

CHAMAN SINGH,  
Leader, Opposition.



EXPRESS

34, Mall Avenue,  
Lucknow.  
August 27, 1969.

Dear Mr. President,

Harely I beg formally to bring to your notice the political situation that obtains in Uttar Pradesh to-day and which, I presume, must be causing concern to you also. The facts will be amply clear from a memorandum (Annexure 'B') which we have submitted to the Governor of Uttar Pradesh for onward transmission to you along with his report.

There can be only two interpretations of this situation: Either the Government should be deemed to have fallen or the Constitution has broken down in U.P. It is true there was no formal declaration of the result of the voting, but for this it is not the Opposition which can be blamed. The question, therefore, arises whether the Speaker by his non-cessance or non-cessance can help a Government which stands defeated on a budget demand, to continue. It is plain common sense that impartiality of the Speaker is the corner-stone of a democratic structure. If a Speaker chooses to be a partisan and, because of it, is sustained by the ruling party, then democracy cannot simply function. A Speaker is not a representative of the ruling party but a custodian of the rights and liberties of the entire House. If he forgets his role or becomes a handmaid of the Government, can the Constitution work? Obviously not: The administration may continue to function but democracy has failed. The situation, therefore, clearly attracts application of article 356 of the Constitution of India by you as the Head of the state.

Much is being made by the Speaker and the Government of a so-called resolution passed by, or an understanding reached among, members of the Business Advisory Committee. Firstly, it is merely an Advisory Committee whose resolutions or recommendations are not binding upon the House. Secondly, so far as I know, its recommendation was never converted into a decision of the House. Thirdly, if there was any resolution of the Advisory Committee and which was also adopted by the House, then it merely stated that a vote on demand with half-a-day discussion was to be taken not earlier than 2.30 P.M. But, as will be clear from a press statement issued by Opposition members of the Business Advisory Committee (Annexure 'D'), there was no resolution or recommendation of the Advisory Committee about a vote on a grant on which there was to be no discussion at all. The relevant grant fell in this category. This will be clear from the copy of an agenda, which is enclosed as Annexure 'C'. In accordance with the normal procedure, the Speaker could not possibly proceed to item 7(2) without having disposed of item (1).

Some ~~friends~~ friends of the Opposition and I propose to see you in a deputation, preferably on August 29. We are contacting your Secretary in this behalf.

With respects and also, if you will allow me, with congratulations again on your historic success,

I am,  
Yours

Shri V.V.Giri,  
President of India,  
New Delhi.

(CHAMAN SINGH)



Enclosure to Annexure 'A'

For the first time in the history of the UP Assembly the Speaker openly sided with the treasury benches and unabashedly withheld the voting on the grants relating to jails wherein the ruling Congress benches had undoubtedly and definitely lost. The grant was put to vote by the Speaker and after a voice vote the demand for division by the Opposition was conceded by the Speaker.

The Speaker was actually seen counting the strength on each side by his lips. Then he adopted the tactics of giving time to the Congress benches by encouraging members to speak. Having actually put the motion to vote and after division had been challenged and the division bell rung the Speaker had no business to indulge in anything except to ask the members to go to their respective lobbies.

When the Opposition members objected that no speeches ~~xxxx~~ should be allowed in the midst of voting, the Speaker further failed in his duty to order the closure of all the doors and he delayed it deliberately. Realising that the fall of the Congress Government was inevitable, Mr. Kher resorted to unprecedented and partisan behaviour by leaving the House without saying a word.

At this time, fortunately the Deputy Speaker was present in the House. He promptly went to the dais and occupied the chair. The Deputy Speaker began with saying that he was constrained to discharge his duty and in the interest of fairness and democratic principles to complete voting on the motion.

When informed of this, the Speaker hastily returned through a side door on the Congress side apparently to rescue the treasury benches from their plight. As parliamentary decorum would demand, the Deputy Speaker vacated the chair for the Speaker who was there standing over his head.

When the Deputy Speaker occupied the chair most of the Congress members had left the House leaving the treasury benches almost empty. The Speaker allowed a Congress member to fling open the doors of the Assembly chamber through which the Congress legislators poured in. He allowed this to continue for a considerable time. It was after this that the Opposition decided not to listen to such a Speaker.

Constitutionally the Government stands defeated in the Assembly. Also, it has no moral justification to continue in office. The Governor should immediately proceed to form a new Government or take such other steps as the Constitution may demand.

In the circumstances the Speaker himself should vacate the august office. We also hope that the Governor would also advise him accordingly. In case of failure, the Opposition proposes to bring a vote of no-confidence against him immediately.

Meanwhile, it is in the interest of smooth functioning of the House that the Deputy Speaker is allowed to preside.



GHARAN SINGH,  
Leader Of Opposition.



34, Mall Avenue,  
Lucknow,  
September 4, 1969.

*Revised  
As Amended*

This is to convey feelings of the Opposition in regard to your decision to prorogue the Assembly that you took on August 31. In our opinion the Assembly should not have been prorogued and, therefore, should be summoned immediately. Leaders of Opposition Parties and some Independents at a meeting held on August 31 have already protested against the previous day's sine die adjournment of the Assembly and urged you to re-convene it immediately.

The agenda of the Assembly for the session as circulated amongst members and also announced by the Speaker, showed that the Assembly would sit, and had business to transact, till Sept. 21. The Chief Minister's statement that "Government had no official business for the present", is not factually correct. I enclose a copy of the agenda dated June 26, 1969 (later somewhat amended) which gives a list of the official Bills or measures that the Government wanted the Assembly to approve in September after the budget had got through on August 23 or so. Of these, only items 1, 2, 3, 5, 6, 7, 8 and 9 have been disposed of, mostly in the absence of the Opposition. The remaining 12 are still pending.

Through Bills shown at Nos. 17 and 20, Government sought to extend the operation of the period of two important existing enactments beyond September 30 on which date they are expiring. Yet our Chief Minister says that Government has no business ready for the Assembly! One need not be surprised if Government come up with an ordinance to achieve their purpose at the end of September!

Supposing, however, that Govt. had no business of its own, still adjournment of the House sine die or its prorogation by you, presumably, at the suggestion of the Chief Minister, is an outrage upon democracy and the Constitution of India. The House had a lot of business of its own as also non-official business to transact. Shall the Assembly meet only if, or, so long only as, it has official business to transact? The answer is an emphatic 'NO'.

The House had to elect various Committees which should have been done in March last. No-confidence motions against the Speaker and the Deputy Speaker as also three privilege motions involving important issues, were pending consideration of the House. Opposition leaders had, several weeks ago, given notice of a resolution for fixing an annual programme for the Assembly on the lines of the Lok Sabha. Since the Assembly met on July 21, no time was allotted for non-official business on the understanding with Govt. and advice by the Speaker that this will be allowed under rule 23 of Rules of Business of the Assembly as soon as the Appropriation Bill had been passed by the Assembly. Several members had given notice of Bills, and Resolutions for consideration by the House which were ballotted on August 20. The Speaker had already fixed dates for consideration of some of the items above, in the second week of September. As will be clear from a summary of the proceedings of the House on August 20, which



is also enclosed, a "Call Attention" motion under rule 51 was to come up for discussion on Sept.8.

When I wanted to ascertain from the Speaker and the Chief Minister on August 30 on the floor of the House whether it was or was not going to meet on Sept.8 as scheduled, I mentioned all the items above as the non-official business that was pending consideration. The Chief Minister refused to commit himself whereupon the entire Opposition walked out in protest. Inasmuch as a no-confidence motion against him was pending, the Speaker was also anxious that there should be no ad hoc adjournment of the House which the Chief Minister sought on Aug.30. And yet you were pleased to prorogue the House without taking the above facts into consideration and also, perhaps, without consulting the Speaker even.

I am not sure but, perhaps, you thought that the Governor is bound by the Chief Minister's advice in this regard. This is not so, however. According to Article 163 of Chapter 3 (entitled "The State Legislature") of Part VI of the Constitution of India, the Legislature consists of the Governor and the two Houses, the Legislative Council and the Legislative Assembly. It is in his capacity as defined in Article 163, that the Governor summons either of the Houses and may prorogue either of them and even dissolve the Legislative Assembly. It is under this Chapter that the Governor enjoys the power of addressing, and sending messages to, either or both of the Houses, of giving his assent to any Bill or withholding the assent therefrom or reserving the Bill for consideration of the President — and discharges other functions essential to the functioning of the Assembly. In all these matters, the Governor acts in his discretion and according to his judgment and is not to be aided or advised by the Council of Ministers as provided in Article 163 which forms part of Chapter 2 dealing with "The Executive" part of the Government. Were he to be aided or advised by the Council of Ministers in regard to discharge of his functions mentioned in Chapter 3, description of the Governor as a part of the legislature in Article 163 would have no meaning at all. For, in that case he will discharge his various functions described in Chapter 3 in consultation with the Council of Ministers, which makes the position absurd and self-contradictory.

All the powers of the Governor under this Chapter including the power to summon and prorogue the Assembly cannot, therefore, but be discretionary as may, if he so likes, consult the Chief Minister and, for that matter, anybody else also but he is free to accept or reject the advice. Also, the Chief Minister being responsible to the Assembly, cannot, and in reason should not be allowed to, object to the summoning of the Assembly which is the source of all the power that he possesses as Chief Minister. In this connection, I enclose an extract from a booklet by a retired High Court Judge of Gujrat entitled "Constitutional position, duties and powers of the President of India, State Governors, Speakers and Chief Justices."



Yet another point : If my argument that in exercise of all his functions indicated in Chapter 3 of Part VI the Governor is required by the Constitution to act in his discretion, is not wholly tenable or quite acceptable to you, then you are free under Article 163 to decide whether in summoning or proroguing the Assembly you will like to be guided, or aided and advised, by your Council of Ministers or to exercise these functions solely in your discretion. Your decision in this connection shall be final. But — I will submit — this, your decision, cannot be arbitrary. As I have already said in the preceding para, it is the legislature (which includes your august self), that is the repository of all power and the Council of Ministers is merely its creature. The creature cannot have the freedom of refusing to face the creator, which means that if we want the will of the people to prevail and to make a success of democracy, the Governor cannot but act in his discretion in this vital matter, viz., of summoning or proroguing the Assembly. Otherwise, some unscrupulous Chief Minister some day will make a farce of the Legislature and become virtual dictator.

You are, perhaps, aware of the case of the Speaker of the Punjab Assembly who adjourned the House for two months when faced with a motion of no-confidence against him-self. Upon this the Governor prorogued the House. The matter went to the Supreme Court. While presiding over a conference of the Speakers held in Trivendrum on Oct. 5 and 6, 1968, Dr. N. Sanjiva Reddi, the then Speaker of the Lok Sabha, referred to the judgment of the Supreme Court in the following words :

"40. Let us first take the question of the Governor's power of prorogation. The Court has held that in the circumstance of the case the prorogation of the Assembly by the Governor on the 11th March, 1968, was not only proper, but was also the only constitutional way open to the Governor, if the impasse created by the adjournment of the House for two months was to be ended. I may mention that article 174(2) of the Constitution which enables the Governor to prorogue either House does not indicate any restrictions on this power. This was noted by the Court. All the same the Court indicated that in certain circumstances — that is, when the legislature is in session and in the midst of its legislative work — the motives of the Governor in proroguing the House may conceivably be questioned on the ground of want of good faith and abuse of power. So, I feel, that the judgment cannot be said to have armed the Governor with absolute power to prorogue the House at his sweet will. At the same time, I would like to urge that the possibility of the abuse of this power — which has been admitted by the Supreme Court itself — should be minimized by developing a sound convention that in all matters relating to the House, such as summoning and prorogation of the House, the Speaker should be invariably consulted by the Governor."

Perhaps, it is unnecessary for me to point out that, in the instant case, "the Assembly was in session and in the midst of its legislative work" when you were pleased to prorogue the Assembly.



The Chief Minister's statement that "the prorogation of the House was thought proper to enable the members to contribute their mite in tackling the considerable havoc caused by the floods", is nothing but a fake and a pretence. It is a very small area of the State that has been affected by floods : Nor does relief to the flood-stricken people require an indefinite period to reach. After adjourning on August 30, the Assembly was scheduled to meet after a gap of 9 days, viz., on September 8, which would have given an ample opportunity to members of the Assembly to reach succour to their constituents or advise the official agency in this regard. The real reason for sine die adjournment and, then prorogation was political : By adjournment the Chief Minister wanted to escape not only from the mounting attack by an indignant Opposition but also from a revolt that was brewing in the Congress Party. By prorogation, he wanted to ensure that all the inconvenient motions, Resolutions and Bills sponsored by the Opposition, including a no-confidence motion against the Speaker, were scuttled or lapsed. It was freely talked about, and every member of the House knew that the Opposition proposed to table a vote of no-confidence against the Government as soon as the vote on the motion against the Speaker had been taken or at the end of the sitting on Sept. 20 or 21. The pace of the Opposition was, and is, that both the Speaker and the Government have ceased to enjoy the confidence of the House and it is against the spirit and also, perhaps, the letter of our Constitution that the Opposition should be deprived of an opportunity of putting their faith to the test of the House on its floor or that the public should be deprived of the benefit of the measures and other motions that the Opposition had already tabled.

I would, therefore, request you to kindly summon the Assembly, say, by Sept. 22 at the latest. A minimum notice of 15 days only is necessary : Today, it is Sept. 4. When you took your oath as Governor, you had, under Article 159 of the Constitution of India, sworn or solemnly affirmed that you will, to the best of your ability, "preserve, protect and defend the Constitution and the law" and further that "you will devote yourself to the service and well-being of the people of Uttar Pradesh". In my humble opinion, this, your oath by which you bound yourself, demands that the Assembly be summoned forthwith.

I am,  
Yours

(CHARAN SINGH)

Dr. B. Gopala Reddi,  
Governor of Uttar Pradesh,  
Lucknow.



CHARAN SINGH  
Leader of Opposition.



34, Mall Avenue,  
Lucknow,  
September 4, 1969.

To the  
President

This is in continuation of a memorandum that I, along with other friends of the Opposition of the U.P. Assembly, submitted to you on August 29.

I understand from the talk that goes on here that our Speaker advances two or three points in his defence which he must have made to you also viz. that he could hear a point of order even if it is raised after a division has been challenged, that the Opposition does not stand to lose if time is wasted thereby and that there was a precedent to this effect at the time of the SVD Government in July 1967 which I had occasion to lead. My reply to these contentions of the Speaker is as follows:

Ordinarily, every Speaker and perhaps you also, from your experience as Chairman of the Council of States, will testify that no point of order or discussion is or should be allowed after a division bell has begun to ring. Rulings to this effect are innumerable. Our Speaker's second contention that the Opposition does not stand to lose anything thereby, is untenable because, in the instant case, the Speaker had kept the doors of the Congress lobby open or failed to ensure that they were closed. My friends have told me that there are, at least, two members of the Opposition who, finding their own lobby firmly closed, found their way into the House through the Congress lobby. As regards the precedent of July 25, 1965, it does not apply to the facts of the present case at all. There, it was after more than 95% of the members had recorded their vote in the lobby that a melee ensued on the floor of the Chamber itself in the very presence of the Speaker whereupon he adjourned the House for half an hour. When the Assembly met again, he declared all proceedings in regard to the voting null and void and it was then that he allowed the discussion to be held. Here, the Speaker left without any word or reason given. There was no disturbance worth the name at the time.

Had he adjourned the Assembly as he claims he did, he would not have returned so unceremoniously through the Congress door barely three or four minutes after he had left. Anyway, it was only after he had occupied the chair again that the noise or shouting took place. All those who witnessed the scene, and are disinterested, will unhesitatingly confirm that the Speaker's conduct was partial to the Treasury Benches beyond imagination and it was this conduct of his which drew the ire of the Opposition.

It was with a view to draw your attention to other instances subsequent to this incident, however, which show his partiality towards Government that I wanted to write this letter in particular, and which were not mentioned in our papers submitted to you on August 29. On the next day to the above incident, viz., August 26, the Speaker called for the police and had the entire Opposition cleared out. All this was clearly beyond his powers.





(2)

A member can be removed from the House only after he has been named by the Speaker and the naming is immediately followed by a motion on behalf of the Leader of the House to suspend the member. It is after these two conditions have been fulfilled that the Speaker can use necessary force to expel the member concerned. In the instant case, however, only one member was named but the Chief Minister who was present in the House, moved no resolution for suspending him. The Speaker named nobody else, nor did he order anybody except myself to leave the House. Yet, as I have said above, he sent for armed police in large numbers and asked it to expel the entire Opposition all at once. As on August 25, again, the disturbance on August 26, for which we are all ashamed, took place after the police had begun to remove the members forcibly and even beat them.

It is not always that all the members reach the House exactly at 10.30 A.M. Many of them continue coming afterwards. On August 26, many of them on their arrival found that armed police was already in the House and was removing members by force. These and most of the other members together constituting 90 per cent of the Opposition or more, were sitting quietly and peacefully, but were all turned out by the police. The Marshall and other servants of the House and the police officers confessed to some of the members — and also confirmed it in writing — that they had no choice and were under orders to turn them out all.

Sub-rule (5) of Rule 299 of the Rules of Business of the Assembly obviously refers to the power of the Speaker in the context of the preceding sub-rules which lay down the procedure for expelling a member. It cannot be, and it is against the spirit of the rules, that the Speaker has the authority to turn out the Opposition en masse. This is clear from sub-rule 6 which says that in case of "grave disorder", the Speaker could only adjourn the House and do no more. Obviously, expulsion of 200 members all at once is more, and worse, than adjournment of which alone sub-rule 6 speaks, and was beyond the powers of the Speaker. A point of order raised by the Opposition on August 23 that the procedure adopted by the Speaker on August 25 in getting the entire Opposition expelled by the police was against rules, was, however, over-ruled by the Speaker. No reasons worth the name were given.

After the House had been cleared of the Opposition on August 26, 25 members of the Opposition were further suspended for a period of 5 days on a charge of contempt of the House and breach of its privilege. As irony or efficiency of the Speaker and the Government Member, Shri L.R. Acharya, would have it, the only member, the only member, Shri Ram Dhari Shastri, an M.L.A. of the SSP, who had been named, was not included in the list! On the other hand, it included a member who did not exist! According to rule 65, those members should have been given an opportunity for showing that the motion was inadmissible. No such opportunity was given. Also, they should have been given an opportunity of being heard in their defence under







(3)

rule 63. Such an opportunity was also denied. In our view, the rules on the subject are clear, viz. Rules 65 and 63. Granting, however, that there is some lacuna in the rules, then it was against principles of natural justice that they were punished without such an opportunity having been given. When the Opposition raised a point of order on August 23 that the suspension of the above 25 members was against the rules and, therefore, the proceedings of the House transacted in their absence on August 26 and August 28, should be expunged, the Speaker held that although the rules which, in his opinion, provided no opportunity of defence, needed to be amended inasmuch as they offended against the principle of jurisprudence the suspension was not irregular !!

The action taken by the Speaker was in conflict with yet another principle of natural justice, which is embodied in our Constitution, viz., that nobody shall be punished twice for the same offence. These 25 friends had already been expelled, they could not, therefore, possibly be further suspended for a period of 5 days or any period whatsoever for the same offence. The Speaker himself admits vide Proceedings of the Assembly, dated August 26, 1969, that the members had already been punished inasmuch as they had been expelled for the day.

One of the arguments advanced by the Speaker in favour of his ruling above, was that just as proceedings of the House do not become void when the Opposition or some members thereof stage a walk-out, so they did not become void in this case also. The Speaker does not seem to know that in the case of walk-out, the members knowingly deprive themselves of the benefit of participation in the debate. Here, they had been forcibly or illegally deprived of their right. Now, this was the height of partisanship.

A simple question is: How can the Assembly function democratically with such a partisan Speaker? We do not know whether the Constitution provides any remedy but we thought that, if at all, article 356 to which I referred in my covering letter, contained an answer. However, whether this article contains an answer or not and whether any remedy is available or not, I would like to add that neither I nor any of the members of the Opposition would like the House to be dissolved or a mid-term election held. If a very brief suspension of the Assembly could meet our case, then alone would we welcome it.

In conclusion, I enclose a copy of a letter which I have addressed to the Governor today, demanding that the Assembly which was prorogued on August 31, be re-summoned. If hope you will be pleased to go through this and extend such helping hand to us in "defence, protection and preservation" of the Constitution as you rightfully may.

I am,  
Yours

(CHARAN SINGH)

Shri V.V.Giri,  
President of India,  
New Delhi.



CHARAN SINGH,  
Leader of Opposition.



34, Mall Avenue,  
Lac how,  
10th September, 69.

My dear

I pester you with yet another communication. I do so only in order that you may remain seized with all the aspects of the problem that I have raised with you about prorogation of the Assembly or all the arguments that flow from new facts which come to our knowledge or suggest themselves to us on deeper study or reflection — the subject being of such great moment to the people of the State.

A House is summoned in order to transact some business, official and non-official. It may adjourn whenever it likes, that is, even if not all the business it had set out, or was expected to transact, has been disposed of — for, it is its own master. But it cannot, or should not be, prorogued if a large part of the agenda remains untransacted — and, that, far earlier than it was scheduled or programmed by Government itself, to disprove, in emergency or circumstances involving the State had arisen which necessitated the prorogation (as distinguished from adjournment).

Public interest has suffered by the prorogation as so many Bills, motions and resolutions (official and non-official) that were pending, have lapsed. One of the privilege motions that was under consideration, concerned a Magistrate as also the police officer who had, it was alleged, wrongly challenged a member of the Assembly for a matter with which the House was already seized. So many rules and regulations under the various Acts had been pending consideration of the House for such amendment as it might make. With prorogation of the House, the right of the House to amend the rules, has been taken away irrevocably, I say 'irrevocably' because under the law, the rules cannot be brought up before the House for its consideration for the second time. For the above and other reasons, as I have already pointed out in my previous letter or letters, I charge the Chief Minister with mala fides in advising you to prorogue the Assembly.

As regards the Speaker: I thought, as I have already written to you that, perhaps, you had not had the benefit of the Speaker's advice when you agreed to Government's proposal in regard to prorogation. It now transpires that Government or the Chief Minister made the proposal to you that he did, with the concurrence of the Speaker. On August 30, the Speaker objected to adjournment of the House on the ground that his resolution for his removal will thereby remain undisposed of which, as he said, was a source of great mental torture to him — while 24 hours later, viz., on August 31, he agreed to prorogation of the House, which wiped out the said resolution altogether!! I do not know by what mental process he persuaded himself to concur in this course. How by lapse or exercise of the resolution by an act of his own or an act to which he was





a party — and not by a vote of the House — will the Speaker be able to derive peace of mind, passes one's comprehension. That is, however, his concern. My concern is only to point out that the advice he gave, was given in bad faith.

When I use the words 'mala fides' or 'bad faith' as respects the Chief Minister or the Speaker, I do not, in the slightest, intend to attribute to them any motives that are improper. An act is done mala fide, as Chief Justice Chagla pointed out in a case of detention that came up for his consideration in 1950, when there is malice in law although there may be no malice in fact :

" When we speak of an order being mala fide it does not mean that we attribute to the detaining authority any improper motive. An order is mala fide when there is malice in law although there may be no malice in fact; and the malice in law is to be inferred when an order is mala contrary to the objects and purposes of the Security Act or when the detaining authority permits itself to be influenced by considerations which it ought not to permit."

— AIR 1950 Bombay 202(204).

There is a decision of yet another judge, viz., Mr. Vivian Bose, Judge of the Nagpur High Court (as he then was), on these lines which is relevant to our purpose :

" If a person exercises power conferred on him in bad faith, or for a collateral purpose, it is an abuse of the power and a fraud upon the statute and is not really an exercise of the power at all, and a Court can interfere with such colourable exercise of the power; and when the issue is raised that any particular order has been made in bad faith or for a collateral purpose and therefore not made in exercise of the power, the Court is bound to enquire into the facts."

— AIR 1945 Nagpur 8(23).

Most obviously, the Chief Minister and the Speaker in tendering to you the advice that they did, had a collateral purpose in view and were influenced by considerations other than those of public interest. Now that all the facts are before you, you are entitled — rather, you are under an obligation — to set aside the order of prorogation that you made on the advice of those two gentlemen. There must be a remedy as there always is, for every wrong, in a democracy. Here, it lies in summoning the House as early as you can.

Dr. B. Gopala Reddi,  
Governor of Uttar Pradesh,  
Raj Bhawan,  
Lucknow.

I am,  
Yours,



— 20 —

CHARAM SINGH,  
Leader of Opposition.



34, Mall Avenue,  
Lucknow.  
Sept. 12, 1969.

My dear

I beg to be forgiven for burdening you with another letter which I have addressed to the Governor, Uttar Pradesh.

Public interest in U.P. has doubly suffered : First, by the partisan conduct of the Speaker who, consequent upon division being challenged on a budget grant, kept the doors of Congress lobby open even after time allowed by the rules had expired, and allowed budget grants to be passed by an Assembly which was not validly or properly constituted inasmuch as the entire Opposition had been expelled by force and, thereafter, 25 members suspended against rules of the House and principles of natural justice. So that, to-day the State is being administered by a Government which stands defeated on a budget grant ( and not on a "snap" vote), and public money is being spent which was not duly sanctioned by the legislature.

Second : The Assembly was prorogued by the Governor on the advice of the Chief Minister and the Speaker which, as I have contended in my two letters to the Governor in this behalf, was actuated not by good faith but by considerations other than those of public interest and contrary to objects and purposes of the Constitution.

Maybe, the remedy of the first wrong is not easy to find or implement. But there should be no difficulty in regard to the second. The House can be easily summoned again by the Governor in order that the damage to public interest is repaired to the extent it possibly can.

With regards,

I am,  
Yours

Smt. Indira Gandhi,  
Prime Minister of India,  
New Delhi.



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