

it would be more desirable that he should not participate in deliberations here.

Shri Radhelal Vyas (Ujjain): He is holding an office of profit. Will that not disqualify him as Member here?

Mr. Speaker: Then he will suffer the penalties, if there are any.

Shri Thirumala Rao (Kakinada): Will you kindly examine the question from the point of view of propriety and convention, as to whether once a Member here becomes a member of a State Government, he can occupy a place here?

Mr. Speaker: Certainly I will. It struck me also.

Shri D. C. Sharma (Gurdaspur): Why has he arrived here when he is needed there?

Shri Sinhasan Singh (Gorakhpur): After he has been sworn in as a Minister there, he is entitled to pay and allowances there. As Member here, he is entitled to his pay and allowances here. Now he has arrived from Patna to Delhi. Will he draw his pay and allowance from here?

Mr. Speaker: I will examine that. Time might be given to me. I will have it examined.

12.02 hrs.

CALLING ATTENTION TO A
MATTER OF URGENT PUBLIC
IMPORTANCE

JUDICIAL PRONOUNCEMENT ON THE WRIT
PETITION OF DR. PRATAP SINGH

Mr. Speaker: Shri Buta Singh.

Shri Iqbal Singh (Ferozepur): On a point of order.

Shri Buta Singh (Moga): I am holding the floor.

Shri Iqbal Singh: Yesterday you were kind enough to say that a Supreme Court judgment cannot be discussed in this House.

Some Hon. Members: No, no.

Mr. Speaker: Hon. Members should have patience.

Shri Iqbal Singh: So far it has been a convention in this House that a person who is not a Member of this House is not to be commented upon. Secondly, this judgment which is the subject matter of the call attention notice is in a dispute between a State Government and an individual; it is a question between the State Government and an employee of that Government. The question is whether the conduct of the State authorities can be commented upon in a dispute between the State Government and its employee. Thirdly, it can be stretched that this is emergency and in an emergency all powers are vested in the Central Government. But with due respect, I submit that there is still a legislature functioning in the Punjab, there is the Executive there, there is the Governor there, and all the functions are discharged by them. That being so, I submit that this call attention motion relating to a person who is not here to defend himself should not be allowed.

Shrimati Savitri Nigam (Banda): No statement should then be allowed.

Mr. Speaker: I did not say yesterday that no judgment of the Supreme Court would ever be a subject of any call attention notice or adjournment motion. Rather, I said that every judgment of the Supreme Court cannot be a subject of a call attention notice, and ordinarily we cannot discuss it. But there may be circumstances where there may be certain observations which might just require a call attention notice. I had considered all these points. The question in the call attention notice is . . . the steps proposed to be taken by the Central Government in the matter'. We are not discussing here the conduct of a person who is not present, and we will avoid that as much as it is possible. But the observations that have been made by the highest court and the steps that

[Mr. Speaker]

the Government propose to take are the only things relevant here. Therefore, after considering all that, I had allowed this call attention notice.

Shrimati Savitri Nigam: On a point of order....

Shri Buta Singh: I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:

The judicial pronouncements made against the Chief Minister of Punjab by the Supreme Court in its judgment dated the 2nd September, 1963, on the writ petition of Dr. Pratap Singh and the steps proposed to be taken by the Central Government in the matter.

The Minister of Home Affairs

(Shri Nanda): Dr. S. Pratap Singh, a Civil Surgeon employed under the Government of Punjab, filed a petition under article 226 of the Constitution before the Punjab High Court against the orders of the Punjab Government (1) revoking the leave preparatory to retirement he had originally been granted and recalling him to duty, (2) simultaneously placing him under suspension pending the result of an enquiry into certain charges of misconduct, and (3) ordering a departmental inquiry against him. The petition was dismissed by the Punjab High Court.

Dr. S. Pratap Singh thereupon filed an appeal against the judgment of the Punjab High Court to the Supreme Court of India. The appeal was heard by a Bench of five Judges and in accordance with a majority judgment of three Judges delivered on the 2nd September, 1963, the Supreme Court allowed the appeal and set aside the said orders of the Punjab Government.

In the majority judgment of the Supreme Court the Judges have observed:

"the dominant motive which induced the Government to take

action against the appellant was not to take disciplinary proceedings against him for misconduct which it *bona fide* believed he had committed, but to wreak vengeance on him for incurring his i.e. the Chief Minister's wrath and for the discredit that he had brought on the Chief Minister by the allegations that he had made in the article which appeared in the Blitz in its issue dated January 15, 1961 followed by the communication to the same newspaper by the appellant's wife, in which these allegations were affirmed and which in large part we have found to be true. We, therefore, hold that the impugned orders were vitiated by *mala fides*, in that they were motivated by an improper purpose which was outside that for which the power or discretion was conferred on Government and the said orders should therefore be set aside."

In the minority judgment, however, the two dissenting Judges have observed:

"We are therefore of opinion that it is not established that the impugned orders were made by the Governor not with the ostensible object of a proper departmental enquiry against the appellant with respect to the complaints received against him, complaints found to have substance by the police on investigation but were made with the ulterior purpose of causing harassment and loss of reputation to the appellant as he had been instrumental in making public allegations tending to bring the Chief Minister of the State into disrepute."

So far as the orders of the Supreme Court in the matter are concerned, the authorities of the State Government will no doubt take necessary action to comply with them.

In regard to the observations made in the majority judgment of the Supreme Court against the Govern-

ment of Punjab, the comments of that Government are being obtained. The Government of India will consider the matter in the light of the judgment and the comments of the Punjab Government.

Shri Lahri Singh (Rohtak): His last words could not be heard.

श्री बागड़ी (हिसार) : अध्यक्ष महोदय, इस स्टेटमेंट को हिन्दी में भी सुनवा दीजिये । माननीय मंत्री, श्री नन्दा, को हिन्दी बहुत अच्छी आती है ।

अध्यक्ष महोदय : माननीय मंत्री ने यह कहा है कि सुप्रीम कोर्ट ने तीन और दो को निस्वत से फ़ैसला दिया है और मजारिटी जजमेंट यह है कि स्टेट गवर्नमेंट का जो मुद्दा था, वह उस की मिसकन्डक्ट पर सज़ा देने की नीयत से नहीं था, बल्कि बदला लेने की नीयत से था और मैला फाड़नी था । सरकार की तरफ़ से होम मिनिस्टर ने जवाब दिया है कि इन रिमाक्स की मौजूदगी में स्टेट गवर्नमेंट तो उस फ़ैसले की तामील करेगी, जो कि सुप्रीम कोर्ट ने दिया है, और इस में सैट्रल गवर्नमेंट कहां तक दखल दे सकती है या क्या कार्यवाही कर सकती है और उस को कांस्टीट्यूशन और लाज़ के मातहत क्या अधिकार हासिल हैं कि वह इस बारे में कदम उठाये, इस पर वह मुताला कर के फ़ैसला करेगी ।

Shri Buta Singh: Is it a fact that all the applications made during the last four years for transfer of cases from Punjab courts have been allowed by the courts on the ground that the applicants rightly apprehended that they would not get justice in the Punjab High Court.... (*Interruptions.*)

Mr. Speaker: There ought not to be so many speakers giving judgment on all sides.

Shri Rata Singh: ...because of the interference of the Chief Minister, and

if so, may I know if the Prime Minister has ever pondered over this strange phenomenon?

Mr. Speaker: This question cannot be allowed.

Shri Nath Pai (Rajapur): Mr. Speaker, may I know from the Home Minister or, if he were pleased, from the Prime Minister whether in view of the strictures passed by the Supreme Court in this case and in view of the fact that on a previous occasion there was a judgment of another High Court which we had tried to seek to raise here, Government are contemplating, with a view to ensuring that the sanctity of the Constitution is observed and that Government is carried on according to the rule of law in Punjab, the use of the provisions given to the Government under section 353A and also the special powers the Prime Minister has under what is called the Kamaraja Nadar Plan.... (*Interruptions.*)

Mr. Speaker: Order, order; he should not bring in that.

Shri Hari Vishnu Kamath (Hoshan-gabad): We have been told in this House of cases where this power has been exercised.

Mr. Speaker: He may exercise them in some cases but Parliament cannot do it.

Shri Nath Pai: But that plan has has become a part of Government.... (*Interruptions.*)

Mr. Speaker: But Mr. Nath Pai should not mix up his arguments. We did not do it.... (*Interruptions.*)

Shri Nath Pai: I am helping the Government,

Mr. Speaker: I may be permitted just to make an observation. The Press people call this hour immediately after the Question Hour as the zero hour when perhaps all rules are suspended and it is a free for all

[Mr. Speaker]

show because nobody observes the rules that are there nor the obligations that we have. It should not be a zero hours as is described.

Shri Hari Vishnu Kamath: Zero hour means 12 O'clock.

Mr. Speaker: Exactly. These are the symptoms of that zero hour.

Shri Nath Pai: May I submit that it was never my intention to disregard any rules....

Mr. Speaker: He may be brief and to the point.

Shri Nath Pai: Yes, Sir; absolutely to the point, very brief and very relevant. I do not regard Parliament as a gladiatorial amphitheatre as some of your remarks make it appear. I would conform most strictly to the rules and to your directives. I was trying to help the Government by pointing out all the powers that they have under the Constitution and under the plan which you forbid now.

Mr. Speaker: Is it necessary again? He has taken so much time.

Shri Nath Pai: I come to the question, Sir... (*Interruptions.*) I want to know whether the Government are contemplating, in view of the history that is repeated, in view of the fact that the highest tribunal of the country has felt constrained to say that judiciary is tampered with and that the rule of law is very often abrogated and the constitutional procedure is brought into disrepute and in view of the prevailing emergency are Government contemplating calling upon the Chief Minister there not just to give this explanation—to resign and see that the rule of law is upheld in that border State? If he does not do so, are they contemplating to employ the powers given to them under the Constitution?

Shri Nanda: The hon. Member in his speech has ranged over a very

wide ground. It hardly needs an assurance from us that all the obligations of the Government will be fulfilled. May I, Sir, with the utmost respect to the House, make a submission? You were good enough to call upon the Government to make a statement and we were informed that this had to be by today. In the time that we had, we did what we could and we could not do more than what has been placed in the statement and therefore we have stated that this matter is being considered. At this stage I cannot say anything more regarding the question of Chief Minister, etc. I do not think that really comes into the picture at all.

Shri Nath Pai: Sir, the Prime Minister is replying to the question.

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): Mr. Speaker, Sir, it is obvious that we as a Government as well as this House have the greatest respect to the Supreme Court and any decisions of theirs what they have actually decided will, therefore, have to be given effect to. In addition to their decision they have made certain remarks against a person who is not a party to the suit, who is not a witness there, who is quite outside it.

Shri Ranga: He was free.

Shri Jawaharlal Nehru: He was free no doubt. I am merely pointing out that there is a certain difference in respect of a decision in regard to persons appearing as parties to the suit—it was a considered decision—which we must consider carefully and obey. The other matter stands on somewhat different footing. It must be paid due regard, and that is what my colleague has said. We shall consider all these aspects, and the Government's powers under the Constitution, and recommend such action as we consider necessary. But there is difference between a person who is not a party to the suit; in

other words, who has had no opportunity....

Shri Ranga: He was given opportunity; things were submitted to him. (Interruptions).

Shri Jawaharlal Nehru: He was. In the High Court, an application was made by the surgeon,—Dr. Pratap Singh—to make him a party, and the High Court decided not to make him a party, and he was not a party at any stage. And, therefore, that has to be considered carefully—that aspect too.

Shri Nath Pai: Are you suggesting that the action was improper? (Interruption.) That is what it means.

Mr. Speaker: Order, order. Shri Kachhavaiya. Is he putting any question or not?

श्री कछवाय (देवास) : क्या पंजाब के मुख्य मंत्री के आतंक के फलस्वरूप पंजाब के दो सोनियर अधिकारियों ने आत्महत्या कर ली है, यदि हां तो केन्द्रीय सरकार ने क्या कार्यवाही की है ?

अध्यक्ष महोदय : यह सवाल इसके सम्बन्ध में नहीं है ।

श्री कछवाय : इसी से सम्बन्ध रखता है । आतंक के कारण दो अधिकारियों ने आत्महत्या की है . . . (Interruptions)

अध्यक्ष महोदय : आर्डर, आर्डर ।

डा० राम मनोहर लोहिया (फर्रुखाबाद) : अध्यक्ष महोदय, सर्वोच्च न्यायालय ने मुख्य मंत्री के खिलाफ बदनीयती का आरोप लगाया है । यह कोई उस ने अपनी अलग से राय नहीं बताई, इसी के आधार पर फैसला दिया है, बदनीयता पंजाब सरकार के मुख्य मंत्री की । इस बदनीयती के होते हुए क्या प्रधान मंत्री अपना जहन पंजाब के मुख्य मंत्री के बारे में बदलने को तैयार हैं ? क्योंकि उन्होंने कई बार बाप बेटे के मामले में कैरों

साहब और गांधी जी को एक ही सतह पर बिठाया है . . . (Interruptions)

अध्यक्ष महोदय : आर्डर, आर्डर । आप तकरीर नहीं दे सकते हैं । बात बताइये ।

डा० राम मनोहर लोहिया : तकरीर नहीं दे रहा हूँ । प्रधान मंत्री से केवल एक प्रश्न पूछ रहा हूँ । जब तक जहन नहीं बदलेगा, कार्रवाई वह कैसे करेंगे ?

अध्यक्ष महोदय : जब आप इस में दलीलें लायेंगे, इन्फॉसिस लायेंगे, तो वह सवाल नहीं रह जायेगा . . (Interruptions)

डा० राम मनोहर लोहिया : उस को छोड़ देता हूँ । प्रधान मंत्री जी जब तक अपना जहन नहीं बदलेंगे, तब तक कार्रवाई कैसे करेंगे . . . (Interruptions)

Mr. Speaker: Order, order. I would request hon. Members to remain silent.

श्री जवाहरलाल नेहरू : किस सवाल का जवाब दूँ ?

अध्यक्ष महोदय : आया इसकी मौजूदगी में जो प्रधान मंत्री के जहन में . . .

Shri Ranga (Chittoor): His question may be put in English.

Mr. Speaker: His question was whether the Prime Minister would now reconsider his attitude in view of the remarks or observations that have been made.

Shri Jawaharlal Nehru: I do not quite understand this question. I am always prepared to reconsider every attitude if there is sufficient reason for that to be done. It depends on the reasons; the reasons may be advanced by hon. Members here or by any others, and we have to consider them always. What I ventured to say was—I shall repeat it—in this particular matter, it has to be considered apart from the actual decision of the Supreme Court which naturally we

[Shri Jawaharlal Nehru].

accept, because a person about whom something derogatory has been said was not a party and was in no way associated as a witness or anything. Therefore, those remarks have not been made in the normal course of considering a case—those parts of it—and this has to be carefully considered, and we are going to consider it. (Interruptions).

Mr. Speaker: Shri Utiya.

श्री उटिया (शाहडोल) : क्या यह सच है कि मुख्य मंत्री करनल हत्याकांड के मामले में सिविल सर्जन से गलत बयानियां और गलत रिपोर्ट्स करवाना चाहते थे और सिविल सर्जन इसके लिए तैयार नहीं थे ?

अध्यक्ष महोदय : अब आप बैठ जाइये । आप का सवाल हो गया । आप ने खत्म कर लिया हो तो बैठ जाइये । यह सवाल नहीं हो सकता ।

Shri Ranga: Sir, I take very strong objection to the extraordinary procedure followed by the Home Minister in referring to the minority report, thereby giving an inkling of the mind that is going to be applied to whatever action they propose to take in regard to this matter.

Shrimati Renu Chakravarty (Barrackpore): Don't worry, the DIR report will also come.

Mr. Speaker: Order, order.

Shri Ranga: So far as the judgment of the Supreme Court is concerned, this House as well as the whole country and the posterity are concerned...

Mr. Speaker: Please put the question.

Shri Ranga: I am making an observation on what he has said .

Mr. Speaker: He can only put a question.

Shri Ranga: So far as the judgment of the Supreme Court is concerned, this House as well as the whole country and the posterity are concerned only with the majority report and not with the minority report. Evidently he wants to take shelter under the minority report.

Mr. Speaker: That would be seen when the final decision is taken.

Shri Ranga: It is the last straw that breaks the camel's back. This is only one of the many....

Mr. Speaker: He should put the question now.

Shri Raghunath Singh (Varanasi): Is it a speech or a question?

Shri Ranga: Therefore, Sir, in view of the fact that on very many occasions the Prime Minister as well as the Home Minister of this Government have been requested by various interests concerned including their own people that a change should be made in the leadership of the Punjab Ministry and the administration there, would the Government consider the advisability of advising that gentleman, the Chief Minister, to resign from that post in all decency to save the reputation not only of his Ministry but also the reputation of the Prime Minister here?

Shri Jawaharlal Nehru: We have stated that we shall consider all aspects. The aspects are many and we shall consider them. There is the constitutional and legal aspect. That has to be considered. There are other aspects other than constitutional. They too will be considered, although those aspects do not come up before Parliament. It is only the constitutional and legal aspects that come up here, but others will also be considered no doubt. But I ventured to submit, and I repeat, that in so far as the Chief Minister is concerned, that has to be considered not as a person who

was a party to the suit on which a decision has been made, and which has to be followed of course, but other aspects have to be seen.

Shri Ham Barua (Gauhati): Sir, I rise to a point of order. The Prime Minister has been offering one argument only that Shri Kairon was not a party to this matter. But the case that was instituted by Dr. Pratap Singh was against the Punjab Government and Shri Pratap Singh Kairon as Chief Minister of the Government is a party to this judgment. But the way the Prime Minister goes on repeating the same argument gives us only the impression that he is trying to shield the Chief Minister on the one hand and on the other, that he does not have confidence in the judgment of the Supreme Court. It is apparent from what he has said. This is a constitutional problem....

Mr. Speaker: Order, order. There is no point of order. The Prime Minister has not said that he has no confidence in the judgment of the Supreme Court.

Shri Hem Barua: It comes to that. If you examine the proceedings again you will find that it comes to that.

Mr. Speaker: It will not come to that. He may kindly sit down.

Shri S. M. Banerjee (Kanpur): Sir, the hon. Prime Minister just now said that apart from the constitutional....

Mr. Speaker: If something is really to be asked that question only might be asked. The Government has said that they will examine all aspects of this matter—constitutional, political, moral and everything—and, therefore, and unnecessary....

Shri S. M. Banerjee: My question should not be anticipated.

Mr. Speaker: In the case of certain hon. Members I can anticipate that also.

Shri S. M. Banerjee: In the case of a Central Minister, against whom there were certain vague charges of corruption, the hon. Prime Minister sought to take the advice of a Supreme Court Judge, and even though both the Supreme Court Judge and the Prime Minister were not convinced that the Minister was guilty, he resigned. I would like to know why the Prime Minister has taken such a halting position in this case and he has neither requested, nor asked, nor compelled the Chief Minister of Punjab to resign.

Mr. Speaker: I cannot compel the Prime Minister to say anything in this case. But if he wants to say anything, he can do so. The hon. Member made a comparison with another Minister who had resigned when there were certain allegations against him.

Shri S. M. Banerjee: In that case, it was not even a judgment of the Supreme Court, no strictures were passed and actually the Supreme Court judge was ridiculing his position....

Mr. Speaker: Order, order. Shri Banerjee should realise that nothing has been done so far. Government have only stated that they would study all the implications and they would look into the constitutions political and other aspects before they take a decision.

Shri S. M. Banerjee: Apart from that, I wanted to know whether he has requested or asked the Chief Minister to resign gracefully?

Mr. Speaker: That does not come out of this.

Shri Tridib Kumar Chaudhuri (Barhampur): The hon. Prime Minister has stated that the Chief Minister was not a party. May I invite his attention to the following observations of the majority judgement of the Supreme Court:

"In the case before us, it is common ground that it was the

[Shri Tridib Kumar Choudhuri]

Chief Minister who was in charge of the Health Department in which the appellant was employed and it was therefore the Chief Minister, as the Minister in charge of that portfolio who initiated these proceedings, though formal orders of the Ministry were issued by the Secretaries etc. of the department in the name of the Government. For the purposes of the present controversy, the functionary who took action and on whose instructions the action was taken against the appellant was undoubtedly the Chief Minister and if that functionary was accused by *mala fides* in taking that action, it is clear that such action would be vitiated."

May I know whether Government, while considering the whole question, will take into account this aspect of the question also?

Shri Jawaharlal Nehru: Everything would be borne in mind. But I suggest that there is some difference. There is no doubt that the Chief Minister is responsible not only for that department but for the whole Government. But here is a case of a writ petition before the Supreme Court, where certain evidence is given, certain charges are made and he not being a party, not being put in a position say anything about it, and it does make a difference.

Shri Hem Barua: How does he say that he is not a party? Are we to be fooled by a statement....

Mr. Speaker: That he can say when the Government have announced the steps that they have taken; not at this stage.

Shri Hem Barua: Even now I can that. It is contradictory to the stand taken by the Supreme Court.

Shri Jawaharlal Nehru: The court has arrived at its decision presum-

ably on certain evidence that was placed before it. In every case, the judiciary, the court, gives an opportunity to the other party to rebut it, to explain it and say something. Those procedures have been gone through in regard to the parties in this case. Suppose a person comes and gives false evidence. Now, the court can take proceedings against him for perjury if it so chooses. But it cannot convict a person without following the normal procedures, and a person who is not a party is not subjected to that. Of course, whatever the court may say deserves attention. That is a different matter. But I do submit there is a big difference.

श्री राम सेवक यादव: (बाराबंकी) क्या प्रधान मंत्री ऐसा कर सकते हैं कि वे सर्वोच्च न्यायालय के जजमेंट की नुक्ताचीनी करें?

Shri Hari Vishnu Kamath: Sir, may I invite your attention to the wording of the Calling Attention Notice and also to certain articles of the Constitution? I shall base my question on these two points. The Calling Attention Notice says "the Supreme Court in its judgment dated the 2nd September". Sir, you have been a judge and you know very well that when the judgment of a court is referred to, it always means the majority judgment, and not the minority judgment at all; it is either unanimous judgment or majority judgment. Now, will the Prime Minister and the Home Minister and the Government assure the House, in the first place, that whatever action they will take in this matter will be guided wholly, solely and only by the majority judgment of the Supreme Court in this matter and they will not be side-tracked by the minority views expressed in the Supreme Court? Now, may I invite..

Mr. Speaker: The question has been asked.

Shri Hari Vishnu Kamath: My question is not complete. I invite your

attention to articles 353, 154 and 53 of the Constitution read with..

Mr. Speaker: The question cannot be framed like that.

Shri Hari Vishnu Kamath: The hon. Home Minister has referred to the competence of the Government. Unless you have some patience and unless you bear with us when we ask questions, how is it possible? We cannot ask a question in one sentence. How is it possible to frame a question in one sentence? Is it possible? Therefore you would bear with us.

Mr. Speaker: Should that question be so long as to take ten minutes then?

Shri Hari Vishnu Kamath: No. I wonder why you at all ask such questions of us. We have never taken more time than is absolutely necessary. Unless the question is comprehensible to the hon. Minister, the hon. Prime Minister and the Government, how can we ask a question here?

Mr. Speaker: He might ask the question now.

Shri Hari Vishnu Kamath: Article 154 of the Constitution vests the executive power of the State in the Governor, article 53 vests the executive power of the Union in the President and article 353 (a) refers to the executive power of the Union, that is to say, the executive power which is vested in the President, during the Emergency when the Union executive is empowered or authorised to give such directions to the State Government whose executive power is, again, vested in the Governor of the State. The President, therefore, under the Constitution, according to article 353, is competent to issue directions to the Governor because under the relevant articles a Minister holds office during the pleasure of the Governor. May I ask.... (Interruptions).

Mr. Speaker: If I interfere, I am accused of being impatient. But he
11.00 (Ai) LSD—4.

might also read rule 197 of our Rules which says that no debate can take place on this. And here is debate taking place.

Shri Hari Vishnu Kamath: Then I will ask the question straightaway.

Mr. Speaker: Why had he been doing otherwise?

Shri Hari Vishnu Kamath: I will complete the question straightaway.

Mr. Speaker: It cannot be completed. It becomes a debate. He is putting in arguments arming himself with those provisions of the Constitution and other things. That is not the way of asking a question.

Shri Hari Vishnu Kamath: I am sorry. On an earlier occasion you have permitted hon. Members to do that on a point of order also.

Mr. Speaker: If I have done that, I have done a wrong thing.

Shri Hari Vishnu Kamath: Therefore the judgment of the Supreme Court, you will agree, has been such that it will gravely imperil the position and reputation of any other person not so fortunately placed. Will the Government give an assurance to the House that there will be no shilly-shallying and dilly-dallying so far as the judgment of the Supreme Court is concerned because the question of norms, standards and values which are so essential for the promotion, preservation and vivification of democratic institutions is involved here? If they do not take time by the forelock and act immediately, expeditiously, I am sure, you and the House will agree that the Government will be dubbed as one which is digging the grave of democracy in our country.

Mr. Speaker: There is no question.

Shri Hari Vishnu Kama'h: How can that be?

Mr. Speaker: Dr. Singhvi.

Shri Hari Vishnu Kamath: My question has not been answered.

Mr. Speaker: He may kindly sit down.

Shri Hari Vishnu Kamath: But the question was....

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath:majority judgment of the Supreme Court....

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath: He referred to the minority view....

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath: That is hardly proper.

Shri Kapur Singh (Ludhiana): The question is quite clear, that is, whether the Government are digging their own grave or not.

Mr. Speaker: It might be clear to some sections, but it ought to be clear to me also. If I am unable to understand or comprehend it, that also has to make some difference. I will request hon. Members to realise that. First of all, there are no assurances given. Secondly, as regards saying that there would be no dilly-dallying, shily-shallying, billy-ballying etc., of course, can any hon. Minister say that he would not look into all the implications of the judgment and the pronouncements that have been made? That goes without saying and without getting any answer. The question itself.....

Shri Ranga: Why did he refer to the minority judgment?

Shri Hari Vishnu Kamath: Suspicions arise.

Mr. Speaker: A reference can always be made to the minority judgment

also (*Interruption*). He would not allow me to speak. But it is always the majority judgment that is the judgment of the court. Therefore, whatever the Government would do in deference to the judgment of the court would be according to the majority judgment, that is, the judgment of the court. That is all.

Shri Hari Vishnu Kamath: That assurance we want from them, not from you. Let the Government say that. Why should you bother about it?

Mr. Speaker: I have to bother about it.

Shri Hari Vishnu Kamath: Not at all. I am sorry. Why should you come to the rescue of the Government? The Government is in a quandary now. Why should you rescue them?

Mr. Speaker: There is no question of rescuing them. He is rather always casting reflections on me.

Shri Hari Vishnu Kamath: No. You said 'billy-ballying'; I never said 'billy-ballying'. I did not use that word at all. You are mocking at us.

Mr. Speaker: I am not. He has been doing that.

Shri Hari Vishnu Kamath: No.

Mr. Speaker: I have all respect for the hon. Member, but he has always been interrupting.

Shri Hari Vishnu Kamath: So have I. I have more respect for you than for many others.

Mr. Speaker: If he has that, that is very good; certainly. Dr. Singhvi.

Dr. L. M. Singhvi (Jodhpur): With great respect, I would like to submit that the hon. Prime Minister has chosen to resort to a hypertechnical plea that the Chief Minister was not a party though he had, as we find in

the judgment, full opportunity to refute and rebut the allegations made against him. I should like to know whether in the opinion of Government this judgment is only a symptom of a deeper malady and whether the Government are in a position to give us an assurance that a comprehensive, full-fledged inquiry into the affairs, the administrative excesses, the political persecutions and the breaches of law in Punjab is going to be instituted and, if so, whether the Government realise that it is an obligation cast on it under article 353(a) of the Constitution which is not merely an enabling provision but an obligatory and a mandatory provision on Government.

Mr. Speaker: The second portion may be....

Shri Jawaharlal Nehru: Surely I am not expected to give a pledge here that I shall have—that is quite a different thing—a full inquiry into the condition of the Punjab, as to what has been done there, in what way the Punjab has advanced and in what way it has deteriorated. That is a tremendous affair.

Shri S. M. Banerjee: Into the affair of the Chief Minister.

Mr. Speaker: Let us hear the answer

Shri Jawaharlal Nehru: I cannot possibly give an answer to that and an assurance that I shall have a full-fledged inquiry.

Shri Nath Pai: Only about tampering with the rule of law. That is the main charge. We want the inquiry to be confined to that only.

डा० राम मनोहर लोहिया : मैं एक व्यवस्था का प्रश्न पूछना चाहता हूँ ।

जो सर्वोच्च न्यायालय में मुकदमा हुआ उस में प्रतिवादी पंजाब सरकार थी तो क्या मुख्य मंत्री भी प्रतिवादी नहीं थे ?

अध्यक्ष महोदय : यह तो उन्होंने कहा है कि चीफ मिनिस्टर सारे इन्तिजाम के लिए जिम्मेदार थे ।

डा० राम मनोहर लोहिया: लेकिन वह तो बार बार कहते हैं कि पंजाब गवर्नमेंट तो पार्टी थी लेकिन मुख्य मंत्री नहीं थे ।

Shri Hari Vishnu Kamath: On a point of order, Sir. The hon. Prime Minister in his earlier reply said that the Chief Minister of the Punjab was not a party to the proceedings. How can he in all conscience say that when he was one of the parties or defendants in the suit?

Mr. Speaker: That is only a matter of fact, whether he was a party or not.... (Interruption). If hon. Members have a copy of the judgment—the parties would be described there and whether he is put down as a party or not is a matter of fact—they can see that. The hon. Prime Minister has said that he is not a party. If really he is put down as a party, somebody can point out and say that it is there. There ought to be no controversy about it. Shri Ram Sewak Yadav.

Shri Hari Vishnu Kamath: How can he make a wrong statement in the House? How can he get away with it? We cannot let him get away with it.

Dr. L. M. Singhvi: I rise on a point of order.

Mr. Speaker: Shri Kamath gets excited without any justification.

Shri Hari Vishnu Kamath: It is a grave matter.

Mr. Speaker: Order, order. Has he seen in the judgment that he is a party to it?

Shri Hari Vishnu Kamath: The Punjab Government is a party.

Mr. Speaker: The only argument that is being put forward is..... (Interruption).

Dr. L. M. Singhvi: On a point of order, Sir.

Shri Lahri Singh: On a point of order, Sir. The Chief Minister is a party to it. I read the relevant portion of the judgment. It says:—

“In the present case there were serious allegations made against the Chief Minister and there were several matters of which he alone could have personal knowledge and therefore which he alone could deny. But what was, however, placed before the court in answer to the charges made against the Chief Minister was an affidavit by the Secretary to the Government in the Medical Department who could only speak from official records and obviously not from personal knowledge about the several matters which were alleged against the Chief Minister. In these circumstances we do not think it would be proper to brush aside the allegations made by the appellant....”

He has not denied those things, and the Prime Minister says that he was not a party. Allegations were against the party (*Interruption*).

Mr. Speaker: After all, this argument has only tried to show that all charges were against him, not that he was regularly a party.... (*Interruption*).

Dr. L. M. Singhvi: On a point of order, Sir.

Shri Tyagi (Dehra Dun): On a point of order, Sir.

Dr. L. M. Singhvi: My point of order must take precedence.

Mr. Speaker: Dr. Singhvi: He has a point of order.

Dr. L. M. Singhvi: My submission is that the Prime Minister has been pleased to observe that it is a tremendous undertaking. It is enough for

this House to be told that it is a tremendous undertaking? Therefore, obligations under the Constitution can be shirked, curtailed or bypassed. We would like to know it. This is a matter on which you can certainly direct the Government to give a more adequate answer, rather than merely telling the House that it is a tremendous undertaking. We know that it is a tremendous undertaking. We should be told that he is aware of the obligations cast on the Government under article 353(a) to issue executive direction for the proper governance of a particular State in the Emergency. If so, is he prepared to act under the requirements of the Constitution?

Shri Jawaharlal Nehru: I am perfectly aware of the responsibilities of the Government of India under the Constitution and I hope I shall act accordingly and our Government will act accordingly, but the mere fact that the hon. Member, Mr. Singhvi says that this should be done does not enable me to appreciate his point that I must do it.

Mr. Speaker: Shri Tyagi.

Shri Tyagi: I want to seek your guidance. I am not fully in agreement with the hon. Prime Minister.

Mr. Speaker: He said that it was a point of order.

Shri Tyagi: If I am not permitted, it is all right.

Mr. Speaker: He said that it was a point of order.

Shri Tyagi: Without mentioning what the case is, how can, I do it,

Mr. Speaker: Immediately, he said that he wanted my guidance. He said that it was a point of order.

Shri Tyagi: If the meaning of the Prime Minister's comment were that Shri Pratap Singh Kairon is not res-

possible for any act done on behalf of Government, I do not agree. But there is one distinction which I would like to draw. If there is anything, any judgment passed against the Chief Minister or the Government, the Chief Minister is responsible. But if there is anything concerning directly his person, the Chief Minister cannot be responsible. Then, Pratap Singh will be responsible. If that is the distinction the Prime Minister is making, I can very well understand that. I want your guidance here. If I as the Chief Minister were to act as the Chief Minister, under seal, with authority of Chief Minister, then I shall be responsible as the Chief Minister. But supposing as a person I were to borrow something or do something wrong in my personal capacity and if there is any aspersion on me, then it will not be on the Chief Minister and it will be on my person. Therefore, the remarks about the person must be looked into and also the type of error or mistake he committed, the offence he committed and all that. Did he commit the offence as the Chief Minister? That is the only question which may be clarified.

Mr. Speaker: They will see.

श्री रामसेवक यादव : प्रधान मंत्री जी ने कहा कि पंजाब उच्च न्यायालय ने पंजाब के मुख्य मंत्री सरदार प्रताप सिंह कैरों को शहादत के लिए नहीं बुलाया, मैं प्रधान मंत्री जी से जानना चाहूंगा कि पंजाब उच्च न्यायालय के कई फैसले जो कि राज्य से सम्बन्धित थे, एक यह भी जो मौजूदा बहस तलब है, वह सर्वोच्च न्यायालय ने सब को रद्द किया उस के खिलाफ तो क्या प्रधान मंत्री पंजाब के मुख्य मंत्री के खिलाफ जो वहां की स्थिति है, उस पर कार्यवाही करते समय वह जो पहली बात कही उस के साथ इस बात का भी ध्यान रखेंगे ?

Shri Tyagi: You have not answered my point of order.

Mr. Speaker: I am not in a position to answer that.

Shri Tyagi: I wanted to know whether the comments made by the Supreme Court are for an act which he committed as Pratap Singh or for an act which he committed as the Chief Minister.

Mr. Speaker: I cannot give that answer without studying all that.

श्री जवाहरलाल नेहरू : श्री रामसेवक यादव ने जो कहा उस के मानी यह है कि और बातें जो हुई हैं, उन पर भी विचार किया जायेगा कि नहीं उस के साथ, और बातें मालूम नहीं किस किस

श्री रामसेवक यादव : यह मेरा सवाल नहीं है। मैं जानना चाहता हूँ कि आप ने, प्रधान मंत्री जी ने कहा कि उच्च न्यायालय पंजाब ने उन को शहादत के लिए नहीं बुलाया, मैं जानना चाहता हूँ कि पंजाब सरकार के खिलाफ और भी उच्च न्यायालय ने उन के सामने जो मुकद्दमे थे, उन की अपील सर्वोच्च न्यायालय में आई, सर्वोच्च न्यायालय ने उनके खिलाफ फैसला दिया और इस में भी दिया, तो वहां पंजाब के मुख्य मंत्री के खिलाफ कार्यवाही करते समय इस तथ्य को भी दिमाग में रक्खा जायेगा ?

श्री जवाहरलाल नेहरू : मैं ने यह नहीं कहा कि पंजाब के हाई कोर्ट ने उन को बुलाया नहीं बल्कि पंजाब के हाई कोर्ट के सामने दरखास्त गुजरी थी दूसरे फरीक की, एक सरजन की कि उन्हें एक फरीक बनाया जाय, पार्टी बनाया जाय इस मुकद्दमे में। उन्होंने इस से इंकार कर दिया और पार्टी बनाने से इंकार कर दिया। उन को बुलाने का सवाल नहीं था और चुनांचे वह यहां भी पार्टी नहीं थे। अब जो कुछ सुप्रीम कोर्ट ने फैसला दिया वह सिर आंखों पर है लेकिन जो कुछ वं कहें उस फैसले के अलावा, उस में यह गौर तलब बात है कि जिसकी निस्वत कहते हैं उस को मौका दिया गया कि नहीं कि व चाहे शहादत पेश करता या कुछ और करता।

[श्री जवाहरलाल नेहरू]

यः गौरतलब बात है कि उसका क। तक असर होता है ।

Shri S. M. Banerjee: On a point of order, Sir. (Interruption).

श्री बागड़ी : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है ।

Mr. Speaker: How can he rise like this? I cannot shut the answer and have the point of order.

श्री रामसेवक यादव का सवाल ज। तक मैं समझा हूँ था कि आया य फ़ैमला करते समय सिर्फ़ इस सुप्रीम कोर्ट के जजमेंट के जो रिमार्कस हैं वही ध्यान में रखे जायेंगे या और कोई बातें जोकि प ले कई और जजमेंट्स में और जगः टुई है उन का भी ध्यान रखा जायेगा ।

श्री जवाहरलाल नेहरू : जहां तक यः सवाल है उस पर गौर किया जायगा कि सुप्रीम कोर्ट ने क्या क। और उस के आगे पीछे क्या बातें हैं । जहां तक और सवालों का ताल्लुक है जिस को कि उन्होंने जिक्र किया तो वः एक अलग चीज़ है, यानी उस पर गौर किया जाय दूसरी शकल में । लेकिन इस का कानूनी थोड़ा सा विधान के रूप से क्या करना है, क्या ः में करने का अधिकार है, व तो इतना ही देखा जायेगा लेकिन और भी देखा जा सकता है और देखा जाना चाहिए ।

डा० राम मनोहर लोहिया : पंजाब उच्च न्यायालय को नहीं देखा जाना चाहिए जब कि सर्वोच्च न्यायालय की बात है ।

श्री प्रकाशबीर शास्त्री : अध्यक्ष महोदय, स्वतन्त्र भारत में पंजाब ही एक ऐसा अभाग राज्य है जिस की राज्ब सरकार और उसके वर्त्तमान मुख्य मंत्री के खिलाफ़ य प ली बार नहीं इस से प ले भी चार बार सर्वोच्च न्यायालय ने इसी प्रकार के स्टिकचर्स पास किये हैं । मैं उन बातों में नहीं जाना चाहता

कि ग्रेवाल केस में सर्वोच्च न्यायालय ने क्या स्टिकचर्स पास किये, कपूर केस में क्या स्टिकचर्स पास किये, मिलखा सि त्रिसिखा एम० एल० ए० के केस में क्या स्टिकचर्स पास किये और पी० सी० बघवा एस० पी० के केस में सर्वोच्च न्यायालय ने उनके खिलाफ़ क्या स्टिकचर्स पास किये

अध्यक्ष महोदय : आप कहते तो हैं कि मैं उन बातों में नहीं जाना चाहता लेकिन आप जा उन्हीं में रहे हैं ।

श्री प्रकाशबीर शास्त्री : मैं यः क ना चा ता हूँ कि अभी जैसे गृ० मंत्री जी ने कहा कि डा० प्रताप सि का जो निर्णय सर्वोच्च न्यायालय ने दिया है उस में तीन जजों में से दो जज इस निर्णय से स मत थे और बहुमत से यः निर्णय हुआ तो क्या मैं जान सकता हूँ कि तीनों जज जो उस एक बात पर सहमत थे कि मुख्य मंत्री और उनके परिवार ने, जो छोटी छोटी रिश्वतें लेते, और अस्पताल की दवाओं को अपने य। लाने की बातें कही हैं, उन पर तीनों स मत थे ? यदि ः। तो जब श्री दाम की अर्ध-सरकारी रिपोर्ट पर अपने एक स योगी मंत्री श्री केशव देव मालवीय का त्यागपत्र प्रधान मंत्री द्वारा ले लिया गया तो फिर सर्वोच्च न्यायालय के इतने स्पष्ट निर्णय के बाद क्या प्रधान मंत्री अपना कोई मस्तिष्क पंजाब के मुख्य मंत्री के लिए बनाने को तैयार नहीं हैं । (इंटरप्शंस)

श्री जवाहरलाल नेहरू : बार बार सवाल उठाते हैं आखिर किस चीज़ को मांगते, और क्या नहीं मांगते, कुछ पता नहीं चलता है । रिश्वत का सवाल, मुख्य मंत्री के निस्बत तो कोई मैं ने सुना नहीं ।

एक माननीय सदस्य : रिपोर्ट पढ़ लीजिये ।

श्री जवाहरलाल नेहरू : मुख्य मंत्री के मिलसिले में कुछ नहीं था। (इंटरप्वांस)

श्री रामसेवक यादव अध्यक्ष महोदय

अध्यक्ष महोदय : आर्डर, आर्डर, अब आप बैठ जायें।

श्री जवाहरलाल नेहरू : सीधी सी बात है। जो कुछ सुप्रीम कोर्ट का फ़ैसला है, उस के मैं ने दो हिस्से किये हैं। एक पर तो, जो कि उन का फ़ैसला है, फ़ौरन अमल होगा और जो उन की राय है कुछ और बातों पर—उन में और फ़ैसलों में कुछ फ़र्क होता है—उस पर भी गौर होगा, लेकिन दूसरे ढंग से गौर होगा। मेरे ड्रॉम में नहीं आया—मैं नहीं जानता, शायद हो—कि मुख्य मंत्री के खिलाफ़ रिश्तत के चार्ज का कोई इशारा भी हुआ है। और बातें हो सकती हैं कि उन्होंने जा या बेजा काम किया है। वे और बातें हैं, जो कि गौर-तलब हैं।

माननीय सदस्य ने कहा है कि पंजाब में क्या हुआ और उन्होंने दो तीन मुकदमों का जिक्र किया, जिन के फ़ैसले हो गये हैं। मैं उन की निस्वत क्या कहूँ? लेकिन पंजाब में और भी बातें हुई हैं, जिन में पंजाब सब से आगे रहा है। इस लड़ाई में . . . (Interruption).

अध्यक्ष महोदय : आर्डर, आर्डर।

श्री रामसेवक यादव : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : व्यवस्था का प्रश्न नहीं आ सकता है। उन का फ़िक्का पूरा नहीं हुआ है और व्यवस्था का प्रश्न पहले आ गया। इस समय व्यवस्था का प्रश्न नहीं आ सकता है।

श्री रामसेवक यादव : फ़िक्का पूरा हो गया है।

अध्यक्ष महोदय नहीं हुआ है। माननीय सदस्य बैठ जायें।

श्री रामसेवक यादव : अध्यक्ष महोदय, आप मेरी वान सुन लें।

अध्यक्ष महोदय : माननीय सदस्य बैठ जायें और जवाब सुन लें।

Shri D. C. Sharma (Gurdaspur): On a point of order. . . .

श्री बागड़ी : अध्यक्ष महोदय,

श्री जवाहरलाल नेहरू : मैं यह अर्ज कर रहा था कि उन्होंने जिक्र किया दो तीन मुकदमों का और कहा कि उन पर गौर होना चाहिए। जाहिर है कि जो कुछ उन में हो, लेकिन गौर करने में यह भी देखना है कि पंजाब में क्या क्या हुआ है। इस वक्त, इस इमर्जेंसी के वक्त, जो पंजाब ने किया है, वह हिन्दुस्तान में और कहीं नहीं हुआ है—बड़ा काम उम ने किया है। (Interruption).

Shri S. M. Banerjee: He is defending the Chief Minister. . . .

अध्यक्ष महोदय : आर्डर, आर्डर।

Shri S. M. Banerjee: He has not answered the main question but he is talking about the progress of Punjab and so on.

अध्यक्ष महोदय : आर्डर, आर्डर।
. . . (इंटरप्वांस)

Shri D. C. Sharma: On a point of order.

अध्यक्ष महोदय : क्या इतने माननीय सदस्य एक वक्त पर खड़े हो कर बोलना चाहते हैं? सब माननीय सदस्य बैठ जायें तब मैं बुला सकता हूँ। क्या प्राइम मिनिस्टर, साहब ने खत्म कर लिया?

श्री जवाहरलाल नेहरू : जी हाँ।

Shri Hari Vishnu Kamath: He has not answered the question at all.

श्री ब्रजराज सिंह (बरेली) : प्रधान मंत्री ने कहा है कि कुछ हुआ है। क्या वह व्या... करेंगे कि क्या हुआ है ?

Shri Hem Barua: I want to know one thing from you specifically.....

श्री रामसेवक यादव : अध्यक्ष महोदय,...

अध्यक्ष महोदय : माननीय सदस्य अब बैठ जायें। श्री हेम बरुआ।

श्री रामसेवक यादव : मैंने पहले व्यवस्था का प्रश्न उठाया था। उस का जवाब नहीं आया।

श्री कछवाय : सवाल शास्त्री जी ने किया था।

अध्यक्ष महोदय : अब माननीय सदस्य सवाल नहीं कर सकते।

श्री रामसेवक यादव : श्रीमन्, मेरा व्यवस्था का प्रश्न है।

Shri Hem Barua: We want protection from you. What protection you have been giving us is very difficult for us to understand. The Prime Minister has tried to bypass all the questions by all sorts of statements. He has made a statement just now in praise of the achievements of Punjab and all that. Is that relevant to the issue before us? That is what I want to know.

Shri Raghunath Singh: Very relevant.

Shri Hari Vishnu Kamath: I am sorry to say that the hon. Leader of the House is misleading the House.

श्री रामसेवक यादव : अध्यक्ष महोदय, आप मेरा निवेदन सुन लें। अगर आप उस के बाद व्यवस्था दें, तो अच्छा होगा। इस समय पंजाब के मुख्य मंत्री के बारे में जो प्रश्न चल रहा है, वह सर्वोच्च न्यायालय के फैसले के सम्बन्ध में है। मुख्य मंत्री उस सम्बन्ध में कहां तक सम्बन्धित हैं और उस

विषय में भारत सरकार क्या करने जा रही है, आज यह प्रश्न है—यह नहीं कि वहां के मुख्य मंत्री ने कौन सा बढ़िया काम किया और कौन सा अच्छा काम किया। अगर यह मान लिया जाये कि उन्होंने कोई बढ़िया काम किया है, तो जो बढ़िया काम करे और आज रिश्वत ले, तो क्या उस को माफ़ कर दिया जाये, क्योंकि उस ने पहले बढ़िया काम किया है, यह मेरा व्यवस्था का प्रश्न है।

श्री प्रकाशवीर शास्त्री (बिजनौर) : भ्रान ए प्वायंट आफ़ आर्डर।

अध्यक्ष महोदय : पहले उन का जवाब सुन लें।

श्री प्रकाशवीर शास्त्री : मैं अपनी बात पहले इसलिए कहना चाहता हूं, ताकि आप मेरा जवाब भी दे सकें।

जब मैंने सुप्रीम कोर्ट के स्ट्रिकचर्ज के सम्बन्ध में चार नाम आप के सामने कहने चाहे कि मिलखा सिंह त्रिसिखा, एम० एल० ए० और प्रताप चंद्र बघवा, एस० पी०, के केसिज के बारे में सुप्रीम कोर्ट ने क्या विचार प्रकट किया है, तो आप ने "आर्डर, आर्डर" कह कर यह कहा कि यह इस से सम्बन्धित नहीं है और इस आधार पर आप ने मुझे उन नामों को पढ़ने की भी आज्ञा नहीं दी। जब इस समय सुप्रीम कोर्ट के केवल एक निर्णय के सम्बन्ध में यह चर्चा चल रही है और उस के अतिरिक्त कोई प्रश्न यहां पर विचाराधीन नहीं है, तो क्या प्रधान मंत्री को इस बात की आज्ञा है कि वह पंजाब के मुख्य मंत्री को प्रमाण-पत्र दे कर उन के दोषों पर धूल डालने की कोशिश करें ?

अध्यक्ष महोदय : मुझे अफ़सोस है—और खुशी भी है—कि इस बात का एतराज आपोजीशन की तरफ़ से ही आया है कि इस वक्त जो बहस हम कर रहे हैं, वह सिर्फ़ सुप्रीम कोर्ट के आर्डर के बारे में है। माननीय सदस्य, श्री शास्त्री, ने कहा है कि जब वह कुछ नाम पढ़ने लगे, तो मैंने "आर्डर, आर्डर"

कहा, लेकिन यह लिखा हुआ है कि मेरे "आर्डर, आर्डर" कहने के बावजूद वह सब कुछ कह गये।

Shri Raghunath Singh: He has referred to them four times.

श्री प्रकाशवीर शास्त्री : मैं ने सुप्रीम कोर्ट के पहले स्ट्रिक्टर्ज नहीं पढ़े।

अध्यक्ष महोदय : सब कुछ कहा गया है। हर एक मेम्बर, जिस ने सवाल किया है, जजमेंट से बाहर जाता रहा है।

Shri Hari Vishnu Kamath: On both sides हर एक ने नहीं, बहुत से माननीय सदस्यों ने ऐसा किया होगा।

अध्यक्ष महोदय : मैं अपने आप को दुर्लक्ष करता हूँ। हर एक ने नहीं, बहुत से माननीय सदस्यों ने ऐसा किया है और जब उन्होंने कोई भी सवाल किया, तो वे इस सवाल की ही हद में नहीं रहे, बल्कि उस से बाहर जाते रहे।

Some Hon. Members: It is the Prime Minister who has done it.

श्री कछवाय : प्रधान मंत्री जी बाहर गये हैं।

अध्यक्ष महोदय : अगर प्रधान मंत्री जी भी बाहर गये हैं, तो फिर दोषों कोई भी नहीं, वरना दोनों दोषों हैं।
(*Interruption*).

Shri Hem Barua: He has not replied to my question.

Shri S. M. Banerjee: I want to raise a point of order. When my hon. friend Shri Ram Sewak Yadav put a question, namely:

"क्या शहादत ली गई थी और शहादत देने से उन्होंने इन्कार किया था," तो प्रधान मंत्री जी ने उसके जवाब में कहा कि शहादत की बात नहीं थी, बल्कि वहाँ पर उन को तलब नहीं किया गया, उन को

एसोशिएट नहीं किया, गा उन को पार्टी नहीं बनाया गया। जजमेंट में कहा गया है :-

"The next allegation relates to the request...."

अध्यक्ष महोदय : प्वायंट आफ आर्डर क्या है ?

Shri S. M. Banerjee: My point of order is this that the Prime Minister, unfortunately—I am sorry to say this, with all my respect for him—has not either read the judgment or he has said something which does not cover the judgment..

Mr. Speaker: Is he saying that it is not a correct statement?

Shri S. M. Banerjee: It is not a correct statement.

Mr. Speaker: If it is not a correct statement then it is no point of order. The hon. Member might sit down.

श्री लहरी सिंह : मेरा सवाल यह है कि जब गवर्नमेंट ने यह तसल्ली दिला दी है कि वह चीफ मिनिस्टर के खिलाफ एन्क्वायरी करेगी और मालूम करेगी कि क्या एक्शन लिया जाये, तो वह इस के साथ ही प्रेवाल के केस और आर० पी० कपूर के केस, जोकि बड़े इम्पॉर्टेंट केसिज हैं, पर भी शोर करने के लिए तैयार है या नहीं ?

श्री स० मो० बनर्जी : प्रेवाल का केस झालरेडी सेंटर में है।

श्री जवाहरलाल नेहरू : मुझे अफसोस है कि मैं ने कुछ कहा था और मैं इस मामले के बाहर चला गया था। लेकिन जब और लोगों ने इतना कहा, तो मैं ने कहा कि मैं भी थोड़ा सा कह दूँ, क्योंकि अगर यह और वह सवाल देखा जायेगा, तो पूरे सवाल देखे जायेंगे। कुछ साहबान चाहते हैं पंजाब

Attention to Matter of
Urgent Public Importance

[श्री जवहरलाल नेहरू]

के सिलसिले में एन्व्वायर करना कि वहां पर कैसी गवर्नमेंट चली। तो पूरा देखना होगा कि उस ने कितना फ़ायदा किया, कितना नुकसान किया, अगर जरूरत हो, तो। (Interruption).

श्री रामसेवक यादव : अध्यक्ष महोदय, आप ने मेरे व्यवस्था के प्रश्न का उत्तर नहीं दिया और प्रधान मंत्री ने फिर यही बात दोहराई है।

अध्यक्ष महोदय : आप ने जो सवाल किया, उस का उन्होंने ने जवाब दिया।

श्री लहरी सिंह : मेरा सवाल वेग नहीं है। मेरा सवाल यह है कि जहां इस बात का खयाल किया जायगा, तो क्या ग्रेवाल और कपूर के इम्पार्टेंट केसिज़ का भी खयाल किया जायगा या नहीं।

अध्यक्ष महोदय : उन्होंने ने जवाब दिया है कि सब बातों का खयाल किया जायगा।

श्री रामसेवक यादव : एक तो मेरी शिकायत यह है कि आप ने मेरे व्यवस्था के प्रश्न का उत्तर नहीं दिया। दूसरे, चूंकि आप ने व्यवस्था नहीं दी, इसलिए प्रधान मंत्री ने फिर वही फ़िरा दोहरा दिया। प्रश्न यह है कि अगर किर्मा जुल्मी के खिलाफ या किसी अभियुक्त के खिलाफ कोई चार्जिज़ हैं, तो उस का फ़ैसला करने में, वह कभी भविष्य में अच्छा काम करे, या उस ने भूत में कोई अच्छा काम किया है, उस को भी दृष्टि में रखा जायगा।

अध्यक्ष महोदय : वह नहीं होना चाहिए। मैं माननीय सदस्य से इत्तिफ़ाक करता हूँ।

12.58 hrs.

PAPERS TO BE LAID ON THE
TABLE

JUTE (LICENSING AND CONTROL)
AMENDMENT ORDER, ANNUAL REPORT OF
EXPORT RISKS INSURANCE CORPORATION
ALONG WITH AUDITED ACCOUNTS, AND
REVIEW BY GOVERNMENT THEREON

The Minister of International Trade
(Shri Manubhai Shah): I beg to lay
on the Table a copy each of the fol-
lowing papers:—

- (i) The Jute (Licensing and Control) Amendment Order, 1963, published in Notification No SO. 2026, dated the 10th August, 1963, under sub-section (6) of section 3 of the Essential Commodities Act. [Placed in Library. See No. LT-1659/63.]
- (ii) (a) Annual Report of the Export Risks Insurance Corporation Limited, Bombay, for the year 1962 along with the Audited Accounts and the comments of the Comptroller and Auditor-General thereon, under sub-section (1) of section 619A of the Companies Act, 1956.
- (b) Review by Government on the working of the above Corporation. [Placed in Library. See No. LT-1660/63.]

CERTIFIED ACCOUNTS OF KHADI AND
VILLAGE INDUSTRIES COMMISSION TOGETHER
WITH AUDIT REPORT THEREON, AND
STATEMENT EXPLAINING REASONS FOR
DELAY IN LAYING THEM

Shri Mnaubhai Shah: On behalf of
Shri Kanungo, I beg to lay on the
Table a copy each of the following
papers:—

- (i) Certified Accounts of the Khadi and Village Industries Commission for the years 1959-60 and 1960-61 together