

[Secretary]

186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the High Court Judges (Conditions of Service) Amendment Bill, 1964, which was passed by the Lok Sabha at its sitting held on the 24th September, 1964, 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.'

(ii) 'In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 5) Bill, 1964, which was passed by the Lok Sabha at its sitting held on the 24th September, 1964, 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.'

(iii) '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 29th September, 1964, agreed without any amendment to the Representation of the People (Amendment) Bill, 1964, which was passed by the Lok Sabha at its sitting held on the 22nd September, 1964.'

13.26 hrs.

#### PRESIDENT'S ASSENT TO BILL

**Secretary:** Sir, I lay on the Table the Salaries and Allowances of Members of Parliament (Amendment) Bill, 1964 passed by the Houses of Parliament during the current Session and assented to by the President since a report was last made to the House on the 7th September, 1964.

#### PUBLIC ACCOUNTS COMMITTEE

##### TWENTY-SEVENTH REPORT

**Shri Morarka (Jhunjhunu):** I beg to present the Twenty-seventh Report of the Public Accounts Committee on Audit Report (Civil) on Revenue Receipts, 1964.

#### STATEMENT RE: SUPREME COURT JUDGEMENT RELATING TO NATIONALISATION OF BUS ROUTES IN KURNOOL DISTRICT

**Mr. Speaker:** Shri Asoke K. Sen.

**Shri S. M. Banerjee (Kanpur):** Sir, before he makes a statement, I have to submit something. This is a judgment of 27th January, 1964. . . .

**Mr. Speaker:** Let him make a statement.

**Shri S. M. Banerjee:** Before he makes a statement, I want to say something. Something was mentioned during the debate and the Prime Minister was asked to read the judgment. After reading the judgment, what was the necessity of making the statement? Is he going to defend the Minister or what?

**Mr. Speaker:** Of course, that he has done. I have just called him; I am just asking him. Unless he stands up and says something, how can you ask something about it?

**Shri S. M. Banerjee:** The very fact that it is on the order paper. . . .

**Mr. Speaker:** No notice should be taken of whatever appears on the order paper unless it is brought to the notice of the House.

**The Minister of Law and Social Security (Shri A. K. Sen):** Mr. Speaker, Sir, . . . .

**Mr. Speaker:** How long is that statement?

**Shri A. K. Sen:** It is about seven pages.

**Mr. Speaker:** Then, it might be laid on the Table of the House.

**Shri S. M. Banerjee:** I have got a copy of the judgment which has been circulated to us by some district committee of Kurnool in Andhra Pradesh. I want to know whether the hon. Law Minister is defending the Minister of Steel and Mines. That is the simple thing which he should answer.

**Shri A. K. Sen:** I lay the statement on the Table of the House.

**Shri S. M. Banerjee:** During the course of the discussion on the no-confidence motion, some of the Members of this House had mentioned about the Supreme Court judgment in which certain *mala fide* intentions were attributed to a particular ex-Chief Minister of Andhra Pradesh who is now . . .

**Mr. Speaker:** What does he want? Does he want that the statement must be read out or does he want anything else?

**Shri S. M. Banerjee:** I want that we should be allowed to put questions.

**Mr. Speaker:** The statement has been laid on the Table of the House. The hon. Member can read it and then I shall see whether questions should be allowed.

**Shri Hari Vishnu Kamath** (Hoshangabad): Irrespective of what is contained in the statement, may I ask for one clarification? Considering the fact that soon after the Supreme Court's verdict, the Minister, at that time the Chief Minister of Andhra Pradesh, accepted the same by implication and bowed out of office so immediately; it was a good act that he did at that time. But what happened then in the interregnum between that date and the date of his appointment in the Union Council of Ministers, to absolve him? Was the period of three months or whatever it was considered sufficient *prayaschitta* or expiation to wash away his guilt?

**Mr. Speaker:** That statement should be read first. What Government have

stated should be seen first, and then we shall see whether questions should be put.

**Shri Hari Vishnu Kamath:** Shri N. Sanjiva Reddy himself accepted the verdict and bowed out of office . . .

**Mr. Speaker:** I also know it.

**Shri Hari Vishnu Kamath:** Therefore, by implication, he accepted the judgment against him.

**Shri A. K. Sen:** This is exactly what we have said in the last paragraph of the statement. It reads thus:

"Shri Sanjiva Reddy has set up a fine standard of public conduct by resigning from his office of Chief Minister of Andhra Pradesh, immediately after the judgment of the Supreme Court, though his version of the facts was not available to the Supreme Court under the circumstances mentioned above. The judgment of the Supreme Court is, no doubt, entitled to our highest respect, but it must be read in the context of the facts and in relation to the evidence which were before the Supreme Court. After studying all the facts and the version of Shri Sanjiva Reddy, which was not before the Supreme Court, Government is satisfied that the allegations made in the aforesaid petitions cannot be held against Shri Sanjiva Reddy."

**Mr. Speaker:** When I asked hon. Members to wait and first read the judgment and the statement in order to be able to understand the position, they were impatient . . .

**Shri S. M. Banerjee:** The judgment is here with me. Thousands of copies have been circulated.

**Mr. Speaker:** The statement laid on the Table of the House has also to be read out.

**Shri S. M. Banerjee:** You should not be angry with us. Kindly give us an opportunity . . . There is no need to be angry with us. I am only telling

[Shri S. M. Banerjee]

ou that this particular judgment has been circulated to us already. There is also the statement which has been laid on the Table of the House by the hon. Law Minister. For the last fifteen days, continuously we have been getting copies of the judgment with comments. What the Minister of Steel and Mines had stated in the State Assembly has also been quoted. After reading all that, we were of the opinion when we read today's Order Paper that the hon. Law Minister would come forward with a clear statement; we wanted to know whether he was going to make another statement like the Prime Minister that there was nothing wrong with Shri N. Sanjiva Reddy. It may be that nothing may be wrong. But what is the use of making such a statement, if we are not going to be allowed to put questions?

**Mr. Speaker:** I do not know what the use is. I cannot give him the answer to that question. If he says that I am getting angry he should not have persisted again and again in asking questions, especially when I had already asked him to resume his seat.

**Shri Hem Barua** (Gauhati): May I draw the attention of the hon. Law Minister to these observations of the Supreme Court?

**Shri A. K. Sen:** May I first lay the statement on the Table of the House?

**Shrimati Renu Chakravarty** (Barrackpore): What Shri N. Sanjiva Reddy has given you as his version should also be laid on the Table of the House.

**Shri Hem Barua:** May I draw the attention of the hon. Law Minister to the following observations made by the Supreme Court, namely:

"We are, therefore, constrained to hold that the allegations that the Chief Minister was motivated by bias and personal ill-will against the appellants, stands un rebutted.".....

**Shrimati Yashoda Reddy** (Kurnool): Even before reading the statement, what is the fun in putting questions like this? It may be that the very fact is being explained by the hon. Minister. . .

**Mr. Speaker:** Is it intended that I should allow questions on this statement just now?

**Shri Hem Barua:** I would seek a clarification. . .

**Mr. Speaker:** The hon. Member may listen to me first. We ought to be clear in regard to the procedure that we are going to follow. If it is intended that a few questions should be allowed now, then I would not allow any further discussion to take place afterwards, but I shall allow a few questions just now. But if it is the desire that the statement laid on the Table just now must be studied first and then an opportunity given to put questions, then I shall allow an opportunity afterwards.

**Shri S. M. Banerjee:** May I submit.....

**Mr. Speaker:** The Hon. Member would not allow me also to speak . . .

**Shri S. M. Banerjee:** I am sorry.

**Mr. Speaker:** When I am speaking, why should the hon. Member stand up again and again?

I should know what the desire of the Members is.

**Shri Hem Barua:** My desire is this. In the course of the no-confidence motion debate, the hon. Prime Minister said that Shri N. Sanjiva Reddy did not rebutt the observations made by the Supreme Court. He did not submit an affidavit also. My point is this. At that time, the Prime Minister said that he had not read the judgement then. I want to draw the attention of the Prime Minister to the observations made by the Supreme Court; if you allow me, I shall draw his attention, but if you do not allow me, I shall not draw. At the same time, I would like to ask this question.

**Mr. Speaker:** I am only putting it to the Members that if they want to put questions just now, they may tell me and I shall allow them to put a few questions. Or, if they want any other opportunity after reading the statement, I shall allow that.

**Shri Hem Barua:** I shall put the question today. . .

**Mr. Speaker:** It is not just one individual who has to decide this. I have to take the desire of the other Members also.

**Shri S. M. Banerjee:** We have come to know that there have been certain letters exchanged between the Law Minister or the Prime Minister and Shri N. Sanjiva Reddy. If the copies of those letters also are laid on the Table of the House, it will be easier for us.

**Shri A. K. Sen:** There were no letters.

**Shri Hem Barua:** May I draw the attention of the hon. Law Minister to the observations made by the Supreme Court, namely:—

“We are, therefore, constrained to hold that the allegations that the Chief Minister was motivated by bias and personal ill-will against the appellants, stands un-rebutted.”

The judgment of the Supreme Court also says that the allegations against the Chief Minister were made with particularity and detail.

In this context, may I know whether the hon. Law Minister or the Prime Minister think even now that Shri N. Sanjiva Reddy did not rebutt the observations made by the Supreme Court because he felt that he was innocent or because he suffered from some guilty conscience because he knew that no amount of affidavits could rebutt those allegations?

**Shri Sinhasan Singh (Gorakhpur):** On a point of order. The hon. Law Minister was about to read out his statement, but because it was

a long one, it was laid on the Table of the House. We have not read it yet. Meanwhile, we find that hon. Members have started putting questions. You have just now stated that we shall put questions only after we have read the statement. But without knowing what is contained in the statement, hon. Members are going on with their questions.

**Shri Hem Barua:** May I submit that I made it clear that my question was directed at what the Prime Minister had said the other day?

**Shrimati Yashoda Reddy:** Shri Kamath had said that Shri N. Sanjiva Reddy had accepted the judgment. I would like to ask the hon. Law Minister. . .

**Mr. Speaker:** I thought that she was going to raise some point of order.

**Shrimati Yashoda Reddy:** I want to know whether he had accepted the judgment at all, because even before the judgement came and even before he knew what it was, he had resigned; so, that could not mean that he had accepted it.

Secondly, when legal opinion was taken, it was said that it was not binding on him morally or legally, and, thirdly, there was no technical bar also against the Minister concerned.

I would like to know also what the constitutional propriety is, whether the Prime Minister has no right to choose his Cabinet colleagues or whether the Opposition or anybody else should be allowed to have a say as to who should be in the Cabinet. I would like to know from the hon. Law Minister what the constitutional propriety is.

**Shri Hem Barua:** There is a moral bar, according to the Prime Minister. The Prime Minister had said the other day that the conduct of a Chief Minister should be above board and no finger should be pointed at him. That was what he said. That is why we want to know whether such a person

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could be taken into the Union Cabinet or not.

**Shri A. P. Jain (Tunkur):** On a point of order. We have not seen the statement yet. Whether the whole of the Opposition wants to put questions today is not a material point, because even if you and the whole of the Opposition agree, the rest of the House does not know what is contained in the statement. So, unless the statement is either read out or we are given an opportunity of reading it, I submit with great respect that no Member of the Opposition, and for that matter, no other Member should be allowed to put any question, because we cannot comprehend the question.

**Shri S. M. Banerjee:** On a point of order. . .

**Shri A. K. Sen:** By this time, I would have finished reading out the statement.

**Mr. Speaker:** But the hon. Members did not allow that. I am surprised at this. One point of order has been raised, and I find that another hon. Member raises another point of order. Is it a point of order on the point of order?

**Shri S. M. Banerjee:** It is really a point of order, and it is this. When the Law Minister laid the statement on the Table of the House, he also read out a portion of it, which actually invited such questions. Is it not open to the Members to ask questions on the basis of the substance of whatever has been read out by the hon. Minister?

**Mr. Speaker:** I have made it clear that I can give only one opportunity; either have it today or on some other occasion.

**Some Hon. Members:** Some other occasion, not today. (*Interruptions*).

**Mr. Speaker:** Order, order.

I cannot allow a double opportunity. I cannot give two occasions.

Therefore, I asked twice and the Members on that side did not at that time object to questions being put now. I did not hear even one Member objecting when I was asking whether I should allow an opportunity today or have it on some other occasion. It would have been a reasonable thing if Members had read the statement and then come up with questions. That was what I was suggesting. But then there was insistence that they must put the questions now.

**Shri Khadilkar (Khed):** Only one Member.

**Some Hon. Members rose—**

**अध्यक्ष महोदय:** जब मैं ने कहा कि माननीय सदस्य पहले स्टेटमेंट को पढ़ ले और सवाल पूछने का मौका बाद में मिल जायेगा तो कई मम्बर साहबान खड़े हो गए, रुकावट डालने लगे, मुझे बोलने नहीं दिया और कई प्वायंट्स आफ आर्डर उठाए गए।

**श्री बड़े (खरगोन):** वे तो केवल यह चाहते हैं कि उन को प्रश्न पूछने का अवसर दे दिया जाये।

**अध्यक्ष महोदय:** अब हाउस की डिजाइर क्या है कि स्टेटमेंट पढ़ने के बाद अब मौका दिया जाये या बाद में?

**Shri P. K. Deo (Kalahandi):** The statement may be circulated.

**Shri Vidya Charan Shukla (Mahasamund):** Questions should be asked now rather than postpone it. We have gone through the matter.

**Some Hon. Members:** No, no.

**Shri A. K. Sen:** May I say that if questions are to be put later, we may rather have them today because the Prime Minister will be leaving tomorrow?—I would have read the statement by now.

**Mr. Speaker:** There are different views. Even the Congress Party is

not united on this. I have no objection. Shri Hem Barua's question may be answered.

**Shri C. K. Bhattacharyya** (Rai-ganj): We are prepared to go through it today because the Opposition has already had a chance of having a dig at our Minister. They will have another chance if you give them a separate opportunity. Let this matter be finished today and let us not allow the agony to continue.

**Mr. Speaker:** There were points of order from your side to the effect that questions should not be allowed today.

**Shri C. K. Bhattacharyya:** No, Sir. That was because the Opposition acted most irrationally.

**श्री सननानी (जम्मू तथा काश्मीर) :**  
 आपोजीशन वाले इतने सवाल पूछ चुके हैं, कि अब उनको और सवाल पूछने की जरूरत नहीं है।

**श्री प्रकाशवीर शास्त्री (बिजनौर) :**  
 अध्यक्ष महोदय, एक बीच का रास्ता यह हो सकता है कि आज सायंकाल चार बजे प्रश्नों का अवसर दे दिया जाये।

**Mr. Speaker:** Let Shri Hem Barua's question be answered.

**Shri A. K. Sen:** That is quoted at page 6 of my statement itself.

**Shri Hem Barua:** Reply to the question.

**Shri A. K. Sen:** Since the Prime Minister is leaving tomorrow, questions may be put today. I shall read the statement quickly and then questions may be asked and answered.

**Mr. Speaker:** It is already quarter to two of the clock.

**Shri A. K. Sen:** I shall take only 6-7 minutes.

Road transport services in the nine districts of the old Hy-

derabad State, known as Telengana Area, and which now form part of the State of Andhra Pradesh, were run by the Road Transport Department of the Government of Hyderabad State and after its integration with the State of Andhra Pradesh, by the Road Transport Department of the State of Andhra Pradesh. Andhra Pradesh State Road Transport Corporation, hereinafter referred to as "the Corporation", was established on 11th January, 1958. It took over the management of road transport services, which were run previously by the Road Transport Department of the Government of Andhra Pradesh. On the date of establishment of the Corporation the position was that in the Telengana Area, i.e. in 9 districts, road transport services were already nationalised, while in the Andhra area, i.e. in the remaining 11 districts of the State of Andhra Pradesh, private operators were running road transport services, by plying their own buses on various routes. It was then decided to nationalise the passenger transport services in the Andhra area according to a phased programme. The Corporation first took over road transport services on various routes in the districts of Krishna, West Godavari and Guntur.

Thereafter, in exercise of the powers conferred by section 68-C of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), as amended by the Motor Vehicles (Amendment) Act, 1956, the Corporation prepared and published in the Andhra Pradesh Gazette, dated 29th November, 1962, three schemes for the nationalisation of road transport services in certain parts of Kurnool District. The notification invited objections from the public and the parties affected by the public to file their objections within a specified period. About 45 objections were received by the Government of Andhra Pradesh. After considering the objections, the Government of Andhra Pradesh issued notices to the objectors informing them that their objections would be heard by the Ministry of Transport, Andhra Pradesh

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(who was the statutory authority for this purpose), on the 11th and 12th January, 1963, at the time and place mentioned in the notices. At the hearing of the objections the objectors appeared by their advocates and the Corporation was also represented by its officials and legal advisers. The transport Minister duly considered the objections raised and approved the three schemes by three orders, namely, G.O. Nos. 292, 293 and 294 of the Home (Transport-IV) Department dated 12th February, 1963. The first order covered 34 routes, the second order covered 17 routes and the third order 13 routes—all in the district of Kurnool. The approved schemes were thereafter published in Part II of the Andhra Pradesh Gazette (Extraordinary) dated 13th February, 1963. The schemes provided for nationalisation of these routes and for the issue of permits for the routes covered by the schemes in favour of the Corporation. Thereafter, about 22 petitioners, who were all operators of buses on various routes covered by the said schemes, filed several petitions before the Andhra Pradesh High Court under article 226 of the Constitution praying, *inter alia*, for the issue of appropriate writs or orders for quashing the said three orders of the Transport Minister of Andhra Pradesh. Various grounds were taken in the petitions, only one of which is relevant for the present purpose, namely, that the said schemes were vitiated by reasons of the fact that the then Chief Minister of Andhra Pradesh, Shri Sanjiva Reddy, actuated by *mala fides* and extraneous considerations, prevailed upon the Corporation to initiate the said schemes and upon the Transport Minister to approve of them. In some of the petitions, charges were made against the Chief Minister personally as having brought about the said schemes actuated by grudge and malice against the bus operators in the areas concerned, whereas in the other petitions insinuations were made against the so-called group of the Chief Minister and the Public Works Minister of the State of

Andhra Pradesh as having been responsible for the initiation of the said schemes and their approval. The substance of the allegations against the Chief Minister was that some bus operators in the District of Kurnool had worked in the last General Elections against the so-called group of the Chief Minister, and several candidates belonging to that group were defeated and that the Chief Minister became annoyed as a result thereof and caused the Corporation to initiate the schemes and the Transport Minister to approve the same.

The Chief Executive Officer of the Corporation and the Transport Minister, Shri B. V. Gurumoorthy, had filed affidavits denying the allegations that the said schemes were initiated and approved at the instance of the Chief Minister. The Second Secretary of the Andhra Pradesh Government, Shri S. A. Iyengar, ICS, and Shri K. Ramamoorthy, Assistant Secretary of the Andhra Pradesh Government in the Home (Transport) Department, Hyderabad, also filed affidavits denying the allegation. No affidavit was, however, filed by the Chief Minister on legal advice.

The Andhra Pradesh High Court in its judgment held that they had no hesitation in accepting the statement of the Chief Executive Officer of the Corporation. They observed:

“there is no truth in the allegations that he had carried the mandate of the Chief Minister in according his approval to the schemes.....”

They further observed:

“Accepting the affidavit filed on behalf of the Corporation and by the Transport Minister, we hold that the charge of *mala fides* levelled against the Chief Minister is wholly baseless and unfounded”.

Dealing with the question as to whether the Chief Minister should have filed an affidavit denying the charges against him the High Court held “in

the instant case, it was a Corporation that had initiated the schemes and it was the Transport Minister who had approved of them. So far as these matters are concerned, it is the Corporation and the Transport Minister that have to state the correct position and they have filed affidavits". In interpreting an earlier decision of the Supreme Court the High Court held that it was not a case where the Chief Minister alone was in a position to enlighten the court. In the affidavit filed by Shri S. A. Iyengar on behalf of the State of Andhra Pradesh, he definitely stated that the Government of Andhra Pradesh was advised that the allegations were such that it was for the Corporation and for the Transport Minister to deal with the allegations that they acted at the instance of the Chief Minister and that the Government was advised that it was not necessary for the Chief Minister himself to file an affidavit. He said also that he was instructed and authorised by the Chief Minister to state that the allegations of *mala fides* against him were false and mischievous. The legal advice given to the Government of Andhra Pradesh and the Chief Minister was based on the same interpretation of the law as was expressed in the judgment of the Andhra Pradesh High Court mentioned above. Dealing with the affidavits, which contained the allegations about *mala fides* against the Chief Minister, the Andhra Pradesh High Court observed as follows:—

"The inherent inconsistency between the allegations made by the deponent of the affidavit in the main writ petition and the deponent of the affidavit in the other writ petition, itself furnishes positive proof of the unreliable character of the case of *mala fides*, pleaded by the petitioners."

"There is one more important fact which is wholly destructive of the charge of *mala fides* levelled against the Chief Minister. The learned counsel for the petitioners themselves have given us instances, showing that some only of the

sector routes of the 2nd and 3rd petitioners have been taken over. They have in fact complained of discrimination on the basis that while some of their routes have been taken over, some have been excluded from the scope of the proposed schemes. If this is a fact, the charge of *mala fides* cannot very well be sustained. If some of the routes of the petitioners who, it is alleged, are ranged against the Chief Minister in the political arena, have been excluded from the ambit of the schemes, that itself is sufficient to show that the charge of *mala fides* has not been substantiated".

The Andhra Pradesh High Court rejected all the other grounds on which the petitions were filed and dismissed the petitions.

Against the judgment of the Andhra Pradesh High Court an appeal was filed in the Supreme Court. The Supreme Court delivered its judgment on the 27th January, 1964. The whole judgment of the Supreme Court is based on the finding that the Corporation, which was to form its opinion independently, was influenced by the wishes of the Chief Minister expressed in a conference held by him with the Corporation and its officials on the 19th April, 1962. What I mean by this is this, that the law is that if a statutory body is to form an opinion—in this case, the Corporation—and the statutory body is to approve of the scheme, then they alone must decide, and they cannot be dictated to by others. This is the point which Mr. Justice Ayyangar is referring to. Ayyangar J., who delivered the judgment of the court, observed as follows:—

"On the evidence placed in the case we are satisfied that it was as a result of the conference of April 19, 1962, and in order to give effect to the wishes of the Chief Minister expressed there that the schemes now impugned were formulated by the Corporation."

Here the finding says nothing about *mala fides*. All that they say is that



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the wishes of the Chief Minister were given effect to. It is on this finding that the Supreme Court concluded as follows:—

"Our conclusion, therefore, is that the impugned schemes are vitiated by the fact that they were not in conformity with the requirements of section 68C."

There is no finding in the judgement of the Supreme Court that the allegations of *mala fides* against the Chief Minister were correct. In fact, the judgment states, "if the Chief Minister is impelled by motives of personal ill-will against the road transport operators in the western part of the Kurnool...." It says "if". As regards the allegation that the Transport Minister was influenced by the Chief Minister, the judgment states as follows:—

"In regard to this, however, two matters have to be remembered. The first is that there is nothing on the record to show that the Chief Minister influenced his colleague and beyond the fact that both the Chief Minister as well as the Transport Minister are members of the same Council of Ministers, there is nothing to indicate that the Chief Minister influenced the Transport Minister. The other matter is that the Transport Minister has stated on oath that in considering the objections and approving the schemes he was uninfluenced by the Chief Minister. We, therefore, consider that there is no basis for holding that the Transport Minister's approval of the schemes does not satisfy the requirements of the law".

The judgment says:—

(This is what Shri Hem Barua quoted).

"There has been no denial by the Chief Minister, nor an affidavit by any person who claims or can claim to know personally about the truth about these allegations. The Secretary to the

Home Department—one Mr. S. A. Iyengar has filed the Counter-affidavit in which the allegations we have set out earlier have been formally denied. He says, 'I have been expressly instructed and authorised by the Hon'able the Chief Minister to state that the allegations suggesting personal animus and giving mandate are false and mischievous and have been deliberately made to create an atmosphere of sympathy.' The learned Advocate-General did not suggest that the Court could act upon this second-hand denial on behalf of the Chief Minister, as the statement by Shri S. A. Iyengar is merely hearsay. (This is the finding) We are, therefore, constrained to hold that the allegations that the Chief Minister was motivated by bias and personal ill-will against the appellants, stands un rebutted."

The judgment of the Supreme Court further observed that the affidavit of the Transport Minister did not have the effect of denying the allegations made in the petition. The Transport Minister had, however, stated definitely that he did not make the orders under the dictation of the Chief Minister and that the proper facts were set out in his own orders and he denied all allegations contrary there. In the orders he stated that the allegations of bias and *mala fides* of the Government of Andhra Pradesh were false and mischievous. In fact, the Andhra Pradesh High Court regarded the Transport Minister's denial in his affidavit as sufficient.

In these circumstances and in view of the opinion of the High Court of Andhra Pradesh it cannot be seriously suggested that the view taken by the Legal Advisers of the Andhra Pradesh Government that an affidavit of the Chief Minister was not called for was wholly erroneous. The

Supreme Court judgment only states that the allegations of bias and personal ill-will against the Chief Minister, stand-un-rebutted. This cannot certainly be urged as a conclusive finding on the truth of the allegations themselves.

The Government has gone through the records, the petitions, the affidavits, the counter-affidavits, the proceedings before the Transport Minister and the orders of the Transport Minister. The Government has also ascertained the facts from Shri Sanjiva Reddy, the absence of whose affidavit appears to have weighed with the Supreme Court. The Government is satisfied that the allegations of bias and ill-will against the Chief Minister cannot be accepted as proved.

Shri Sanjiva Reddy has set up a fine standard of public conduct by resigning from his office of Chief Minister of Andhra Pradesh, immediately after the judgment of the Supreme Court, though his version of the facts was not available to the Supreme Court under the circumstances mentioned above. The judgment of the Supreme Court, is no doubt, entitled to our highest respect, but it must read in the context of the facts and in relation to the evidence which were before the Supreme Court. After studying all the facts and the version of Shri Sanjiva Reddy, which was not before the Supreme Court, Government is satisfied that the allegations made in the aforesaid petitions cannot be held against Shri Sanjiva Reddy.

Shri Hem Barua: Then, the question that I put stands. I put a specific question, and I quoted the observations of the Supreme Court judgment, and those are the observations that the Minister has also quoted. I just wanted to know why it is that these allegations were not rebutted. Is it simply because the legal advisers of the Chief Minister advised otherwise, or is it because he suffered from a certain guilty conscience that no amount of affidavits would be able to rebut the allegations made before the court?

Shri A. K. Sen: As is clear, there was an earlier judgment in the case of Shri Pratap Singh Kairon....

Shri Hem Barua: I wanted to refer to him myself. I am glad you have done it.

Shri A. K. Sen:....in which the Supreme Court laid down the principle as to when the Chief Minister must file an affidavit, and the principle in that case was—it is quoted by the Andhra Pradesh High Court itself—that when none but the Chief Minister could throw light on the matters involved, then it was necessary and obligatory on the Chief Minister to file his own affidavit. In this particular case, the allegations were that the State Transport Corporation initiated the schemes at the instance of the Chief Minister that the Transport Minister had approved of the schemes at the instance of the Chief Minister, and therefore it was the legal advice of the Andhra Pradesh Government that since allegations were that these two statutory bodies were influenced by him, they could deny and deal with the allegations. It was stated on behalf of Andhra Pradesh by Shri S. A. Iyengar that they had been advised that as these allegations concerned the two statutory authorities they were alone competent to deal with the allegations, that they were advised that it was not necessary for the Chief Minister personally to file an affidavit. That submission found acceptance with the Andhra Pradesh High Court. Therefore, one High Court has followed that principle. How can it be said that the advice which the Chief Minister received was erroneous.

14 hrs.

श्री प्रकाश वीर शास्त्री: अध्यक्ष महोदय, प्रधान मन्त्री जी को स्मरण होगा कि पंजाब के मुख्य मन्त्री सरदार प्रताप सिंह कैरो, ग्रथवा

[श्री प्रकाशबीर शास्त्री]

इसी प्रकार के कुछ अन्य मन्त्रियों के सम्बन्ध में जब इस प्रकार के केसेज इस सदन में किसी भी प्रसंग में आये थे तब पहले के प्रधान मन्त्री इस बात पर बहुत बल दिया करते थे कि कानूनी पक्ष के अतिरिक्त भी एक पक्ष होता है, जिस को कहते हैं नैतिक पक्ष। नैतिक पक्ष का बहुत मूल्य होता है। मेरा अनुमान है कि श्री संजीव रेड्डी ने जो इस्तीफा दिया था वह नैतिक पक्ष को ही अधिक ध्यान में रख कर दिया था। जब नैतिक पक्ष को ध्यान में रख कर वे राज्य सरकार के इतने बड़े उत्तरदायित्व के पद से हट सकते हैं, तो उसी नैतिक पक्ष को केन्द्रीय सरकार की इस मन्त्रि परिषद् को बनाते समय क्यों नहीं ध्यान में रखा गया।

प्रधान मंत्री तथा अणु शक्ति मंत्री (श्री लाल बहादुर शास्त्री) : नैतिक पक्ष की बात तो ध्यान में हमेशा ही रखनी चाहिये। लेकिन माननीय सदस्य को यह भी ध्यान में रखना चाहिये कि जहाँ कोई टैकनिकल बात हो बड़े महत्व की बात, चाहे वह नैतिकता की हो, मोरैलिटी की हो, न हो, जहाँ कोई मारल टर्म्पिट्यूड की बात न हो, जहाँ सिर्फ टैकनिकल सवाल हैं कि ऐफिडेविट दाखिल हुआ या नहीं हुआ, जिस सिलसिले में आंध्र प्रदेश के हाई कोर्ट ने भी कहा कि ऐफिडेविट दाखिल होना जरूरी नहीं है क्योंकि ट्रांसपोर्ट मिनिस्टर ने और दूसरे लोगों ने ऐफिडेविट दाखिल कर दिया है, वहाँ इस तरह की आपत्ति नहीं हो सकती यह मसला सिर्फ यहीं तक सीमित है, इससे आगे बढ़ाने की गुंजाइश नहीं है कि ऐफिडेविट दाखिल हुआ या नहीं। अगर इसके बाद भी सुप्रीम कोर्ट ने यह कहा कि संजीव रेड्डी साहब को ऐफिडेविट दाखिल करना ही चाहिये था, तो इस सम्बन्ध में सुप्रीम कोर्ट का केवल यही फैसला है, यही कहना है कि चूँकि उन्होंने ऐफिडेविट दाखिल नहीं किया इसलिये जो शिकायतें रखी गईं, जो आरोप लगाये गये वह ज्यों के त्यों रह जाते हैं।

ऐसी स्थिति में बात इतनी रहती है कि रिबटल नहीं हुआ। ऐफिडेविट दाखिल नहीं हुआ। क्यों नहीं हुआ इसका जवाब ला मिनिस्टर साहब ने पूरी तरह से दे दिया है। अगर नैतिकता का कुछ सवाल था, जिस पर संजीव रेड्डी जी ने इस्तीफा दिया, तो उसके माने यह नहीं होते कि हमेशा के लिये उनके लिये गवर्नमेंट में आने का रास्ता और दरवाजा बन्द हो गया। मैं रेलवे मिनिस्टर था। मैंने किसी की गलती से, या अपनी गलती से या कमी से, इस्तीफा दिया, तो इसके माने यह नहीं थे...

श्री प्रकाशबीर शास्त्री : वह बात यहाँ लागू नहीं होती।

श्री लाल बहादुर शास्त्री : पहले मुझे जवाब दे लेने दीजिये बाद में सवाल कीजियेगा। मैं यह कहता हूँ कि जहाँ टैकनिकल गलती थी, जो उनकी गलती थी, उसका उन्होंने माफ़ूल जवाब दिया। उनका जवाब यह था कि उन्होंने एक अनयूजुअल स्टेप लिया कि मैं वहाँ से हट जाता हूँ, इस्तीफा देता हूँ। मैंने उसका स्वागत किया। हर एक ने उसका स्वागत किया। लेकिन चूँकि यह बात पहली बार उठी थी, उसके कानूनी पहलू को जो जजमेंट सुप्रीम कोर्ट ने दिया था, मैंने पढ़ा। मैंने समझा कि इसके कानूनी पहलू पर ला मिनिस्टर साहब बहुत मुनासिब धादमी हैं जो उसका ठीक जवाब दे सकते हैं। मैं ऐसा समझता हूँ कि जो पोलिटिकल फैसला मेरा हुआ उसके सम्बन्ध में उन्होंने माफ़ूल जवाब दिया। एक मिनिस्टर ने हाई ट्रिब्यूनल सेट अप किया और कहा कि अगर सुप्रीम कोर्ट टैकनिकल ढंग पर हमारी बात नहीं मानता तो मैं हट जाता हूँ। वे उस पद से हटे। उसके बाद मैं नहीं समझता कि कोई बाधा या रुकावट है कि मैं उन्हें सेंट्रल कैबिनेट में शामिल न करूँ।

Shri P. K. Deo: Sir, the Law Minister's statement is based on the ver-

sion of Shri Sanjiva Reddy. This House has not got a copy of that version. So, before we put any further question....

**Mr. Speaker:** That has been read out just now.

**Shri P. K. Deo:** No, Sir; it is not his version that had been read out. Government has got a copy of his version but we do not know what is it. We request that we may be given a copy of that version or he should himself make a statement.

**Shri Lahri Singh (Rohtak):** The Supreme Court has taken a decision and has passed these remarks after considering the affidavits of the Transport Minister that in view of this fact this allegation cannot be rebutted by any other man and he must be held guilty.... (*Interruptions.*)

**Shri Narasimha Reddy (Rajampet):** I wish to ask the Law Minister with reference to two points. First he quoted extensively from the judgment of the High Court which disbelieved the allegations of *mala fides* of the Chief Minister and he praised the high standard of public conduct established by the ex-Chief Minister, Mr. N. Sanjiva Reddy. A very relevant portion of the judgment of the Supreme Court has been left out completely from the statement of the Law Minister. The Supreme Court says:

"The learned Judges of the High Court have recalled the allegations contained in the affidavits which we have set out earlier on grounds and for reasons which do not appeal to us. As the learned Advocate General did not seek to support those grounds and that reasoning we do not consider it necessary to set them out or deal with them."

That is to say, the Supreme Court has dismissed all the grounds on which the High Court proceeded. (*Interruptions.*)

**Mr. Speaker:** What is the question?

It is only ten lines, Sir. They further say:

"If the reasons given by the learned Judges of the High Court be put aside, the position resolves itself into this that allegations with particularity and detail have been made in the petition. We are here having in mind the allegations we have enumerated and categorised earlier as objective facts."

This is what, Sir, the Supreme Court says:

"As to these there is no denial at all of them, not even by the Transport Minister who, though he filed an affidavit, confined himself to the allegations regarding his having been dictated to by the Chief Minister when he approved the schemes though it is obvious they are capable of denial and if need be with the same particularity with which they have been made in the petition."

**Mr. Speaker:** Is he going to read the whole judgment here?

**Shri Narasimha Reddy:** There are only three sentences more.

"The learned Judges of the High Court have not rejected the allegations regarding the objective facts on the ground of their patent improbability or absurdity nor did the learned Advocate General make any submission on these lines."

The next observation is the most important.

**Mr. Speaker:** If he knows that it was the most important, he ought to have read it first.

**Shri Narasimha Reddy:** The Supreme Court says:

"The next question is as regards the inference to be drawn from these facts which in the absence of their denial have to be taken as true."

[Shri Narasimha Reddy]

Sir, this is what the Supreme Court has said.

Mr. Speaker: What does he say? This is what the Supreme Court has said.

Shri Narasimha Reddy: The hon. Law Minister quoted extensively from the judgment of the High Court in order to show to this House the lack of *malafides* on behalf of the Chief Minister which the sentences which I have read out from the judgment of the Supreme Court counteract.

Then there is the next point about the 'high' standard of public conduct.

Mr. Speaker: We are not here now to have it discussed regularly in the sense that one might allow speeches be made for 10 to 15 minutes. I only allowed some questions. The hon. Member read so extensively. If he wants to formulate a question, he might put the question now.

Shri Narasimha Reddy: The question is with regard to the setting up of high standards of public conduct. The Chief Minister. Shri Sanjiva Reddy, attended the meeting of the National Defence Council in the first week of November, 1962 wherein a resolution was passed that no nationalisation of buses should take place in future. He attended the meeting and he was party to that resolution. Hardly 28 days afterwards, even before the ink with which that resolution was written was dry, the scheme of nationalisation of bus transport in Kurnool district was published on the 29th November. (Interruption).

An Hon. Member: What is the question.

Shri Narasimha Reddy: The question is coming. The question is whether a person who has, with such brazen and unabashed effrontery flouted the resolutions of so important a body as the National Council of Defence, can be a useful appendage to the Cabinet or will be a noxious

weight dragging down the Government for all time. (Interruption).

Mr. Speaker: I must appeal to the House that we are not here to decide who is to be appointed Minister or not. It is for the Prime Minister to appoint his Cabinet.

Shri Narasimha Reddy: He referred to public standards. That is why I raised it. .. (Interruption.)

Mr. Speaker: Order, order.

An Hon. Member: He must withdraw.

Mr. Speaker: It is for the Prime Minister to take into his Cabinet those persons whom he thinks would suit or would be proper or would be honest, as the hon. Member has said; it is for him to decide and not for this House to decide. Once he is appointed, the only remedy that this House has got is that it might move a vote of no-confidence.

An Hon. Member: They did it. (Interruption.)

Mr. Speaker: That is a different thing—whether they moved it or not. But even on a particular question, that is the only remedy. It is not the time now when the character of any one person can be discussed and extensive speeches made at this moment. It is the Prime Minister's business to appoint the Members of his Cabinet; even if he were to appoint an unsuitable person also to the Cabinet, the remedy is that this House might remove the Government itself.

श्री हुकम चन्द कछवाय (देवास) : यह परम्परा चलत है ।

Shri H. N. Mukerjee (Calcutta Central): Arising out of your observations which you have been pleased to make. I take it that you allowed the Calling Attention Notice and an answer has been given in order to find out whether there is justification on the part of the Government to have taken a step, namely, the inclusion of a particular gentleman as Minister. Now, the Govern-

ment has tried to justify it and in the course of the question he was trying to point out how the Supreme Court judgment includes certain observations which go against the idea of justification. That is why that could be asked. I know our only remedy is to have a no-confidence motion passed and all that. Mr. Shastri has been good enough to say that he has observed certain canons, certain norms of behaviour. He knows that justice should not only be done but it should also appear that justice is being done. But if he thinks, if he is convinced, in his heart of hearts if he believes, that his colleagues are all right, I cannot stop him. But it does not appear that he has chosen his colleagues with any sense of justice. (Interruption.)

**Mr. Speaker:** Order, order. Shri Mukerjee has supported all that I was said he supports me and I agree with him. But in spite of what might be said or what has been said, if Mr. Shastri thinks that Shri Sanjiva Reddy is the proper person to be included, then, this is not the time to discuss whether it is just or not.

**Shri U. M. Trivedi (Mansaur):** The House is entitled to know whether the appointment of Mr. Reddy—whatever may be the position—fits in with the norms laid down by the hon. Prime Minister in the House. That is all the point which I wanted to make.

**Shri Vidya Charan Shukla (Mahasamud):** The hon. Member Shri Narasimha Reddy has used certain expressions while speaking—words such as 'noxious appendage' in relation to an hon. Member of this House. I think they are not proper parliamentary expressions. May I request you to bestow your kind attention to those words and if you think those words to be unparliamentary. I request that they should be expunged from the proceedings.

**Shri S. M. Banerjee:** What is there to be expunged (Interruption.)

**Mr. Speaker:** Order, order.

**Shri H. N. Mukerjee:** Why is the Congress party so untalented? Nobody can speak.

**Shri Hanumanthaiya (Bangalore city):** We could speak only, we can now ask questions. Otherwise, I can give him as good an answer.

**Mr. Speaker:** Order, order. The difficulty is that I am not good at English and, whatever I consider is not fair, I am told that it is refined English! Therefore, I am really in a handicap, but I do not think that any expunction is necessary. If I really think that anything is objectionable, I do not point it out, as did object once—I stood up to say that this is not the way in which such criticism can be offered. Now, I have already made my observation that it is for the Prime Minister to choose his Cabinet and therefore one Member should not be picked up in this manner just because a statement has been made by him. I have allowed a few questions for the sake of information.

**Shri S. M. Banerjee:** That is exactly what we want.

**Mr. Speaker:** Shri Banerjee always wants everything: but the difficulty is that whenever I am standing, Shri Banerjee also must stand up and interrupt me!

श्री विश्राम प्रसाद (लालगंज) : मैं जानना चाहता हूँ...

श्री क० ना० तिवारी (बगहा) : प्वाइंट ऑफ़ ऑर्डर । मुझे यह आपत्ति है कि जब भी कोई दो चार घादमी मिल कर किसी मिनिस्टर के बारे में या किसी के सम्बन्ध में नोटिस दें तो क्या उस पर गवर्नमेंट स्टेटमेंट देने लगेगी और उस पर सवाल एलाउ किए जायेंगे ?

अध्यक्ष महोदय : आप रोज देखते हैं कि जब कोई स्टेटमेंट होता है तो क्लेरिफिकेशन के लिए कुछ सवालों की इजाजत दी जाती है ।

[अध्यक्ष महोदय]

अगर आज कोई एक्स्पेशन किया जा रहा हो तो आप प्वाइंट आफ ऑर्डर ला सकते हैं। हर एक स्टेटमेंट के बाद हम कुछ सवालों की इजाजत देते हैं।

श्री बागड़ी (हिसार) : अध्यक्ष महोदय, माननीय सदस्य ने कहा "कोई आदमी"। ये तो "कोई आदमी" नहीं है, सदन के सदस्य हैं।

Shri P. R. Chakravarti (Dhanbad): Can anyone on this side also insist on getting information?

Shri Joachim Alva (Kanara): I have also been standing.

Shri P. R. Chakravarti: Instead of looking at that side, please just cast a glance on this side also.

श्री विश्राम प्रसाद : प्रधान मन्त्री ने कहा था कि चीफ मिनिस्टर का मोरल एवब रिप्रोच होना चाहिए। पिछली दफा जब सवाल पूछा गया था तो प्रधान मन्त्री ने सुप्रीम कोर्ट का जजमेंट भी नहीं पढ़ा था और रेड्डी साहब की नियुक्ति जून में हो गयी। मैं जानना चाहता हूँ कि प्रधान मन्त्री ने बिना सुप्रीम कोर्ट का जजमेंट पढ़े उनको जून में कैसे नियुक्त कर दिया।

अध्यक्ष महोदय : अगर उनकी राय में वह एवब रिप्रोच हैं तो उन्होंने उनको रख लिया। इसमें बहस का सवाल कहाँ है।

श्री विश्राम प्रसाद : क्या सुप्रीम कोर्ट का जजमेंट भी कोई चीज नहीं है।

श्री बड़े : इस स्टेटमेंट से मालूम होता है और रेड्डी साहब ने अपने बयान में भी कहा है कि एडवोकेट जनरल ने उनको एफीडेविट फाइल करने की सलाह नहीं दी लेकिन उनका जो स्टेटमेंट है उसमें लिखा है :

"I only wish to add that I did not dissuade or discourage the Chief Minister from filing an affidavit."

और इसी कारण उन्होंने रिजाइन कर दिया, क्या यह सही बात है ?

Shri C. K. Bhattacharyya: Sir, may I put a question?

Mr. Speaker: Let this be answered.

Shri C. K. Bhattacharyya: What is the paper from which the hon. Member is reading? Where did he get the statement of the Advocate-General?

Shri S. M. Banerjee: It is with the Prime Minister. One of the Advocates of the Supreme Court is in jail. (Interruption).

Mr. Speaker: Order, order. When the hon. Member, Shri Banerjee, in spite of being asked again and again, does not comply with my request, then the only remedy left to me would be that he would not be able to catch my eye.

Shri S. M. Banerjee: In this particular case, Sir, the hon. Member, Shri Bhattacharyya, I am sure, did not catch your eye. Sir, the whole thing is out of emotion that certain questions are put. We have put this question from this side. I can assure you, Sir, if this is your verdict that I am disturbing the proceedings of the House, I shall leave the House and when you ask me to be here I shall come in. But kindly allow me to say that Shri Bhattacharyya never caught your eye, like a *purohit* he is standing everywhere and delivering judgments. Sir, I shall always abide by your ruling. (Interruptions).

Shri C. K. Bhattacharyya: At least I want to make one protest. I do not stand up everywhere and at everytime. As I am not as elusive as Shri Banerjee is. I have not got the energy to jump up as Shri Banerjee does.

**Shri S. M. Banerjee:** Take vitamin tablets.

**Mr. Speaker:** I must convey to Shri Banerjee that always he defies my directions or my request or my orders and then he always adds "most respectfully, Sir", "I do not mean any insult, Sir", "I might be heard, Sir", "I will obey your orders, Sir" and so on. These words are always there as a preface to those behaviours, and that is rather a greater affront to me. If he were to behave only in that way and had not said those words, perhaps I could tolerate it still further. But always he adds those words "most respectfully I am doing this", "I do not mean any disrespect to you" and so on. Any attitude, Shri Banerjee, is judged by the behaviour that you exhibit and not only by the words. Therefore, every time I have felt in this way that I have been insulted, humiliated. I have been asking again and again..... (*Interruptions.*) Order, order. I am just conveying my feelings to a certain hon. Member. Why should others.....

**Shri S. M. Banerjee:** Sir, by me you are humiliated? I am really sorry. (*Interruptions.*) Sir, this will go into the records, that I have humiliated you. I do not want that to happen.

**An hon. Member:** Sir, has he caught your eye now?

**Shri S. M. Banerjee:** Sir, I have done it in the discharge of my duty. If I am vocal, if I am active, that is not my crime. If I have done anything for which you have taken objection, I can assure you, Sir, that I shall always abide by your order, by your judgment. I shall not put any question. I shall leave all calling attention notices. Sir, I labour hard, I work 24 hours for Parliament and then I table the questions and calling attention notices. I am not like many of those who simply come and go. (*Interruptions.*)

**Shri Koya (Kozhikode):** Sir, I rise to a point of order. You said, Sir, that you were insulted and humiliated. That should not go in to the records. If the Speaker says that he had been insulted or humiliated, it means he is helpless. That should not go into the records.

**Mr. Speaker:** I have not expunged any other thing, therefore I will not expunge this also.

**Shri P. R. Chakraverti:** Sir, consistent with the rhythmical plays of nature, when the small expanse of water tries to reach the wider expanse in the sea, is it not in the fitness of things that Shri Sanjiva Reddy prefers to relinquish his office in Andhra and come over here. (*Interruptions.*)

**Shri Shivaji Rao S. Deshmukh (Parbhani):** Sir, my point of order should be listened to.

**Mr. Speaker:** Shall we spend the whole day in these things?

**Shri Shivaji Rao S. Deshmukh:** Sir, my point of order arises from this fact that what is before the House is the statement of the Law Minister and what is not before the House is the conduct of the Prime Minister because the conduct of the Prime Minister has already been subjected to a close scrutiny by this House by way of a No-confidence Motion. Once that motion has been turned down, is it in order to direct queries or questions which tantamount to disapprove or approve the conduct of the Prime Minister?

**Mr. Speaker:** I have already expressed myself on this matter.

**Some hon. Members rose—**

**Mr. Speaker:** Order, order. Let us proceed with the next business.