[श्री शील भद्र याजी]

था कि कामरेड भूपेश गुप्त इस तरह का प्रस्ताव लाते। मैं अपनी सरकार को भी सुनाता हूं कि सरकार समाजवाद बोलती है लेकिन मैं बराबर कहता हूं, इस हाउस में भी, और बाहर भी, कि यह सरकार समाजवाद की दिशा में कछुये की गति से चलती है, कच्छप गति से समाजवाद की तरफ चलती है। यह अच्छा काम नहीं है।

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

SHRI SHEEL BHADRA YAJEE: Yes.

THE DEPUTY CHAIRMAN: Then I 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, it 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 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 two Appropriation Bills were passed illegally, which was *ultra vires* the Constitution. It is the first time in the history of our 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 sanction 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 the 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

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 be 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 so, his 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 जे० पी० यादव (बिहार) : मेरा एक व्यवस्था का प्रश्न है। मेरा व्यवस्था का प्रश्न यह है कि सदन में जब कोई व्यवस्था का प्रश्न उपस्थित करे, कोई भाषण दे तो एक ही समय में दो आदमी न बोलें और आपस में ही निर्णय न करें। इस तरह की जो गड़बड़ी होती है उससे सदन का बहुत सा समय नष्ट हो जाता है। इसलिए मैं इस संबंध में व्यवस्था चाहता हूं।

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 be brief.

SHRI BHUPESH GUPTA: . . . may prefer an 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 am 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 he 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 the Constitution, in fact he 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 is 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, Mr. Chavan has definitely encouraged and helped in the violation of the Constitution. That is my first point.

Secondly, moneys 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 on 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 money. There should not be any attempt by the Government of India to allow them to go scot-free because it is such a grave offence. But short of that, it must be construed as a surcharge 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 (Orissa): I associate myself fully with all that 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 wrongly done and the Government of India by supporting that has become a party to the entire nefarious game. And this is virtually a murder of the Constitution and the protectors of the Constitution have become 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, that they have done something unconstitutional and that in future they will try to be constitutional and protect the Constitution of this land.

श्री जे० पी० यादव : माननीया उप-सभापति महोदया, जिस समय यह विनियोग विधेयक पंजाब विधान सभा में लाया जा रहा था, उस समय ही वहां के भूतपूर्व वित्त मंत्री श्री बलदेव प्रकाश ने इसका विरोध किया था । विरोध करने के समय भी यह कहा गया था कि यह अवैधानिक है और इसे इस ढंग से नहीं लाना चाहिये । वहां उनके जो अध्यक्ष थे, उन्होंने भी ऐसी बात कही थी । जब यहां पर ऐसी बात आई तो इसी लिये कि सरकार ऐसे लोगो को राज्यपाल के रूप में बहाल करती है, जिन का मुख्य काम यह होता है कि जिन राज्यों में कांग्रेस माइनारिटी में है, उनको मेजारिटी में बदल दे, जैसे राजस्थान में बदल दिया गया अगर किसी प्रान्त में युनाइटेड फ्रन्ट की मेजारिटी है, तो उसको पतन करने का कार्य राज्यपालों का रहता है। इसलिये जब मनी बिल विधान सभा में जाता है, तो वह राज्यपाल की अनुमति से जाता है और राज्यपाल की अनुमति का अर्थ होता है कि केन्द्रीय सरकार की उसमें अनुमति है । आज हमारे सदन के सामने एक बहुत बड़ा प्रश्न उठ खड़ा हुआ 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 मुताबिक चलना चाहिये ।

जिस प्रकार अभी प्रश्न उपस्थित हुआ श्री चन्ना रेड्डी का। उन्होंने इलैक्शन के जमाने में करप्ट प्रैक्टिस की थी, जब इस तरह का उन पर कोर्ट ने चार्ज लगाया है, तो इसका निराकरण सिवाय अवकाश (रेजिगनेशन) 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 हुआ है। कानून मंत्री और गृह मंत्री अकेले जिम्मेवार नहीं हैं बल्कि वे मंत्री परिषद् के सदस्य हैं। जब एक मंत्री पर इस तरह का चार्ज लगाया जाता है या दो मंत्रियों पर लगाया जाता है, तो समूचा मंत्रिमंडल उसके लिये दोषी होता है। मंत्रिमंडल को इस चीज को फेस करना चाहिये और कबूल करना चाहिये कि अभी जो हाईकोर्ट ने रिट पैटीशन स्वीकार की है, उसके साथ ही मंत्रिमंडल को रिजाइन कर देना चाहिये। हो सकता है कि जब तक सुप्रीम कोर्ट में अपील होती है, उनसे केयर टेकर गवर्नमेंट के तौर पर काम करने के लिए कहा जा सकता है।

एक माननीय सदस्य : यह पंजाब गवर्नमेंट का मामला है।

श्री जे० पी० यादव : पंजाब गवर्नमेंट का मामला आया कैसे, यह आपको मालूम होना चाहिये। जिस भूतपूर्व मुख्य मंत्री श्री गुरुनाम सिंह ने रिजाइन किया था उस समय उन्होंने राज्यपाल से आग्रह किया था कि राज्य में मध्यावधि चुनाव कराये जायें। वे उस समय मेजारिटी में थे और उसके अनुसार 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 बीरेन्द्र सिंह की सरकार को जो बहुमत में थी समाप्त करके मध्यावधि चुनाव कराने जा रहे हैं वहां पर पंजाब एवं बंगाल में डिफेक्टरों को सरकार बनाने की अनुमति प्रदान की जब कि वे माइनोरिटी में थे।

4 P.M.

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.

श्री जे० पी० यादव : हमारा पाइन्ट इतना ही है कि सरकार इस बात पर गंभीरता से विचार करे और सदन को अपने कांफिडेंस में लेने के लिये दोनों पाइन्टों पर अपना स्पष्टीकरण दे कि सरकार ने किस तरह से ऐप्रोप्रिएशन बिल को स्वीकार किया और फिर यहां पर उसको डिफेंड 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 couple of sentences.

डा० भाई महावीर (दिल्ली) : उपसभापति महोदया, आज जो प्रश्न हमारे सामने आया है वह बिल्कुल सीधा है और मैं नहीं समझता कि उसके विषय में कोई राजनैतिक विवाद खड़ा होना चाहिये। प्रश्न सीधा यह था कि पंजाब में एक संयुक्त मोर्चा की सरकार चल रही थी। उस सरकार को जिस क्षण यह लगा कि उनका बहुमत नहीं रहा है, यद्यपि इस दावे को कोई विरोधी उनके सामने सिद्ध नही कर सका कि उनका बहुमत टूट चुका है, फिर भी उन्होंने लोकतंत्रीय स्वस्थ परम्परा को अपनाते हुये अपने 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 और केन्द्र सरकार के नेताओं ने न जाने क्या सोच कर वहां पर एक माइनोरिटी गवर्नमेंट को सपोर्ट कर के रखा है। अपनी जिम्मेदारी से बचते हुये और अपने इशारे पर नाचने वाली एक सरकार वहां पर कायम की गई। अगर वे उसकी जिम्मेदारी ले लेते तो मुझे कोई आपत्ति नही थी। जिम्मेदारी न लेते हुये यदि इस माइनोरिटी सरकार को सपोर्ट न किया जाय तो एक रास्ता था। परन्तु

[डा० भाई महावीर]

जो रास्ता अपनाया गया उसमें उलझन पैदा हुई है। बिना किसी संवैधानिक सक्शन के, बिना किसी प्रकार की स्वीकृति के एक विनियोग विधेयक स्वीकार किया गया। आज देश के न्यायालय ने उस विनियोग विधेयक को अल्ट्रा-वायर्स, 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 स्वस्थ 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 बिना संक्शन के वहां पर खर्चा करवा दिया है जैसा कि हाई कोर्ट का जजमेंट आया उसके विरुद्ध कोई कार्रवाई करने के अतिरिक्त उलटा सीधा रास्ता निकाला जा रहा है कि हम अपील करेंगे, उसकी व्यवस्था रोकेंगे, तब तक स्टे आर्डर ले लेंगे, इससे कानून की आंखों में शायद समाधान करवाने लायक बहाना हम निकाल लें, परन्तु जस्टिस वह है जो कि न सिर्फ होती है बल्कि दिखती भी है कि जस्टिस हुई है।

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 मैं समझता हूं कि इस सदन में राजनैतिक पक्षपात को छोड़कर यदि हम केवल स्वस्थ लोकतंत्रीय भावना को बढ़ाने 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 उसको छोड़ कर कांग्रेस वहां का समर्थन हटा ले और जो कुछ भी इस समय संवैधानिक उलझन पैदा की गई है उसको हल करने के लिये जिन मंत्रियों ने उसका समर्थन किया था वे अपने पद से त्यागपत्र दे कर के अपने पद से पीछे हट जायें।

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 I 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, along 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 to restrict my observations only to show the difference between these two cases.

Firstly, Dr. Channa Reddy's case concerned one individual while this case concerns one Government. Secondly, in Dr. Channa Reddy's case the decision of the High Court was regarding 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 praticular 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, as pointed out by the hon. Minister, they 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 the 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 law, and if the Government had taken any action against the pronounced judgment of the Supreme Court, then we could have held the Government responsible. But this is a new case arising of the political implications in Punjab. And, therefore, if the Government has taken any particular view of the constitutional provisions, we cannot blame the Government.

SHRI AKBAR ALI KHAN: Very sensible.

सरदार रघुबीर सिंह पंजहजारी (पंजाब): डिपुटी चेयरमैन साहिबा, कांग्रेस कुछ उसूलों पर चलती रही है और उन उसूलों की वजह से कामयाब रही है। डिमोक्रेसी को चलाने और इसको मजबूत करने का सेहरा कांग्रेस के सिर पर है। आज पंजाब में हाई कोर्ट ने डिसीजन दिया है। मैं नहीं समझता उसकी लीगल पोजीशन क्या है और सुप्रीम कोर्ट में गवर्नमेंट गई तो क्या होगा, लेकिन मेजोरिटी की डिमान्ड यह है कि पंजाब में असेम्बली सस्पेंड की जाय, और पार्लियामेंट उसका बजट पास करे। मैं समझता हूं कि इससे कांग्रेस भी मजबूत होगी और डिमोक्रेसी की जड़ें भी मजबूत होंगी। इस [illegible] साथ मैं होम मिनिस्टर से दुबा[illegible] करूंगा कि इसको कन्सीडर करें और पंजाब की असेम्बली और गवर्[illegible] सस्पेंड करें।

SHRI M. 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 us hear Mr. Venkataraman.

SHRI M. R. VENKATARAMAN: I am not discussing the matter in the High Court. I am talking of the matter in the legislature. And 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 up 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 further hearing a stay petition. We have to take up a position right now. We do not know about 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, असल में पंजाब में जिस समय गिल साहब की सरकार ने पुलिस के साये 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 एप्रोप्रिएशन बिल पास किया गया है, यह अल्ट्रा वायर्स आफ दि कांस्टीट्यूशन है संविधान के खिलाफ है इसलिये हम लोगों ने उस समय मांग की थी कि पंजाब के गिल मंत्रिमंडल को भंग किया जाय और वहां राष्ट्रपति का शासन लागू किया जाय। उस समय सरकार की ओर से माननीय गृह मंत्री ने बहुत जोर देकर कहा था कि राज्यपाल ने वहां जो कुछ किया है वह बिलकुल सही है संवैधानिक है कानूनी है और उनकी सारी कार्यवाहियों की उन्होंने ताईद की थी, समर्थन किया था। आज जब पंजाब के हाई कोर्ट ने अपने फैसले में यह साफ कर दिया कि जो एप्रोप्रिएशन बिल पास हुआ, वह असंवैधानिक है, गैर-कानूनी है तो ऐसी हालत में मेरे अनुसार सिर्फ तीन रास्ते रह जाते हैं। मेरे तीन सुझाव ये हैं। पहला तो यह कि गृह मंत्री ने जो कुछ भी यहां कहा उन्होंने सिर्फ अपनी ओर से नहीं कहा बल्कि सरकार की ओर से कहा, पूरे मंत्रिमंडल की ओर से कहा और पूरे मंत्रिमंडल की संयुक्त जिम्मेदारी है। उस हालत में पूरी की पूरी सरकार को, प्रधान मंत्री को इस्तीफा देना चाहिये जो पूरे मंत्रिमंडल का इस्तीफा होगा। अगर इतनी दूर तक आप नहीं कर सकते तो कम से कम नैतिकता के ख्याल से गृह मंत्री को तो इस्तीफा देना ही चाहिये। दूसरा सुझाव है मेरा कि पंजाब की असेम्बली तत्काल भंग की जाय,, वहां का मंत्रिमंडल तत्काल भंग किया जाय और वहाँ राष्ट्रपति शासन लागू हो। तीसरा सुझाव है कि पंजाब का बजट, पंजाब का एप्रोप्रिएशन बिल संसद् में लाया जाय, फिर से उसे पास किया जाय और जब तक वह पास नहीं होता है तब तक जो पैसा खर्च हुआ है--मैं माननीय सदस्य लोकनाथ मिश्र जी से सहमत हूं--जिन लोगों ने गैर-कानूनी ढंग से पैसा खर्च किया है उन पर वह चार्ज हो और उनसे वह वसूल किया जाय।

SHRI KESAVAN THAZHAVA (Kerala): Madam, the judgement 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 and 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. As

the matters stand at present, the judgment is final and the Punjab Government has no right to function and no right to spend a single pie after the pronouncement of the judgment. So the only course 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 they 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 मैं समझता हूं कि कोई ऐसा पाइन्ट नहीं था जो यहां डिस्कशन के लिए आता । जब से यूनाइटेड फ्रन्ट की गवर्नमेंट को हमने तोड़ा है तब से भूपेश जी एक रट लगाए हैं कि वह इल्लीगल है । जब कांग्रेस सदस्यों के सामने ये डेमोक्रेसी की बात करते हैं तो मुझे हंसी आती है क्योंकि कम्युनिस्ट तो डेमोक्रेसी में बिलीव नहीं करते, डेमोक्रेसी तो कांग्रेस लेकर आई । शायद यह फैशन हो गया है चीफ मिनिस्टर को और दूसरे मिनिस्टरों को क्रिटिसाइज करना और खासकर राज्यपाल का कोई कुसूर नहीं होता, वह बड़ी दयानतदारी से काम करते हैं, बड़ी ईमानदारी से काम करते हैं, उनको पार्टी बनाने का फैशन हो गया है । उस सरकार को तोड़ा, वोटों से तोड़ा, कोई केआस करके नहीं तोड़ा, सामने तोड़ा, बता कर तोड़ा, मिनिस्ट्री फंक्शन कर रही है । ठीक है हाई कोर्ट का जजमेंट हमारे बरखिलाफ आ गया है लेकिन जैसा कई आनरेबिल मेम्बरान ने कहा है यह जजमेंट है इंटरप्रिटेशन आफ 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 दिला । फिर सुप्रीम कोर्ट में लाएंगे, जो डिसीजन होगा उसको फाइनल समझेंगे और फिर जा[illegible] होगा [illegible] ।

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 mentioning that no appeal 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 we will know what action they want to take. As far as we are concerned, I am quite clear that neither Mr. Chavan nor the Central Government has violated the Constitution . . .

SHRI BHUPESH GUPTA: No, no . . .

THE DEPUTY CHAIRMAN: Please Mr. Bhupesh Gupta.

SHRI VIDYA CHARAN SHUKLA: I have nothing to add to that.

SHRI BHUPESH GUPTA: Can 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 the

[Shri Bhupesh Gupta]

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

THE DEPUTY CHAIRMAN: Now, no more on this.

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

(Interruptions)

THE DEPUTY CHAIRMAN: Please take your seats. Mr. Bhargava has brought some other information which he has heard. I think he is not sure about it.

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

SHRI M. P. BHARGAVA: I would like the hon. 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, we want the 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 not 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 order has not been given, the implications are clear. Everything is illegal in Punjab. How is the Government going to be run? *(Interruptions)*. At the moment there is nothing. Everything is illegal in Punjab.

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

THE CONSTITUTION (AMENDMENT) BILL, 1964 (*to amend article 291*)—*contd.*

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

श्री शीलभद्र याजी : माननीय डिप्टी चेयरमैन महोदया, मे 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 आजादी आ रही थी उस समय उनको जो आश्वासन दिया गया था कि हम प्रिवी पर्स के रूप में रुपये देंगे अब [illegible] जरूरत नहीं है य और भी जो आश्वासन दिया था कि और और तरह की रियायतें देंगे उसकी जरूरत नहीं ।

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

और 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 (Andhra 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