2309 Re Punjab High Court's [RAJYA SABHA] Punjab Appropriation 2310 Judgment holding the

[श्री मी भद्र यजा] या कि कामरेड भूपेश गुप्त इस तरह का प्रस्ताव लाते। में अपनी सरकार को भी सुनाता हं कि सरकार समाजवाद बोलती है लेकिन में ब**ाबर कहता** हं, इस हाउस में भी, और शाहर भी, कि यह सरकार समाजवाद की दिशा में कछ्ये की गति ने चलती है, उच्छम गति से समाजवाद की तरफ चलती है। यह श्रच्छा काम नहीं

THE DEPUTY CHAIRMAN: Mr. iTajee, will you take more time?

है।

SHRI SHEEL BHADRA YAJEE: Yes.

THE DEPUTY CHAIRMAN: Then 1 will ask Mr. Shukla to make a statement.

STATEMENT RE PUNJAB HIGH COURT'S JUDGEMENT HOLDING THE PUNJAB APPROPRIATION ACTS OF 1968 AS ULTRA VIRES THE CONSTITUTION

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Madam Deputy Chairman, if is learnt that the High Court of Punjab has held that the Punjab Appropriation Acts of 1968 were ultra vires the Constitution and hence not valid. It is also learnt that the Government of Punjab have moved the High Court of Punjab to grant a stay and that the request is being heard by the High Court. I am awaiting further information from the State Government.

SHRI BHUPESH GUPTA (West Bengal): Madam, this is not enough. This much we knew. In fact this is in the P.T.I, news which is given. We wanted to know what steps the Government was going to take in view of the judgment. It is now quite clear that two Appropriation Bills had been declared ultra vires the Constitution. You will remember that in this House we said that these Bills were illegally passed, and we had even produced documents and other things. The Home

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Minister not only did not listen to what we said, he defended everything that the Punjab Government was doing, the Governor did or the Punjab Assembly did.

Madam, now a serious question arises. Under the Constitution the Central Government is called upon to protect and defend the Constitution and it is the watchdog of the Constitution in the sense that it should see whether in the States the constitutional processes are being observed or they are being violated. It is now quite clear according to the judgment of the Punjab High Court that TV_C Appropriation Bills were passed illegally, which was ultra vires the Constitution. It is the first time in the history of Gur independence since the Constitution came into effect that we have a judgement of this kind. What has happened? After the Appropriation Bills had been passed monies had been spent on the basis of a Bill which had no .aaction in law or the Constitution.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Madam . . .

SHRI BHUPESH GUPTA: I know you defend everything the Government does. Monies have been spent, all illegal expenditure. Therefore, they are guilty, those who have done this expenditure and all that. Secondly, the Government itself is illegal because it is drawing money on the basis of a Bill and Ministers' salaries are provided for in the Bill, in the Appropriation Act, which is not valid. Therefore, the Ministers are living on an expenditure which is not sanctioned.

Madam Deputy Chairman, my point is this. In this House from lie opposition again and again we brought it up and tried to impress upon, the Home Minister that it was illegal, that it was wrong. We had been brushed aside. Then we had to go to the Court. I may tell you when one of our Ministers filed a case, we sent our lawyers also and members of the Communist Party also went to

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the Court. I congratulate the lawyers. I should like to know . . .

SHRI AKBAR ALI KHAN: Madam, on a point of order. I submit that when the High Court's decision is to he taken to the Supreme Court, Mr. Bhupesh Gupta's whole thesis is on the basis that it is the final decision and the last word. If it was st>> hi_s argument stands good. But it is not so. The matter will have to be decided finally by the Supreme Court. Under these circumstances, what he says it not correct

SHRI BHUPESH GUPTA: I see your point. Madam, I am entitled to say this. What happened in Channa Reddy's case? He forgets that in Channa Reddy's case the High Court gave a judgment holding his election invalid. Mr. Channa Reddy is also filing an appeal. But Mr. Channa Reddy had to resign.

SHRI AKBAR ALI KHAN: That is absolutely a different question. That is a personal thing and I think it is in accordance "with the traditions of democracy.

श्री जें व पी व वाहं व (बिहर) : मेरा एक व्यवस्था का प्रका है। मेरा व्यवस्था का प्रका यह है कि सदन में जब कोई व्यवस्था का प्रका उपस्थित करा, कोई भाषा है तो एक ही समय में दी श्रादमी अबंल और आत्स में ही निगंध न करे। इस तरह को जो गड़बड़ी होते हैं उन में सदा, का बहुत सा समय नष्ट हो जाता है। इसकिए मैं इस संबंध में व्यवस्था चहता है।

SHRI BHUPESH GUPTA: First of all, he raised a point of order. I object to it. I gave a recent example.

THE DEPUTY CHAIRMAN: You cannot object to it.

SHRI BHUPESH GUPTA: You are a lawyer. The issue is not whether it is personal, the issue is whether the fact that somebody . . .

THE DEPUTY CHAIRMAN: Let others also get a chance. Please he brief.

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SHRI BHUPESH GUPTA: . . . may prefer a_n appeal. That negates the other thing. Therefore, I think Mr. Channa Reddy's case is $_a$ very good example here irrespective of whether they are going to get the appeal accepted or not.

THE DEPUTY CHAIRMAN: That is a different issue.

SHRI BHUPESH GUPTA: Let me finish. A needless point of order he raised. He knows very well Mr. Channa Reddy's case because . . .

SHRI AKBAR ALI KHAN: I -jn trying to explain to you. Kindly listen *to* me. Mr. Channa Reddy's case . . .

SHRI BHUPESH GUPTA: Therefore, the first thing is I repeat Mr. Chavan in all fairness, following the example Mr. Channa Reddy—because be had defended the illegal and unconstitutional actions on the floor of the House and he had owned them up; when his responsibility was to defend *he Constitution, in fact h-e encouraged the violation of it and defended the violation of it—should resign and if the Supreme Court some day reverses this decision, he may think of coming.

Secondly—again I repeat—the whole thing is illegal, the regime is illegal. Presidential rule should be immediately imposed there. And on these two points, there is no indication in the statement which he has made—the resignation of Mr. Chavan and the proclamation of the President's rule in Punjab. The regime there i_s illegal, it is spending money illegally and unconstitutionally.

SHRI LOKANAH MISRA (Orissa): I associate myself with the *sentiments* expressed by Mr. Bhupesh Gupta regarding the resignation of Mr. Chavan. Mr. Chavan is the Home Minister of thtis country who should defend the Constitution. Instead of defending the Constitution, he encouraged and helped the violation and abetted in the violation of the Constitution. And the contention that there might be a revision of the judgment in the Supreme Court does not hold good now. At

[Shri Lokanath Misra]

present, the law of the land is what the High Court has said. That stands now. What might stand seven years after or six years after or two months after is something different. As it stands now, Mi". Chavan has definitely encouraged and helped in +he violation of the Constitution. That is my first point.

Secondly, money, have been spent and they have been spent wrongly which amounts to either misappropriation or if you become extremely generous to persons who have indulged in the spending of these moneys, you can at best say that if they have spent wrongly it should be a surcharge en them. That is the least thing, if they have not misappropriated the money, the right analysis would be that they have spent the money without proper authority from the Assembly and with final consent from the Speaker; if they have done it, then it is misappropriation. The least that could be said about it is that if the money has been spent and if you want to be generous to them, then the money should be recovered from the persons who have been responsible for spending all this j money. There should not De any attempt by the There should not De any attempt by the Government of India j to allow them to go scot-free because j it is such a grave offence. But short j of that, it must be construed as a sur- | charge on them if they have spent it illegally.

THE DEPUTY CHAIRMAN: I do not mind calling all of you but one by one you should speak. Please be brief. Mr. Banka Behary Das.

SHRI BANKA BEHARY DAS (OrissaV. I associate myself fully with hat has been said by Shri Bhupesh Gupta and my predecessor, Shri Lokanath Misra. Indeed the stand of the Opposition here in Parliament and also of the United Front in Punjab has been fully vindicated because we here in the Opposition have always agitated— and also outside in Punjab—that the Appropriation Bill that has been passed has been absolutely ultra vires the Constitution, that it has been

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wrongly done and the Government of India by supporting that ha₃ become a party to the entire nefarious game. And this is virtually a murder of the Constitution and the projectors of the Constitution have became the murderers of the Constitution. So, I will again urge that the immediate thing that they can do now is to offer their resignation so that at least before the people of this country they can go and say another time that they have made a mistake, they have done something unconstitutional and that in future they will try to be constitutional and protect the Constitution of this land.

श्री जे॰ पी॰ यादव: म ननीया उप-सभापति महोदयः, जिस समय यह विनियं। विधेयक पंजाब विधान सभा में लाय जा रहा था, उस समय ही वहां के भृतपुर्व वित्त मंत्री थी बलदेव प्रकाश ने इसका विरोध किया था। विरोध करने के समय भी यह कहा गया था कि यह अवैधानिक है औं इसे इस ढंग से नहीं लाना चाहिये। वहां उनके जो ब्रध्यक्ष थे, उन्होंने भी ऐसी बात कही थी। जब यहां पर ऐसी बात आई तो इसी लिये कि सरकार ऐसे लोगों को राज्यपाल के रूप मं बहाल करती है, जिन का मख्य काम यह होता है कि जिन राज्यों में कांग्रेस माइनारिटी में है, उनको मेजारिटी में बदल दे, जैसे राजस्थान में बदल दिया गया ग्रगर किसी प्रान्त में यनाइटेंड फन्ट की मेजारिटी है, तो उसको पतन करने का कार्य राज्यपाली का रहता है। इसलिये जब मनी बिल विधान सभा में जाता है, तो वह राज्यपाल की ग्रनपति से जाता है और राज्यपाल की धनसति का धर्थ होता है कि केन्द्रीय सरकार की उसमें ग्रनमति है। आज हमारे सदन के सामने एक बहुत बड़ा प्रथम उठ खड़ा हुया है कि क्या कांग्रेस की सरकार प्रजातंत्र की रक्षा करना चाहती है और क्या कांग्रेस की सरकार कानून के हिसाब से चलना चाहती है ? अगर वह कानून के हिसाब से चलना चाहती है तो सरकार को उसके मताबिक चलना चाहिये।

4 P.M.

जिस प्रकार ग्रभी प्रश्न उपस्थित हम्रा श्री चन्ना रेड़ी का । उन्होंने इलैक्शन के जमाने में करपट प्रैक्टिस की थी, जब इस तरह का उन पर कोर्ट ने चार्ज लगाया है, तो इसका निराकरण सिवाय अवकास (रेजिंगनेशन) के कोई नहीं हो सकता है। उसी तरह से यहां भी पैसे का सवाल है और पैसे के सवाल में हमारी केन्द्रीय सरकार ने अनुमति प्रदान की है क्योंकि वहां पर यह बिल पारित हम्रा है। कान्न मंत्री और गृह मंत्री अकेले जिम्मेवार नहीं हैं बल्कि वे मंत्री परिषद के सदस्य है। जब एक मंत्री पर इस तरह का चार्ज लगाया जाता है या दो मंत्रियों पर लगाया जाता है, तो सम्चा भंत्रिमंडल उसके लिये दोषी होता है। मंत्रिमंडल को इस चीज को फेस करना चाहिये और कबल करना चाहिये कि ग्रभी जो हाईकोर्ट ने रिट पैटीशन स्वीकार की है, उसके साथ ही मंत्रिमंडल को रिजाइन कर देना चाहिये। हो सकता है कि जब तक सप्रीम कोर्ट में अपील होती है, उनसे केयर टेकर गवर्नमेंट के तौर पर काम करने के लिए कहा जा सकता है।

एक भानत'य सदस्य: यहपंजाब गवर्नभेंट का मामला है।

र्श्वः जे o पं:o यादव : पंजाव गवर्नमेंट का मामला भ्राया कैसे, यह भ्रापको मालम होना चाहिये। जिस भूतपूर्व मुख्य मंत्री श्रो ग्रुनाम सिंह ने रिजाइन किया था उस समय उन्होंने राज्यपाल से ग्राग्रह किया था कि राज्य में मध्यावधि चनाव कराये जायें। वे उस समय मेजारिटी में थे ग्रीर उसके श्रन्सार मध्य वधि चुनाव कराने के बदले एक माइनोरिटी डिफेक्टरों को शासन चलाने का भार दिया गया । ये राज्यपाल हरियाणा में तो डिफेक्शन के कारण राव करेन्द्र सिह की सरकार को जो बहमत में थी समाप्त करके मध्यावधि चनाव कराने जा रहे हैं वहां पर पंजाब एवं बंगाल में डिफेक्टरों को सरकार बनाने की अनुमति प्रदान की जब कि वे माडनोरिटी में थे।

THE DEPUTY CHAIRMAN: This is not necessary. I do not want a speech. I do not want a debate on this statement. No speeches, please.

भी जं ० पं ० यादा : हमारा पाइन्ट इतना ही है कि सरकार इस बात पर गंभीरता से विचार करें और सदन को अपने कांफिडेंस में लेने के लिये दोनों पाइन्टों पर अपना स्पष्टीकरण दें कि सरकार ने किस तरह से. ऐप्रोप्रिएशन विल को स्वीकार किया और फिर यहां पर उसको डिफोंड किया।

THE DEPUTY CHAIRMAN: I do not want this to become a discussion or a debate. I wanted hon. Members to put their point of view in a f-'Ouple of sentences.

डा० गाई बहाव र (दिल्ली): उपसभापति महोदया, ग्राज जो प्रश्न हमारे सामने ग्राया है वह बिल्क ल सीधा है और मैं नहीं समझता कि उसके विषय में कोई राजनीतिक विवाद खड़ा होना चाहिये । प्रश्न सीघा यह था कि पंजाब में एक संयक्त मोर्चा की सरकार चल रही थी। उस सरकार को जिस क्षण यह लगा कि उनका बहमत नहीं रहा है, यद्यपि इस दावे को कोई विरोधी उनके सामने सिद्ध नहीं कर सका कि उनका बहमत टट चका है, फिर भी उन्होंने लोकतंत्रीय स्वस्थ परम्परा को ग्रपनाते हये श्रपने पद से त्यागपत्र दे दिया और पंजाब में फिर से मध्यावधि चुनाव कराये जायं इस तरह का सुझाव गवर्नर के सामने रखा । परन्तु केन्द्र सरकार ग्रीर केन्द्र सरकार के नेताओं ने न जाने क्या सोचं कर वहां पर एक भाइनोरिटी गवर्नमेंट को सपोर्ट कर के रखा है। अपनी जिस्मेदारी से बचते हये और अपने इशारे पर नाचने वाली एक सरकार बहां पर कायम की गई। अगर वे उसकी जिम्मेदारी ले लेते तो मुझे कोई श्रापत्ति नहीं थी । जिम्मेद री न लेते हये यदि इस माइनोरिटी सरकार को सपोर्ट न किया जाय तो एक रास्ता था । परन्त

[डा० भाई महाबोर]

जो रास्ता अपनाया गया उसमें उलझन पैदा हुई है। बिना किसा संवैधानिक सक्शन के, बिना किसी प्रकार की स्वीकृति के एक विनियोग विधेयक स्वीकार किया गया । प्राज देश के न्यायालय ने उस विनियोग विधेयक को अल्ट -वारसं, संविधान के विरुद्ध सिद्ध किया । जिन विरोधी दलों के विरुद्ध यहां पर रिएक्शनरी, यह, वह और तमाम सारे विशेषणों का प्रयोग होता है उन्होंने जिस प्रकार की स्वस्य परम्परा वहां अपनाई उस परम्परा के अनुसार यह आवश्यक था कि कम से कम कांग्रेस उस सरकार को वहां पर न रहने देती जो कि ऐसे गलत काम न्याय के विरुद्ध, नियम के विरुद्ध, संविधान के विरुद्ध करती जा रही हो । जिस सरकार ने विना सैवगन के वहां पर खर्चा करवा दिया है जैसा कि हाई कोर्ट का जजमेंट भ्राया उसके विरुद्ध कोई कार्रवाई करने के अतिरिक्त उलटा सीधा रास्ता निकाला जा रहा है कि हम ग्रपील करेंगे, उसकी व्यवस्था रोकेंगे, तब तक स्टे ब्रार्डर ले लेंगे, इससे कानन की बाखों में शायद समाधान करवाने लायक बहाना हम निकाल लें, परन्तू जस्टिस वह है जो कि न सिफं होती है बल्क दिखती भी है कि जस्टिस

Justice requires that it should not only be done but it should appear to have been done. उसी तरह से ला ऐसा होना चाहिये या नियमों का परिपालन ऐसा होना चाहिये कि दिखाई दे कि नियम का परिपालन हो रहा है। हर एक को दिखना चाहिये कि केन्द्र सरकार किसी ऐसी गतिविधि का समर्थन करने के लिये तैयार नहीं है जो कि संविधान के विरुद्ध जाती है। इस कारण से न समझता हं कि इस सदन में राजनैतिक पक्षपात को छोड़कर यदि हम केवल स्वस्थ लोकतंत्रीय भावना को बढाने का विचार करते हैं तो भी एक ही मत हो सकता है कि इस समय केन्द्र सरकार जो यह गलत नीति अपना कर राज्य सरकार

को कायम रखे हुये है उनको छोड़ कर कांग्रेस वहां का समर्थन हटा ले अपैर जो कुछ भी इस समय संवैधानिक उलझन पैदा की गई है उसको हल करने के लिये जिन मंद्रियों ने उसका समर्थन किया था वे अपने पद से त्यागपत दे कर के अपने गद से पीछे हट जाये।

SHRI CHITTA BASU (West Bengal): Madam, my first charge against the Minister is this that there has been again a deliberate attempt to minimise the issue now developing in Punjab. A Constitutional issue of an extraordinary nature has developed by the judgment of the Punjab High Court. An attempt has been made by the hon'ble Minister to minimise the gravity of the situation, gravity of the Constitutional crisis in that particular State.

In this connection may 1 also know from the hon'ble Minister whether any report from the Governor has yet been received by the Government of India? In this connection I also demand, aiong with the resignation of the Home Minister and the Law Minister, the recall of the Governor of Punjab because it is this Governor of Punjab who, as I said earlier, was a party to all those things which had taken place in Punjab particularly In the matter of retaining a minority Government in that State. Therefore, the role of the Punjab Governor is also to be taken into consideration when we are considering the lapses of the Home Minister and the Law Minister. Therefore, I demand that immediately a Proclamation be issued under section 356 of the Constitution of India that the Governor of Punjab be recalled. And Mr. Chavan and the Law Minister should resign immediately for their lapses.

SHRI B. D. KHOBARAGADE: Madam, some Members here have tried to compare the case of the Punjab Government with the case of Dr. Channa Reddy. I would like t₀ restrict mv observations only to show the difference between these two J cases.

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Firstly, Dr. Channa Reddy s case concerned of the political implications in Puniab. And. one individual while this case concerns one therefore, if the Government has taken any Government. Secon-. dly, in Dr. Channa particular view of the constitutional Reddy's case the j decision of the High Court provis'ons, we cannot blarae the Government. was regard, ing the finding of facts, and on the finding of the fact the High Court has held that Dr. Channa Reddy has indulged in corrupt practices. In the case of the Punjab Government the High Court has given a decision regarding the Constitutional provision, regarding the interpretation of the Constitution of India.

There can be two opinions regarding the interpretation of a praticul.ar article of the Constitution. In the Supereme Court we have found that a decision is given by a majority of Judges, there on one side and four on the other. Supposing the Government of Punjab takes a certain view with which the Punjab High Court is not in agreement; today? Can we blame the Government for that?

Secondly, ets pointed out by the hon. Minister, thoy have already applied to the High Court for the stay of the judgment and they are going to file an appeal in the Supreme Court. Let us 'wait for the judgment of the Supreme Court. And, as I said, it is not a judgment on facts. It is a judgment regarding an interpretation of tire articles of the Constitution on which there can always be two views. Therefore, on the basis of incorrect interpretation no one should be punished. Mr. Bhupesh Gupta is a lawyer. He knows that there can be a hundred versions to a certain thing when there are a hundred advocates and until and unless a final decision is' pronounced by the highest authority in this country, nobody should be held responsible for incorrect interpretation.

Madam, had there been any ruling of the Supreme Court in some previous cases, had there been some case lav.', and if the Government had taken any action agairuit the pronounced judgment of the Supreme Court, then we could have held the Government responsible. But this is a new case arising

SHRI AKBAR ALI KHAN: Very sensible.

स बार रघुर्वार सिंह पंजह धारी (पंजाब): डिपुटी चेयरमैन साहिया, कांग्रेस कुछ उनुलों पर चलती रही है भ्रीर उन उनुलों की वजह सं कामयाव रही है। डेमोकेसी को चलाने र्यार उसको मजबूत करने का सेहरा कांग्रेस के रिए पर है। ब्राज पंजाब में हाई कोर्ट ने डिसीजन दिया है। मैं नहीं समझता उसकी लीगल पोजीशन क्या है ग्रीर सुप्रीम कार्ट में गवर्नमेंट गई तो क्या हाला, लेकिन मारेलिटी की डिमान्ड यह है कि पंजाब में प्रतेम्बली सल्पेंड की जाय, श्रीर पालियामेंट उसका बजट पास करे । मैं समझता हूं कि इससे कांग्रेस भी मजबूत होगी बांर डेमांकेसी की जड़ें भी मजबूत होगी। इन लक्का के साथ में होम मिनिस्टर से दुबारा रिक्येस्ट करूना कि इसको इन्सीडर वरें ग्रौर पंजाब की ग्रसम्बली और गवर्तमेंट को जल्दी से जल्दी सस्पेंड करें ।

SHRI R. VENKATARAMAN (Madras): Madam, it is a very serious thing that has taken place. Not only has the High Court judgment declared that law invalid, but it is really a judgment on the Government; it is a judgment on the Central Government as well. Several hon. Members have already made their points .

SHRI AKBAR ALI KHAN: The Central Government is not a party to this issue

SHRI LOKANATH MISRA: It may not be a party in the High Court but it is a party in Parliament.

SHRI AKBAR ALI KHAN: But we are really discussing the matter in the High Court.

THE DEPUTY CHAIRMAN: Anyway, let u_s hear Mr. Venkatara-man.

SHRT M. R. VENKATARAMAN: I am not discussing the matter in the High Court. I am talking of" the matter in the legislature. An < i I am referring to the Central Government advisedly because we are concerned with the action" also of a Member of the Central' Government. I do not think I should take up much of the time of the House. I would associate myself with the points that have been expressed by Mr. Bhupesh Gupta on the issue. The Constitutional machinery has obviously broken down and the Government has got to face un to it, instead of coming here,' as the hon. Minister has Just done, and reading out almost informally, as though it is a very innocuous statement, that the High Court has pronounced some judgment and the High Court is farther hearing a stay petition. We have to take i'P a position fTght now. We do not know about होगा । स्नगर इतनी दूर तक आप नहीं कर anything else. We know that the High Court has pronounced a verdict and the Rajya Sabha has to express itself on this matter. Therefore, Mr. Bhupesh Gupta's suggestion is broadly in order and appropriate.

श्री रेवतीकान्त सिंह (बिहार): माननीया, अनुस में पंजाब में जिस समय गिल साहब की सरकार ने पुलिस के साथे में बजट पास किया था, एप्रोप्रिएशन बिल पास किया था उस समय इस सदन में हम लोगों की ओर से यह मांग की गई थी और कहा गया था कि यह जो कुछ कार्यवाही हुई, जो एत्रीप्रिएशन बिल पास किया गया है, यह अल्टा वायसँ बाक दि कांस्टीटयुशन है संविधान के खिलाक है इसकि हम लोगों ने उस समय मांग की थी कि पंजाब के गिल मंत्रिमंडल को भंग किया जाय और वहां राष्ट्रपति मा भासन लाग किया जाय । उस समय सरकार की स्रोर से माननीय गृह मंत्री ने बहुत जोर देकर कहा था कि राज्यपाल ने वहां जो कुछ किया 🕏 वह विलक्ष सही है. संवैधानिक है. कानुनी

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है और उनकी सारी कार्यवाहियों की उन्होंने ताईद की थी, समर्थन किया था। आज जब पंजाब के हाई कोई ने अपने फैसरे में यह साफ कर दिया कि जो एमं प्रिएशन बिल पास हया, वह यसंवैधानिक है, गैर-काननी है ते ऐसी क्षालत में मेरे अनुसार सिर्फ तीन रास्ते यह जाते हैं। मेरे तीन मुझाब ये हैं। पहलातीयह कि गृह मंत्री ने जो कुछ भी यहां कहा उन्होंने सिर्फ अपनी ओर से नहीं कहा बल्कि सरकार की छोर से कहा, पूरे मंदिमंडल की भोर से कहा और परे मंदिमंडल की संयुक्त जिम्मेदारी है। उस हालत में पूरी की पुरी सरकार को, प्रधान मंत्री को इस्तीफा देना चाहिये जो पुरे मंत्रिमंडल का इस्तीफा सकते तो कम से कम नैतिकता के ब्याल से मृह मंत्री को तो इस्तीफा देना ही साहिये । दसरा मुझाव है मेरा कि पंजाय की असेम्बली नत्काल भंग की जाय, वहां का मंत्रिमंडल तरमाल भंग किया जाय और वहाँ राष्ट्रपति शासन साग हो । तीसरा स्ज्ञाव है कि पंजाब ा बजट, पंजाब का एप्रोप्रिएणन बिल संसद में लाया जाय, फिर से उसे पास किया जाय भीर जब तक वह पास नहीं होता है तब तक जे: पैसा खर्च हमा है--मैं माननीय सदस्य लोकनाथ मित्र जी से सहमत हं--जिन लोगों ने गैर-कानुनी डंग से पैसा खर्च किया है उन पर वह चार्ज हो और उनसे वह वसूल किया जाय।

SHRI KESAVAN THAZHAVA (Kerala): Madam, the judgemeat was pronounced by a full bench constituted by the Chief Justice and others, and till this time, no appeal has been filed. The~case of the Minister seems 'to be that they intend to file an appeal. Intending to file an apeal an<j actually filing an appeal are two entirely different things. No appeal is pending. No appeal

has been filed. No stay has been obtained. Until an appeal is filed and a stay is obtained, the functioning of the Punjab Government is impossible and illegal.

the matters stand at present, the judgment is final and the Punjab Government has no right to function and no right to spend a singl_e pie after the pronouncement of the judgment. So the only cours_e left is for the President to take over the Government of Punjab, and the Central Ministers who abetted in all these things must resign immediately. The Minister said that thev intend to file an appeal. But most probably wisdom may prevail upon the Punjab Government and they may. not file an appeal.

श्री भूपेन्द्र सिंह (पंजाब) : मैडम, होम मिनिस्टर साहब के स्टेटमेंट के बाद में समझता हं कि कोई ऐसा पाइन्ट नहीं था जो यहां डिस्कणन के लिए ग्राता । जब से यनाइटेंड अन्ट की गवर्नमेंट को हमने तोडा है तब से भूषेण जी एक रट लगाए हैं कि वह इल्लीगल है । जब बांग्रेस सदस्यों के सामने ये डेमोकेसी की बात करते हैं तो मुझे हंसी ग्रानी है क्योंकि कम्यन्स्ट तो डेमोकेसी में बिलीव नहीं करते, डेमोक्नेसी तो कांग्रेस लेकर आई। भायद यह फीशन हो गया है चीफ भिनिस्टर को धौर इसरे मिनिस्टरों को किटिसाइज करना और खासकर राज्यपाल का कोई कूसर नहीं होता, वह बड़ी दयानत-दारी से काम करते हैं, बड़ी ईमानदारी से काम करते हैं, उनको पार्टी बनाने का फैशन हो गया है। अस सरकार को तोड़ा, वोटों से तोड़ा, कोई कैथास करके नहीं तोड़ा, सामने तोड़ा, बता कर तोडा, मिनिस्ट्री फंक्शन कर रही है। ठीक है हाई कोर्ट का जजमेंट हमारे बरखिलाफ द्या गया है लेकिन जैसा कई ग्रानरेबिल मेम्बरान ने वहा है यह जजमेंट है इंटरिप्रटेशन खाफ ला है, उसमें गलती भी हो सकती है, हमारे एक मेम्बरान साहब ने कहा कि पूरा डिसीजन नहीं आया है, अभी तक वहां बहस चल रही है फिर यहां शोर मचाने का क्या मतलब। हाई कोर्ट के फैसले पर अपील करनी है अन्डर वि ला । फिर सुप्रीम कोर्ट में लाएंगे, जो

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विधीजन होगा उसको फाइनल समझेंगे और फिर जा करना होगा करेंगे।

SHRI VIDYA CHARAN SHUKLA: Madam. I do not have much to say on this matter. But I am sorry that some hon. Members did. not hear carefully what I said. The hon. Member there was motioning that no. cppeal has been filed. I never said any appeal was filed. The Punjab Government has moved the Punjab High Court for a stay and that stay is being heard at present. That is what I said in my main statement. And I cannot indicate now what action the Punjab Government would take. Only after we hear from them wa will know what action they want to take. As far as we are concerned. I am quite clear that neither Mr. Cha-van nor the Central Government has violated Constitution ...

SHRI BHUPESH GUPTA: No, no . . .

THE DEPUTY CHAIRMAN: Please Mr. Bhupesh Gupta.

SHRI VIDYA CHARAN SHUKLA: I have nothing to add to tha;.

SHRI BHUPESH GUPTA: parliamentary proceedings go on like that? Who said that he directly violated the Constitution? We only said, he has abetted, he has encouraged, he has endorsed. He has a constitutional obligation to defend the Constitution. Instead of defending the Constitution, he brushed us all aside when we said that Constitution was being violated. He defended the Gill Government, a Government which violates the Constitution and passes the Budget in this manner. Madam Deputy Chairman, is this so simple as all that? What do you think Parliament is here for? I say, I put it to you, you send the entire proceedings to the Prime Minister. Nothing short of a statement by the Prime Minister is called for. We would like to know whether the Prime Minister is going to suffer Mr. Chavan in the Cabinet. If she suffers, then

[Shri Bhupesh Gupta]

entire Cabinet should go. This is a very important matter.

THE DEPUTY CHAIRMAN: Now, io more on this.

SHRI M. P. BHARGAVA (Uttar !Pradesh): Madam, I want to say Momething which is very important I understand that the Punjab High Court has refused the stay order. I would like the hon. Minister to find < ut.

{Interruptions}

THE DEPUTY CHAIRMAN: Please t ike your seats. Mr. Bhargav_a has brought som_e other information v hich h_e has heard. I think he is not s ir_e about it.

SHRI VIDYA CHARAN SHUKLA: I have not got any information.

SHRI M. P. BHARGAVA: I would like the hen. Minister to check it up before the House rises.

SHRI VIDYA CHARAN SHUKLA: Madam, I have no information but I will check it up.

(Interruptions)

. SHRI BHUPESH GUPTA: Madam, w_e want th_e resignation of Mr, Chavan before the sunset. If Mr. Chavan does not submit his resignation, the Prime Minister should dismiss him.

(Interruptions)

THE DEPUTY CHAIRMAN: Nothing more on this. Order, order.

SHRI BHUPESH GUPTA: Madam, our demand is that if the Prime Minister does riot dismiss him, Mr, Chavan, the Prime Minister should herself resign.

THE DEPUTY CHAIRMAN: Now the debate goes on Mr. Yajee, you have to speak on Mr. Bhupesh Gupta's Bill.

SHRi BHUPESH GUPTA: What about the President's Proclamation? If the stay o-ler has not been given, the implications are clear. Everything is illegal in Punjab. How is

the Government going to be run? (In. terrupiions). At the moment there is nothing. Everything is illegal in Punjab.

THE DEPUTY CHAIRMAN: I want to hear nothing more on this statement.

THE CONSTITUTION (AMEND-MENT) BILL, 1964 (to amend article 291)— contd.

THE DEPUTY CHAIRMAN: v have called Mr. Yajee to continue his. speech. Yes, Mr. Yajee.

श्री शीलमद्र याजी: माननीय डिप्टी चेयरमैन महोदया, मैं कामरेड भूपेश गुप्ता के विधेयक पर बोलते हुए कह रहा था कि हमारी सरकार ने जब से समाजवाद को ले लिया तो पुरानी चीज जो कि राजा महाराजाओं की थी, जिस समय कि धाजादी धा रही थी उस समय उनको जो धाश्वासन दिया गया था कि हम प्रिवी वर्ष के का में हाये देंगे यब उक्त जह त नहीं है य और भी जो धाश्वासन दिया था कि और और तरह की रियायतें देंगे उमकी जरूरत नहीं।

[THE VICE-CHAIRMAN SHRI M. P. BHARGAVA) in the Chair.]

ग्रार जो यह कहा था कि उनकी जितनी निजी सम्पत्ति थी उसको रखने देंगे उसकी अब जरूरत नहीं है। वह पुरानी चीज थी ...

SHRI BHUPESH GUPTA (West Bengal): Mr. Vice-Chairman, now you are in the Chair. You gave us some information. Now you are convinced about it. No stay order has been given. Therefore you kindly call on the Government to state what is going to be done on the basis of what you have said.

SHRI AKBAR ALI KHAN (An-dhra Pradesh): Mr. Vice-Chairman. the, matter has been closed.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, you have done great service to the House by having shown