

13.22 hrs.

STATEMENT *Re.* : POLITICAL
DEVELOPMENTS IN PUNJAB

MR. SPEAKER : The Home Minister will now make a statement about Punjab.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Mr. Speaker, consequent upon leave to introduce Punjab Appropriation Bill being refused by the Punjab Legislative Assembly yesterday, the Chief Minister submitted his resignation to the Governor this morning. The Governor has requested him to carry on until alternative arrangements are made. The Punjab Legislative Assembly met this morning but adjourned till the 30th without transacting any business.

श्री अटल बिहारी वाजपेयी (बलरामपुर) : अध्यक्ष महोदय, स्पष्ट है कि गृह मंत्री वक्तव्य देने के लिए तैयार हो कर आये हैं। आप ने उन्हें मौका दिया और उन्होंने वक्तव्य दे दिया। लेकिन इस से कई प्रश्न उठते हैं, जिन को बहुत से माननीय सदस्यों ने उठाया। जब मुख्य मंत्री की विधान सभा में पराजय हो गई और वह राज्यपाल से मिलने गए तब क्या राज्यपाल ने उन से त्याग पत्र नहीं मांगा था। मुख्य मंत्री के इस सलाह देने से कि विधान सभा भंग कर दी जाय दो प्रश्न उठते हैं। क्या विधान सभा में पराजित होने के बाद भी मुख्य मंत्री काम चला सकते हैं, और क्या पराजित मुख्य मंत्री की सलाह पर विधान सभा भंग की जा सकती है? तीसरा प्रश्न यह उठने वाला है कि राज्यपाल महोदय को नये मुख्य मंत्री को नियुक्त करते समय किस बात का ध्यान रखना चाहिये।

मेरे पास सूचना है कि 53 एम० एल० ए० राज्यपाल से मिलने गये थे। इन 53 एम० एल० एज० में से 2 एम० एल० एज० ने स्पीकर महोदय को भी सूचना दे दी है टेलीफोन पर कि वह श्री बादल के साथ, जो कि अकाली दल के नये

नेता निर्वाचित हुए हैं, जुड़े हुए हैं। ऐसी स्थिति में राज्यपाल महोदय नये मुख्य मंत्री को नियुक्त करने में क्यों देर कर रहे हैं? क्या गृह मंत्री इस पर प्रकाश डालेंगे?

SHRI HEM BARUA (Mangaldal) : The Chief Minister, when he took the oath of office, took an oath pledging his allegiance to the Constitution but he has violated the Constitution. He took such a long time to resign. Although he was defeated yesterday, he resigned this morning. He has violated the Constitution and this Parliament, because it is supreme and the guardians of the Constitution, must take note of this particular fact.

What is happening in this country? Everywhere there is a violation of the Constitution perpetrated by those very people who profess allegiance to the Constitution. Whether it is the Governor or the Chief Minister of a State, they are violating the Constitution and this House should take proper notice of this. That is what I want. The hon. Minister should clarify as to whether he thinks that it is a violation of the Constitution or not. If the Hon. Minister thinks it is a violation of the Constitution, then he should bring the Chief Minister of Punjab under the lash of Parliament.

DR. SUSHILA NAYAR (Jhansi) : I would also like to know whether Mr. Gurnam Singh resigned on his own or he was advised by the Government to resign. I would also like to know whether the Governor consulted the Home Minister in this respect and, if so, what advice the Home Minister gave him.

SHRI S. M. BANERJEE (Kanpur) : Sir, if you want to have a discussion, we have no objection. We gave a Call Attention notice and that was rejected. I would only request you either to admit the Call Attention notice and give us a chance to put questions or you allow a discussion.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : I only want a clarification whether it is a fact, when Mr. Gurnam

[Shri Surindranath]

Slng advised the Governor for the dissolution of the Assembly, that the Governor consulted the Home Minister as to whether he should accept his advice or not.

श्री रणधीर सिंह (रोहतक) : अध्यक्ष महोदय, मैं सिर्फ आइन की बात कहना चाहता हूँ। यहां पर आज ओ चर्चा हो रही है वह बिल्कुल मेकायदा है और बिल्कुल कानून और कांस्टिट्यूशन की तहत नही गवर्नर आखिरी लपट है इस मामले में और वह जो कार्रवाई चाहे कर सकता है। जब गवर्नर को चीफ मिनिस्टर ने इस्तीफा दे दिया तो उस के बात गवर्नर के पास सारे अख्यारात हैं और वह खुद सोचेगा कि किस को बुलाये। मैं चाहूंगा कि सारा मामला गवर्नर पर ही छोड़ दिया जाये। वह जिस आदमी को चाहे बुलाये। यह सारा डिस्कशन स्केकार है और इन्फक्चुअस है।

श्री प्रकाशवीर शास्त्री (हापुड़) : अध्यक्ष महोदय, मेरे मित्र श्री रणधीर सिंह ऐडवोकेट हैं। ऐडवोकेड होने के नाते उन्होंने आइन की, जिस को हम संविधान कहते हैं, दुहाई दी। मैं समझता था कि शायद संविधान की पूरी तरह समझ कर वह आप से कोई अनुरोध करेंगे सरदार गुरनाम सिंह उस समय तक मुख्य मंत्री थे जब तक विधान सभा में उन की हार नहीं हुई। जिस समय वह हार गये उस समय संविधान के हिसाब से भी और परम्पराओं के हिसाब से भी तथा पीठासीन अधिकारियों का जो सम्मेलन हुआ था उस के निर्णय के अनुसार भी सरदार गुरनाम सिंह मुख्य मंत्री नहीं रहे। सरदार गुरनाम सिंह को मुख्य मंत्री के नाते राज्यपाल को राय देने का कोई अधिकार नहीं रहा। जब तक वह बहुमत में थे उस वक़्त तक वह राज्यपाल को राय दे सकते थे उस के न रहने के बाद राज्यपाल को राय देने का उन का कोई नैतिक अधिकार नहीं था।

दूसरी बात यह है कि हरियाणा विधान सभा में भी एक घटना घटी थी। हरियाणा सरकार की प्रत्यक्ष हार नहीं हुई थी उस के बावजूब भी आप ने इस सदन में हरियाणा के ऊपर चर्चा करने का अवसर दिया, जिस के लिए यहाँ पर सदन के सदस्यों ने आप से अनुरोध किया था। लेकिन यह एक ऐसी घटना है जिस में सरकार विधान सभा से हार चुकी है। गवर्नर ने अपने पद का अनुचित लाभ उठाया। मुख्य मंत्री हार गये और हारने के बाद उन्होंने गवर्नर को राय दी। दूसरे दिन त्याग-पत्र दिया। जैसा मैंने प्रारम्भ में कहा आप से कि हमारे देश में जो राजनीतिक उतार चढ़ाव आज आ रहे हैं उन से हम की नई परम्पराओं को प्रारम्भ करना है और उन को प्रारम्भ करने में संसद का, लोक सभा का विशेष रूप से दायित्व है। लोक सभा के दायित्व से अभिप्राय है कि आप का विशेष दायित्व है।

इस दृष्टि से मैं चाहता हूँ कि हृष को अवसर दिया जाय ताकि पंजाब की स्थिति के ऊपर पूरी चर्चा हो सके और सारी स्थिति सदन के सामने भी आ सके तथा देश के सामने भी आ सके।

श्री मधु लिजये (मुनेर) : मैंने यह सवाल पूछा था कि विनियोग विधेयक अर्थात् ऐप्रोप्रिएशन बिल पर पराजित होने के पश्चात् क्या एक मिनिट ने लिए भी मुख्य मंत्री बना रह सकता है? क्योंकि जिस की अल्टिमेट वेपन कहते हैं, जैसे अबिश्वास प्रस्ताव वैसे ही ऐप्रोप्रिएशन बिल होता है। उस में हार जाने के बाद इतनी देर तक उन का मुख्य मंत्री बने रहना क्या उचित था? क्या इस में गवर्नर की गलती नहीं हुई, क्या उन के द्वारा ओचित्य भंग नहीं हुआ कि उन्होंने तत्काल इस्तीफा नहीं मांगा? यदि इस्तीफा नहीं मांगा और उन्होंने नहीं दिया तो कम से कम उन को हटा देना चाहिये था।

SHRI NAMBIAR (Tiruchirappalli) : I have to make a submission. My submission is this that as soon as Mr. Gurnam Singh lost the confidence of the House by the defeat of the Appropriation Bill, that very moment he should have resigned. Or else what happens is—I am speaking technically—what all he did between that time and this morning when he actually tendered his resignation will be illegal and unconstitutional because he has no authority. Therefore, to that extent Parliament must have a check. Since the Assembly is going to meet again on the 30th after forming their own Government, our House should not interfere with the work of the Assembly or in the formation and the manner in which they are making their own Government. This is my submission.

SHRI GAJRAJ SINGH RAO (Mehendragarh) : I submit that there are constitutional points of very grave importance involved. The case of Haryana was different. To-day it is another thing. It would be fair to all sections of the House if you allow a discussion under Rule 193, not Rule 184, which empower that such a discussion on important public matters should be allowed so that it may be thoroughly discussed and the Government side and the other side will appreciate what the real position is. That is the fair thing. In Rajya Sabha also on the Haryana matter rule 193 was applied.

SHRI RANGA (Srikakulam) : I do not want to go over all those points which have been made. I am glad that you have given us this opportunity of ventilating some of our grievances and also expressing our fears, doubts and points regarding constitutional propriety.

Let me first of all take this point. That is a piece of advice to ourselves as also to the Chair. Besides I wish to remind you of an earlier practice of this House that whenever such things happened in our country, some of us would bring it to your notice and the Speaker was good enough to ask the Minister concerned to make a statement so that we can avoid much of what has happened on this occasion as far as possible. Not that we can avoid every-

thing that we have been doing because new things come into vogue now.

Secondly, the Home Minister himself should have informed you that he was ready with his statement in which case it would have been possible for you and for us to avoid the earlier long discussion that we had before we came to this.

Coming to this particular question, may I suggest that in this light of all that has happened, very unhappy things, and unconstitutional also, would the Home Minister be good enough to give us an assurance that after the 31st they would not try to impose Governor's rule in Punjab. In view of the fact that 31st is the last date for the Appropriations Bill to be passed, supposing by any chance on that day it does not suit the convenience of the parties either in Delhi or in Punjab to help the Assembly to meet and transact business and pass the Appropriations Bill, because the Appropriations Bill can be passed only on the initiative of an accredited Government—the caretaker Government cannot do it and therefore, another Government has got to be brought into existence before that time and on the initiative of that Government the Appropriations Bill has to be passed on that day—if by any chance some forces are given new life and they make it impossible for the Assembly to function on that day as I was told that even this morning the Assembly was not helped to transact any business at all because of disturbances and all that, under such circumstances could we have an assurance from the Home Minister—it is not a hypothetical thing at all—that the Assembly would not be dissolved, that the Assembly would be given an opportunity of having a government of its own through the usual constitutional steps the Governor has to take in order to invite the leader who is capable of providing a majority leadership in the House and in that way situation would be given some constructive direction ?

SHRI Y.B. CHAVAN : Mr. Speaker, Sir, I would like to answer the question that Prof. Ranga has raised, namely, why is it that I did not offer to say something.

[Shri Y. B. Chavan]

I thought that naturally this question is of importance and that this question would be raised in the House. My efforts has been—since this morning—to get as thorough information as possible. We have not yet received any formal report from the Governor. So, naturally, I have to get in touch with others and find out what has happened. Sir, I came ready; but I did not get an opportunity to say that I have got something to say because the dialogue was going on between you and the hon. Members; I am supposed to intervene. This is my explanation—not that I was indifferent to the wishes of Parliament.

The question raised by Mr. Madhu Limaye was whether the Chief Minister should have resigned immediately. As far as I understand the spirit of the Constitution I think it was his duty to resign immediately. I have no doubt about it. And, Sir, according to my information, the Governor was very particular about it. I can say, I did not advise the Governor whether the Assembly should be dissolved; he did not ask my views about it. But this is my information and I will say this, subject to the report that is given. Whatever information I have got, I thought I should share with the House. When the Chief Minister met the Governor, the Governor orally advised the Chief Minister that he should resign. But as resignation did not come, I think he wrote last night itself that he is defeated and that he should send his resignation. ...

SHRI KANWAR LAL GUPTA : (Delhi Sadar) : He is reported in the Press as saying 'I am watching the situation'.

SHRI Y. B. CHAVAN : When he said that to the Press it was sometime in the evening. I am saying what happened later on. Things are developing every moment and you cannot just say what he said at a particular point of time. Therefore, I think, the Governor under the circumstances did his duty. As resignation has been submitted to him he said that other alternative arrangements should have to be made. How exactly the situation will develop, I cannot anticipate at the present

moment. If things develop, naturally we will have to come here and explain to this House. That is all that I can say.

MR. SPEAKER : I had my second thoughts on this also. When any State came up for consideration here, there were extraordinary procedures adopted. It happened in the case of West Bengal, it happened about Haryana, the no-confidence motion,—*the sine-die* on the same day and then this adjournment of the Assembly in the midst of the budget. In respect of all those matters of the States, what I say is,—I am personally of the opinion,—we should avoid discussing the States, as far as possible, if they function within the framework of the Constitution. Here also, I think, immediately after his defeat the Chief Minister should have sent his resignation; it would have been much more proper. After taking all this in view, I had still been wondering, he was ex-judge of the High Court also, I thought he must have done everything rightly. But, he could have resigned any time after that. But I have just learnt from my own sources that he called the Assembly this morning, there was a lot of noise, and the Assembly was adjourned and the resignation came after that. I hope it is correct. May I know whether the resignation came after that, or he had resigned earlier ?

SHRI Y. B. CHAVAN : My information is, it came before that.

MR. SPEAKER : If it came before that, then, of course, it is a question of delay but not breach of the Constitution. If he called the Assembly...*(Interruption)*

SHRI M. L. SONDHI (New Delhi) : He ceases to be the Chief Minister the moment he loses the majority ; he cannot sit as Chief Minister in the Assembly.

MR. SPEAKER : If he called the meeting and again sat there in the meeting as a Chief Minister it is something serious. It is something very serious and I will enquire into it. We are having a meeting in the evening of the Business Advisory Committee and by that time I hope to know everything. If it is only a question of delay in my opinion, it is only enough

if we say that it is improper. But if he resigned after calling the Assembly--and then there was a lot of argument and noise and he resigned after that,--then certainly we will discuss that matter in the House.

13.40 hrs. .

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF THE WORKING AND ADMINISTRATION OF THE COMPANIES ACT

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P. C. SETHI) : On behalf of Shri P. A. Ahmed, I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) on the working and administration of the Companies Act, 1956, for the year ended the 31st March, 1969, under section 638 of the said Act. [*Placed in Library. See No. LT-2982/70*]

SUMMARY OF THE PROCEEDING OF 26TH SESSION OF INDIAN LABOUR CONFERENCE

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI S. C. JAMI) : On behalf of Shri Bhagwat Jha Azad, I beg to lay on the Table a copy of the summary of the discussions (Hindi and English versions) of the Twenty-Sixth Session of the Indian Labour Conference held at New Delhi on the 12th and 13th November, 1969. [*Placed in Library. See No. LT-2983/70*]

ANNUAL REPORTS, ETC OF NATIONAL SEEDS CORPORATION LTD ; AND MADRAS AGRO-INDUSTRIES CORPORATION LTD, MADRAS

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI ANNASAHIB SHINDE) : I beg to lay on the Table :---

- (1) A copy each of the following papers under sub-section (1) of

section 619A of the Companies Act, 1956 :---

- (i) Review (Hindi and English versions) by the Government on the working of the National Seeds Corporation Limited, New Delhi, for the year 1967-68.
- (ii) Annual Report (Hindi and English versions) of the National Seeds Corporation Limited, New Delhi, for the year 1967-68 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.
- (iii) Annual Report of the Madras Agro Industries Corporation Limited, Madras, for the year 1968-69 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.
- (2) A statement showing reasons for delay in laying the papers mentioned at items (i) (i) and (ii) above. [*Placed in Library. See No. LT--2984/70*]

INDIAN TELEGRAPH (THIRD AMENDMENT) RULES, 1970

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING AND IN THE DEPARTMENT OF COMMUNICATIONS (SHRI SHER SINGH) : I beg to lay on the Table a copy of the Indian Telegraph (Third Amendment) Rules, 1970 (Hindi and English versions) published in Notification No. G S R. 254 in Gazette of India dated the 21st February, 1970, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885. [*Placed in Library. See No. LT-2985/70*]

GOVERNMENT RESOLUTION ON REPORT OF CENTRAL WAGE BOARD FOR ENGINEERING INDUSTRIES

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR, EMPLOY-