

NOTIFICATION UNDER RUBBER ACT.

The Minister of International Trade (Shri Manubhai Shah): I beg to lay on the Table a copy of the Rubber (Third Amendment) Rules, 1963 published in Notification No. G.S.R 1298 dated the 10th August, 1963, under sub-section (3) of section 25 of the Rubber Act, 1947. [Placed in Library see No. LT-1581/63]

REPORT OF THE STUDY TEAM ON PANCHAYATI RAJ FINANCES

The Deputy Minister in the Ministry of Community Development and Cooperation (Shri B. S. Murthy): I beg to lay on the Table a copy of Report of the Study Team on Panchayati Raj Finances, 1963 (Part I). [Placed in Library, see No. LT-1607/63]

TWENTY-FOURTH REPORT OF LAW COMMISSION

The Deputy Minister in the Ministry of Law (Shri Bibudhendra Mishra): Sir, I beg to lay on the Table a copy of Twenty-fourth Report of the Law Commission on the Commissions of Inquiry Act, 1952. [Placed in Library, see No. LT-1608/63]

12.25 hrs.

STATEMENT RE. RESIGNATIONS FROM AND CHANGES IN THE COUNCIL OF MINISTERS

The Prime Minister and Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): Mr. Speaker, I am grateful for your permission to make a statement in regard to some resignations in the Government and some changes that are taking place in the Government. The facts leading to these resignations are somewhat unusual and it is difficult, perhaps not possible to find a precedent for this kind of procedure. Anyhow, six of our Cabinet Ministers have resigned: Shri Morarji Desai, Minister of Finance, Shri Jagjivan Ram, Minister of Communications, Shri Lal Bahadur Shastri, Minister of Home Affairs, Shri S. K. Patil, Minister of Food and Agriculture, Shri

Gopala Reddi, Minister for Information and Broadcasting and Dr Shri-mali, Minister of Education. I forwarded their resignations to the President and he has been pleased to accept them. He has also been pleased to accept my recommendation to him in regard to come of new Ministers taking the place of some of those who have resigned; not all. That is for Home Affairs Shri Gulzarial Nanda; for Finance, Shri T. T. Krishnamachari and for Food and Agriculture, Shri Swaran Singh. The actual change over will presumably take place in two or three days time; it has not actually taken place now. The President has said: 'when convenient' we shall arrange this accordingly.

As I have stated, rather unusual circumstances led to the resignation of some of our senior-most and most respected Members of this House and of the Government. I am not going to enter into the reasons why this happened. Some of them appeared in the public Press. It is with regret that I recommended, to the President that these resignations be accepted. In our Government it will make a big difference to do without senior and experienced members whose advice counted for so much. I would only add—I would repeat—this has nothing to do with any questions of policy that usually lead to resignations. The reasons were entirely different. However, I am glad that although they have resigned from these offices, they will continue as Members of this House and we shall continue to have the advantage of their advice and co-operation.

There are some vacancies caused by resignations which have not yet been filled for the moment. For the present some temporary arrangements will be made for Ministers who already hold charge of other portfolios to be in charge of these portfolios where vacancies have been caused. In the course of some little time more permanent arrangements will be made in regard to them. There is no ques-

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tion of my introducing the new Ministers to you, Sir, or to the House as they had been Ministers and they are well known to all of us.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, on a point of order. I invite your attention to article 75 of the Constitution, clauses 2 and 3. The Prime Minister has been pleased to say that some unusual circumstances conspired to bring about this... (*Interruptions.*) These are words not used by him but words were used to this effect—resignation of half a dozen senior and respected Cabinet Ministers. We are sorry that circumstances have conspired to bring about this unfortunate development in the Cabinet, and I hope—and the House will hope—that those who will take their place will be equally competent.

Mr. Speaker: What is the point of order?

Shri Hari Vishnu Kamath: The point of order is this. Article 75(2) says as follows:

“The Ministers shall hold office during the pleasure of the President.”

Then, article 75(3) says:

“The Council of Ministers shall be collectively responsible to the House of the People”.

You will recollect that the House discussed a motion of no-confidence moved by my hon. colleague, Acharya Kripalani, and the House rejected that motion. Thereby it was decided by the House that the Council of Ministers enjoys the confidence of this House. Now, by a major reshuffle involving six Cabinet Ministers, a situation has been brought about which is tantamount to this: that it can be regarded that the Council of Ministers has lost the confidence of the House. Therefore, it was most proper and meet, in the spirit of the Constitution, for the Prime Minister to

tender the resignation of the Cabinet as a whole and then re-constitute the Cabinet; the Council of Ministers should have tendered the resignation—the Prime Minister himself and other members of the Council—to the President, and the President certainly might then have called upon the party again to re-elect a leader and then he should have formed the new Cabinet. That is the first point.

The second point is this. According to article 75(2), the Ministers shall hold office during the pleasure of the President; unfortunately for the Prime Minister, it is not during the pleasure of the Prime Minister. They will hold office during the pleasure of the President. Before the resignations were accepted by the President—perhaps yesterday evening or sometime yesterday, I do not know exactly when the major newspapers of the country, informed us and people in towns, bazars and the market-place knew through those papers, that the Prime Minister had received the resignations of these senior Ministers and that he had recommended to the AICC and the Working Committee, recommended to the party, that their resignations must be accepted. That means to say he on his part had accepted the resignations of the Ministers. It is wholly irregular and wholly unconstitutional. He should have, in the fitness of things, and if he has got a wholesome respect, allegiance, for the Constitution—I believe he has—forwarded the resignations to the President in the first place, and made any statement, whatever statement he wanted to make, in regard to them afterwards. But first he should have ascertained the opinion, the pleasure of the President with regard to those resignations and then only, under the Constitution, he was competent to make any further statement about the resignations submitted by the senior Cabinet Ministers. Therefore his earlier statement which was made with regard to the resignations is

wholly out of order and unconstitutional, and to rectify that, the only way open to him now is to tender the resignation of the Cabinet as a whole, and then the Cabinet could be reconstituted at an early date.

Mr. Speaker: The first point is that the acceptance of the resignation of six senior Cabinet Ministers has taken place, and the hon. Member argued that it is tantamount to the expression of no-confidence in the Council of Ministers. I can not follow that.

Shri Hari Vishnu Kamath: By themselves. (*Interruption*).

Mr. Speaker: If they resign, then is it a vote of confidence or want of confidence?

Shri Nath Pai (Rajapur): They have lost confidence in themselves.

Shri Hari Vishnu Kamath: They regard themselves as having lost the confidence of the House.

Mr. Speaker: If that is the view, of course now I appreciate the argument that they have lost confidence in themselves, but I am not concerned with that.

Shri Hari Vishnu Kamath: Confidence of the House.

Mr. Speaker: No, no. It should not be further argued. There is no expression by the House by which we can say that they have lost the confidence. Rather, that motion of no-confidence was rejected only a few days back, and the Council of Ministers had that confidence. Nothing more has happened after that.

The second point that the hon. Member has argued is this, namely, the manner in which it has been done and that the Prime Minister had no authority to do it, and it was for the President. Of course, that is what the Prime Minister has said: that he recommended it to the President and

the President has been pleased to accept the resignations.

Then, article 75(1) says as follows:

"The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister."

What advice he gives, the acceptance of the resignation, etc., is of course between the President and the Prime Minister himself. And if the President thinks that everything has been in order, then I do not think that we have got any data here to say that the Constitutional provisions have not been complied with or something irregular has happened, and the hon. Member has not been able to point out anything which might be irregular or against the Constitution. So far as these provisions are concerned, there is nothing irregular. (*Interruption*).

Shri Hari Vishnu Kamath: On a point of clarification. Sir, I entirely agree with the ruling which you have just now given—that he had recommended them to the President. But may I point out, in all humility, that well before, a couple of days before, the Prime Minister is reported to have recommended the resignations for the acceptance of the President, all the newspapers of Delhi were thick with reports that the resignations had been accepted and also that the Minister of Works, Housing and Rehabilitation was busy finding out new accommodation for the Ministers who were going out. That should not have been allowed to happen.

Mr. Speaker: That is quite a different thing—whether the newspapers which carried the news ought to have done like that or not. If he raises it in a different motion, I will consider whether there is anything worthwhile on which we can take action—that they gave the news that the Prime

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Minister had accepted the resignations.

Shri Hari Vishnu Kamath: It was unauthorised.

Mr. Speaker: I cannot argue about the reports in the newspapers that the Prime Minister had accepted the resignations. When the Prime Minister states that he had made that recommendation to the President and the President has accepted it, how should I act on the report of the newspapers?

Shri Hari Vishnu Kamath: Please verify.

Mr. Speaker: Order, order. Shri Ranga.

Shri Ranga (Chittoor): May I seek a clarification? The hon. Prime Minister said that so far as the policies of the Government are concerned they remain the same and that only this adjustment is being made. But the House would remember that a few days earlier, our Communist friends expressed their want of confidence in two out of these six Ministers who have now resigned and whose resignations the Prime Minister has accepted. Does that mean that the Prime Minister has accepted, to that limited extent, the want of confidence expressed by the Communists? That is the first thing.

Another thing is this: I would like to know whether the six Ministers have lost their confidence in the Prime Minister or *vice versa*. Otherwise, why has this *tamasha* been enacted?

Shri Jawaharlal Nehru: I am rather surprised at some of the points raised by hon. Members opposite. The fact that there was a no-confidence motion against the Government, that it was fully discussed and then rejected, should make them realise that so far as this House is concerned it

had confidence and has confidence in the Government.

Shri Hari Vishnu Kamath: Why should they go then? (*Interruption*).

Mr. Speaker: Order, order.

Shri Jawaharlal Nehru: So far as some hon. Members belonging to the Communist party are concerned, they mentioned two of our Ministers and I was deeply pained at that. I thought it was rather improper. We were discussing policies of the Government and not individuals, and so far as the policies of those two hon. Members were concerned—the two Ministers—they were the policies of the Government, and therefore any action taken by me in recommending to the President has not only nothing to do with the no-confidence motion, but in fact, I was rather strengthened by the fact that the House has cleared this fact that the Government and all its members have the confidence of the House. It had nothing to do with policy. The step taken, as I said earlier, is rather unusual—the circumstances leading up to it. The hon. Member said “very”. The Congress is used to taking unusual and very unusual steps.

Shri Ranga: Dictatorial and totalitarian.

Shri Jawaharlal Nehru: That may be the hon. Member's opinion because he thinks too much of himself in dictatorial lines.

Some Hon. Members rose—

Mr. Speaker: What is it that Shri Banerjee wants to say?

Shri S. M. Banerjee: Sir, I only want to know, since the Prime Minister has already announced that these resignations have been accepted, as the session is on, whether the second list will also be announced here.

Mr. Speaker: How does he presume that?

डा० राम मनोहर लोहिया (फर्रुखाबाद) : प्रधान मंत्री ने कहा है कि यह इस्तीफ़ा नीति के कारण नहीं हुए हैं। जिन कारणों के लिए हुए हैं उन के लिए उन्होंने अखबारों की तरफ़ हमारा ध्यान खींचा है। अखबार बता रहे हैं कि यह इस्तीफ़ा त्याग भी हो सकता है और जबरदस्ती भी हो सकती है। यह मंत्री निकले हैं या निकाले गये हैं इस के बारे में अखबारों में कोई सफ़ाई नहीं दी है, तो क्या प्रधान मंत्री साहब यहां सफ़ाई देंगे कि स्थिति क्या है, निकले हैं या निकाले गये हैं।

अध्यक्ष महोदय : यह तो उन्होंने कह दिया। अब अखबारों से मेरा कोई सम्बन्ध नहीं है।

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, मैं

अध्यक्ष महोदय : आर्डर, आर्डर।

डा० राम मनोहर लोहिया : प्रधान मंत्री ने अखबारों की तरफ़ हमारा ध्यान खींचा है और कहा है कि अखबारों से आपको कारण जान लेना चाहिए। सरकार इस मामले में बिलकुल मौन है। जहां तक अखबारों का सम्बन्ध है वह कहते हैं कि हो सकता है कि यह मंत्री निकले हैं फिर यह भी कहते हैं कि उनको निकाला गया है। इसलिए इस बारे में प्रधान मंत्री महोदय यहां पर कुछ सफ़ाई दे दें तो हम लोगों की बुद्धि का मामला कुछ आगे बढ़े।

श्री जवाहरलाल नेहरू : अपनी बुद्धि की सफ़ाई के लिए डा० लोहिया ने जो यह सवाल पूछा है उस का जवाब यह है कि सब इस्तीफ़े मेरे पास आये थे, खुशी से आये थे। मैंने किसी से भी इस्तीफ़ा देने के लिए नहीं कहा था। सिवाय इसके कि एक प्रस्ताव हुआ था आल इंडिया कांग्रेस कमेटी का। मेरी तरफ़ से किसी से इसके लिए नहीं कहा गया। वे सब इस्तीफ़े खुशी से आये थे और उन की

मंजूरी हुई तो एक मानी में उन की खुशी पूरी की गई।

डा० राम मनोहर लोहिया : एक मानी में, दूसरी मानी में क्या हुआ ?

श्री हरि विष्णु कामत : क्या आप ने खुद भी इस्तीफ़ा दिया था ?

Shri Nath Pai: Sir, I should like to crave your indulgence on two small points. The Prime Minister while replying to an earlier question was pleased to state that the House had rejected the motion of no-confidence in the Council of Ministers led by him and then he immediately said that for other reasons he had to take the step which he has taken. Are we, Sir, to infer that there is a party caucus which the Prime Minister, democrat as he is, thinks is above the judgment of the House? Because, you yourself said that the House expressed confidence and then you talked mysteriously of some steps of which we are not aware. Does it mean that there is a wisdom higher which you recognise than the wisdom of the House? If not, why do you claim that the House defeated the motion?

My second point is this. Regarding the reconstruction of the Ministry I should like to seek some factual information. What will be the scope of the Ministry of Finance; since your new nominee to that post is currently holding the Ministry of Economic and Defence Co-ordination, whether you are contemplating their amalgamation, and whether the same applies to the Ministry of Community Development vis-a-vis the Ministry of Food also The House should be told something about what you are planning now and then and we should not be left to the position that you tell it to the Working Committee and then the Press informs us.

Shri Jawaharlal Nehru: As regards the first matter raised by the hon.

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Member, he talked about a party caucus etc. Obviously, Parliament is supreme. But the hon. Member himself is a member of a party, group, and no doubt he consults them occasionally.

Shri Nath Pai: Always.

Shri Jawaharlal Nehru: That is the normal way of functioning of parties. Undoubtedly, I represent a party. I represent also, I hope, something wider and bigger than the party, (An hon. Member: Question). But I do represent a party, a very old party which has played a very important part and which is represented in this House by a very large number of Members.

Shri Hari Vishnu Kamath: Too old a party.

Shri Jawaharlal Nehru: And, we do consult each other and we will continue to consult each other as to what steps we should take in the normal course, in consultation with the President. Ultimately, it is for this House to decide whether I have done rightly or wrongly. We cannot convert this House or make it function as a party caucus as the hon. Member says it almost comes to that—that we bring such matters here which are normally considered by groups and parties themselves and as a result of that something is placed before the House for their approval.

Shri Hem Barua (Gauhati): That is the impression that we get.

Shri Nath Pai: You got an impressive vote of confidence which you claim was thundered in support by your party. Within seven days you bring in a wholesale reshuffle and that raises the question of what worth was this vote which you won.

Shri Jawaharlal Nehru: The hon. Member will remember that long before this vote of no confidence came before this House, a resolution was

passed by the All-India Congress Committee which gave the impetus to other things that followed. If this motion of no-confidence had not taken place then, probably, this action would have taken place earlier. Because of the motion of no-confidence it was postponed for further consideration immediately after that. The thing originated long before.

As for the second question—the hon. Member asked about the Finance Ministry and some other Ministries—those matters will be considered, in what manner they should continue, whether they should be amalgamated with others and all that. In the course of the next few days, as I mentioned, I propose to do that. For the moment I hope to make some temporary arrangements, and I will come and inform this House what other arrangements are made later.

12.47 hrs.

MESSAGE FROM RAJYA SABHA

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

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 4) Bill, 1963 which was passed by the Lok Sabha at its sitting held on the 20th August, 1963, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.48 hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government Business