

श्री कदम बिहारी वास्वानी : अध्यक्ष महोदय, झाहरा के दगे की जांच हो गई है, हमने कहा कि रिपोर्ट मेज पर रख दी जाये लेकिन वह नहीं रखी जा रही है। मेरठ में जो दगा हुआ है उसकी भी जांच होनी चाहिये।

Bill, 1973, which was passed by the Lok Sabha at its sitting held on the 6th December, 1973."

12.56 hrs.

RE ALLEGED FAILURE OF U.P.
GOVERNOR TO SUMMON THE
LEGISLATIVE ASSEMBLY

12.56 hrs.

PAPER LAID ON THE TABLE

NOTIFICATION UNDER ALL-INDIA SERVICES
Act.

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS AND
IN THE DEPARTMENT OF PERSONNEL
(SHRI RAM NIWAS MIR-
DHA):

I beg to lay on the Table:—

A copy of Notification No. G.S.R. 1278 (Hindi and English versions) published in Gazette of India dated the 1st December, 1973, containing Corrigenda to Notification No. G.S.R. 433(E) dated the 9th October, 1972, under sub-section (2) of section 3 of the All India Services Act, 1951. [Placed in Library. See No. LT-5973/73].

12.55½ hrs.

MESSAGE FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 10th December, 1973 agreed without any amendment to the Burn Company and Indian Standard, Wagon Company (Taking over of Management)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Having considered the points raised by hon. Members yesterday with regard to the alleged failure of the Governor of UP to summon the ssembly within a period of six months, I have to make this submission that there has been no contra-vention or no violation of any constitutional provision.

Two articles are directly concerned in our coming to a decision on this matter. One is article 174(1) and the other is article 356. Both will have to be read together and in harmony. Article 174(1) does two things. It enjoins on the Governor to call the Assembly, and it also enjoins that the Assembly should be called within a specified period of six months, the period beginning from the last day of the last session and the beginning of the first day of the next session. But as I had said, article 174 also confers a power on the Governor to summon the Assembly, without which power he could not have summoned the Assembly. That is where article 356 in my submission comes in for consideration.

It is not necessary to refer to the whole of article 356 because amongst other matters there are two matters which are important and relevant for the present purpose. One is that by the Presidential Proclamation under article 356, he can declare that the powers of the legislature of the State shall be exercisable by or under the authority of Parliament, and secondly