

REPORTS OF THE COMMITTEE ON PUBLIC UNDERTAKINGS (1969-70)

SHRI GODEY MURAHARI (Uttar Pradesh): Sir, I beg to lay on the table a copy each of the following Reports of the Committee on Public Undertakings:—

(a) Fifty-seventh Report (1969-70) on action taken by Government on the recommendations contained in the Forty-third Report of the Committee on Public Undertakings (1969-70) on Sindri Unit of Fertilizer Corporation of India Limited (Paras in Section II of Audit Report (Commercial), 1968).

(b) Fifty-eighth Report (1969-70) on action taken by Government on the recommendations contained in the Twenty-fifth Report of the Committee on Public Undertakings (1968-69) on Praga Tools Limited (Paras in Section IV of Audit Report (Commercial), 1968).

REFERENCE TO SITUATION IN HARYANA

THE LEADER OF THE OPPOSITION (SHRI S. N. MISHRA): Sir, I consider it my duty, Mr. Chairman, to draw the attention of the House to a very serious situation that has arisen in Haryana. The other day, when the Budget was being presented, we had raised this matter, but then the position was only bad. Now it has become worse.

MR. CHAIRMAN: You may say whatever you want to say, but let me say this. There is a Calling Attention Notice before me for consideration . . .

SHRI AKBAR ALI KHAN (Andhra Pradesh): Regarding Haryana.

MR. CHAIRMAN: I am examining the matter. There are some difficul-

ties which I am feeling. Some hon. Members came to my Chamber and discussed it with me. The matter is under my consideration. If you want to point out something, you may.

SHRI S. N. MISHRA: What I am going to submit might help solve the difficulties of the Chairman in that regard. On that day we had referred to his matter. As I was submitting, the situation was bad enough because of the *sine die* adjournment of the House in the midst of a no confidence motion. The date had been fixed for the consideration of the no confidence motion and yet the House was adjourned *sine die*. Now, the position has been made worse by the act of the Governor, as a result of the prorogation which had been brought about. With the prorogation, Mr. Chairman, the table is now clear and all the pending motions have been quashed, so that there is no no confidence motion on the Table of the House now. Therefore, I consider that this act of the Governor is in flagrant violation of the spirit of the Constitution and this act comes closely on the heels of the two actions of the two Governors in two States, which this House had the pleasure to discuss only a few days back. I think the stage has come now when we must say in a very forthright manner that many of the roles that the Governors are playing are not very elevating. Their conduct must be discussed thoroughly in the House. What is the way out of the situation in which Haryana finds itself? To that we have to find an answer. As I have always submitted to the House, as the Council of States, we have to find an answer to the situation. I have placed this matter before you for your consideration and it must come up before this House in the form in which you think it would be best.

MR. CHAIRMAN: You give me a little time and I will consider it.

SHRI AKBAR ALI KHAN: Is it for this House to sit in judgment over the Legislature of Haryana? It is not the action of the Governor only. It was the consensus of the Legislature.

SHRI PITAMBER DAS (Uttar Pradesh): I would like to add one thing. A very pertinent point has been raised by my hon. friend. So long as it was a question of adjournment *sine die*, the matter was slightly different. Now, it has taken the form of prorogation of the House. Under the provisions of the Constitution the Governor has certain rights with regard to the prorogation of the House. Whether these provisions have been violated or not, that is a different matter, but the allegation is that they have been violated. When the question of violation of the provisions of the Constitution is raised, then naturally Rajya Sabha comes into the picture and we have a right to discuss it. The matter is not so simple as my friend Mr. Akbar Ali Khan put it.

MR. CHAIRMAN: You want to say something on this.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, आपसे जब हमारी बातचीत हुई आपके चेम्बर में इस विषय पर तो उसके बाद हमने अयन किया। मैं चाहता हूँ उसको थोड़ा आपकी सेवा में . . .

श्री सभापति : मैं यह चाहता हूँ कि जो कुछ आनरेबल मेम्बर्स को कहना हो मेरे चेम्बर में चले आएं, मैं बड़े गौर से सुनूंगा। यह बड़ा इम्पोर्टेंट मैटर है। जैसा लीडर आफ दि अपोजीशन ने बताया और पीताम्बर दास जी ने बताया यह बहुत इम्पोर्टेंट मैटर है, एक प्रिजिडेंट सेट अप होगा। जिन साहेबान को कुछ कहना है वे मुझसे डिस्कस करें, मेरी जो डिफीकल्टी है वह मैं बता दूंगा। यह बहुत ही होगा कि इसके बजाय कि यहाँ पर टाइम लिया

जाय। यह ऐसा इम्पोर्टेंट मैटर है कि इस पर दो तीन दिन भी लग जायें तो वह ज्यादा अच्छा होगा बजाय इसके कि एकदम से ऐसा कोई प्रिजिडेंट सेट अप हो जाय आइन्दा के लिए कि हम यहाँ डिस्कस करें हरियाणा लेजिस्लेचर और व डिस्कस करे पार्लियामेंट। इस तरह की बातों को एवाइड करने की जरूरत है।

I am examining it thoroughly. Any hon. Member who wishes to see me in this connection is most welcome and I will be grateful to hon. Members for this, but let me have a little time, a few days to examine the matter because it will set up a precedent. I hope that will satisfy you.

1 P.M.

SHRI PITAMBER DAS: It is no use acting in haste and repenting at leisure.

श्री राजनारायण : श्रीमन्, यह सही है।

SHRI S. N. MISHRA: One other matter which concerns this House.

MR. CHAIRMAN: Mr. Rajnarain, you wanted to say something? What I have said does not satisfy you?

SHRI JAGDISH CHANDRA DIKSHIT (Uttar Pradesh): On this very question, Mr. Chairman, I have tabled a motion which is pending your consideration, on Haryana and other inter-related affairs, I hope you would also consider that.

MR. CHAIRMAN: I have already told you that there are motions before me and I am considering them.

श्री राजनारायण : इससे मुझे सन्तोष नहीं है। मैं एक मिनट में बता रहा हूँ। श्रीमन्, मैंने श्री पीताम्बर दास जी और ए० एन० मिश्र साहब और नवाब साहब की भावनाओं को सुना और आपकी भावना है ही,

[श्री राजनारायण]

तो कोई बात हेस्ट में नहीं होनी चाहिए। यह सही है। मगर कोई बात डिले भी नहीं होनी चाहिए, यह भी सही है। जस्टिस डिलेड इज जस्टिस डिनाइड। मुझे यह परेशानी है कि अगर हम यह बहस नहीं करते तो कहीं ऐसा न हो कि कहीं उत्तर प्रदेश में भी असेम्बली एडजर्न हो जाय सायना डाई। श्रीमन्, . . .

SHRI A. P. JAIN (Uttar Pradesh): Sir, on a point of order. It is the established policy of the S.S.P. to speak in Hindi and the hon. Member during the course of his long discussion used English expressions. They will have to be expunged.

श्री राजनारायण : देख लीजिए। यह तो पुराने हैं। तो मैं कह रहा था कि हमने आज हरियाणा असेम्बली के नियमों को मंगाया और पढ़ा है। दूसरी असेम्बली के नियमों से हम अवगत हैं। कोई विशेष फर्क इनमें नहीं है। एक ही फर्क है। इस में लिखा है : Subject to the provisions of the Constitution . . .

श्री सभापति : मैंने कहा कि जो कुछ कहना हो, मुझ से कह दीजिए।

श्री राजनारायण : सुन तो लीजिए। इसमें है कि :

Subject to the provisions of the Constitution and these Rules the Assembly may be adjourned from time to time by its own order.

यही परेशानी आपकी है कि असेम्बली अपने आर्डर से समय समय पर स्थगित होती है। दूसरी विधान सभाओं में यह रूल नहीं है, मगर आगे लिखा है :

Provided that the motion for adjournment of the Assembly to a day or sine die shall not be made except in consultation with the Speaker.

स्पीकर को हमारे यहां उत्तर प्रदेश में हक है कि असेम्बली को वह साइना डाई एडजर्न कर सकता है, किसी तिथि के लिए एडजर्न कर सकता है, मगर स्पीकर जैसे असेम्बली को स्थगित करेगा उसे वह अपनी इच्छानुसार बुला भी सकता है बीच में। यहां भी . . .

श्री सभापति : आप उत्तर प्रदेश की बात कर रहे हैं . . .

श्री राजनारायण : आपको रास्ता बता रहा हूं। यहां भी असेम्बली में कोई मोशन नहीं आ सकता with the prior consultation of the speaker बिना स्पीकर की पूर्व अनुमति के असेम्बली को एडजर्न करने का प्रस्ताव आ ही नहीं सकता, क्योंकि यह लिखा हुआ है : shall not be made वह लाया ही नहीं जा सकता। इसलिए जो आपने पढ़ कर बताया कि वहां सदन अपने आर्डर से करता है ऐसी बात नहीं है। स्पीकर वहां भी आ जाता है।

श्री सभापति : मैंने उसे पढ़ लिया है और मैं उस पर गौर कर रहा हूं।

श्री राजनारायण : इसीलिए मैं अर्ज कर रहा हूं और मिश्र जी से और पीताम्बर दास जी से निवेदन करूंगा कि मान लीजिए उत्तर प्रदेश विधान सभा में नो-कांफीडेंस आये . . .

श्री सभापति : उत्तर प्रदेश को छोड़िये।

श्री राजनारायण : क्यों छोड़ा जाय, वहां भी अविश्वास आ सकता है और वहां भी अगर ऐसा एडजर्नमेंट हो जाय और असेम्बली प्रीरोग हो जाय तो बड़ा खतरा है। इसलिए मैं चाहता हूं कि इस पर कल ही बहस जरूर करे और ज्यादा समय के लिए न टालें।

SHRI CHANDRA SHEKHAR (Uttar Pradesh): Sir, I want to say something. I want the matter to be clarified for ever. Is it permissible that one side of the picture should be shown before the public through this House and the other side should not be shown? The other side should also be considered.

MR. CHAIRMAN: I have already said that.

SHRI CHANDRA SHEKHAR: The Haryana Chief Minister asked the opposition to vote down the Government on an Appropriation Bill. They did not take up that opportunity. The Speaker provided two hours to discuss the no confidence. They did not discuss that also. The motion for adjourning the Assembly was on the Agenda paper. It was put before the House, with the majority consent of the House it was accepted, and then the Speaker adjourned the House. After that if hon. Members are questioning the authority of the Speaker..

SOME HON. MEMBERS: Of the Governor.

SHRI CHANDRA SHEKHAR: Even if the Governor prorogues, I think the Governor has no option. If the Government advises him to prorogue the Assembly, the Governor will have to do that. If the hon. Members in the opposition think that the Governor can act against the wishes of the Assembly and the Ministry, it should be established, I should at least like the hon. Members in the opposition to make the position clear, whether they think that the Governor can act against the wishes of the Assembly and the Cabinet. Then it should not be only for Haryana, it should be for other Assemblies also and other State Governments also. This is a peculiar thing. Whenever it is convenient for them they think that the Governor should be a free agent to act in his own discretion. When it is not convenient for them, he should be subservient to the Assembly. According to me the spirit of the

Constitution is that the Governor has no option but to obey the direction of the Assembly and the wishes of the Government that is duly constituted according to the Constitution.

SHRI PITAMBER DAS: That is exactly what we want to discuss. Whatever my friend, Mr. Chandra Shekhar, has said, is exactly what we want to discuss.

श्री राजनारायण : श्रीमन्, मेरा प्वाइंट आफ़ इफ़ार्मेशन यह है कि जैसा कि श्री चन्द्रशेखर जी ने कहा कि पहले से ही एजेंडा पर यह मोशन था कि सदन स्थगित किया जाये, तो अगर यह मोशन पहले से था तो नो-कांफीडेंस का मोशन उस दिन स्वीकर ने क्यों लिया ?

श्री चन्द्रशेखर : यह तो स्पीकर बनयेगा ।

श्री राजनारायण : मुख प्वाइंट यह है कि नो-कांफीडेंस का मोशन जब एलाऊ हो गया, तो उसके बाद क्या असेम्बली साइना डाई स्थगित हो सकती है ? मेरा कहना है कि इररिगुल नहीं हो सकती ।

SHRI CHANDRA SHEKHAR: It is exactly my point.

SHRI S. N. MISHRA: One thing ..

SHRI ARJUN ARORA (Uttar Pradesh): Sir, this side also should be heard. I should be given an opportunity. The hon. Member, Shri Mishra, has spoken twice or thrice. (*Interruption*). Even if he has spoken once, I should be given an opportunity.

MR. CHAIRMAN: Mr. Arora, you want to speak? All right.

SHRI ARJUN ARORA: I want to remind the hon. Members who have raised this question of Haryana that this is not the first time that such a thing has happened. In U.P., to which both Mr. Rajnarain and I belong and

[Shri Arjun Arora].

are vitally concerned, in the Assembly there was a vote of no-confidence pending on the 28th of August, 1969, when the Speaker adjourned the Assembly *sine die*. And later in spite of the fact that a vote of no-confidence against the Government was pending the Governor prorogued the Assembly. So a similar thing took place in U.P. in the month of August 1969, exactly similar, if at all it was worse, because here the Haryana Assembly was prorogued *sine die* on a motion of the House which is master of its own proceedings. In Haryana it was done on a motion passed by the House. In U.P. no such motion was put on the Agenda. The Speaker unilaterally decided in spite of the pendency of a vote of no-confidence against Mr. C. B. Gupta. But Mr. C. B. Gupta is a very powerful person. So Mr. Mishra and many others do not open their mouth.

MR. CHAIRMAN: May I inform the hon. Members that any hon. Member who wishes to discuss with me can come to my Chamber? I will be available tomorrow from 10.00. Any hon. Member who considers that he can throw some light on this question will be most welcome. I will be in my Chamber from 10.00.

REFERENCE TO CERTAIN MATTERS CONCERNING THE DIGNITY OF THE HOUSE

THE LEADER OF THE OPPOSITION (SHRI S. N. MISHRA): Sir, you had earlier asked me to refer to another matter. I want.

MR. CHAIRMAN: Yes, it must be very brief.

SHRI S. N. MISHRA: It concerns this House and the way this House is sought to be treated by those in authority. That must be taken serious note of by this House. The last day, that is 6th Saturday, the Budget was present-

ed. After the presentation of the Budget, the Budget papers were not available to the hon. Members . . . (Interruptions). Whatever may be the cause, it concerns the dignity of the House. My hon. friend must see to it, because it concerns the House. The Budget papers were not made available and so we had to keep on loitering here for some time and we were completely disappointed. Members from the other House went away with the Budget papers. We went empty-handed. We expected, with all respect to you, Sir, that this matter would be referred to by you because it concerns the dignity of the House. In the absence of any observation from you on this point, I have been constrained to make a reference to this. Secondly, we expected that somebody from the Government side would come forward and express regret . . .

MR. CHAIRMAN: I have . . .

SHRI S. N. MISHRA: . . . and also assure that in future this would not happen.

MR. CHAIRMAN: I have noted what happened.

KUMARI SHANTA VASISHT (Delhi): Sir, on a point of order. These copies were available to certain people even before the Finance Minister started the speech.

SHRI BHUPESH GUPTA (West Bengal): Sir, another point on the dignity of the House. You are the custodian of this House. Sir, you were not in the Chair when, in the light of the Resolution on privy purses that we passed, we demanded a statement from Mr. Chavan on Friday in this House, and the Resolution says that the Government must take such legal and other steps before the presentation of the Budget. We even said that the statement could be made at five on Friday evening because that was our last working day, apart from Saturday when the Budget was to be presented. What happened is shocking. I was in the other House in the Rajya Sabha