an office of the Head of the State. It is very essential part of the structure of the State Governments. The office of the Governor was created as an institution which will function as the Head of the State. Therefore, Sir, while examining the role of this office of the Governor one has to be very clear that this office is the office of the Head of the State. I have therefore consistently taken the position that when a Governor functions, he functions as the Head of the State; he does not function as the agent of the President or the agent of the Government of India. I have consistently said that except on three occasions or in three cases, he has to function as a constitutional Head of the State and has to function on the advice of the Council of Ministers, i. e. on the advice of the Chief Minister.

Sir, some hon'ble Members said that I go on conveniently changing my position about the role of Governors. Sir, I have never changed my position.

The one norm I have consistently adhered to is that the Governor is the Head of the State and has to function on the advice of the Council of Ministers, that is, the Chief Minister. Even now, I take the same position.

Shri Chitta Basu (West Bengal) : Did you take the same position in 1967?

Shri Y. B. Chavan : If you want to see my speech please read it. It was an absolutely different situation. There also the Governor did not summon the house himself. His main point was that the Chief Minister should advise him to summon the House earlier. He could not summon the House in his own discretion and he did not do so. When the Chief Minister refused to accept his advice, he resorted to the other course. He did not treat the right of summoning the house as discretionary. I am very consistent about that position.

Then about the judgement, it arose out of certain things that happened in Punjab. What was the issue there? The issue was not whether the Governor should accept the advice of the Chief Minister

about summoning or proroguing the House. That was not the issue at all. What happened in Punjab Was - I do not want to give the entire story - that at a certain stage, a conflict arose between the treasury benches and the Speaker. When the Budget was about to be passed, the Speaker decided to adjourn the house for two months, and there was a constitutional difficulty that the State would have to go without having any budget at all. Now, when the Speaker had adjourned the House, there were two alternatives before the Governor, or before the Government or before the State. One was that the Chief Minister might advise the Speaker to resummon the House. That was under the rules of procedure.

That was impossible because the Speaker himself had taken that position. The only other alternative was that the Chief Minister might advise the Governor who could resummon the House. That was the position. And the position that was taken was whether he had the power to prorogue the house at that time; that was issue. What the Supreme Court said was that what the Governor did was completely bonafide and he had acted in the interest of the State. So there was no question before the Supreme Court whether the Governor should accept or reject the advice of the Chief Minister.

Now, it was said that when the Assembly is in session, it was for the Speaker to admit the motion for adjournment. This is also a fact. I hope you do not dispute that. Then, the Speaker himself put the motion for adjournment to the hon. House for its acceptance or rejection. So as far as consultation of the Speaker was concerned, it was inherent in the situation. There was no question of not consulting the Speaker.

There is never a position of the Governor consulting the Speaker. That position never arises.

I have got here what the conference of the presiding officers has said. The resolution was :

“The Governor shall summon or prorogue the legislature on the advice of the Chief Minister. A convention shall be developed that the Chief Minister may fix the dates of summoning or prorogation after consulting the presiding officer concerned.”

It is the Chief Minister who is supposed to consult, not the Governor.

Then it says :

“The Governor may suggest an alternative date, but it shall be left to the Chief Minister or the Assembly to revise that decision or not.”

So in matters of summoning or proroguing the legislature the Governor is bound to accept the Chief Minister’s advice. That is very clear. Now some Members raised the point whether the Chief Minister should have insisted on giving a motion for adjourning the Governor to prorogue the House. Here legitimately- different views can be had.

.. A question was raised by Mr. Mishra, and very rightly so, as to what the purpose of the prorogation was. He said the object of the prorogation was to wipe off the resolution of no-confidence. Sir, was the motion for adjournment subsequent to the motion of no-confidence? It was not.

Therefore, the point is that as far as the motion for adjournment is concerned, it is not a counter - blast to the motion of no-confidence. Really speaking, it was the intention of the Chief Minister that after the working hours on that day the House should be adjourned sine die. It cannot be said that the adjournment motion was meant for wiping out the no-confidence motion.

Now, coming back to the politics of it, I would like to say that we know the background of the Haryana politics. You also know it. You made a mention of the human material there. May I ask a question if you do not take it as an offence? When the Speaker had made that offer saying, let us discuss the no-confidence motion, why was it that the Opposition insisted that it should be discussed only on 3rd March? They wanted some time to seduce some people. That is why, according to the ...

Shri S. N. Mishra : All the Members had left by then and the Speaker’s ruling had no validity after the House had adjourned sine die.

Shri Y. B. Chavan : If the members had left by then, they must be irresponsible Members because the motion for adjournment had to be passed by the House.

How can we be held responsible for members who did not show their responsibility to be present in the House either to support it or to oppose

it? If even that sense of responsibility is not there, how are they going to protect the rights of the people? Sir, I do not want to make any further comment either on the Members or on the working of the Legislature or on the working of the Speaker. That is not my province.

The object of prorogation was very simple. The House itself had decided to adjourn sine die, and that was the right of the House itself under the Rules of Procedure of the Haryana Assembly. In the case of the Rajya Sabha or the Lok Sabha it is the right of the Chairman or the Speaker, as the case may be, to adjourn the house even sine die. He can even recall the House before the date to which he has adjourned it. In fact that happened in the case of the other House. Suddenly it had to be called at 10 O'clock in the night. That is an inherent right of the Speaker of the Lok Sabha. But that is not so in the case of the Haryana Assembly. Only by its own order can the House be adjourned sine die. In this case it was the sweet will of the house to adjourn sine die.

Ultimately the effect of adjournment sine die is this. Even in the case of simple adjournment sine die, it not the Speaker or the Chairman who can really resummon the House. The resummoning can be done only on the advice of the Council of Ministers.

I would like to read for his information Rule 16 of the Rules of Procedure of the Haryana Assembly :

"... provided further that the Speaker may, if it is represented to him by the Council of Ministers that public interest requires that the Assembly should meet at an earlier time..."

So, ultimately the effect of adjournment sine die is the same. In the case of adjournment sine die or prorogation, what is the advantage? The advantage is that in case of an emergency when the House is prorogued, the Government is in a position to promulgate Ordinances. But when the House has merely adjourned, the Government cannot issue any Ordinance. Really speaking, this is the basic purpose. As far as the question of a discussion of the no-confidence motion is concerned, suppose the Governor had not prorogued the House, could the Speaker or could the Opposition have persuaded the House to consider the no-confidence motion without the consent of the Minister? No.

Shri S. N. Mishra : But the motion was there.

Shri Y. B. Chavan : What is the use of the motion? After 3rd March the motion would not have survived. When it was to discuss it on the 3rd, I do not know how it could have survived after the 3rd. Then again, if the House wants, on resummoning the House, the no-confidence motion can be moved on that very day...(Interruption)

The purpose of the prorogation was not to wipe out or write off the no-confidence motion because that was not the intention of the Government.

As far as the constitutional aspect of the Governor's duty is concerned, I have explained that there was absolutely no alternative before the Governor but to accept this Resolution. He had accepted it. I entirely agree with the position taken by the Members. Once we accept the position that the Governor is to act in his discretion in such matters. I am afraid, that it will be the beginning of the end of the federal structure of this country. We cannot allow Governors to act in their discretion whenever they like. I entirely agree with the position that the Governor has to act on the advice of the Chief Minister and the Council of Ministers. The only point that was made about dissolution in the case of the States was this. The point that I have made in the House is that when the Chief Minister advises the Governor for a dissolution, the Governor will have to take totality of the circumstances into consideration.

Sir, there is another, I would like to say, a very unfair criticism that Governors are taking orders from anybody. I should say it is very unfair. As far as I can see, at no time have the Governors gone beyond their powers under the Constitution...

I would say it is nothing but arrogance to call other people incompetent. They are people who are competent, they are people who are patriotic, they are people who are eminent jurists. Merely because you are free to speak here as a member, you talk like that. I do not want to pay you back in the same words, but I would say this is nothing short of arrogance which does not deserve the consideration of this House at least.

The only point I wanted to make here is about the constitutional implications of the problem. The Governor as Head of the State is bound to accept the advice of the Chief Minister. And in this matter he accepted

the advice of the Chief Minister and that too only after he knew that the House itself wanted to adjourn sine die.

SECTION - 6

CENTRE - STATE RELATIONS

EDITORIAL NOTE

On 28th July 1967, Shri M. V. Bhadram (Andhra Pradesh) moved a Resolution in the Rajya Sabha proposing appointment of a committee to review

“the Centre - State relations in all their aspects and make recommendations for necessary changes in the present arrangement where such changes are called for.”

Moving the Resolution, the Member stated

“Since the general elections, the political set up in the country has changed and there upon insistent and persistent demands for greater powers to the States are raised and also for enquiry into complaints about Central interference and discrimination of a political character in the States affairs.”

In reply to the Debate, Shri Y. B. Chavan made a case for a strong Centre.

SECTION 6

CHAPTER 23

APPOINTMENT OF A PARLIAMENTARY COMMITTEE TO
REVIEW CENTRE - STATE RELATIONS

Rajya Sabha on 11 August, 1967

The Minister of Home Affairs (Shri Y. B. Chavan) : Madam Deputy Chairman, a very interesting debate has gone on for many hours now. Interesting points have been made out during the course of this debate. Madam, I do not want to reply to each and every point. But certainly I would like to explain the approach of the Central Government in this matter of the Centre - State relationship.

Madam, I must make it very clear at the outset that I do not agree that the Centre - State relationship problem has become prominent only after the elections. Certain political aspects have certainly become very pressing. I do not deny that. But in the very nature of things, the problem of the Centre - State relationship in this country existed even before independence and even after independence. The problem was there and naturally the Central Government had to take note of this aspect. To illustrate this point, I will only mention one thing, and that is, in 1965 when the Government of India appointed the Administrative Reforms

Commission, this was one of the major terms of reference given to the Reforms Commission. I would like to inform this hon. House that the Reforms Commission has appointed a Study Team to go into this aspect under the Chairmanship of a very eminent Member of this hon. House, Shri. M. C. Setalvad. I am mentioning this to show that we are certainly aware of the importance of the problem of Centre - State relationship. But I would like to say how it has become more political now-a-days. In the very Constitution itself, this question has been very carefully recognised and the character of our Constitution is such that some call it unitary Constitution, some call it federal Constitution. I do not want to name it by any one particular name. Our Indian Constitution is Indian Constitution and it has elements of both. When we talk of federalism academically, I think there are two or three very important features in that. One is that there is a very clear - cut division of responsibilities, executive and legislative, between the States and Centre. That feature of federalism is visible, of course, and is recognised under our Constitution. But in the very pure and theoretical federalism, the presumption is that the States agree to unite together, to federate, and they surrender some of their powers to become a federal Government. But the residuary powers are vested in the federating units. Under the Indian Constitution, the residuary powers are not with the States. The residuary powers are with the Centre. So this has certainly some elements of federalism and at the same time, there are certainly some elements for a unitary Government also. So I can say that the system that works in India is that we have given autonomy to the States without weakening the Centre. And I think this very important feature of the Indian Constitution is there because of certain historical compulsions. What are those historical compulsions? I had an occasion to emphasise this aspect once in the other House also. For me, Madam, the most important lesson of the History of India that stands out very clearly is that we suffered many reverses or many defeats in Indian history because, really speaking, we had always a very weak Centre. The British regime brought India together politically under one administration with their military might. But the real unity that was brought about was by a very forceful and powerful movement of the Indian people for freedom. So these are the historical compulsions, really speaking, that have given the shape to the Constitution as it is. I do not want to go on discussing this academic aspect of it, but I want

to make it clear that we have to understand the significance of the problems of Centre - State relationship. We have to understand the very nature of the Constitution that we have to work under. Therefore, I want to warn some of my friends that these problems are there. We say that we should have many States and they should have autonomy because there are certainly many diversities in our Indian life. There are linguistic diversities. There are territorial diversities. There are diversities of resources. Some people are more advanced; some people are less advanced. Some areas are more hilly; some areas are less hilly. Some areas have got very rich rivers like the Ganges, the Jamuna, the Kosi, the Gandak and the Brahmaputra; others have not got anything. Some areas have got the facility of being near the coast - line; other are thousands of miles away from the coast - line. Some States have got the facility of having very rich mineral resources; others do not have it. Some areas have got the great facility of having very intelligent people, very resourceful men - human material is also a very important resource; others have not got perhaps people that resourceful. So these varieties of Indian life are there. But at the same time, we have to see that we pool all these resources together and try to build one big great Indian nation. That, really speaking, is the task that we have to face in this country. Naturally, in the course of the last many years, there were the problems of food; and if I may merely narrate some of the problems that arose after the last general elections, there were the problems of 'gheraos; there were the problems of industrial unrest; there were the problems of Naxalbaris...

Shri P. K. Kumaran : The problem of Shiv Sena.

Shri Y. B. Chavan : Yes, quite right. These problems are the very realities of our life. I do agree that this is also a problem.

Shri China Basu : The problem of defection.

Shri Y. B. Chavan : The problems of recession, the problems of food shortage and problems of many types. Not that these problems were not there before. But today certainly there is a different political picture : one Party Government here at the Centre while in many States there are coalition Governments. It is a different political future that we see today. But even before the last general elections when all the

governments belonged to one political party, there were problems of Centre - State relationship. I happened to be working in one State. I cannot say that there were no problems between that State and the Centre. They are bound to be there. These problems arise not because somebody wants to have problems but because there are certain realities of life. After Independence, there is an urge in the people that they should make progress - economic progress, social progress and progress in all respects. And naturally, when these problems are thrown up, there are bound to be some differences of emphasis. There are going to be different approaches to the solutions that have to be found out. Now, for example, some hon. Member mentioned, not today but in the last debate, the problems of irrigation. As I have said, there are some States which have got a very rich irrigation potential while others have not got it. There are some States which are deficit - food States, and there are some States which are surplus - food States. So these problems were there even before. And in order to find solutions to these problems, if there are any demands, if there are any tensions, if there are any pressures there is nothing wrong about it because these are the problems, these are the tensions, these are the difficulties of growth. When a small child grows, it has its own problems. Naturally, when a State grows, when the people want to grow in all fields, there will be some problems. So, there is nothing wrong about it. But something wrong is introduced when these problems are being handled or approached from a politically motivated point of view. Particularly when party political motivation comes into the picture, it becomes a very difficult problem. Madam, as recently as the latest Chief Minister's Conference, the Prime Minister, in her inaugural speech, made it very clear that there are problems, there were problems and that there will be problems. The question is how do we solve these problems. Are there .not enough institutional arrangements at the present moment to find out a solution to these problems?

If there is any lack of any such institutional arrangements, let us think about it. At the present moment there are some Zonal Councils. There is the National Development Council. We have got many forums of Inter - State Conferences. Sometimes the Health Ministers meet, sometimes the Education Ministers meet and on many occasions the Chief Ministers meet and they discuss their problems and they throw out their problems.

Apart from these Conferences, the representatives of those States come to Delhi. Sometimes the representatives of Delhi go to those States and discuss the problems on certain pragmatic, practical basis and they try to solve the issues or try to solve the problem. That, really speaking, will have to be the approach to the problem. If somebody wants that there will have to be some permanent institutional arrangement about it, I would not take a position that it should not be done. If it is necessary that it will have to be done, let it be done. On that matter certain studies will have to be made, some expert, experienced, objective people will have to be asked to go into these questions and make recommendations to this House and the other House and possibly the Government might consider that problem. That is a different matter. I am sure when the Study Group of Mr. Setalvad makes the recommendations to the Administrative Reforms Commission and the Administrative Reforms Commission comes with some definite set of suggestions before us, we certainly will go into the details of it to find out what can be done; that is the approach that we certainly would like to take but at the present moment, what is being done ? I tried to understand the spirit of the speeches of some of the Members. Let us take the question of food. Food is a problem and it is not merely going to be solved by 'A' State making a demand on 'B' State or the Centre. We all know and I do not want to take up the position of the Food Minister and explain the problem. It is more or less a basic problem and all of us know about it. It is not that there is something like unlimited stock of food available from which a State is demanding and somebody is refusing to part with it. It is not the position. If at all we concede that it is a national problem, then we will have to think about it nationally.

An Hon. Member : National policy also.

Shri. Y.B. Chavan : Certainly there will have to be a national policy also, I have no doubt about. What is the national policy about food? The national policy about food is more production. There cannot be anything else.

(Interruption)

Shri. Chitta Basu : Equitable distribution. **Shri. Y.B. Chavan :** Quite right.

If there are any deficiencies of policy about food, you can criticise and if it is right, I will say : 'You are right and I am wrong'. I will not argue on that point.

About regional development, it is certainly a very important point. When we think about planning the development of India as a whole, we do not think in terms of development of Delhi, Bombay, Madras and Calcutta. Even if you take a State itself - I am telling these hon. Members because I have faced these very practical questions- there are certain backward regions and there are some developed regions. I take the State of Maharashtra. It is much better I take my own domestic case in this matter. Naturally, Bombay City is very well developed but there are some areas in the State which have not yet seen what a motor car is like. In the city of Bombay there are some areas which have not seen even today how a motor car looks like.

So the problems of regional development are there. There are many problems, I know. I know it but those problems can be tackled, can be handled, if we take a non-political view and in this matter, we will have to take a non-political view. While formulating plans you can take your political approach, your Party approach because I believe in that case, the Party differences are based on certain ideologies. That is a different matter. Take food, as he said and as I said. The hon. Member from the Opposition made certain points about the Bengal situation. Is there a case like any discrimination being made against Bengal? Is that the case ? Then the hon. Member will have to prove that it is a case of discrimination. It is not a case of discrimination.

I know that there is shortage of food supplies in the country. There is a certain scarcity. We are suffering because of certain natural calamities that the country had to face in the last 2 or 3 years and we, as a nation, have to face it. Then certainly you can sit with the Food Minister and try to get your right share, whatever it is, but I do not understand any State trying to make out a case that it is right, its demand is correct and the only scapegoat they want to find out is the Central Government. In this process the Member said that he does not believe in secession. I am glad to hear that. He wanted India to be strong and powerful but this is not the way of making India strong and powerful.

It is a different thing but the way things are being presented, the

way the demands are put up and the way the political policies are being formulated merely show that only they are good. The problems of Bengal are there. I take Bengal as an illustration. There is nothing special about it. I am prepared to take any other State also. If there are problems in any State, naturally the people of that State are concerned about it or exercised about it. In order to win over the support of the people if we say : "Well, well, we are only for you but this damned Central Government is not doing anything about it". You know in the mind of your minds that you are not likely to get a solution that way. Suppose, if somebody convinces me or if somebody convinces all of us that by resorting to dharanas there is going to be more food, instead of doing cultivation and irrigation, let us start dharanas all over the country, They know that this is not going to solve the problem of food supplies or food production but they know that this is going to possibly give them some political dividends. If you try to look at the real problem because I know it is a real problem the food shortage in Bengal is a real problem. The demand of the people to have better food and enough food is a real problem. I sympathise with them, I have no doubt about it but if you try to give a political, a party political orientation to this problem it is naturally neither going to lead them to the solution of that problem nor is it going to help them or support them.

Shri Niren Ghosh : I repudiated that.

Shri Y. B. Chavan : It is neither going to help them to find a solution if that particular problem nor is it going to help them to achieve what they think, a powerful and united India. In this process what is happening is this. My worry in this process, as some other Members have rightly said, is this: What is happening is the strengthening of the centrifugal forces and that is a tragic situation.

... I know my Hon. friend's philosophy. I know something about it. Their philosophy is democratic centralism. Their emphasis really is on centralism and they call it democracy. I do not really know what they mean by this democracy. They really mean centralism. There is nothing wrong in it. I am not fighting against it. I do not believe in centralism. We certainly want autonomous States and the powers are there given to the States. The Constitution is so clear. In all the important things

the powers are so well divided and they are clearly explained that this is the field of the States and let them work. Sir, by starting some new innovations in our political life and in our economic life we certainly would be going beyond this. There is this process of planning which we started under our great leader Jawaharlal Nehru and what the last fifteen years of planning have done is something which we can see. The Planning Commission is not a body created by the Constitution. The Constitution has nothing to do with it. The Planning Commission is an advisory body. But the way in which it has been functioning during the last 15 years, the way in which it has worked with mutual co-operation between the State Governments and the Centre, though their legislative and executive powers are divided in the field, the co-operation that has developed through the process of planning, between the States and the Centre, they are there for anyone to see. The huge resources that the Centre commanded were at the disposal of the States and you can see the progress that we have made during the last fifteen years. May be our friends here may not agree. I know there are many problems which are not yet solved. That cannot be denied. But the unique progress that we have made during the last fifteen years through the functioning of democracy has laid the foundations of a progressive country. That is a fact of history.

Shri Niren Ghosh : Yes, under the aegis of the Americans.

Shri Y. B. Chavan : You dislike some people. But I do not dislike any people. I like the Americans and I like the Russians also.

(Interruptions)

Perhaps my hon. friend does not like it. But the fact remains that in this country we have certainly laid a great foundation. On that foundation we have to build further. I know it is a continuing process and we have to build still further. Many things have to be done. I am reminded of a line in an English poem which says that what is done is petty, what is yet to be done is vast. Whatever we have done is small in comparison with whatever yet remains to be done. We have to go a long way. How are we going to do it ? That is the most important thing. Sir, we have to create an atmosphere in this country of working the Constitution in the proper spirit, with the proper spirit of autonomy for the States.

Shri A. D. Mani : Qualified autonomy.

Shri Y. B. Chavan : Certainly in the field in which that comes. But some people are creating conditions by their speeches and by some of the positions they take up by which they try to strengthen an attitude which says : "Whatever we want let us do. The Centre must do everything for us. We owe nothing to the Centre." I am not talking of owing in terms of money. They certainly owe certain responsibilities to the States. But at the same time they also owe something to the Centre. Let us not forget one thing, one lesson of history. Let us strengthen our country. Let us strengthen the Centre. If India dies who lives ? That should be the warning to everyone of us. It is only because India lives that we can take part in this cruel world. If we are isolated

... Now ultimately, to come back to the basic question that we are discussing here, in this Centre - States relation there are problems. There would be tensions, some sort of difficulties and so on. But there is nothing unnatural about it. That is how I look at it. These problems are going to remain for Sometime to come. Even in advanced countries they are there. My hon. friend mentioned Soviet Russia. I say even in America there are many tensions and difficulties. Tension is a fact of life. The question is how we meet these challenges, how we meet these tensions? They can be tackled if we accept the spirit of the Constitution and decide to work it. Well, I do not want to suggest even remotely that we are not for thinking about it and finding some new institutions or new forums where we can discuss these problems, consider these problems. That will have to be done. That will have to be done continually and constantly, not only today but for many years to come. Possibly throughout the life of India, this process will have to be continued. I do not think this process will stop at a particular stage. It will have to be continued. That certainly is life, that is growth. The problems will be there. The questions is how we handle these problems, with what attitude we handle these problems? That is the most important thing. My approach to the problems is the approach and the spirit which the Constitution has laid down before us.

Shri Y. B. Chavan : One small point which was mentioned here has to be dealt with. My hon. friend, Shri Ruthnaswamy, read out an article from the Constitution - Article 258 - (A) - and he referred to it as if we

have given some powers to the Governor as if he were a depu. That article reads like this :

“Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State extends.”

But he did not read Article 258. It says almost the same thing :

‘Notwithstanding anything in this Constitution, the President may, with the consent of the Government of a State, entrust either conditionally or unconditionally to that Government.”

That is to say, the government of the State,

“or to its officers functions in relation to any matter to which the executive power of the Union extends.”

This was the provision and there was no counter provision and therefore by the seventh amendment of the Constitution this provision of article 258 - (A) also has been introduced. Whether the word used is “President” or “Governor”, whoever he be, he is supposed to act on the advice of the Government. He is not functioning or working in his own discretion. And why has this been done? I was trying to find out from the Commentary of Basu where he has very well explained these things. I will read out that part from his Commentary.

“While the President is empowered by Article 258 (1) to entrust Union functions, to a State Government or its officers, there is no corresponding provision enabling the Governor or a State to entrust State functions to the Central Government or its officers. This lacuna has been found to be a practical consequence in connection with the execution of certain development projects in the States.”

This lacuna was found in the course of administrative responsibilities that one has to undertake in the implementation and execution of certain important projects and therefore, this amendment of the Constitution was found necessary. It was brought in not to make the Governor a despot but to facilitate the programmes of economic development. This is all that I wish to say.

As far as the Resolution is concerned, I would request the hon. Member not to press it further because as I said this question is to be very carefully considered by a team which is headed by a very eminent Member of this hon. House, Mr. Setalvad, and naturally when they make a report to the Administrative Reforms Commission they will study it and they will make their recommendations which this hon. House will have some occasion to study and at the same time if it thought that a body consisting of Members of this House and the other House should go into it, we can consider at that time.

SECTION 7

ABOLITION OF PRIVY PURSES

EDITORIAL NOTE

Shri Y. B. Chavan strongly believed that the privy purses and privileges enjoyed by the erstwhile Rulers of the Indian States were an anachronism. He was fully committed to the resolution adopted at the Jabalpur Session of the AICC to abolish the privy purses and privileges

As Union Home Minister, he held several rounds of discussions with the representatives of the Princes and also informed the Parliament, from time to time, about those discussions. The following three speeches in Lok Sabha and Rajya Sabha deal with the subject.

Reply by Home Minister in Lok Sabha was on 13 July 1967 to the discussion raised by Shri Madhu Limaye (Munger).

Second, in reply to short duration discussion in Rajya Sabha on 31 July 1967 and third in Lok Sabha on 24 July 1968.

Y.B.Chavan as Finance Minister intervened in the debate on 'Constitution (Twenty Fourth Amendment) Bill on 2 September 1970. That speech is also included in this Section.

SECTION 7

CHAPTER 24

ABOLITION OF PRIVY PURSES
REPLY TO DISCUSSION

Lok Sabha on 13 July, 1967

Mr. Speaker, Sir, only last week while discussing the Demands for Grants of the Ministry of Home Affairs this question came to be discussed and I had occasion to explain Government's position in this matter. I do not think I have anything more to add to what I said then.

But the debate this evening was certainly a more welcome debate because it gave this Parliament again an opportunity to consider this whole question in its proper perspective. I am sure this debate is going to be very useful to the Government while Government examines this aspect and takes

Government has to consider all the political aspects and constitutional aspects and come to a decision. Many hon. Members made a reference to the AICC resolution in this matter. I do believe that that resolution is a historic decision. It gives a lead to the country to go in a direction in which should go.

It is not a question of any subjective judgement of the princes in

whom most of us have good faith. It is not a question of proving them unpatriotic. I can give my own experience. As freedom fighters, in 1942 while we were just running around for protection some of the princes gave us protection. It is not a question of our trying to prove them unpatriotic. Many of them were patriotic people, good people, sensible people and nationalist people. It is not a question of any vendetta as the Hon. Member, Shri Frank Anthony said or the usually eloquent speaker Shri Prakash Vir Shastri said. There is nothing like that. It is not a question of making any subjective judgement of a particular class of people.

The real test, and I entirely agree with Shri Madhu Limaye is the question of political values. It is a question of principles involved. It is a question as to in which direction we want this democracy to go. It is on these criteria that this question will have to be discussed. There is no doubt that these privileges and purses are certainly an anachronism in the present context. How we do it in which way we decide this matter, is certainly a question that has to be decided.

For the first time I am entirely in agreement with Shri N. C. Chatterjee on this question of sovereignty, apart from constitutional interpretation which certainly will have to be examined in due course by Government. Let us make this point very clear. What is ultimately the basis of this democratic republic. The question of sovereignty is not an abstract legal concept to be argued and bandied about in a court of law. It is a very dynamic concept. It is a political reality based on the will of fifty crores of people of this country. Let us be clear about fundamentals. Unless we are clear about the fundamentals, we cannot proceed. What we want to do in this particular matter, in which direction we have to go, how we are to decide the details etc., are certainly matters for discussion. I am not going into them. About fundamentals let us not be in doubt.

I was rather very much surprised today to see one thing. It is very strange how a political situation sometimes clarifies an inherent situation very clearly. Today I found that the classic allies of this political anachronism were, an ex - ICS Shri C. C. Desai and my hon. friend, Shri Frank Anthony.

... So, Sir, the point is not whether one likes a certain situation or one does not like it. It is not a question of liking or disliking. It is not

a question of any vendetta. It is a question of certain political values. I know what Sardar Patel did. We are proud of it. He certainly did the greatest service to the country. But do we want the country to sit with immobility in the position of 1947 or 1950. We want it to go ahead. We certainly want the country to march ahead. History has to move forward. These are considerations and this is the context and background on which we will have to examine this question and take a proper decision. To me this discussion is going to be very useful on this background.

But I must say one thing before I conclude. It was a very unfair point that my hon. friend, the Jan Sangh leader made. He made a reference to the Prime Minister. I can tell him that her position in the Congress Party does not depend on any agreement; she is here because of the will of the people.

I would like to inform him that she is accepted as the leader of the party which has the right to govern and, therefore, she is the leader of the country in her own right and she is also the leader of this House. So, let us try to understand what we say about it in a particular way.

I think this debate is going to help the government very much in clarifying the issues that Government will have to examine and decide.

SECTION 7

CHAPTER 25

REPLY TO SHORT DURATION DISCUSSION

Rajya Sabha on 31 July, 1967

Shri. Y. B. Chavan : Madam Deputy Chairman, this matter is being discussed for the last two and a half hours and I must say that I am greatly profited by the discussion. Naturally in the last few months this question has been very excitedly debated in the country, both on the platform and in the Press. Naturally it is only in the fitness of things that this House also takes up this question and discusses it in the manner in which it did. As far as I am concerned, I have expressed my views in this matter, not in my personal capacity but as representing the Government. There are two aspects of the problem. I must say that the All India Congress Committee has passed a resolution, which I consider to be a very important resolution, an epoch - making resolution because it has started some new direction of thing in this matter. As a Congressman I entirely stand by that resolution. At the same time, Government has undertaken examination of all the aspects of the problem and after examining them the Government as such will take certain decisions or adopt its line of approach to the problem. Naturally

then the Government will have to come before this House to seek its sanction or approval. So, this is the basic thing that I must place before this Hon. House. At the same time I must explain why the all India Congress Committee also decided in the way it did. It was not in any spirit of vindictiveness, because somebody said that we are trying to change our word to the princes. That is not so. Princes are on the other side. Princes are on our side. Princes are loyal to this party or to the other party. Naturally as citizens of India they have a right to hold their views about political matters. This resolution has nothing to do with the thinking of the Princes or group of Princes. But certainly the thinking in the last twenty years has shown certain directions, and this resolution is a result of those directions. Some people have tried to confuse this idea with socialism. The abolition of privy purses has nothing to do with socialism. It has nothing to do with socialism really speaking. It is very much a democratic approach. These are some of the basic things.

Some people have raised the question of morality. Naturally life cannot be devoid of morality. Considerations of morality have to be taken into account. But what morality is most important. We have to think about the fundamental morality of the republic. When we say we are a democratic Republic, we say that there is equality of opportunity; we say that there is equality of status before the law. Can we in terms of these privy purses say that there is equality of citizenship ? Here is a person who gets Rs. 10 lakhs or Rs. 20 lakhs without any personal income - tax; he is also an Indian citizen. Here is another person who gets Rs. 150 including dearness allowance; he is also an Indian citizen. How can you say that this is consistent with any democratic concept ? That is the fundamental morality. If at all any morality has to be considered or personal morality has to be considered, the commitment to the nation has to be considered. But when the question of morality is introduced, I also believe in it; I believe in morality. But this basic morality has to be taken into account. Commitments are also made to the millions of the people in this country. What about those commitments ? The Constitution provides for those commitments. The Directive Principles of the Constitution speak of employment, of education, of many other opportunities in life. What about those commitments ? What about those moralities ? I know what I am talking about Kumari Vasisht reminded me of the facts of life. She warned me that I should be careful about

what I am saying. I can thank her for that. I can tell her that I have come up in political life the very hard way. I have identified myself with the lot of the common people and I will remain in politics only with this identification. The moment that identification is not there, I do not care. Whether I am a Minister or not, whether I am in difficulties or not. I have lived in political life full of political difficulties, and I have seen that if one is loyal to the cause of the common man in the country, there will be no difficulty for him. Apart from that, if one has to face trials and difficulties, one should not hesitate. This is about my person.

Another thing, I was rather very intrigued about some Members; I expected some Members to make some very profound constitutional and legal arguments, and I was disappointed because they gave us some moral sermons. Some Members from whom I expected moral sermons gave us some good lectures on law. This is rather an irony of our life. I was reminded of a very interesting remark once an American Presidential candidate made to a close friend - I do not want to mention names; it was recent; it is a matter of forties or fifties. After the defeat of that presidential candidate he was asked by his friend, "How do you explain your failure?" He said : "In my election campaign I had a team consisting of intellectuals and politicians and I expected them to play their respective roles. What happened ultimately was that the intellectuals behaved as politicians, and the politicians behaved like intellectuals. That made a whole mess of my election campaign." I saw something of that here. Whatever the constitutional position is, it is always my stand that it is being examined, it will be examined. To the Law Ministry's opinion some Members made a reference; it is well known. But I have no doubt in my mind that this step in the form of a Congress resolution is taken and it has to proceed in that direction. What exact form it will take I cannot say now because everyone has to wait for the examination of those problems. But history has taken a step, and I do not think, when once history has taken a step, anybody can retrace the step backwards. It is not like that. When I say history, it means history in all sense. I think I have said what I wanted to say on this particular matter.

I am one of those who not merely admire but adore the role and the contribution of Sardar Patel in our history. The Hon. Member, Shri B. K. P. Sinha, made quotations about it. There is no doubt that the contribution

of integration of the States in India was perhaps the most important historical achievement in the country in the last so many centuries, if I may say so; there is no doubt about it. He said Pandit Nehru had never said about this or that. He had to take a view of Gandhiji in an indirect manner on what some senior civil servants discussed with him. Regarding Gandhiji's life and philosophy, he has talked about many things and written about many things; they have to be interpreted in the light of those writings and the principles which he believed in. It is not enough that we should go back always to the great men of the past. We have to look to our present and our future and decide the issues on the merits of these problems - whether this is not inconsistent with this question that somebody is completely exempt from taxes, that somebody has even exemption from appearing before the civil courts or criminal courts for all his defaults of a civil nature or criminal nature. There are my friends sitting on this side, I am not against them. I can assure them. They are Members of this House. They are as representative as I am of the people, and I would make an appeal to the Princes : Let them not think in the way some people are thinking and are trying to make them think about it. They are citizens of India; they are patriots and they claim to be patriots; we concede them that claim. Let us be equals. Let us have the right to share in the political life, economic life and social life of this country. There is no question of any-body trying to destroy anybody. It is a question of taking the Republic of India in the right direction, on the onward march. That is, really speaking, the main question ...

Shri Bhupesh Gupta : What is the position with regard to the simple proposition of abolition? How far have you progressed? Have you decided in principle that privy purses should be abolished? Following the principle, do I understand that you are considering the legal and other aspects of it? This should be made clear :

Shri Y. B. Chavan : I think I have made myself clear in my statement. If I have not made myself clear, even if I say a hundred words or a hundred sentences, it would not make it clear. I said I stand by the Congress resolution.

Shri Bhupesh Gupta : Here you are speaking as the Home Minister. Do you say as Home Minister ...

Shri Y. B. Chavan: I have said it the other day while I repeat.

When I said that this matter is being examined it is being examined with a view to implementing that decision. It is not my personal view or anybody's personal view. When the Government is examining, the cause for examination arose only after that august body passed that resolution.

... Expeditious examination is what I am aiming at. But when I am saying that the matter is being examined, what form the result will take, I cannot say just now. You are not functioning in the Government and therefore you do not know the difficulty.

Shri Bhupesh Gupta : I can tell you. If I had been functioning in the Government ...

The Deputy Chairman : No more. You have said many points.

Shri Y. B. Chavan: Mr. Bhupesh Gupta, I will not be able to tell you more than this even if you ask me one hundred questions on this.

This is not something new for the Congress also because it is, really speaking, what is being talked and talked and discussed and discussed. Even our Prime Minister, long before she became Prime Minister, I think in the Congress Working Committee, agitated for the abolition of the privy purse ... (Interruptions). But you see that the government has to think and act collectively. We are taking advantage of the discussions in Parliament, in the Rajya Sabha and in the Lok Sabha. You are not, really speaking, identifying yourself. You believe in democracy but you are not identifying yourself with the process of democracy. That is my main difficulty.

Shri Bhupesh Gupta : It is between you and the Prime Minister.

Shri Y. B. Chavan : We have to proceed in this way ... (Interruptions), Quite right. If possible, we have also to talk with the Princes. There is nothing wrong in that. It is not something that we are fighting with them. They are our friends. Certainly, if necessary, we will have to talk with them also. There is nothing wrong in that.

Shri A. P. Chatterjee : You will take the Princes along with you?

Shri Y. B. Chavan: We will talk with you also, if necessary. That is what I am saying. When I am talking here. I am talking with you, it is a

dialogue between the Opposition Members and us and it is something very useful. This is also a part of the examination.

So, the direction is laid down, the approach is laid down, the action is initiated. Now, we must show patience and have faith in the Government (Interruptions). They must show some patience and faith in the Government.

Shri Bhupesh Gupta : How long?

Shri Y. B. Chavan : Well, I cannot say how long; I can tell you that it will not be unduly long.

SECTION 7

CHAPTER 26

STATEMENT REGARDING DISCUSSIONS WITH PRINCES

Lok Sabha on 24 July, 1968

Mr. Speaker, Sir, in pursuance of the intention of Government to abolish privy purses and privileges of former Rulers of Indian States I have had meetings with their representatives, on 3rd November, 1967, 26th December, 1967, and 29th May, 1968. The first meeting was for a preliminary exchange of views. I explained to the Princes the broad approach of government's thinking in the light of changing circumstances. (Shri. Ranga : Breaking the plighted word) I told them that I was having discussions with them to seek common ground of agreement with good will. At the second meeting I conveyed to them that Government's basic decision was to abolish privy purses and privileges, to make transitional arrangements, and to have negotiations with the Princes for implementing the decision. I explained that I was willing to give a scheme for transitional arrangements whenever the Rulers desired, but perhaps they might themselves wish to suggest something in the light of the general approach. The representatives of Princes said that they Would convey Government's views to their

brotherhood and get their reaction. A meeting of the Rulers was held in May 1968. At the meeting held on 29th May, 1968, it was reiterated on behalf of the Rulers (Shri S. M. Banerjee; Ex - rulers) - Ex - rulers, thank you very much, Shri Banerjee - at some length as to why in their view privy purses and privileges should not be abolished. I explained that Government's clear intention was to abolish rulership, but that about the manner of doing so Government wanted to have discussion with the Princes. I noticed some reluctance to discuss matter on this basis, but they promised to send a note, which has not yet come. Since then Government have been giving further thought to the matter and are examining proposals for legislation and transitional arrangements. It is proposed to have discussions with the representatives of the Rulers about these arrangements before taking the final step. I am anxious to have the discussion as early as possible, so that further action may be taken without delay.

... We have accepted in principle the abolition of privy purses and privileges. That decision is there, but certainly we would like to do that with the goodwill of the ex-rulers. Therefore we wanted to discuss these matters with them. As I explained, we are examining certain proposals and before taking a final decision we certainly would like to have talks with them.

SECTION 7

CHAPTER 27

CONSTITUTION (TWENTY FOURTH AMENDMENT) BILL

Lok Sabha on 2 September, 1970

The Minister of Finance (Shri Y. B. Chavan) : Mr. Speaker, Sir, I was supposed to intervene yesterday but I thought that I should do it today.

Shri Piloo Mody : Is this to comment on the performance of your party yesterday ?

Shri Y. B. Chavan : As one who has dealt with this problem from 1966 onwards I thought that it was necessary for me to intervene in the debate and give the historical background to this problem as it started taking shape in 1967 and onwards.

Shri Ranga (Srikakulam) : You are no longer the Home Minister. Why do you bother ?

Shri Y. B. Chavan : Yesterday I heard three important and representative speeches from the Opposition. One was from Morarjibhai, the other was from the leader of the Jana Sangh, Shri Vajpayee and the

third was the speech of representative of the princes. All these Members are important people. At least, the first two are important because of their own national stature. Therefore, one has to seriously take notice of what they said.

Sir, before dealing with the speeches made by them, I would like to give a little of the historical background of this problem. Though in the last 20 or 22 years the question of abolition of privy purses was debated at different forums and many parties have been raising the question of abolishing privy purses, the decision was taken in the AICC session of the Congress Party in Delhi. The resolution that was passed in the AICC session read as follows:

"The privileges and privy purses enjoyed by the ex-rulers are incongruous to the concept of democracy and the AICC is of the view that the Government should examine it and take steps to remove it."

This was the beginning ... (Interruption) I am just giving the background.

Shri Piloo Mody : My father was quite right. He advised the Princes to compromise, to keep the purses and let Mr. Chavan have the privy.

(Interruption)

Shri Y. B. Chavan : Sir, after this resolution was passed, it was considered necessary to start the negotiations with the Princes. Some Members had raised the point yesterday that this resolution was passed by a very small majority or by a very small number of members of the AICC. But, by implication, the conduct of many members of the AICC in the months thereafter had confirmed the resolution of the AICC. The resolution was further confirmed at the Jabalpur AICC session as a part of the 10 point programme in 1967. Those Members who say that they were opposed to this resolution had never challenged the AICC to consider the issue again. If they were confident that the resolution had not the support of the majority of the members of the AICC, they could have very well challenged it (Interruptions)

On this basis, I have had at least 5 meetings with the Princes from November, 1967 to May, 1970.

At least I was associated with five meetings from November 1967 to

nearly February or March 1970. I am giving this background information because I would like to refer to some of the major points made by hon. Members whom I had referred to in the beginning of my speech. The talks with the Princes reveal the answers to the points made by the Opposition Members. I am merely referring to substance of the speeches because I do not want to go into them at length.

Shri Morarjibhai's main point was that the whole Bill was deceitful because Art. 363 is not deleted. That is one point. He also made another point that no real efforts for negotiations were made. This was one position that he took.

The point that was made by Mr. Vajpayee was that he felt the word he used was 'Parampara' is also important that there is rather anti - democratic pressure on the Princes because of the way this is being done. That is the major point he made.

The main approach of the representative of the princes was rather realistic. He laid emphasis on covenants and agreements. And the other point that he made was about self-respect.

These are the points. In the light of these points I would like to trace the history of the negotiations that took place and the arguments that went on between the Government and the rulers. In my first talk which took place in November 1967 I explained the general approach of the Government to these problems and it was that Government's policy was that the privy purses and privileges would have to go. This basic position was made clear. I also made clear that there was a commitment on this question, but, at the same time, our approach was to give some sort of a transitional allowance and for that matter we would like to have negotiations with the Princes. This was the three - fold approach to this problem.

We have never kept them in any doubt as to the intention of Government to go ahead with the proposal of abolishing the Privy Purses. At the same time we made it clear to them, that whether they agreed or not, the transition allowances will be given and we certainly would like to have negotiations. And, I think, we have not changed from this position even now. (Interruption) Certainly one can make the argument as to why transition allowances should be given. One thing I would like

to make very clear : this transition allowance is not supposed to be compensation. Whether it will be compensation or transition allowance, it will depend upon the character of the Privy Purses themselves. Certainly they are not the property of the Princes. Taking the human aspect of the problem, this transition allowance will be given. When I say, 'Human aspect' it is not merely the human problem of the Princes themselves, but there are many dependents, old men who are servants also. The allowance will not be for their exclusive personal use but it will be at their discretion; I have no doubt about it. But, our expectation is that it will be used to look after the dependents and the small people who are in their employ.

So, the main point that I am making is this, that the idea was to give transition allowance and for that purpose we wanted to have negotiations. I refer to this because, a reference was made that there were never any negotiations as such. We met five times. Shri Morarjibhai also had a talk with the princes. And, I think there were series of discussions between the Prime Minister and some of the Princes. With at least five talks I was personally associated and personally involved, rather deeply involved. What was the approach of the Princes ? They never started negotiations; that is my assessment. They never started any negotiations.

In the first meeting they made very learned statements, historical statements but ultimately they stuck to one point, namely, that Government had no business to change its position, that they were never consulted before taking this decision, and therefore, Government should reconsider its position. Sir, this is not the idea of negotiations. Certainly they were right in the beginning to raise this question. I do not deny that. So, having taken this position, I said, it is much better that we meet again, and explain that this is our position and on this basis they may reconsider their position.

Then again we met in December, 1967 and at that time their spokesman read a statement, repeating the same legal and constitutional positions and the historical meaning of covenants and agreements and the historical role of Princehood etc. At one stage they asked whether I had got any scheme to give. I said, I have got a scheme to give. I said, 'I have got a scheme to give; I am prepared to hand it over to you just now. But you take the position that you are prepared to consider this. If

you are not prepared to consider and go into the details of the scheme, because that possibly will lead us nowhere.' So the whole approach was this. It is much better that the House knows what was their approach. Their whole approach and attitude towards the Privy Purses was very strange.

Yesterday, I heard one point which the Hon. Maharaja of Dhrangadhra made. With all respect to him, may I say it is not a personal matter; I am basing myself on certain facts which are on my record he said 'Myself and my people'. It is really very strange indeed, as if his people were some sort of chattel, completely and finally bound to him.

Dr. Karni Singh (Bikaner) : May I just interrupt for a minute on one point? Now that you are going back to history for certain things, I have done some research myself of the subject, and I do not agree with the statement that you made. I would like to put the historical facts, straight. During the integration period I was there on the spot. My father was the signatory ruler. The people collected and asked Mr. V. P. Menon that the people must have a say in this matter, too. And, Mr. V. P. Menon said, "No, only the rulers will have a say, and only the leaders of the Indian people would speak on your behalf, that is, Mr. Nehru and your predecessors. The people have nothing to do with it. It is on record.

Shri Sriraj Meghrajji Dhrangadhra (Surendranagar) : My point was this. I referred to the time of the Instrument. I have not made any kind of undemocratic statement. I merely said that at the time when India was a plurality of entitles we acceded to India; this was precisely what happened. The people of Kashmir have become a part of the Indian people by the Instrument of Accession.

Shri Y. B. Chavan : May I say a word ? What Mr. V. P. Menon said at some place like Bikaner or Jodhpur, I cannot subscribe to it and say that; it was something on behalf of Government and not one bureaucrat talking casually to a prince.... (Interruption)

The main point I was going to make was this. These ex-rulers talk so highly about their people now. But in my discussions with them, I had faced a very strange argument and I would like to let the House know about it. We were telling them that the privy purse is not a property but it is some sort of allowance for certain functions and responsibilities.

Shri Srirai Meghrajji Dhrangadhra : Who said?

Shri Y. B. Chavan : I said that, and his answer to that was, what the Maharaja of Dhrangadhra said was, this. He said 'the only analogy I can make to the privy purse is that it is just like a royalty over an inexhaustible gold mine.' This is their idea about their people, that they are a gold mine to be exploited completely and permanently by them. It is on record.

The grievance they are making is that there were no negotiations. As a matter of fact, they never wanted negotiations. Last time, before we met in Bombay in our party session, we invited them and made it clear to them that we had to make certain commitments in terms of time now, so 'let us talk and have some sort of negotiations; we are going to make a categorical statement about it in the Bombay session. It is my responsibility and duty also to communicate this to the leaders of the prince - hood. Then they said we could discuss again. So, the main point was that they had never seriously wanted negotiation. That was my assessment of the people. Even then, we continued and continued and continued. So, it is wrong to say that we never wanted negotiation. Even after this Bill is passed, the government would like to have some sort of talks about the transitional allowances.

The other point that was made by hon. Member, Shri Morarji Desai, was that this is deceitful because Article 363 is not deleted. I have great respect for Shri Morarji personally, as I have for any elders, as I have for Acharya Kripalani, and for Shri Hiren Mukerjee. So, elders do demand and command our respect. What is wrong ?

His main point was that it is deceitful because Article 363 is not deleted. We had many discussions with Morarji Bhai when he was in the Cabinet. Morarji Bhai, as far as I remember, I am prepared to be corrected in this matter, never made this argument in our discussion. He certainly made the point which he made yesterday about the position of Sardar Patel's commitment, and that position one can logically understand, but he also ultimately said we will have to abolish the privy purses. He undertook to negotiate with the princes also. He never made at that time the suggestion of deletion of Article 363. I remember that at one time he only had a doubt about the word 'dispute' in that article, and he said that it was better to get it examined constitutionally whether its

implication would be in case the Princes go to the Supreme Court.

My answer to Shri Morarjibhai's criticism is that there is nothing wrong in retaining Article 363.

The wording of Article 363 is,

"Notwithstanding anything is this Constitution but subject to the provisions of Article 143, neither the Supreme Court nor any other court shall have jurisdiction in any dispute arising out of any provision of a treaty, agreement, covenant, engagement, sanad or other similar instrument ..."

So, really speaking, the scope of Article 363 is not confined to certain covenants. It has a wider application. There are certain sanads. So, this is not meant only for privy purses. Only because you are removing privy purses, you cannot completely delete this article. It operates in a wider field.

Secondly, the agreements about the privy purses are not contractual agreements, and they cannot be made subject to the jurisdiction of the courts.

Therefore, if you look at the whole scheme of the Constitution, the purpose of it is that the rights under these covenants or agreements, which are political agreements, are inherently rights, and therefore the Constitution had made the provision as incorporated in article 363. It was the intention of the Constitution makers to keep these temporary agreements non - justifiable. That is the basic thing. That also by implication means that the Constitution makers expected that some time this House also might change such rights ...

It is clear to those who want to see the real meaning of the Constitution and the political atmosphere in which we are working. I do not think that anybody can make a statement that it is deceitful. I do not think there is anything deceitful. It is a wise political step that we are taking.

Shri Sriraj Meghrajji Dhrangadhra : The Minister has said about the implication of the Constitution and read out Article 363. In reading that Article, he did not read out a very important part. It reads as follows:

"Notwithstanding anything in this Constitution but subject to the provisions of article 143 ..."

Under that we appealed.

Shri Y. B. Chavan : I should request His Excellency to be a little more careful in listening to me ... (Interruptions).

My main argument was that it was not a question of being deceitful about it. I patiently heard Mr. Desai's speech yesterday; it was a totally unMorarjilike speech. Whether one agrees with him or not, it is a different matter. But he is very straight. All the argument that he made seemed to have been based on the conviction that the abolition of privy purses was completely wrong. That would have been logical. But unfortunately he began his speech by saying : "We are committed to the abolition of privy purses." He said so and then contradicted himself practically by every word that he said later on. That is why I say that this was not the speech that I expected from Shri Morarji Desai; it was non - Morarji like from that point of view.

I do not want to go into this any more. I certainly make a request to the Hon. Members who belong to Mr. Morarji's party about their commitment. I would make an appeal as a colleague. I am not criticising anyone in this House, for many years we have worked together, worked for the same freedom and for the same cause ... (Interruptions) It is Mrs. Sinha's commitment too which she made when she was with us and then they affirmed it in the Ahmedabad session. What has happened to change it?

Unfortunately what happens is this. I know certain military doctrines practised by army leaders. There is something like tactics in the battle and there is something like strategy in a war. Tactics change from battle to battle. I know they have got their place. Any General who adopts tactics which are completely inconsistent with strategy ultimately gets lost. (Interruptions) Now, I would like to make an appeal to the leaders of that party: you are merely playing tactics, but you have no strategy.

... The point is, the strategy of any political party, the strategy of any political party, I repeat - is contained in its economic and political programme. But if one merely goes on changing the strategy and the tactics merely because of some sort of negativism against a thing - anti

- A or anti - B then this anti - A or B makes everything anti. Therefore, no political party or philosophy. (Interruption)

... I can understand tactics being used to match tactics, but you cannot use wrong strategy to match a correct strategy. Anyway, that was my appeal to you. Certainly I know there are some progressive persons in all political parties, and I would like to make a request to them that for God's sake , and for their own sake ... (Interruption)

... Because, the Prime Minister yesterday while moving the Bills before the House said that this is a historic occasion. It is historic in more than one sense. It is a historic occasion because something new, something progressive, is taking place in our country today. At the same time, there is also another reason. In another sense also it is historic, because history has ordained that this should take place now. This is a compulsion of history.

... The only point that I was making was that Mr. Vajpayee was very hypnotic in his speech yesterday. The only thing I would like to point out is that while a hypnotiser hypnotises his listeners, here I find that by his beautiful voice he himself gets hypnotised. Sometimes he forgets what he has said earlier. Only a year before, in August, 1969, he opposed the abolition of privy purses and made a wonderful statement.

I am trying to bring before you this taqaza of history. When I said that history has ordained it, I meant that this is a compulsion of history today. I think if they want to ignore the writing on the wall and would like to be swept away by history and thrown into the backwaters of history, if they really want it, I can only say "Amen".

Much was said about Sardar Patel's statement. I have great regard for him as our elder statesman. He was not only the leader of those people sitting there, but he was our leader also. Unfortunately, the hon. members opposite have missed the significance of Sardar Patel's personality. He was a dynamic person, a person who wanted to be a realist. What he did then, was taqaza of history, then. What we are doing today is again a taqaza of history today. I am looking to the realities of the masses of the people of India, looking to the new compulsions of history ...

Shri Manubhai Patel (Dabhoi) : You are undoing what he did.

Shri Y. B. Chavan : Those who make history expect their disciples and followers to unmake what they did if necessary, for the cause of progress.

... These are blind followers merely interpreting the letters and words of what Sardar Patel said. In 1930, Sardar Patel was merely asking for the democratic functioning in the States. That was what he was asking those people who were involved in the people's movement in the States. He was against making any revolutionary change at that time and some of us who were inclined towards the left side were criticising him and saying, "You are thwarting the people's movement." But the same man in 1947 said, get away with the Princes. Of course, he tried to be human with them. We are trying to be human with them.

... I have no doubt that if Sardar Patel were living today and present in this House, he would have supported this Bill.

I think I have tried to reply to many of the points raised. A small point was made yesterday, probably by Mr. Vajpayee. He asked, "What is the economic aspect? It is merely Rs. 4 or 5 crores." It is not merely Rs. 4 or Rs. 5 crores. Compare them to the ordinary citizen or even to any of the big businessmen. In order to have a net income of Rs. 5 crores, the man concerned will have to earn Rs. 55 crores. I have got it calculated. Besides, it is not a question of merely Rs. 5 crores. Here we are talking about the rights of citizens. I am told there is something socialistic about it. In abolishing the privy purses and privileges, there is nothing socialistic. Really speaking, the question is whether it is consistent with our democratic ideals that a selected few should have unearned income and hereditary privileges.

Here many people are talking in the name of democracy. Do they want this type of a democracy to continue where one man gets not only unearned income but taxless income ? What is this democracy ? All of them are talking in terms of democracy ? At least, those of them are talking in the name of democracy, for the sake of democracy, will have to come and vote along with us ... (Interruption)

... Then, somebody mentioned the advertisement of a faceless person. I think, I will have some discussion with Shri Dandekar but I must say that this faceless argument is a senseless argument. How do

you compare us with them ? We are getting what we are getting under the Act of Parliament.

... I am coming to my last point and that is about progressive bodies and those who want to claim to be progressive. As I said in the beginning, there is a writing on the wall. The entire people of India are watching the representatives of the people as to what they are doing today. I think, on this would depend the final judgement of the people as to who are on the side of the people and who are against the people ... (Interruption)

SECTION - 8

ISSUE OF OFFICIAL LANGUAGES

EDITORIAL NOTE

Article 343 of the Constitution states that 'Hindi' shall be the official language of the Union.

Constitution makers in their wisdom also decided that if Hindi does not become in all its aspects the official language within a given period, then Parliament can by an Act, allow English to continue as an associate language. Having considered progress in making Hindi as the sole official language, in 1963 the Parliament passed an Act to allow English to continue as an associate language.

Passing of the Official Languages Act. (1963) had given rise to several misgivings in the non-Hindi States. Hindi as the exclusive official language was not acceptable to these States. Both Pandit Jawaharlal Nehru and his successor Lal Bahadur Shastri had given assurance that Hindi will not be the sole Official Language till the non-Hindi States are ready for it.

Y. B. Chavan, the home Minister introduced in both the Houses in December 1967 a Bill to give effect to these assurances and also moved a Resolution to seek acceptance to four points, namely : the development of Hindi; development of other regional languages; a guideline for introduction of the three-language formula in the educational system and fourthly languages for recruitment to the Central Services.

Four speeches in this Section of historical reference.

SECTION 8

CHAPTER 28

OFFICIAL LANGUAGES (AMENDMENT) BILL

Lok Sabha on 13 December, 1967

Mr. Speaker, Sir, this debate has been going on for the last three or four days and all the points connected with the problem of the official language of this country have been presented by all sections of the House. Naturally, there are very acute differences in the approaches to the problem and that exactly is the reason why this bill has been brought forward before this House.

I do not propose to go into every detailed point that has been made by many Members. I would like to confine myself to the general arguments which were advanced for or against.

The purpose of this Bill, as I explained in my introductory speech, is very limited. Some Members by their speeches tried to raise some basic issues which have already been resolved. One of them - there is no doubt in the mind of anybody in the country - exists in the Constitution that Hindi is the official language of this country, the national language of this country. Nobody has a doubt about that. But, at the same time,

there are some citizens in this country, there are some people in some States in this country, who certainly would like to continue with English for the present and the responsibility of us all is that we try to understand them and accommodate them '1 so that, ultimately, Hindi becomes, in all its sense, the sole official language of this country.

It was in this background that the two successive Prime Ministers of this country gave an assurance to non-Hindi people that English will be retained till those people agree to accept Hindi as the official language. I think, what Gandhiji also had said was certainly an objective and an ideal which this country has not departed from. We are all committed to what Gandhiji had said. But, certainly, what we are discussing today is not the ultimate ideals, and really speaking, we are trying to reach that ideal through certain difficult conditions and what we are trying to deal with are the transitory conditions. This is the basic thing that should not be forgotten.

Sir, very extreme points of view were expressed. One was that Constitution should be amended so that they would like English to be a permanent thing in this country which, to my mind, is rather very unrealistic. This is not going to happen because in the history of no country in the world, any foreign language has become a permanent national language or an official language.

Shri Anbazhagan : Ireland.

Shri Y. B. Chavan : We will have to look to the traditions and history of our country. It is no use comparing a vast country like India with rich traditions and long history with the history of another country. I am not speaking in any humiliating way of any other country. Certainly, there are differences in the traditions and in the history. It is a basic fact. When we are talking in terms of an official language of a democratic administration, naturally that language will have to have some deeper place in the lives and the hearts of the people. There is no doubt about it. The link language, as the official language of this country, will have to be an Indian language. We will have to be rational about it. When the Constituent Assembly took a decision about Hindi, it was not because it was Hindi but because it was one of the Indian languages and it was known to large number of people. That was the basic reason why it was accepted. I am not speaking with any emotion because, personally, I

have taken a rational position so that my emotions are not affected in this matter. I am perfectly rational in this matter because perhaps I belong to a non - Hindi State. I have accepted Hindi without any reservations: I know that if at all we have to have a united India and if we have to have a democratic administration affecting the lives of crores of people, naturally, there will have to be a link language which will be one of the Indian languages. That is a basic thing. Of course, I know there are still misgivings, justifiably perhaps, in the minds of some people that the progress of Hindi has not been as some Members expected, as I may also have expected. Some arguments and criticisms arose out of a suspicion that so far nothing has been done and, possibly, the same thing will be repeated again. There may have been some good reasons for what has happened. I am not trying to justify or criticise what has happened. I would like to assure this House and all the Members that we will have to continue to make very energetic efforts to see that Hindi becomes the sole official language in course of time. The position is very clear. But, at the same time, I must say, in the same breath, that this will have to be done by process of persuasion. I have no doubt in my mind. If you see the history of our country - I have my own approach in the matter - for the last few hundred years, the official language has, practically, always been something which was not the people's language. It was Pali for some time, it was Persian for some time and then some other language. Possibly that suited the type of administration that we had at that time. It was enough for those rulers and bureaucrats to have those languages; they never cared what the people were thinking about and what the aspirations of the people were. But in the changed circumstances, there has to be a qualitative change in outlook and that can be done only through our own language. Therefore, we will have to persuade some of our friends who got some sort of feeling. We will have to find out why that feeling of hostility is there. Even though they shout, 'Hindi imperialism' and all that, I do not take them at their words. It is wrong to say, 'Hindi imperialism'. There is no imperialism in this country. We have defeated imperialism in whatever form it was, once and for all. There is no imperialism in this country. But when they speak about it, I try to understand. (Interruptions). It is the duty of every Indian to try to understand why one of our colleagues is shouting like this. If there are any doubts in his mind, if there are any suspicions in his mind, we will

have to understand him because he is our own brother; he has some doubts in his mind, he has some suspicions in his mind and we will have to make a friendly approach to him, a delicate approach to him, and will have to find out why he is feeling that way. It is the responsibility not only of those who want Hindi but it is the responsibility of every Indian in this country. If anybody has any doubts about it, we will have to make a friendly approach and try to find out why he feels that. Therefore, this Bill is a compromise - a balanced solution to the present difficult situation in our country. Some members have argued, though they are in a very small minority, that no other language can do except English; some people would like English alone to be the language for all purposes, as official language or for education. They are mistaken, I must say. They do not know the people, they do not know India ... (Interruption) I hope that they realise that English will have its own place in our national life, for international purposes, for scientific study, etc. By historical accident we have come to know of this language and we should not lose that knowledge at least upto a certain level. That certainly can be considered as a valid argument.

My main point is this. If anybody takes a position that English alone will be the national language or the official language of the country, I must say that somebody is living in a very insulated and isolated life. I would, therefore, make an appeal to my hon. friend, Mr. Frank Anthony...

Shri Frank Anthony (Nominated - Anglo - Indians) : He has not understood me. I asked for bilingualism. I accepted bilingualism, but you have not implemented it.

Shri Y. B. Chavan : The present Bill represents that.

Shri Frank Anthony : It does not.

Shri Y. B. Chavan : Therefore, in the name of bilingualism if you want impose English...

Shri Frank Anthony : No.

Shri Y. B. Chavan :... then you have not understood India. This is all that I can say.

There are other people who prefer to be nationalistic, but they have

not understood the present problem. My SSP friends said, "If you do not want Hindi, then have your own language." Certainly, we want the development of all languages. All the languages are national languages, there is no doubt about it. All the languages are very developed, they are all rich languages having great literary traditions. These languages will have to be developed. But this country also needs a link language. This is a fact of life. I really do not understand this sometimes. Of course, I have respect for all those who speak with emotions, but having considered all the emotions, I would like to ask this. Is not this country in need of any link language? It should have a link language and to me, it is very clear as Sunlight, that language will have to be Hindi. But in the meanwhile, whatever link language we have for our purpose, try to use it for some time till everybody considers and says, "I now know Hindi; it will come and fully participate in the administration of this country, in the politics of this country and in the cultural life of this country." He must be given some opportunity to do that. Therefore, we have made a provision in this Bill that till all the States agree we should not give up English. Some Members have made a complaint that by accepting this proposition, we are giving a veto to any particular State. That is not so. All these things are not, really speaking, understood in that very legal and technical sense. Nobody is compelling this Parliament to pass this Act. When this Parliament is passing an Act in good faith, with a deep feeling that some of our brothers have got some suspicion and we want to give them an opportunity to rethink this matter, to prepare themselves for the acceptance of Hindi, when, we are doing this with this knowledge, then this is not a veto. It is a question about attitude. Some people criticise Hindi. Therefore, if somebody feels that they are anti-Hindi, anti-national, I am not prepared to accept that suggestion. Possibly we may have to show more patience in this matter. A thing which has never happened in this country, in the history of this country, we are trying to achieve that. For that matter 10 years, 20 years or 50 years is not something big. For the first time we are trying to show that the entire people are prepared to accept one of the Indian languages as the official language. This is something which will happen for the first time in the history of India and when you are trying to achieve this very significant and historical thing, you will have to prepare yourself and be a little more patient. I mean, this is how I look at this problem. There is

no question of giving veto. If, after some years, this country feels that the country is prepared for it, our brothers have no suspicion about it, have no doubts in their mind, then this very Parliament, without asking their consent and with that understanding can come and change this Act.

Again, Sir, as I try to understand this problem, it is not merely by passing Acts that we bring about the development of languages. We have to make manifold efforts. By merely accepting any language as an official language for administrative purposes you do not make that language a real link language. A language has to grow and grow in the life of the people in their experiences and emotions. That is why we have emphasized the problem of the medium of instruction, which is also another question that was discussed during the debate on the Education Commission report that is the way that the languages will grow. We have accepted the three language formula in the process of education where we will have Hindi and most of the States have accepted this three - language formula.

I believe DMK members also are democrats. I may have some basic differences with them, but, basically they are democrats. What is the position they have taken today ? When anybody is a democrat, it is presumed that he is prepared to change himself, if convinced

... If convinced. Otherwise, really speaking, democracy cannot be conceived of. Democracy means a dialogue and dialogue can be conceived of only when one feels, 'I am right, but perhaps I may be wrong.' When he says, 'Your opponent is wrong' but also there is a feeling that may be he is right. Unless you take this position, dialogue is not possible. Therefore, I believe that they are democrats. I am sure that when the entire country also is taking to Hindi with emotion, they will also learn Hindi and know Hindi.

I know the people in the South. They are very eager to participate in the national life, not only today, but for centuries to come. One of them, a scholar of Sanskrit, gave us the philosophy, when the first Shankaracharya, the great Shankaracharya went from Malabar to Badri. They have the urge to participate in national life. I know some people may be thinking in terms of isolation, but I know the real urge of the people of the South is to identify themselves with the big image, that

is India. And I know the time will come when the people in the South themselves will make a demand 'We want to be one with the country and, therefore, we want Hindi.' I have no doubt in my mind about that. If we do not have this faith, then it means that we have no faith in the future of this country, and it is no use calling ourselves Indians. If we have faith in this thing, then this is bound to happen; the only thing that is required is that we must have faith in ourselves. Have we faith in ourselves or not ? That is the main question. Those who have doubts about this have faith neither in themselves nor in the future of India or the great Mother India as we call our country.

So, this is our approach in this matter. This bill represents this urge and this transitional stage. Therefore, it is, as I said in the beginning, a compromise, and compromises are always exposed to criticism from both sides; when it is criticised from both sides I feel that it must be the only solution that is possible. I know that there are certainly some doubts in the minds of some friends. I had a series of discussions with some of the Members, and we propose to accept certain clarificatory amendments which are consistent with the spirit of this Bill.

With this explanation, I would commend to the House the consideration of the Bill.

SECTION 8

CHAPTER 29

OFFICIAL LANGUAGES (AMENDMENT) BILL, 1967

Rajya Sabha on 19 December, 1967

Madam, the basic idea in this Bill is that after the passage of the 1963 Act there were certain misgivings in the non-Hindi States. They felt that they were not yet ready to have Hindi as the exclusive official language and, therefore, the Prime Minister of India, Pandit Jawaharlalji and his successor, Lal Bahadur Shastriji gave an assurance to them, and those assurances are included in this Bill.

The basic idea of the assurance was that Hindi will not be made the sole Official Language till the non-Hindi States are ready for it, or they accept it. This is the basic idea of the assurances and this is certainly included in this Bill. If the hon. Member, Rajnarainji, was patient enough to go through and see it, he can certainly find it for himself.

The Bill mainly is embodied in clause 2, and if you see the different sub-clauses of this clause 2 it will be very clear that the English will continue to be the associate Official Language of the Union.

Then, Madam, certain provisions are made about the language to

be used between non-Hindi States and Hindi States, between non-Hindi States and the Centre, and between Hindi States and the Centre. Then, Madam, the main question again comes about communications between the different Ministries of the Government of India, between the different Departments and the Central Government. This has also become a very important aspect of the Official language and there, Madam, the original Bill was suitably amended in the Lok Sabha, which is printed in bold type in this particular copy of the Bill. There it will be seen that arrangement is made that translations will be provided of both English and Hindi. Madam, the original Bill, as it was placed before the Lok Sabha, had indicated that translation will accompany the original communication. But the feeling was that possibly it might impose some sort of a compulsion on Hindi-speaking people to provide an English translation. Therefore now it is decided that the translation will be provided looking to the convenience of the dispatching end and the receiving end. If it is possible to prepare a translation at the dispatching end, it could be done there. We are not making it compulsory on either end. It will be the responsibility of the administration to provide the translation. A man who knows English should be allowed to write in English, and a man who knows Hindi should be allowed to write in Hindi but the man at the other end, if he knows only English - and he receives it in Hindi, then it will be the responsibility of the administration to provide a translation of it in English, and vice versa for Hindi. I know the end is difficult. I have repeated this argument many times; no end is merely receiving end, or no end is merely dispatching and every end is both a dispatching and receiving end, dispatching and receiving end, dispatching and receiving communications. Now, I gave a very typical example in Lok Sabha, which I might repeat here. Suppose there is a post office consisting of only one, the post master, and if he has to write to some other place where Hindi is the mother tongue, what is he supposed to do ? He knows only English. In case he knows only English, he will have to write in English, but if we make it compulsory on him that he should send a translation of it in Hindi, it will make it impossible for him to function. So we will have to see to it. These are details of administration and they will have to be gone into and suitable machinery provided to meet such situations.

Shri Sundar Singh Bhandari : If he knows only Hindi, then ?

Shri Y. B. Chavan : Then the same thing. If he is only a Hindi - knowing man and he has to write to the South, he certainly will write in Hindi, but at the receiving end, say, before it reaches the receiving end, we will have to make some arrangement. How this is to be done is a matter for administrative arrangements. There is nothing to be laughed at. These are the challenges and we have to find answers for them, because we want Hindi to become, as quickly as possible, the sole Official Language of India. At the same time we know that there are a large number of people who know Hindi. There are some people who are not willing to learn Hindi only now. These are the realities of national life. (Interruptions). Let me complete it and then I will answer your questions.

Therefore, Madam, these are some of the problems. I am only explaining the provisions of the Bill. When we come to the general discussion I will reply to the questions raised. These are some of the important provisions of this Bill - I do not want to go into greater detail.

Shri Bhupesh Gupta : Will you do also a favour ? In the matter of letters in Hindi addressed to us which you intercept, will you ask your Intelligence Branch to give their English translations when they send them ?

The Deputy Chairman : That can be raised later.

Shri Y. B. Chavan : Mr. Bhupesh Gupta, you are obsessed only with the Intelligence Branch. I do not know why.

Shri Bhupesh Gupta : You can help.

Shri Y. B. Chavan : Life is more comprehensive; it is worth more than.. Shri Bhupesh Gupta : It is for you; a suggestion I make.

Shri Y. B. Chavan : It is a suggestion for action. All right, I will consider it.

So these are the important items which are mentioned here. I do not want to take more of the time of the house. Now I come to the Resolution.

I move the following Resolution :

1. "WHEREAS under Article 343 of the Constitution, Hindi shall be the official language of the Union, and under Article 351 thereof it is the duty of the Union to promote the spread of the Hindi language and to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India;

This house resolves that a more intensive and comprehensive programme shall be prepared and implemented by the Government of India for accelerating the spread and development of Hindi, and its progressive use for the various official purposes of the Union, and an annual assessment report giving details of the measures taken and the progress achieved shall be laid on the Table of both houses of Parliament, and sent to all State Governments;

2. WHEREAS the Eighth Schedule to the Constitution specifies 14 major languages of India besides Hindi, and it is necessary in the interest of the educational and cultural advancement of the country that concerted measures should be taken for the full development of these languages;

This House resolves that a programme shall be prepared and implemented by the Government of India, in collaboration with the State Governments, for the co-ordinated development of all these languages, along side Hindi so that they grow rapidly in richness and become effective means of communicating modern knowledge;

3. WHEREAS it is necessary for promoting the sense of unity and facilitating communication between people in different parts of the country that effective steps should be taken for implementing fully in all States the three language formula evolved by the Government of India in consultation with the State Governments;

This House resolves that arrangements should be made in accordance with that formula for the study of a modern Indian language, preferably one of the Southern languages, apart from Hindi and English in the Hindi - speaking areas, and of Hindi along with the regional languages and English in the non-Hindi speaking areas;

4. And, WHEREAS it is necessary to ensure that the just claims and interests of people belonging to different parts of the country in regard

to the public services of the Union are fully safeguarded;

This House resolves -

(a) that compulsory knowledge of either Hindi or English shall be required at the stage of selection of candidates for recruitment to the Union services or posts except in respect of any special services or posts for which a high standard of knowledge of English alone or Hindi alone, or both, as the case may be, is considered essential for the satisfactory performance of the duties of any such service or post; and

(b) that all the languages included in the Eighth Schedule to the Constitution and English shall be permitted as alternative media for the All India and higher Central Services examination after ascertaining the view of the Union Public Service Commission on the future scheme of the examinations, the procedural aspects and the timing."

Madam, the Resolution consists of four major points. The first is that it undertakes the development of the Hindi language. Secondly it undertakes to help the development of other regional languages. Thirdly accepts a guideline for introduction of the three-language formula in the educational systems and there are the fourth and the fifth - really speaking these are two aspects of one problem. One is that the U. P. S. C. examinations - when the principle is accepted - will be also held in the regional languages. Secondly, at the stage of recruitment to the Central Services, the candidate must know either Hindi or English. These are the guide lines and...

...

These are the principles. This bill and the Resolution together and our new policy about the official languages and I hope ...

Shri Bhupesh Gupta : In the Resolution there is nothing to say that all the languages can be spoken in Parliament.

Shri Y. B. Chavan : ... everyone will approach the matter in a more dispassionate manner.

Shri Bhupesh Gupta : You have not provided for it in the Resolution, that equal facilities will be given to all the languages mentioned in the Eighth Schedule, to be spoken in Parliament.

Shri Y. B. Chavan : I will answer that later, not now.

Therefore, I commend this bill and the Resolution for the acceptance of the house.

The Deputy Chairman : There are three amendments, by Shri Chordia, Shri Tarkeshwar Pande and Shri M. P. Shukla, for reference to a Select Committee which may be moved at this stage, without any speech. May I take it for granted that all the amendments are moved at this stage?

Shri Bhupesh Gupta : Why do you take it for granted?

The Deputy Chairman : I am putting it to the House where I can do it. I will give time tomorrow to move the amendments.

There is the Resolution also. May I take it that the Resolution as on the Order Paper may be taken as read?

Several Hon. Members : Yes.

The Deputy Chairman : Or do you want me to read the whole Resolution.

Several Hon. Members : No, no.

The Deputy Chairman : The motion and the Resolution with the amendments may be taken up tomorrow. Now we pass on to the next item.

Shri Y. B. Chavan : Only one more point I have to mention, Madam. Apprehensions have been voiced that in future even forms which are intended for use by the public would be available in English or Hindi only. That this is not the Government's intention is clear from the Presidential Order issued in 1960, which requires the Central Government Departments to keep in view the need for providing facilities to the local public by making available to them forms and departmental literature for their use in the regional language in as large a measure as practicable. Some people have already started some sort of a story that, for example, in Tamil Nadu the Money Order forms' and other departmental forms will be made available only in Hindi or English. That would not be so. For the purpose of the people, all these forms will be made available as before in the regional languages and this facility will also be further improved.

SECTION 8

CHAPTER 30

OFFICIAL LANGUAGES (AMENDMENT) BILL, 1967

Rajya Sabha on 22 December, 1967

Mr. Vice Chairman, much of the opposition which is raised against this bill is rather ill - conceived, ill - conceived in this sense that they have not understood or they do not want to understand, the basic purposes of this Bill. What is the basic policy about the official language or the link language of this country ? That, really speaking, is the basic question that we have to consider.

One thing is very clear. The Constitution has accepted and the country has accepted that one of the Indian languages will be the official language of this country, and that language is Hindi. On that there cannot be two opinions, because this is the position that the Constitution has accepted. But the Constitution - makers in their own wisdom also decided that if Hindi does not become in all its aspects the official language within a given period, then Parliament can by an Act, allow English also to continue as an associate language. That position was accepted by the Act that we passed in 1963. But even then we found that in some

areas there were some misunderstanding about this position, and therefore the then Prime Minister of India on behalf of Government declared in Parliament that English would not be discontinued till the non - Hindi speaking States accepted this position, and his successor, our esteemed Prime Minister, Shri Lal Bahadur Shastri, also repeated the same assurance to the Parliament. The purpose of this Act is to codify those assurances. This is really speaking the basic thing. I do not know why there should be any objection to this. I know there are two extreme views about this matter because people who believe in Hindi feel that English is being imposed on them, and those who want English to continue for some time feel that Hindi is being imposed on them. Sir, we have to accept one thing that those who want English to continue also must accept this basic thing that if this country has to function democratically, then we will have one of our own languages as the link language. If they say that only because English is there - I am not anti - English; I do not believe in this 'hatao' business though I am a very keen supporter of Hindi; I am not also anti - English. At least some people will have to take up a rational position in this country. English is also one of the leading languages of the world, a language of science, and it is a fact that historical accident has made a gift of this language to us. Not that we wanted it, it was an historical accident that has made a gift of this language to us. We certainly wanted British imperialism to quit, but we are enemies of language because language connotes many good things also. But I am not here advocating the cause of English. But I just wanted to explain our position in this matter.

An Hon. Member : You can.

Shri Y. B. Chavan : I can do many things, but I do not want to do that. At the same time though I am not anti - English there is no doubt in my mind that English cannot be the language through which we can run the democratic administration of the country. If we take a view of history, we find that in the last few centuries - some others may take different view but this is my humble view in this matter - sometimes Persian was the official language of the country; sometimes Urdu was the official language of this country.

An Hon. Member : What about Sanskrit ?

Shri Y. B. Chavan : Sanskrit was never the official language of

this country. Sanskrit was certainly the language of scholars, it was the language of our culture. That is why, really speaking, it was inevitable for different scholars to move from one area to another and give us the image of the common culture of this country. I mention the classic example of the first and the great shankaracharya, a young man of Malabar, who walked through the soil of India and reached the highest peaks of the Himalayas, Badrinath and Kedarnath

Shri P. N. Sapru (Uttar Pradesh) : In Kashmir also.

Shri Y. B. Chavan : In Kashmir also, as Mr. Sapru reminded me very rightly. I am glad about that. But at the same time during the Muslim period or the British period, Persian and later English became the official language to administer and these were the languages of the upper classes because administration was also of the upper classes. When we want to know their urges, when we want to know their basic feelings so that we can translate them in our day - to - day administration, in our day - to - day policies, naturally the administration of this country will have to be run in an Indian language. This is a fact of life from which nobody should, in blindness, try to run away that Hindi has to become the official language and the link language. I am not using deliberately the words 'national language' because I feel - this is also my view - that all the languages which are mentioned in the Eighth Schedule are the national languages. But we at the same time want all people to function together and there has to be a link language. Without a link language - and that link language has to be an Indian language - there would be the beginning of the end of the unity of this country. These are the basic facts of political life. I do not know how people in their own enthusiasm for languages forget this thing. What we are concerned with today is not about the language. When we are discussing language, we are not, really speaking, concerned about the language, what we are concerned about is the integrity and unity of this country. And it is for that purpose that we are trying to find out the different instruments, and the link language of the country is going to be the major instrument for the unity of this country. Therefore, one has to take a balanced view of this matter. Those who are in politics - we are all in politics - should take the realities of life into account, and it is also a reality that there are some people who are having some misgiving about Hindi. This is also a reality. And these people want us to wait for some time. I know that even in some

of the Southern States - and in Andhra - people in large numbers are learning Hindi. I know the hon. Member from Andhra, Shrimati Yashoda Reddy, my Hon. friend, Mr. Reddy, made a Hindi speech yesterday. I stopped and listened to his speech.

An Hon. Member : What about Madras?

Shri Y. B. Chavan : And Madras also. I have not forgotten Madras. That is the most important State. In Kerala also, a large number of people are learning Hindi. But they do not feel that they have reached that stage where they can straightway say that we can immediately accept Hindi and participate in the administration, participate in the national life with the help of that language. That is their feeling. Is it not the responsibility of those who want Hindi to become the link language to understand the feelings and suspicions of their brethren? If we are not trying to understand them, really speaking, we are trying to strike at the very root of the unity of this country. Therefore, I would certainly like to make an appeal to those who come from the Hindi areas and who have very strong views on English, because I am not a less lover of Hindi. And as a lover, respecter and supporter of Hindi, I would like to make an appeal to them in the interest of Hindi and in the interests of Indian unity: Please try to understand the suspicious and misgivings of some of our brothers.

Sir, if we accept this basic approach, then the question about the other details of this Bill are unimportant, if I may say so. If we are prepared to accept this position, then the other thing becomes absolutely easy to understand.

Sir, this Bill consists of a major clause, clause 2; the Preamble, clause 1 and clause 3 are just the consequential of it. And what are we suggesting therein? I do not want to go into it because we are going into the clause - by - cause discussion about this matter.

The main question which arose was this. When we say link language or official language, the functions of the official language is to run the Central administration in that language and then the language also has to be used in communication between the Centre and the States; and at the same time that official language will also have to play a role as the language of communication between States and States. What

is the position? We said that Hindi is the major language and it will have to grow. I know that some of the criticism has also arisen out of certain suspicions of what has not happened in the last 17 or 18 years. There may be validity in that criticism for reply's sake. There may be some reasons. Some things have not happened. But there may also be reasons, good justifications, for what has not happened. But it is the intention of this Government to see that all steps, and energetic steps, are taken to see that Hindi grows in the administration and takes its proper place. This intention is there. If once that suspicion is removed from the minds of people, then possibly much of the criticism that is levelled against the Bill would disappear.

Sir, the point that I was mentioning was that once we accept the role of the official language or the link language as the language of administration, then we must at the same time see that every Indian is enabled to come and participate in the administration; we should try to make it easy for him to come and participate because it is right of every citizen of this country, whether he comes from Kashmir or from Kanyakumari, or whether he comes from Dwarka on that side or Nagaland on the other; he has every right to come and participate in this matter. Once we take up this position that there will be some people who at the initial stages may not know Hindi, there also will be people who in the initial stages may not know English. Therefore, the question arose of how we allow the administration to run. And therefore, the necessity arose of accepting the principle of providing translations.

Sir, the Bill that was presented to the Lok Sabha had said - I may tell the history as the Bill went through- that communication should be accompanied by a translation; a translation should accompany that communication. That was the original wording in that. And there were some feelings in some quarters that we are making it compulsory for the person at the dispatching end, that he should know both the languages. I tried to argue about it. Really speaking, there is nothing which is exclusively a dispatching or a receiving end, every end is both a receiving and dispatching end. It is quite possible that a receiving end may consist of a very small staff. It may perhaps consist of one single man. Under the Central administration, I can imagine or conceive of that position. Possibly, post office may consist of one single Post Master. I have taken

an extreme case. Suppose he is from an area which is a non- Hindi area. And if he has to write an English communication and if we were to make it compulsory that he should also send Hindi translation, then we are making it difficult for him to function. So, we saw the difficulty of that and we accepted the amendment which says that we want to give sort of assurance to those people. But at the same time, at the other end, if there is a person who is not knowing English, we do not want him compulsorily to have an arrangement for translation at his end. So, what we have done, what we have said, is that ultimately it will be the administration's responsibility to provide translations for them. We have neither said receiving or dispatching end. We will have to go into this matter; particularly this position will arise as far as the different Minister at the Centre are concerned or the different corporations and other heads of departments or offices spread all over the country are concerned. As far as the communication between a Hindi State and the Centre, there is no compulsion on the Hindi State to send in an English translation. Certainly, at their receiving end we will take all care to see that we translate into English. Between the Hindi States and the non-Hindi States the arrangement is that the Hindi States can write in Hindi because they wanted to write in Hindi. They say that this is their right to write in Hindi. We said, "All right. Do send it in Hindi because it is your right." That is a fundamental right. All right. Conceded. But at the same time they should accept the basic principle to which I made a reference that since there is some sort of difficulty at the other end, so they must agree to send an English translation of it. This is the position. But we have not made any compulsion on the non - Hindi States. They certainly can send an English translation, or else at the receiving end we have made arrangement, or we have provided that by mutual agreement also they can evolve certain systems. That also you must have seen in clause 2. That arrangement is there.

As far as I see, Sir, this is the whole law. Certainly, we are giving an assurance that "unless all the States agree to this position." This is really the basic assurance. This basic assurance is not understood by some of my friends. They do not know what the assurance given by the two Prime Ministers was. The assurance was that Hindi will not be imposed on other States administration. And that assurance stands.

This is also a criticism of this particular provision by some of the other Members that we are giving some sort of veto to some of the non - Hindi States, as if we are surrendering the sovereign right of this Parliament and accepting some sort of an imposition on it to change its mind. That is not so. If we have faith in the future of Hindi, if we have faith in the unity of this country, and if we have faith in the good will of other brothers and sisters who are citizens of India, then I have no doubt in my mind, I have no suspicion in my mind, that ultimately even those who do not accept Hindi today, that they will accept it tomorrow or the day after. In this country this is the only thing that will help us to proceed further, and proceed further with confidence.

I do not want to go into every argument. I know this is a sort of compromise proposition, and a compromise proposition may not please everybody. I am not, however, saying that because all are displeased, therefore it is a good proposition.

Shri S. S. Mariswamy : How can you say that it is a compromise formula? A Hindi - knowing candidate can come here and get himself appointed whereas the non - Hindi man has to come here with the knowledge of English. Is it not a disadvantage ?

Shri Y. B. Chavan : I am prepared to answer these doubts also. But I thought that possibly you might raise this question when we come to the clause by clause discussion. I will answer that question of yours. But are you prepared to accept that one of the Indian languages will have to be the link language?

Once you take the position that one of the Indian languages is to be the link language ... (Interruption) I know this is the inherent situation. Suppose we accept Tamil as the link language, what will be the position of the non - Tamil speaking people? Therefore, I concede that position. That situation is inherent, that these people whose mother - tongue is Hindi have got certainly some advantage. That position is there. I am not denying that position. This is the position. And in order to balance that position, what have we done? We have accepted at the same time, by way of the Resolution - if you see the Bill and the Resolution, you will have to read them together in order to understand the policy

Shri V. V. Ramswamy (Madras) : It is mischievous.

Shri Y. B. Chavan : This statement is mischievous, if I may say so.

Miss M. L. Mary Naidu : One basic question. You have all the time been harping on the Constitution. According to the Constitution, it insists that Hindi should be developed first and then further steps taken. I want him to answer that first. Develop Hindi first. What sort of Hindi do you want them to learn, Sanskritised Hindi or Hindustani Hindi ? When you have not decided on that point you are going to switch over to Hindi. You are putting us into difficulties and you will ruin the whole administration.

Shri Y. B. Chavan : I will try to meet your point. I am not going to sit down till I have answered your question. First of all I will try to be a little chivalrous and answer her question. She said, "Has Hindi developed?" May I ask a question to a Mother? Can you recognise your son when he is fully grown up ? It is something like that position. Growing requires feeding. Unless you feed it, unless you use it it would not grow. Language is not something that you keep it in a laboratory and it will grow.

... If it has to be a language, it has to be used in administration. It will tend to grow only by use in administration, by cultivation, by experience in courts. Language does not grow in a laboratory hall. It cannot grow unless it is used in Parliament, unless it is used in scientific administration, unless it is used in the legal administration. She wants the language to grow first. She says, "You first of all develop the language." This is something like an unending controversy. My friend tells me unless you enter the water you cannot swim. I do not know whether you have learnt to swim. That is always the position. You say that unless you learn to swim do not enter the water. But unless you take a plunge into the water you will never learn swimming.

Other languages are developed. At the same time I must say that Hindi is also a developed language. It is certainly not true that other languages are developed and Hindi is not developed.

Now let me answer my other friend's question. I have conceded that at the stage of recruitment there is an element of inequality. I will tell you how that element comes in. I was making a mention of the Resolution. In the Resolution we have accepted a policy decision that for the U. P. S. C.

examinations all other languages will be the languages of examination. For example, I will take only one examination as an illustration, the highest service examination for which, I am told, the total marks are 1,450. Under this new system he will have to answer one paper of 150 marks in English. He will have to answer all the questions in his mother-tongue and she will have to answer all questions in her mother-tongue. To that extent there is no inequality. After that, an English-knowing man will have to learn Hindi. The provision is that the Hindi-knowing man will have to have working knowledge of English.

... I will try to be as constructive as possible. Because it is a question of doubts. I will try to meet all their points. I am not ambitious enough to say that I will convince them. So to that extent, certainly the inequality is reduced. At the same time, the Resolution also says that the three-language formula is to be accepted in the educational system. Now, some people have got a very genuine doubt in their mind as to whether the Hindi States will implement the three - language formula. But I would not begin with suspicion. If they do not implement the three - language formula, then the Hindi - speaking people, to whichever party they belong, have to come and convince us about it, including me because I also belong to a non - Hindi State. Whatever feeling you have, don't suppose that you only have that feeling. The leaders of the Hindi speaking area will have to come and tell us how they do it. The only possibility that I visualise - I do not say it is a decision now - is that they will have to accept knowledge some other language and a compulsory paper in that also. But I do not want to start with a suspicion in the matter. If we accept that the link language will be one of the Indian languages, we cannot impose English on them ...

Shri S. S. Mariswamy : You said that we should not begin with suspicion. It is a good counsel. We will remember it. But may we ask you what your experience is up to now in the Hindi speaking States, especially U. P.? Has there ever been an earnest attempt to have a South Indian language learnt there ?

Shri Y. B. Chavan : Our experience of Indian life has been quarrels, disputes and suspicion ...

Shri S. S. Mariswamy : In Kerala, Madras and Mysore, people have

started learning Hindi.

Shri Y. B. Chavan : I don't say you should believe because I am saying it. I do not want to start with suspicion. I do not want to start suspecting the people at large. This policy is a policy which they also accept and if they do not do it, ultimately we have to find out some way of reducing that inequality. I quite see the point. I know the point which is hurting many Members here. Therefore, there is a built-in arrangement in the policy which we are accepting that this inequality will be reduced as much as possible. And if we say that ultimately Hindi has to be learnt, some beginning to learn Hindi will have to be made and in this way we would bring about knowledge of Hindi

Shri A. D. Mani : The Hon. Minister has said that the Government was not very happy to intervene in those linguistic quarrels - I am broadly paraphrasing what he said. The Hindi States were not against English. I come from a Hindi State - from Bhopal. They were not against English. But what this Bill has done is to create feeling of revulsion against this international language which has been read voluntarily. The Bill has not satisfied the North; it has not satisfied the South. It has not satisfied any quarter. May I know why he felt it necessary to bring a Bill at this stage? It could have come after an agreement between the Hindi-speaking people and the non-Hindi speaking people

Shri Y. B. Chavan : Hon. Member Mani belongs to that class of people who are only experts in post mortems. Suppose we had not brought forward this Bill he would have asked "Why don't you bring forward this a Bill to satisfy the people?" When you are in Bhopal, you speak for Bhopal and when you are in the South, you speak for the South. (Interruption) We felt it was out of responsibility. I know that to a certain extent, people in the North are displeased and to a certain extent, people in the South are displeased. But both of them are our brothers. We do not want to misunderstand them. We want to understand their feelings. And I would say that this is the only rational way by which you can find a solution for this question. I know that this Bill would create some difficulty. But even then, the only manly and wise course that was left to Government was to face the situation with some little courage. I, therefore, appeal

SECTION - 9

MISCELLANEOUS

SECTION 9

CHAPTER 31

FLOOR - CROSSING BY LEGISLATORS

Lok Sabha on 8 December, 1967

EDITORIAL NOTE

On 14th March, 1968, Shri P. Venkatasubbaiah moved in the Lok Sabha a Resolution stating :

" This House is of the opinion that a high level committee consisting of representatives of political parties and constitutional experts be set up immediately by Government to consider the problem of Legislators changing their allegiance from one party to another and their frequent crossing of the floor in all its aspects and recommends to the Government evolving of a special machinery and taking of effective measures by a suitable legislation to arrest this growing phenomenon which is assuming alarming proportions so that the country can function on sound and healthy lines of Parliamentary democracy."

Shri Y. B. Chavan replied to the debate the same day.

Mr. Deputy Speaker, Sir, it was quite an interesting and instructive debate, and in the course of the debate ...

This question of defection has been discussed on the floor of this house on more than one occasion. Sir, I think, it is necessary to try to understand the precise meaning of 'defections'; in the sense in which it is used now. 'Dissent' as was explained by my hon'ble friend, Shri Barua, is quite different from the 'defection' that we understand here. A person may, because of his deep convictions decide to leave one political party and join another. I think that that will have to be a part of a general pattern of political life. That cannot be even legally excluded because that will certainly impose a restriction on the fundamental right

of changing one's own views.

Suppose tomorrow a political worker who is not a communist decides to become a communist after mature thinking decides not to give his support to the communist party. This sort of thinking or this sort of change of views will have to be a part of a general political life. There cannot be any difficulty about it. For many of the political workers here, as I said last time happened to be Congressmen in the beginning.

There is nothing wrong if they decide to go and form other political parties. There is nothing wrong about it. But the word 'defection' that we understand in the present context is with reference to people who fight elections with the support and on the platform of one political party for whose cause they plead and get elected, but later decide to leave that party and join some other political party with thereby disrupting the normal working of the political institutions like the government, the legislatures etc. That creates a sort of a solid obstruction in the working of the democratic institutions as such. This really speaking, is the problem that we are discussing.

Some Hon. Members, mentioned what happened in Madras. Possibly, you Sir, know more about it than I do. There was also some reference to what happened in 1960 in Maharashtra when I was the Chief Minister there. Some Members did make a reference to that, and, therefore, I am just explaining that position.

My hon. friend Shri Dattatraya Kunte made a reference to a discussion that all political parties had held at Bhatghar. There, I had made it very plain to them. It was not done somewhere in a quiet corner without the knowledge of anybody or in a hush- hush manner. I put it as a proposition before them that when a new State after a mass movement had been formed there was a churning of the minds of the people and it was necessary, therefore, that the people must be given some right to readjust their political loyalties again. That proposition was not merely made by me but it was accepted by all of them. It was accepted by all political parties, that this certainly was the position in the State and people should be allowed to join the political parties which ...

... We have seen now that because of these defections governments have fallen and it appears that they will continue to fall. If some people

make a doctrine that only those people who defect from the Congress are good people while those who decide to defect back to the Congress are bad people, that will be a sort of one - way traffic, and it shall not be allowed. I must say that I cannot commit my political party to a position here only defectors from the Congress Party would be allowed while others who want to go back to the Congress Party should not be allowed; I am not going to be a party to that. We are in a political game, after all; let us understand it. I do not want to be a very goody - goody about this matter. We are all in a political game. Those who are in politics are in that game. Some people say, "Well, it is a matter of power." Politics is not something which is completely devoid of power. Naturally, every party feels that power is something which they should hold with a view to implement their programme. It is not only for personal aggrandisement or personal interest. So, I cannot be a party to this that only the congress will clean its house and others should continue to keep their unclean houses as they are. I was told by one Member that the Congress should clean its house. Certainly, we are prepared to clean our house, whether my hon. friends want it or not, and we shall certainly clean it when we decide to clean it. As far as I can see it is clean already. Many people have made it clean by defecting from it.

Instead of पहिले आप, पहिले आप, it is much better that all of us do it simultaneously. That is, really speaking, the proposition in the Resolution. There is no doubt that the dissensions that are taking place now are threatening to disrupt our present democratic way of life, because they are bringing about uncertainty in the minds of people at large; they are introducing an element of instability in the administration. If this is not arrested, a time would come when our entire people would be completely disillusioned about the democratic way of life itself. That is the danger, because it is not merely betraying of one political party; it is ultimately betraying the people whom the member of the political party concerned approached.

Therefore, the time has come for a joint discussion. If Hon. Members are prepared to sit with me, as I said last time, I am prepared to take the initiative. I think this is the proposal contained in the Resolution. So, when I saw it I thought I should accept it and create a forum where these questions can be very thoroughly examined and considered.

Reference was made to what Rajaji did. Later on Rajaji became the leader of another very important political party. What is the use of going and blaming Rajaji or anybody else?

What Rajaji did when he was Congressman was not good and what Rajaji does when he is not now is good - if that is the standard, I am not prepared to accept it.

... I do say that this is being resorted to by all political parties. I am not talking of any one political party as being responsible for it. 20 years before something happened in political life and Congressmen did it.. But what was the position in political life 20 years ago? It was all Congress.

Shri P. V. Shastri says it was mainly Congress. What can be done about it ? That is not something that can be resented.

... As long as there is no understanding amongst all political parties, if you expect only the Congress Party to do something about it, it is difficult to agree. I have made that position very clear. If you expect that you will go on doing it and Congressmen will remain watching as helpless spectators, that is not being realistic.

20 years ago, it was all Congressmen. That was our political life. Now there is diversity of political parties. Now that other political parties are also there, there is no use of saying that they are helpless. As they have also governments in many States run by them, it is much better that all of us sit together in some forum, consider all these things and decide what we do in the future.

... I have said it very clearly. Shri Limaye's thesis is, 'let us cut the Congress to proper size.' I do not know what that size is.

If that is your intention, you cannot expect me not to cut the size of your party to proper size.

He said I seem to be straight forward. I am always straightforward.

So the question is, if we talk of defection which is threatening to be an institution, which, really speaking, in its own turn, is threatening to disrupt the democratic way of life in the country, is it not time for all the political parties to sit in some forum and discuss and evolve agreed some solution?

Therefore, I entirely welcome this motion, but I would also make a request to the mover, that he may accept the amendment of Shri Bedabrata Barua, because it suggests that we may also think of some other conventions, and if necessary, legislate in the matter. It is a good thing, because it is no use merely thinking in terms of legislation straightaway. If all the political parties think that this can be done by some other methods also, I think there is nothing wrong about it.

So, I welcome his resolution, but if he accepts the amendment of Shri Barua, I will be happy.

SECTION 9

CHAPTER 32

DEATH OF SHRI LAL BHADUR SHASTRI

Rajya Sabha on 4 April, 1970

Shri Y. B. Chavan : Mr. Vice Chairman, Sir, I have gone through the proceedings of the discussion in the House on the 2nd instant regarding the death of Shri Lal Bahadur Shastri. Shastriji's death was a national loss and to me, a personal shock. It still evokes sad emotions in the hearts of many of us in the House and in the country as a whole. I do not wish to enter into any arguments with my old friends in the House but only place some facts already mentioned in the course of discussions in this House as well as in the other House in 1966. In the course of the statement made by the then Foreign Minister on 16th February 1966, it was explained that the late Prime Minister was accommodated in villa specially provided for his use by the Government of U. S. S. R. The members of his personal staff and his personal physician were also accommodated in the same villa. This villa was about 250 yards from the

hotel where the other members of the Indian delegation were lodged. Shri Bhargava had inquired of the then Foreign Minister in February 1966 about the circumstances in which the Prime Minister in a separate villa were disapproved. The Foreign Minister had clearly stated that the Prime Minister was not first allotted one place and then shifted to another. Arrangements were made for Shastriji's stay in a separate villa at Tashkent and not in a guest house because Shastriji would not have to climb a flight of stairs if he stayed at the villa. His personal, medical and security staff could live with him in the villa while in the guest house they would have had to be accommodated on a different floor.

He could have separate arrangements for entertainment and meeting in the villa while in the guest house only a common dining room was available for the whole delegation ... The Pakistan President also was accommodated in a separate villa. Shri Bhargava had asked a question in this House on the 11th August 1967 whether arrangements for the stay of the Prime Minister in a separate villa were disapproved by our security officers. We denied that there was any such disapproval. Shri Bhargava had again on 2. 4. 70 suggested that there was a telegram from our security officers disapproving of the arrangements. I may reiterate that there was no such telegram from our security officers.

Sir, a question had also been raised about the telephone fitted with a buzzer. It was explained in the Foreign Minister's statement on 16th February 1966 that apart from the two telephones for internal and international calls fitted in the Prime Minister's room, there was also a third telephone with a buzzer which could be activated by simply lifting the receiver. This instrument was available for the Prime Minister's use to call any member of the personal staff or doctor in case of need. It was subsequently clarified in the other House, while replying to late Dr. Ram Manohar Lohia that the buzzer telephone was not by the side of the Prime Minister's bed. The buzzer telephone was in the Prime Minister's suite which consisted of a sitting room opening into his bed room, and all the telephones were kept in the sitting room only a few paces away from the Prime Minister's bed.

Sir, an impression was sought to be created there was something mysterious about Jan Mohammed. The fact is that Jan Mohammed was our Ambassador's cook in Moscow. Jan Mohammed had previously

served Maulana Abul Kalam Azad and another Indian Ambassador. There had been no complaint against his character or antecedents. He was sent to Tashkent because it was felt that he could be of additional help. His presence was known to our security officers. He is at present reported to be in Delhi. Shri Atal Behari Vajpayee asked in this House on 16th February, whether Shri Shastri was served with his last glass of milk by Jan Mohammed. An assurance was given by the Foreign Minister and after inquiry the assurance was fulfilled. It was stated that the last things which were served to Shri Shastri were a little milk and a little while after some water to drink. These were served to him by his personal attendant Ram Nath.

Sir, a point has been raised about the inadequacy of the medical arrangements and in particular about the availability of oxygen and the propriety of intra - muscular injections. Questions regarding the availability of oxygen had arisen even in 1966. The then Minister of Health and Family Planning Dr. Sushila Nayar, had very clearly stated in the other House that the Physician attending on Shri Shastri did have oxygen also. In regard to the other details of the treatment, the House will appreciate that it will always be a matter for the attending Physician's judgement whether in a particular crisis, an intra - muscular or intravenous injection should be given. Sir, the best available medical attention was given to Shri Shastri.

There was also a question about the exact time of Shastriji's death and some alleged discrepancy between the medical certificate and the statement made by the Foreign Minister. The medical certificate very clearly states that on the 11 January at about 1.20 in the morning Messrs. Sahay, Kapur and Sharma approached the premier's doctor, who was in the room next to him and told him that the Prime Minister was feeling unwell. Dr. R. N. Chugh at once approached the Prime Minister and found that the Prime Minister was sitting on his bed, coughing and was complaining of lack of breath. Within the next three minutes the Prime Minister lost consciousness. Death occurred at 1.32 on the morning 11th January 1966. The statement made by the then Foreign Minister is exactly identical. I have not been able to find any discrepancy.

It was made out that there was more than one death certificate. We are not aware of any medical report other than the one signed by Dr.

Chugh and six other Soviet Professors including the Deputy Minister of Health of Uzbek Socialist Soviet Republic. The original medical report signed is in Government's possession. As far as we are aware, two identical copies of the report were signed by all the doctors. One Soviet doctor, E. G. Yeremenko had come to the villa immediately on a call from Dr. Chugh and had taken part in the treatment by revival procedures. The revival treatment was, however, continued further with the help of the anti - shock group of doctors. The medical report goes on to state that six professors took part in the entire treatment. The report is signed by these six professors, in addition to Dr. Chugh. It would not have been a matter for any of us to suggest to the Soviet authorities that they should obtain the signature of Dr. Yeremenko to sign the report. Since more senior doctors were present and took part in the efforts to revive Shastriji, they signed the report ...

Shri Bhargava had alleged that a request was made by the Soviet authorities to me and to my colleague, Sardar Swaran Singh, that a post mortem on Shastriji's body should be allowed. I may clearly inform the House that no such request was made nor was there any question of declining such a request.

Sir, a mention was also made about the presence of Dharma Teja. The Foreign Minister had clarified even in 1966 that the person who was present at Tashkent was not Dr. Dharma Teja, but an entirely different person, the First Secretary of the Indian Embassy, with the same surname. There was also a mention about a missing diary of the Prime Minister. The Prime Minister's official diary is not missing. There is no information that the late Prime Minister maintained any personal diary at Tashkent. It was mentioned that our security officers present at Tashkent have all now been promoted to higher posts. Sir, this is somewhat vague for me to deal with. Certainly some senior police officers may have returned to their parent cadres on completion of their tenure. There was also a reference to some missing thermos flask. It would be casting a serious reflection on the integrity of the security officers and other senior officers present to suggest that the personal effects of the late Prime Minister had been allowed to disappear. There was no complaint that any article was missing.

Sir, I have dealt with all the points raised because I am deeply pained

by this controversy. Shastriji was held in great affection and his memory is revered by millions in this country. His death was a grievous loss, but in our grief, we should not become easy prey to vague suspicions.

I would like to make an appeal to this House that we are unnecessarily trying to create suspicions about the death of our leader when there is no basis for it. I would make an appeal not to press for it. This is all that I can say.

SECTION 9

CHAPTER 33

MADRAS STATE (ALTERATION OF NAME) BILL
REPLY TO DEBATE

Lok Sabha on 22 November, 1968

Mr. Deputy Speaker, Sir, I welcome the very whole - hearted support to this important Bill from all sides of the House. I was sorry that I was not here yesterday when the Bill had to be moved as I was busy in the other House. Therefore, I thought I should take this opportunity to explain the reasons why the Government of India accepted this suggestion.

This was a long - standing demand and the feeling of the people of Tamil Nadu State. As a matter of fact, this was a general expression of our national pride that we wanted to associate ourselves with our different original regional names, national names. After the British rule, three important presidency towns emerged in Indian geography, Calcutta, Bombay and Madras. I must say Bengal was a very fortunate one because it never was associated with the name of Calcutta. But the other two Cities proved to be very strong in the area and, ultimately,

their names were, in a way, imposed on the people there. Ultimately it required the reorganisation of States to bring about a change in the name of Bombay State and after nearly 10 years, it appears necessary to change the name of Madras to Tamil Nadu.

... As far as the names of the States are concerned or linguistic groups in this country are concerned, the basic contribution was made by Mahatma Gandhi. In order to make the freedom struggle people - oriented, he gave a constitution to the then Congress and he gave Kerala to Malayalam - speaking people, Tamil Nadu to Tamil - speaking people, Andhra to Telugu - speaking people and Maharashtra to Marathi - speaking people. That was, really speaking, the first orientation that was given to this idea. In the administration, sometimes, things take time to materialise and this is one of them.

Sir, I am very glad indeed that there was some sort of controversy as to the name by which the State should be called. I had a very pleasant conversation with the Chief Minister of Madras, Mr. Annadurai. He had thought of a very musical name for the State. As he is a very great literary person, he had thought of all the connotations and other aspects of the name. But I do remember to have mentioned to him that as it should be a musical name, a literary name, at the same time, it should be one which not only the people of Tamil Nadu would understand but which the rest of the country would also immediately recognise.

The hon. Member Shri Prakash Vir Shastri said about 'Nad' or 'Nadu'. I am told - I am not an expert on the Tamil language - that "Tamil Nad" is rather a corrupt form; it has no meaning at all. It is some sort of a vulgarisation of "Tamil Nadu". Only because 'Nad' sound as nearer to 'Nadu', possibly, we think, it is good. But it has no connotation; it has no meaning. I think, it is a question of getting acquainted with the name and getting used to the name. Only because it ends in 'oo', it does not become bad. For example, Mr. Mody's name is 'Piloo' ending in 'oo'...

Anything that ends in 'oo' is not bad. Tamil language is a very musical language. I do not understand it. But I have got a very interesting reminiscences about it. I remember, when I was a student of Arts in one of our towns of Maharashtra, there came a scholar from south and he gave us a lecture in English - it was a rather very ambitious project - a very scientific lecture, stating that Tamil is capable of becoming an

international language. Some of the students asked him, "You want to make it an international language, why don't you give us a lecture in Tamil ? Let us know how it exactly sounds like." He gave a lecture for 15 minutes in Tamil. Of course, we did not follow it. I must say I do not know whether he spoke in Tamil or not. I had not known how Tamil was like, and I must say that I went away that day with an impression that I heard a very musical language, and from that day I have got this impression. In the present context of things, when we think of languages and their past glories, let us not merely make the languages as an instrument of past glory; we shall have to make the languages as an instrument for having a very glorious future also; and the future of the country, the future of the languages, the future of the regions lies in growing big, it lies in integrating with other important forces. Therefore when today Tamil Nadu becomes one of the States of India, it is really one more important step in the integration of different regions of this country into one India. We are proud that Tamil Nadu, one of the sister States of India, comes into its own as far as the name is concerned, and we are really very proud of it. A new history begins with a new name. Sometimes we say : what is there in the name ? But I do agree that at least in big things names do count. I would ask Mr. Krishnamoorthi not to fight for small names. You have got the big name which, really speaking, matters, which is associated with the soul, the pride of the people. I am sure that this will start a new, a very inspiring, history for that State and for this country.

I support this.

SECTION 9

CHAPTER 34

TELENGANA PROBLEM

Lok Sabha on 18 May, 1970

Shri Y. B. Chavan : Mr. Chairman, Sir, unfortunately, I could not attend the debate at its earlier stage and, therefore-, could not hear some of the speeches of Hon. Members, but I have tried to acquaint myself with some of the points that they have made. I heard the speech of Shri Goyal and partly the speech of Shri Reddy. He began with a grievance that I had made certain promises and commitments which I have not fulfilled. I would like to refer to it briefly; I do not want to go into the details of that matter.

I had assessed the problem of Andhra in May or June 1969 when I visited Andhra. If I remember right, I said then that it was a people's movement and that there was a spontaneity in the movement. I have not revised that assessment. I have always said that it is a complex and difficult problem which required very careful attention. I have not

revised that assessment of mine even now.

I had expected that possibly we might come to some sort of an understanding in the discussion here but hon. Member knows that at that time I did not succeed in persuading the people to withdraw the agitation and the resultant discussion that was contemplated in Delhi could not take place. Therefore there was no question of withdrawing from or going back on certain statements made. As far as the assessment of the characteristic of the demands or the movement, is concerned, there is no denying the truth in that even now. That has also been repeatedly said by my hon. colleague in the other House when he replied to the debate on Telengana in Rajya Sabha. There is no doubt that there is a justifiable grievance of the people of Telengana about two matters : one about their share in the services and the other about their development problems. On these two points there was no doubt in the mind of the Government of India and I do not think even the Government of Andhra or even the Chief Minister, Shri Brahmanand Reddy, has refused to recognise these two positions. These are the facts.

Now the question is how to solve this problem. I see that there is a basic difference. There are two views about this matter. One is held by some people who try to find out the solution by an agitational approach aiming at the separation of Telengana.

The other approach to which I have extended my moral support, my intelligent support and my conscious support is to identify the problems of this area and to solve those problems and see that there is no further scope for the grievance of the people of Telengana as far as their development is concerned and their other aspirations are concerned. We should think about ways and means, work out programmes and see that they are implemented. If we find there are any difficulties, impediments in the way, you try to remove them. This was the basic difference in approaches.

I do not want to repeat this because it has been repeated several times and, therefore, I am not going into the details of it. Immediately after the problem became very serious the Prime Minister herself invited all the leading members of the Telengana political life to Delhi. We had some successive discussions here and some seven or eight steps were contemplated at that time, that we should do this and that. We wanted

to go into the problem of unemployment of the people, we wanted to go into the problem of the services and we wanted to go into the development of Telengana and many other aspects. On 18th February, the Government of India issued a press communique which detailed all the problems, the steps that were contemplated and the steps that were taken, the committees appointed, etc.

I want to repeat one thing. The hon. Member, Shri Bakar Ali Mirza and the hon. Member, Shri Kunte, who spoke last have tried, to generalise the problem; as to whether there are no backward areas in the country. Yes, there are backward areas in the country, in different States and there are regions also which are patently backward, chronically backward. That is a fact. There is no question of denying it.

What is the solution for it? The regional development is one of the serious problems that the Planning Commission will have to deal with for years to come. The real trouble starts were chose propose to make this a political problem from the point of view of reorganising the States. That is the question that we have to ask ourselves. Some people have tried to find fault with the reorganisation of States on linguistic basis. Well, I do not want to go into that controversial subject again. But I think it was a universal demand of the 50s, practically from all political parties excepting a few individuals that it is much better to rationally reorganise the country on the basis of languages. Personally speaking, I feel, that was a very correct analysis and that was a very correct decision that was taken.

Shri Bakar Ali : But small States.

Shri Y. B. Chavan : I am coming to the theory of small States. The basic approach that was adopted at that time was to my mind the correct approach. But in all linguistic States there are bound to be areas which are more advanced and others which are less advanced. There are geographical consideration : There are economic considerations and there are historical reasons for the backwardness of those areas. I think, we will have to go deeper into those matters because, as is the case with Telengana, there were different regions which ultimately came together and their historical reasons why certain areas were backward and certain areas were more advanced. There were geographical reasons also. Take, for example, Rayalaseema. Rayalaseema was backward not because it

was with Nizam but there were certain geographical reasons and certain climatic reasons also. The coastal areas of Andhra Pradesh are very prosperous. but the coastal areas of Maharashtra are not prosperous. These are certain geographical reasons, certain historical reasons, so, what is required is to identify these problems, find out the economic reasons for it and adopt an approach of special development planning for these areas.

Sir, this is a national problem. This is not a Telengana problem. This is not a Konkan problem. This is not a problem of one particular region alone. The regional development and the regional imbalances have many aspects. If I can put it that way, the regional development and regional imbalances have different facets in this country. Political aspect is one and I quite agree that the responsible leadership at the State level will have to take a warning from Telengana. Telengana is a warning not only to the State of Andhra Pradesh. I would like to say that Telengana is a warning to leaders of all the States because what is happening in Telengana may happen in any other parts of the country. They will have to adopt more serious approach to the question of planning and development of their States because the question is not only of areas, it is also of progress of the different social strata. The poor naturally feel that they are neglected. That is also another aspect of it. If you take merely regional imbalance, it will not help. There are demands from the Adivasis. There are some areas which are predominantly occupied by tribals. Those regions are also backward. So, it is not merely the geographical reason, the historical reason, but there are also social reasons for backwardness of certain regions. It is much better to look at the problem of planning and development from an entirely different view. This is really speaking a national problem. This is not a problem merely of organising the country again in small States which is a very pet theory of my hon. friend, Mr. Bakar Ali Mirza. I have great respect for him because he is one of the oldest nationalist leaders in this country and I do value the sentiments he has expressed. But, at the same time, I beg to differ from some of his views because trying to reorganise the country in small States consisting of 4 or 5 districts is bringing in chronic instability in the country. That is my personal view. I do not want to commit the Government to a particular view. This is my personal view that reorganising the country in small States making them

a sort of monopolies of a group of politicians or a clique of politicians (Interruptions). Therefore, personally I am not for any theory of small States. This is another theory which I think, puts the unity of this country in danger.

I do not accept the theory that the present unity is because of some strength of the army. I think this is perhaps the most unrealistic, not only unrealistic but basically unhealthy theory in the conditions obtaining today. I have no doubt that although there may be some difficulties, etc. the country is united because the people of this country have decided to remain united I have no doubt about it. Can we say that the different States today are united because there is powerful army sitting here and people are together merely because it is prepared to intervene ? It is absolutely wrong. He has misunderstood the significance the historical significance of the unity of this country.

Hon. Member, Shri Kunte, said that the writ of the Central Government does not run. Well, I beg to differ from him on that point. It runs. It is wrong to say that it does not run. Possibly it does not run in the same sense as in 1916 or 1947 or 1950. What he said is right. We have not got the same Party ruling in all the States. Well this is a very natural thing to happen today. What is the use of saying that one party rule does not exist ? It cannot be expected to exist for all time to come. Possibly, the present multiparty rule in States may exist for decades to come. But that does mean that the Central Government has lost its power to keep the unity of the country.

Shri M. N. Reddy : It has not got its will.

Shri Y. B. Chavan : Not at all. It is because we are running our writ. There is some sort of understanding in the country. That is why you are trying to persuade me and I am trying to persuade you.

... So, Sir, I don't think this is the correct way of looking at the national problems. Therefore, the problem of Telengana is that there is a feeling in the minds of the people of Telengana that they should have a greater participation in the political apparatus of the State. That is the basic thing. I wish and I hope and I think that it will be the effort of every political Party and every political thinking man in this country to see that this aspiration is ultimately fulfilled.

And, therefore, in order to achieve this I would make a request to all the important leaders of Telengana who are sitting here. They are important people because they are representing millions of people here. And, even if they are angry, I would respect their anger, but I would make a request to them, to adopt a more constructive approach. Please give up this agitational approach and don't think in terms of separation. Ultimately we have to work together sit together, if necessary, quarrel also together, but we have to see that we ultimately come out with some agreed solution and agreed approach to this problem.

Shri M. N. Reddy : Why then C. R. P. stands between you and Us?

Shri Y. B. Chavan : I assure him that C. R. P. is not sent there to separate Telengana friends and Andhra friends. This is none of the business of the C. R. P. The C. R. P. goes to help the State. Well, if there is resentment, I will try to find out why it is. But normally the C. R. P. goes there not to help any particular political move nor to penalise any particular political group. It normally goes, as you know, to help the State to maintain law and order. When we sent the C. R. P. to help the situation in West Bengal, which Chief Minister were we trying to help ? Ultimately, the C. R. P. is an instrument which is kept in reserve by the Central Government for the assistance of State Governments whenever they ask for it.

Naturally, it is not my desire that C. R. P. should be used to suppress the democratic will of the people of Telengana. But, at the same time, I would make a request to the people of Telengana and their leaders to see reason. You are dealing with the people there; there are democratic ways of arguing this matter. We are discussing various things; you can certainly create public opinion; that is a different matter. But why create law and order situation in a beautiful city like Hyderabad where trade was stopped for many days. The University was closed and intelligent young people who are trying to take advantage of the university education were denied for months together the facilities of education. It was not something that you wanted, that I wanted. Therefore, Sir, I would make an appeal ...

... My final appeal is what I just now indicated. Let us give up this agitational approach. I do not think there is any difference between

the people of Andhra and the people of Telengana. The poor people of Telengana and the poor people of Andhra have got the same problems. I think it is the difficulty at the power - level of politics that creates difficulty in this matter.

Let us therefore try to take a more constructive approach to see that the problems of the people of Telengana are genuinely solved.

... I would like to make that clear. We were discussing in the consultative committee and a suggestion came, why cannot some leaders of various parties in Andhra State sit together and then I had said, I have no objection to this thing. But conferences can be called only if there is a feasibility of evolving something out of it. Merely to call a Round Table Conference only to say that we have agreed to disagree - there is no point in that.

Shri M. N. Reddy : Such a Resolution was passed.

Shri Y. B. Chavan : I know. As a practical administrator I do not think it necessary to call a Round Table Conference when people have committed themselves to different approaches permanently and to bring them together would only be to ultimately to declare that we failed to achieve anything. Thank you.

SECTION - 10

ASSAM & NORTH EAST

EDITORIAL NOTE

Reorganisation of Assam and special institutional arrangements for bringing about co-ordinated and cohesive development of different States were high lights of Y. B. Chavan's tenure as the Home Minister. This Section includes his speeches on:

- Failure of talks on the Reorganisation of Assam in Lok Sabha on 17 July 1967
- Disturbances in Assam on 14 February 1968
- Constitution (22nd Amendment) Bill in Lok Sabha on 20 December 1968
- The North Eastern Council (Bill) in Rajya Sabha on 18 May 1970
- Reply to debate on the Bill in Rajya Sabha on 19 May 1970.

SECTION 10

CHAPTER 35

FAILURE OF TALKS ON THE REORGANISATION OF ASSAM

Lok Sabha on 17 July, 1967

Sir, the hill areas of Assam comprising the Garo Hills, the United Khasi and Jaintia Hills, the Mizo and the United Mikir and North Cachar Hills districts are now administered subject to the special provisions of the Sixth Schedule to the Constitution, which confer a certain measure of autonomy on these areas. There has been persistent feeling among a large section of the people of these areas that the present political arrangements are not adequate to satisfy their legitimate aspiration and to secure accelerated development of these areas.

The question as to what changes should be made in the existing arrangements has remained under consideration for the last several years. A number of proposals had been considered in this connection and discussions took place with the representatives of political parties in the hill areas. In October 1963 the broad outlines of a scheme which sought to give full autonomy to the hill districts subject to the preservation of the unity of the State of Assam was drawn up. Later on,

the details of the scheme were worked out by a Commission headed by Shri H. V. Pataskar. The main political parties expressed divergent views on the recommendations of the Commission. A Cabinet Sub - Committee, therefore, went into this matter further and had discussions with representatives of various political parties in the hill areas. This effort also did not lead to any agreed solution.

In January this year, we held further discussions with the representatives of the APHLC. We also availed of the presence of the Chief Minister of Assam in Delhi to discuss the matter with him. During this discussion we put forward a proposal that federal structure composed of federating units having equal status not subordinate to one another should provide the basis for this reorganisation. The proposal was made bearing in mind the geography and the imperative needs of security and co-ordinated development of the north - eastern region as a whole and in the hope that at a later stage, other administrative units in this region may also join the regional federation. The proposal envisaged a limited number of essential subjects of common interest being assigned to the regional federation, leaving the rest of the State functions to the deserting units, which could have their own Legislative Assemblies, Council of Ministers etc. It was also indicated that the details of the scheme including the subjects to be allocated to the regional federation, would be worked out by a committee on which all the interests concerned were to be represented.

The scheme was accepted by the representatives of the APHLC. The Chief Minister of Assam did not accept or reject it but felt that it might be explored. The people of the area, also certain sections of the people in the hill areas, however did not seem to be happy with the scheme. During my visit to Assam in May this year, I had further discussion with the representatives of the various political parties and organisations concerned. During these discussions I noticed that there was a general feeling that the present arrangements for the administration of the hill districts of Assam should be changed to meet the legitimate aspirations of the people of these areas, but when it came to the form and content of the new arrangements no agreed solution was forthcoming. It was then suggested that an effort should be made to reach a consensus on this matter through a joint discussion between the representatives of parties and areas holding different views on the subject.

We had the joint discussions on 8th and 9th July, 1967. Thirteen Members of Parliament from Assam representing different parties and thirty- two members of the Assam Legislative Assembly representing different parties in the Assembly participated in the discussion, but no agreed solution emerged. However, as most of the members desired that the matter should receive further consideration, a Committee consisting of the Chief Minister of Assam and some other members representing different political parties present at the joint discussion, was appointed under the Chairmanship of the Minister of Planning, Petroleum and Chemicals and Social Welfare, to continue the efforts at finding an agreed solution. The committee will complete its work by the 31st August, 1967. All parties except the APHLC have agreed to co-operate in this Committee and I hope the APHLC will also signify their willingness to participate in its deliberations and the Committee will be able to find an agreed solution to this vital and delicate issue.

SECTION 10

CHAPTER 36

DISTURBANCES IN ASSAM

Lok Sabha on 14 February, 1968

The Minister of Home Affairs (Shri Y. B. Chavan) : This debate, though we did not want it - we did not want it because the form in which and the purpose for which it was intended was not something with which we could agree - has afforded an opportunity for the different sections of this hon. House to have some sort of self - criticism as citizens of this country, because what has happened in Gauhati is something in the form of a warning, not only to the Government here or to the Governor in Assam, but I think to all organised political thought.

I say so because when I went there I saw two shocking things in my visit to Gauhati. One was the vast areas which were burnt down and looted. That was bad enough. But another shocking sight was this. I met all the political parties, all the leaders of political parties. I saw them in a shocked condition - all national political parties. I met representatives of the Congress, the PASP, - Mr. Hem Barua himself was there - the Communist Party and the Jan Sangh. They felt shocked in this sense that

they came to realise that this form of madness could sweep all rational political thinking; they could not do anything. They were rather dazed; their mental condition was such. They did not know how it happened or what they should do. That is why I say that what happened in Gauhati is a warning not only to the Government but to all political parties and their leaders and workers in this country.

The adjournment motion refers to what we did about the reorganisation of Assam in the last few years and I shall make a brief survey of what happened in the last few months or so. The report of the Pataskar Commission came in 1966 and a cabinet sub-committee examined it and we discussed the proposals with different sections of the people in Assam, particularly the hill areas. When I took over this portfolio in November, 1966 this was one of the problems which I had to tackle and I must say that it was complex problem. Possibly it will remain a complex problem for some more time to come. Some persons are in the habit of over simplifying these problems by saying : first take a decision, clarify issues and stick to them. I wish the political problems of this country are so simple as that. The basic point to remember is that there are aspirations of the people of the hill areas which had to be considered sympathetically. But any reorganisation problem has to be solved with the maximum of understanding among the people of the concerned State. It has always been the approach of this Government and I think it will have to be the approach of any Government. Because we have seen it and I hope the leaders of all political parties will agree with me that whenever there are problems of organisation or of language, all political parties are vertically and horizontally divided ... (An hon. Member : Including the Congress) I have said so. It is a national problem, not a party problem. Elections were approaching, I wanted to arrive at some understanding on this question. As was very rightly pointed out the north-eastern region is very important to us from the defense point of view and peace in that part of the country was the paramount consideration for us. The hill areas were in those days thinking in terms of some direct agitation. In the Mizo hills there were some disturbances and wanted to show them our sympathetic understanding of their problem. The Prime Minister visited that area and had discussions with them and then issued certain statements which amount to saying that their political aspirations would be taken into account and she said this after consulting the Chief

Minister of Assam. As a follow-up action, I held discussions and we had very long and, if I may say so, torturous negotiations. We came to a certain understanding of the problems and that is contained in the statement of 13th January, 1967. I take full responsibility for that. Whatever it is good, bad or indifferent - whatever it is - I cannot say. I cannot say that I did not do it :

I did it. I stand by that understanding and I justify it. Now some people are saying that they are trying to interpret it legally, this way or that way. Even there, I must say one fact, which is very essential. This is a matter which was discussed because the situation had to be faced and some efforts had to be made in this particular matter. I discussed this matter with the Chief Minister of Assam and told him categorically that we must think of some formula for keeping these areas together, because I was thinking that it is in the national interests that we should try to these areas under the umbrella of one administration. That was the thinking at that time, and that is the thinking even today; if you can succeed, it is good but if you do not succeed we will have to think of alternatives also. I must say that I had suggested that we must have some sort of federal formula, where all these people can sit together. The Chief Minister did not accept it; he did not reject it either. I thought I had his permission and I reported the matter to the Prime Minister, and I said that on the basis of this possibility we can carry on negotiations with the people.

Shri Hem Barua : Did Chaliha say to you "Go ahead" ?

Shri Y. B. Chavan : I had said what I mentioned. I know why you are asking because you want to use it as a stick against him. Please do not do it. I have said : he did not accept it, but he did not reject it. That was the factual position. I thought it might come, because I know and I have gone through this politics of reorganisation so often that silence sometimes is presumed as consent, and I came away. So, we had discussed this question, and I think this must be made clear because whatever statement was made, it is said that "I interpret it this way." It was not merely a question of interpretation; that was the understanding on our side : that this decision about reorganisation was taken but the form of reorganisation was to be considered and the question of regional federation was a proposal. I had said that all concerned will have to sit

together and discuss these matters, if it was to be a federation, one will have to make efforts to persuade other people to agree. It is not as if I just sit in my room and make a commitment which will have to be imposed on the other people. Shri Ramamurti said that we are trying to get out of it and that the Assam Government is trying to exercise some pressure on us. It is not true.

In May, 1967, I went to Gauhati and I discussed this matter. I spent two days there and I discussed it with all the representatives of all possible public shades of opinion in Gauhati, and when I found that the opinion in the plain area was against the federation, publicly in a public meeting at Gauhati, I said that there is no question of imposition of a regional federation on Assam. So, the question of getting out of a federation does not come now. I had made that point very clear because when the Chief Minister of Assam said that particularly the people of the plains were against the federation, there was no question of imposition of it. I made it clear not only to the leaders of the HLS but to other people also. I am on record and there is no question of somebody trying to pressurise us now to get out to the commitment made at that time. It was in May, 1967.

... I had gone there to persuade them to agree to a regional federation. I do not go there merely to announce it. I spent two days there, and I think that Shri Hem Barua can possibly stand as a witness to what I am saying. They said, "nothing doing" about this regional federation. I invited him but he had some other commitment. He sent me a message saying, "I am glad you are in Gauhati." So, there was no question of getting out of it now.

I would appeal to this house that this question of reorganisation of Assam is a very complex problem and we will have to treat it as a national issue. Therefore when we failed to arrive at some understanding, even after May, I invited all the leaders of public opinion to come to Delhi and take part in a round table conference. Even that did not produce any unanimous results. It produced of course the Ashok Mehta Report which is one of the important documents before us and which has to be considered. I do not say it is good or bad. One has yet to take a final decision about it. This is very complex problem and we have to think about it in an objective manner not from party point of view.

Therefore, we made an attempt to raise the level of decision from the State to the national level. We wanted the co-operation of all the political parties. At that time, the mover of the resolution who is now holding the government responsible for this and that said, "No; we have nothing to do with it. It is your funeral." That is the normal attitude they take when we consult them on national issues.

If we had taken the decision, you could have blamed us. But we were in the process of deciding a national problem and we wanted your co-operation.

.. I am repeating again. When a final decision of a problem is not taken, we are consulting you and at that time you say, "It is your funeral". Now you are telling us that this is because of the reorganisation and so.

.....

.... I do not want to go further into the details of it. As the matter of reorganisation was referred to, it was my duty to refer to it. As I said, this is a very difficult and complex problem. Let us not make use of it for any party purposes because that will lead to further complications.

As said in reply to some questions yesterday, may be it is possible that this atmosphere which was created about the reorganisation problem may also be responsible for the trouble that started. But I must leave this question open because the enquiry commission is sitting and it is much better that they go into the causes and examine them.

Shri Hem Barua : What about the Prime Minister's reported statement in Jorhat ?

Shri Y. B. Chavan : The Prime Minister's statement was published completely out of context and was incorrect. First of all, it was not a statement.

As a matter of fact she made one thing clear that no final decision has been taken in this matter. That was, really speaking, the important thing, that no final decision about this matter had been taken. That particular thing was not mentioned at all. Only the reference to the Ashok Mehta Committee's report was put in such a way as if the report had been completely rejected and that put the people against us.

.... This is the background about the reorganisation. This question

will have to be followed further with constructive thinking. I would make an appeal to all political parties to give co-operation in these matters.

Whether the Central Government has failed particularly in this matter is the main question.

I said the local administration had completely failed. The words I used are on record. I am repeating what I have said before. This is not the first time I have said it. I said it in Gauhati itself. I had mentioned this matter to the Chief Minister himself that the local administration, the local machinery had completely failed, that the Collector wanted to enforce law and order but he could not do that. That is a fact. In the process of this inquiry if it is found that certain policies of the State Government were also responsible certainly the State Government has to face the music. What can I do about it? What comes as a result of the inquiry. I do not know. Nobody intends to protect anybody. At the same time, as somebody said, Mr. Chaliha is one of the finest nationalists in Assam. I must say it. He is working in difficult conditions there. We must understand his difficulties also. I must not start questioning his bona fides in this matter, questioning the bona fides of the State Government as such. They were asked immediately to start inquiries and send investigation teams. I have got information that they have appointed a special CID, DSP, a Deputy Superintendent of Police, some 15 to 20 inspectors and many sub-inspectors.

... The D. I. G., the D. S. P. and the D. C. have been transferred and other officers have been brought in and they have been given the responsibility of carrying on the investigation in a proper manner. A large number of people have been arrested, some property has been found out and prosecutions are being started. The judicial inquiry has also been ordered and Justice Sen has been appointed as the Inquiry Officer there.

Now Shri Madhu Limaye, while moving this motion made one specific change and he said, "I charge you" - that is why I am mentioning it - that we had information about this trouble of 26th January and that we did not do anything from here. That is where he is wrong. About this question of reorganisation and the poster campaign, etc., we were aware of it and we had raised this question many times with the State Government and we had pointed out to them that this was something

very serious and some of us have had discussion with the Chief Minister also on this question, once or twice. I must say that it was pointed out that possibly Gauhati city itself might be the focus of this trouble. So, as far as the Central Government was concerned, considering their own assessment of the situation, we had warned them about the possibility of what is likely to happen. But we must also know that in this constitutional set up, when we work in such matters, the Central Government can be useful in giving them assistance, advice and many other things which we did. But about what exactly happened on 26th January, naturally, as I suggested we had no anticipation of the exact form of happening taking place there. The Central Police force, whatever, we could spare, was present in other parts of Assam. If they had a proper assessment, they possibly could have made use of it by sending police force there. As far as the Central Government is concerned, it will be very unfair to say that we had any prior intimation of this particular thing happening and that we did not do anything. Certainly, if we had failed, I would have come forward to say, "I have failed." I will not hesitate to come and confess if there were any shortcomings in our thinking or in our working. Therefore, this charge is completely unfounded.

Then, the fact remains how these things are happening. I would like to submit for the consideration of the House, without any excitement, without making any allegation or charges, that all of us have to sit up and make some heart-searching. Certainly there are strong views about certain matters. But we have created an atmosphere in this country that we can organise some explosive elements and take those issues to the streets and create an atmosphere of violence and then do what we like. Whether it is Assam reorganisation, whether it is Hindi, whether it is anti-Hindi, whether it is anything else, we have created an atmosphere of taking issues to the streets and deciding them there. The constitution can function if there is a democratic value accepted by all concerned and the democratic value is : Think honestly, stick to the convictions and try to persuade the other man to your point of view by argument. This is the basic value on which any democratic Constitution can function. If at all anything is responsible, it is this new atmosphere that we have created in this country, the attitude of resorting to violence, taking all the issues to the streets and doing as we like. When we create this sort of a feeling in the country, naturally, the younger generation become the

first target of it. When they see that the Ministers go on the streets and break the law, why should they not do so. When that sort of a feeling comes in, how can you blame them ? If at all we take advantage of this discussion, it is this. Very grave issues are at stake. What is at stake is something very big for this country. Therefore we shall have to search our own hearts and think in completely different terms. We have to give priorities to things which deserve priority in our national life. National unity has the first priority; democratic value has got the first priority in this country.

I, therefore, would make this appeal to the hon. Member Shri Madhu Limaye. If it was his intention through this motion to invite the attention of the country and that of the Members of this house to this particular aspect of the problem, then he has served that purpose, but if it was his intention merely to take a negative attitude and try to find a scapegoat for everything that happens in this country, which according to him is the Congress Party and this Government, then I oppose the motion.

Shri Bal Raj Modhok : I had raised the question whether the Central Government have advised the Assam Government to give citizenship to the infiltrators from Pakistan. This was told to us by the ministers there.

Shri Y. B. Chavan : I shall answer that question also. Again this is one of the misunderstandings that is going round in the country. Somebody has also written to me about it; I think some question was also asked in Parliament and I have already answered that. What we have done is this. There is no question of asking any State Government to give national citizenship to those people who are infiltrators. There is no question about it. The only question is that there are large number of people in this country who during the last twenty years have been allowed to stay here on a year to year basis, on some compassionate grounds. There are a large number of people in different States who came over and who overstayed here and because of their family relations here and other human considerations, Government, after giving careful thought to the matter, have allowed some people to continue here on a year to year basis. It is about them that we have told the State Governments to consider their cases. The reason why we have said so is this. If we allow some people with our own permission to stay here without being

citizens of this country .. then they get all the advantages of citizenship but they have not the obligations of citizenship.

... They are not in lakhs; they are just a few hundreds. It is about them that we have told the State Governments to consider this question. There was never any question of asking the Assam Government to give citizenship to those people who, against the rules of that State without any permission, entered that State. We have not given any instructions about those cases. I hope my hon. friend is now wiser about the matter.

As regards the question put by the Maharaja of Bikaner, there is no question of taking over the Government of that State under President's rule. That is absolutely a clear thing. There was no constitutional failure in that sense and, therefore, there is no question of President's rule there.

... The hon. Member had asked me another question which he has forgotten to mention. He was asking me a very funny question in the course of his speech. First of all, he referred to lack of persons and great figures with any national stature. I have no answer to that, because it is quite true that Gandhijis and Nehrus cannot be produced every ten years in this country.

... None of us can even dream of comparing ourselves even to one-fourth of what they were. That is the position on this side of the House, and possibly that is the truth on the other side of the House also. Nobody is born a national leader. In future times also there will be nothing like that. I do not say that I do not belong to a State. I certainly belong to a State, who does not belong to a State? Is there anybody who can say that he does not belong to a State?

... Is there any person who can say that he does not belong to a State or to a linguistic group? As everybody else does, we all do belong to particular States. In this country, as far as my personal assessment goes, in the years to come, there will be leaders who will have ultimately to grow out of their State politics. Nobody will be just born or dropped from the skies as a national leader. So, it is no use merely blaming each other, and saying that one is only a State figure. I belong to a State and everybody else belongs to a State. He is fortunate in being a Maharaja,

because he was born a Maharaja.

Dr. Karni Singh : On a point of clarification. Shri Y. B. Chavan : I am not yielding.

Dr. Karni Singh : This is a very unfair statement. There is no question of Maharaja here. I can also refer to him as Shivaji the Second, but I do not.

Shri Y. B. Chavan : I do not take it as an insult.

In a debate, if he is prepared to give, he must be prepared to take also. He is a sport, a great shot, an international sportsman. Where is that sportsmanship?

Dr. Karni Singh : I think he has misunderstood my point. What I was saying was that the vacuum that has been created by the passing away of Jawaharlal Nehru has to be collectively filled up.

Shri Y. B. Chavan : Thank you very much for that. When you give, you enjoy; so when you have to take, you should not whimper.

... Another thing he mentioned was about self-defence. He was worried about what is self-defence. Self-defence is guaranteed under the Penal Code. He knows about it as much as I do. He wants all the rules of the game and about self - defence also laid down.

Dr. Karni Singh : The situation as it exists in Assam is an extraordinary one. It is not a normal law and order situation. The citizen must know how he could protect himself.

Shri Y. B. Chavan : If he wants to resort to self-defence, he has to take all the risks of self-defence. This is the only rule of self-defence.

SECTION 10

CHAPTER 37

CONSTITUTION (22nd AMENDMENT) BILL

Lok Sabha on 20 December, 1968

The Minister of Home Affairs (Shri Y. B. Chavan) : I am indeed very grateful to the Hon. Members who have participated in this debate. With the only exception of Shri Madhok, almost all the members and the parties have wholeheartedly supported the Bill. But in the course of a few weeks when we are meeting to discuss the background of this Bill, the provisions of the bill, I hope to convert them to our point of view.

Shri Bal Raj Madhok : My mind is open.

Shri Y. B. Chavan : I am glad, his mind is open because I knew he is motivated by the considerations of national unity and security. The efforts of all political parties who have thought about this problem for the last so many years were also motivated by the same considerations.

The problem of reorganisation of Assam, particularly the demand of a Hill State, has a very long and chequered history. I do not want to go into the details of that history. But we all know that the States Reorganisation Commission of 1954-55 also had examined this question

and came to the conclusion that a separate State for hill areas was neither in the interest of the country nor in the interest of the people themselves. But the matter did not stop there. Again the discussion was taken up in 1960 and much water has flowed, as they say, under the bridge since then. The Scottish pattern, autonomous State, sub-State and many ideas were examined.

... I would certainly try to take a very hurried review of what happened since 1965. As we know, in 1965, what is known as Pataskar Commission was appointed. The Pataskar Commission went into the entire question and made recommendations which were not unfortunately - or fortunately I do not know ... accepted by the APHLC. After that, a series of discussions and conclusions started. I have the privilege of having been very closely associated with these discussions and consultations for the last more than three years, even before I came to the Home Ministry. Because this was a matter which, the Cabinet thought, should be very carefully considered, a Cabinet Sub - Committee was constituted to go into this problem from all points of view. Our approach was this. This area is a very important area, a very sensitive area, a strategic area, and here were the aspirations of the people which had to be given thought. It would have been wrong to be indifferent to them. So, it was necessary to give concession to them and at the same time see that any thing that we thought or did, did not ultimately lead to disintegration of that area.

That was ultimately the main thing. Therefore one basic thought that guided us in this matter was to try to meet the aspirations of the people by giving as much autonomous power as we can without disintegrating the State of Assam. That was, really speaking the basic thing, and everything that was thought of or tried was based on this basic concept. As a result of this examination and these discussions in early 1967 to be very precise, on 13th January - and after discussion with the APHLC, Government announced the proposal for regional federation and at the same time announced the decision to reorganise the State of Assam. After that practically all political parties other than APHLC rejected the federal idea. Naturally, one has to try the utmost. We decided to have a round - table conference of all political representatives of Assam. We met in Delhi. We discussed the matter, not for one day, but for two days and nothing came out. But, Sir, without surrendering to pessimism we

thought of having one more committee. That committee was presided over by Mr. Ashoka Mehta. That Committee sat for many hours and they produced one report. Unfortunately the APHLC leaders had not participated in that committee. Even then we did not give up our efforts. We continued the consultations. We discussed this question at our highest level in the Government and we decided even if we do not agree ultimately, we will have to take certain views on merits. We had to come to certain conclusions, but even in doing that, we had constantly kept up series of discussions and consultations with the Assam government, all the political leaders of Assam and also with the leaders of APHLC. We, at the same time, tried to raise the issue to the national level involving all the political parties and discussed the matter there: This provides the background. Myself and my colleagues were completely saturated with the problem and the atmosphere of Assam and hill areas. I am very glad indeed that although apparently or superficially it seems that there was basic difference of opinion between the State of Assam and the people of the valley and the people of the hill areas, really it was not so; it was merely a matter of approach that ultimately as responsible for it. There was some sort of distrust, change of emphasis; and it was really speaking, a way of looking at things, which was important. Ultimately, I must give my heart - felt thanks to the leaders of the APHLC, though I know, there are strong sections in that party which still insist on having a separate State; but they showed true statesmanship and agreed to give a fair trial to this idea. I am very glad indeed that the leaders of Assam valley all political parties and the Government of Assam also conceded to this position. The Bill as it has emerged, represents by and large, a consensus that we have arrived at in the Assam politics. If Shri Bal Raj Madhok will permit me to say it, it was a sort of national consensus. So this is the background of the whole effort. Now Sir, we have agreed to go to the Joint Committee.

We are going to meet in joint committee and consider all aspects of the problem. But I must say one thing, that we should not use this machinery of joint committee to delay the matter. I would like to make an appeal here in this connection, because Shri Madhok was suggesting the appointment of some sort of National Commission. If we give feeling that it is being delayed, then suspicions arise. The time factor is most important in a Constitution amendment to meet the political aspirations

of people; if it is not adopted in a reasonable time, then possibly by the time we pass it, it becomes out of date.

... I would make an appeal to hon. members through you that we in the Joint Committee should be able to submit our report on the first day of the next session. Our effort should be towards that.

Two or three points were raised and I would deal with them. One was about nomination. I hope the hon. members will give me a patient hearing. Shri Swell said that this was not part of the press communique issued on 11 September. I will invite his attention to the fact that it is a question of drafting. If he refers to Article 239(1)(a) which also provides for the legislatures for Union Territories, he will see that what we have put in here is practically the same, We have said here :

“A body, whether elected or partly nominated and partly elected.”

We have not said that there will necessarily be nominations to the legislature, but we are making it permissive. If Parliament even at a future time or even the next time when we discuss the Reorganisation Bill considers that nomination is necessary, then there should be provision for it. Unless we make this provision in the Constitution Amendment Bill now, it will not be possible to do so. There may be some minorities. Even the APHLC leadership may feel it necessary to have nominations. It will not be possible to do so unless we again amend the Constitution. So this is a permissive provision, to be used depending on the requirement of or necessity for, nominations.

It can also be completely elected.

Shri S. M. Joshi : We want that.

Shri Y. B. Chavan : That we can certainly consider when discussing the Reorganisation Bill. But suppose in future even the APHLC leadership feels that in order to work it out very properly, it is necessary to give some little nomination, we should have this provision here. Even this Parliament has an element of nomination. We all know. If we think that nomination is necessary, it is better to have some such provision in the Constitution.

.... I am not accepting the principle of nomination as a compulsion. It is a permissive provision. If Parliament feels that way, that it should

have some element of nomination in the legislature, when we discuss the Reorganisation Bill, we can have it; if we do not want to have it, then we may not have it. But it is provided as a permissive provision in case in future such an amendment is necessary.

Prof. Swell also made reference to two third majority. May I request him to accept this because, as I said, the present arrangement is a result of certain understanding between the two sides. The two - third majority will be required for what ? Not for any other amendment, but for

"An amendment of any such laws aforesaid in so far as such amendment related to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2).

What are those sub-clauses (a) and (b) of clause (2) ? They refer to the division of executive functions and legislative functions of the two wings of this Government, Autonomous State and Assam State. These are vital matters and if any change in these vital matters is to be made, it is better that Parliament does it as if it is amending the Constitution. It should not be done by a simple majority. It is not that every amendment of the Reorganisation Act will require two - third majority, only those amendments which touch this basic distribution of legislative and executive functions will require two - third majority. I think this is a very wise provision, and I beg of Prof. Swell not to raise objections to this.

I do not want to let one point to go unanswered, and that is about uniformity. Some members expressed the fear that once we do it here, it will happen everywhere. This idea of uniformity is rather a very strange idea in political matters. Political life cannot be fitted into the strait jacket of uniform formulas. You have to see life as it is. Then again, the Constitution itself makes a special distinction between the tribal areas of Assam and other tribal areas. The Fifth Schedule deals with the scheduled tribes and Sixth Schedule is mainly meant for the Assamese tribes. So, the Constitution itself has recognised the special place of the tribal areas of Assam. Therefore, we need not feel that this is the beginning of something else. This is not the beginning of something else. This is merely a solution to the problem of Assam tribes. Let us not be afraid of finding solutions on the merits of each and every problem. Shri Vasudevan Nair made some remarks. I am not afraid of or frightened of

the present arrangement of linguistic States. I believe in linguistic

States, I have no doubt that they have come to stay permanently. Only brave people can think of undoing the present linguistic States as they are (Interruption). I am not repudiating anybody, I am only expressing my own views, to which I am entitled.

SECTION 10

CHAPTER 38

THE NORTH EASTERN COUNCIL (BILL) 1970

Rajya Sabh on 18 May, 1970

The Minister of Home Affairs (Shri Y. B. Chavan) : Sir, I move:

“That the bill to provide for the setting up of a Council for the north-eastern areas of India to be called the North - Eastern Council and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration.”

Sir, I have not a very long speech to make. I will just give you background when this House considered and passed the Assam Reorganisation bill, I had given the background of that Bill also. When the Government in 1968 issued a statement communicating the decision of the Government to bring about a reorganising of Assam and having an autonomous State in Assam itself, we indicated in the same statement the necessity of establishing a new organisation called the North - Eastern Council. The purpose was that while reorganising Assam, we wanted not only to create a new autonomous State in Assam itself but at the same time give further emphasis on some of the very important problems of Assam

or rather eastern India, which need a united and integrated approach. The problems of eastern India are mainly problems of the security of India and secondly the problems of economic development of that region. It was necessary for political considerations and also to meet the aspirations of the people to create a new political forum for giving recognition to a new entity in the State of Assam itself. But at the same time, it was necessary to throw much more light on the problems of that area, i. e., the problems of security and development. It is in this context that it was thought that along with the emergence of an autonomous State, it was also necessary to have this new organisation called the North - Eastern Council. I would like to anticipate one objection and that is, what is the necessity of having duplication of organisations when there is already the Zonal Council. As a result of the reorganisation of States in 1956, we created different Zonal Councils in different parts of the country. One of them is the Eastern Zonal Council which consists of Bihar, Bengal, Assam and all other Union Territories of that part. Sir, Bengal and Bihar are the leading members of the Eastern Zonal Council. Therefore, the more important and vital problems of this north - eastern area get relegated to the background when we consider the questions in the Eastern Zonal Council. Sir, in the last three years, I have had some experience of the functioning of the Zonal Council. I have once presided over the meeting of the Eastern Zonal Council also. Naturally it is a very useful forum where important aspects of administration and other inter - State problems are discussed and decided. But at the same time, problems of security and development do not get that priority or that importance which they deserve. Therefore, this Council is considered to be very essential. The Zonal Council is not a body where you can consider the problems of security in all its aspect. This body is expected to do that.

Now coming to the provisions of this bill, the Bill gives the details of the composition of the Council. It consists of the Chief Ministers of Assam and Meghalaya, one Minister each from Assam and Meghalaya, Administrators of the Union Territories of Manipur and Tripura, the Chief Ministers of Manipur and Tripura, and also a representative from the NEFA area. We have made an enabling provision for Nagaland. The question can very rightly be raised: How is it that Nagaland has not agreed to join ? It is a fact that Nagaland has not agreed to join yet.

I think it will be our responsibility and our efforts to actually create conditions in the functioning and working of the North - Eastern Council so that Nagaland would be persuaded to come and join it. I have every hope that Nagaland Government will also ultimately agree to become a member of the Council. Much depends upon what atmosphere is created. Much depends upon what contribution the Council will make towards the economic development of that region. So, Sir, this will be composition.

Sir, if you see Clause 4 of the Bill, it makes a reference to the functions of the Council. Then there are certain provisions about meetings of the Council, etc. There is another point of distinction between the Zonal Council and the North - Eastern Council and it is this that there will be a representative of the Planning Commission at the latter's meetings. If you see Clause 6 of the bill, you will find that

'The Council shall have the following persons as Advisors to assist the Council in the performance of its duties, namely

(a) one person nominated by the Planning Commission; and

(b) one person nominated by the Ministry of the Central Government dealing with Finance."

So, it will indicate the seriousness with which the economic aspect of this area are being considered by the Government. If there is an officer of the Finance Ministry he will be sort of an organic link not only with the Finance Ministry but also with the Government of India. Particularly the presence of a representative of the Planning Commission in the Council will equally create a new bond between those people who are thinking about the general planning in the country and the planning problems of that particular region.

Sir, there is then going to be Co-ordination Committee. Under Clause 7 the Bill provides that

"There shall be a Committee of the Council called the Co-ordination Committee consisting of

(a) the Governor of Assam, ... etc."

Then there will also be a secretariat which can be of much use. The problems of security, etc. can be gone into by this Committee. You will

see in sub-clause (3) of Clause 7 it is provided that it shall be the duty of the Co-ordination Committee to review from time to time the measures taken by the States represented on the Council for the maintenance of security and public order therein. We have provided thus sub - clause because some member who looks to the functions of the Council and the Co-ordination Committee may very well ask why no reference has been made to the maintenance of security etc. So this has been provided in sub-clause (3) of clause 7. Sir, this is the general scheme of the North - Eastern Council. By establishing this North - Eastern Council the process of the reorganisation of Assam which was stated in 1969 will be in a sense complete. I hope the honourable House will see the consequences of this new body. I know that by merely creating a new body, the tasks are not going to be completed. Some Members might possibly feel that we are creating a series of forums which ultimately will lead us nowhere. That also can be a comment which can legitimately be made and I do not want to deny the possibility of that comment being made. But this is one more forum which we want to activate and give it a content which will obviate the further necessity of fragmenting that area or of viewing that area in a fragmented manner. Thank you.

SECTION 10

CHAPTER 38

THE NORTH EASTERN COUNCIL (BILL) 1970

Rajya Sabh on 18 May, 1970

Shri Y. B. Chavan : Mr. Vice Chairman, this Bill has been discussed in all its detail. Some hon. Members have supported it, some hon. Members have criticised it and some other have criticised it very severely also. But those who have criticised it, I am afraid, they have criticised it out of a complete misunderstanding of the purpose of this bill and the object with which this bill has been moved. I know while criticising, they have said that they welcomed the idea of having this new forum for the eastern region. But they have misunderstood one thing - the nature of this forum is not that of a political assembly or body which is going to legislate for that area, but it is a forum which we are creating to enable the different administrative units in that region to come together for consultations and evolve some sort of advice which they can, in their combined wisdom, give to themselves and to the Government of India. Therefore, the question of the political status of the unit concerned does not come in the picture at all. As we all know, that area is full of political sensitiveness. I did make mention of Nagaland, that the Government of

Nagaland has not agreed to associate itself with this body because they have got certain doubts about the purpose of this body. Possibly, they may have doubts. I do not think they have put it in so many words. But they may have doubts whether by joining such a body they are likely to compromise their political status. I am replying to this doubt, which may exist in Nagaland, and which may still be in some Members' minds, that this is not a body which is really going to be sort of political assembly of the different political units to legislate for themselves. This is not the purpose of this body.

Shri. L. K. Advani : Has there been any correspondence so that we can know what is in their mind ?

Shri Y. B. Chavan : The point is, in most of the cases we had informal consultations because I did not want to give that sort of formality to this measure. And whatever we have agreed to, it is mostly through consultations and understanding.

Sir, some members are pressing me to let them take this matter to the Select Committee. I do not think that questions such as composition, function, etc. of such a body can be decided by the Select Committee. I am prepared to concede one thing that some of the suggestions that the hon. Members have made, personally I consider them to be very good, very logical, very democratic in their nature. But the type of forum that we propose to evolve has to be set up with the acceptance of certain realities of the area concerned.

Some Members asked : Why is it that the Home Minister does not go there and preside over the meetings ? If it was merely a question of holding some meetings, I would have agreed to go and preside over them, as I do in the case of other Zonal Councils. But our main purpose is that there should be continuous consultations and following up of certain matters. It is much better that somebody who is stationed in that area should be the Chairman. Sir, under the political sensitiveness to which I made a reference, it is very difficult for me to make it compulsory that one of the Chief Ministers presides over the meeting.

An Hon. Member : By rotation it can be done.

Shri Y. B. Chavan : I am not against that also. Please do not suppose that I am against it, I would like to tell you. And even the

Governor himself was most reluctant to become the Chairman of this body. And I do not suppose that any Member would say as if somebody manoeuvred to put him as the Chairman there. But we thought that the one person at the present moment who happens to have relations with the three most important areas in the region, is the Governor of Assam and Nagaland, who is also the Administrator of the NEFA area.

Shri Bipin Pal Das : If this body is to come in with no political status, why give statutory basis to an advisory body and why do you introduce the question of voting there ?

Shri Y. B. Chavan : Why a statutory body is necessary ? Really speaking, we can meet and have informal consultation and discussion in many ways. But we wanted a statutory body because we wanted to provide a forum where on certain statutory basis they can ask for certain grants, etc. from the Planning Commission and the Government of India also, and to ensure that there will be a body which will take a continuing interest in some of important common projects. For that matter it is very essential that there should be some sort of a statutory body. This is the most important thing that you should know.

Now, the other question he asked was why there should be voting. I would like to give him my experience about the working of the Zonal Councils. Even in the Zonal Councils it is the same position. But in the working of the Zonal Councils, no decision is taken by voting. I have no doubt in my mind that even in this body, if a decision is taken by a majority, it will never be implemented. Decisions will have to be there on the basis on some sort of consensus. But in matters involving the problems of security, if for example the Government of India needs advice and if in that matter some view has to be taken, possibly it will have to be taken by a majority. The most important thing in this matter is the security aspect of it.

I know, Sir, that there are certain units which are of different types from one another. NEFA has a different administrative stature there; it is on a different level of political development. There are certain Union territories. There are some full States. This consists of rather different types of political and administrative units there. But, Sir, we cannot forget that the entire area as such poses a security problem which requires co-ordinated consideration. We cannot say that in respect of NEFA, because

it has different type of administration, therefore its problems of security are different from Assam which is a full State or Nagaland which is a full State or from Tripura or Manipur which are Union Territories. We cannot take that position. Therefore it is very essential that we have some forum where all the representatives and people responsible to their administration can come together and make a proper assessment and appreciation of the problems of security.

Some member asked why a representative of the Defence Ministry does not sit there. I can tell you that it is not mentioned there because I do not want the Defence representative to sit in formal meetings, giving all the information about the securities matters in a meeting like that. If you see that last section of this bill, we have said that the Secretariat of this Council will have representatives of different ministries. Officers of different Ministries and organisation :an be invited there, and there they can certainly invite even the GOC's. But [do not want the GOCs to sit there as legal representatives of a statutory body and be responsible for answering questions which can on the next day be published in the papers and further question can be asked on the floor of the House. We are trying to evolve a something new. This is rather an unprecedented experiment. We are trying to create a new forum, the functions and purposes of which are quite different from those of the Zonal Council.

Therefore, I would plead with this house that it is not my claim that this is a perfect legislation. This is, really speaking an attempt at evolving a new body, the purpose of which is accepted by everybody. The necessity of this is accepted by everybody. Now we have to see how it functions. If there are going to be any difficulties in the functioning of this body, I will be the first person to come before this hon. House and say that by experience it is found

An hon. Member : You have said that security matters can be discussed in this body. But we see that it is purely entrusted with things like communications, irrigations, flood control and such other things. The question of security does not arise anywhere.

Shri Y. B. Chavan : Unfortunately, though this is a very small Bill, people do not read the entire Bill. If you see section 7, it is said : 'There will be a Committee of the Council called the Co-ordination Committee consisting of (a) the Governor of Assam and the Chief Ministers of Assam

and Meghalaya ..." There you will find : "It shall be the duty of the Co-ordination Committee to review from time to time the measures taken by the States represented on the Council for the maintenance of security and public order therein and to recommend to the Governments of the States concerned further measures necessary in this regard."

In the meeting of that body you have many advisors who are Members of other offices; they need not sit here. It is not necessary to keep formal records also. The purpose, the motives can be different. That is the main thing. All the important representatives of the administration sit there.

The point my hon. friend stated is that there was no mention of any security problems. It is not so. Security problems are mentioned as the main function of the Co-ordination Committee.

So, Sir, as I have said, I am not pleading that this is a first - class piece of legislation. It is not so. I normally would not oppose any more for taking matters to the Joint Select Committees. I always believe in collective wisdom than in individual wisdom or ministerial wisdom. I have no doubt about it. It is quite natural that when a minister, who sits in the secretariat and considers problems sits with his able, democratic colleagues, certainly new lights are thrown. This is my own experience. Many new aspects of it are seen in different contexts. I don't deny that. But I do not think that it is necessary in the present context. Ultimately it will have to be evolved by the experience of the representatives who sit in the Council. Ultimately it should become a body - powerful, experienced, wise, mature by its own working and functioning.

One last word about Nagaland. It is my wish, it is my request - if I would request the Nagaland Government from the floor of this House, I would like to do that - that those attitudes of suspicion must be given up now. There is no question of compromising the status of the Nagaland. It is because of some speeches you made that their suspicions are supported. You said that it is a federation in a different form. When you call it a federation, then the suspicion of Nagaland becomes reasonable. This is not a federation. This is not all our intention. Our point is that there are certainly matters which are common to all of them, which they should consider together in a common meeting or in a common forum. This is the real purpose. And I say that hon. Members support this

particular objective. This can be brought about only by understanding and exchange of views, by mutual consultations.

Sir, this is the purpose of this Bill. I hope after this explanation about the purposes and functions of this bill and keeping in view the primary motive behind the moving of this bill, hon. Members will support the bill unanimously, without insisting on the move to refer the Bill to the Joint Selection Committee.

