

[Shri Jaisukhlal Hathi.]

•should be constituted from among the members of the existing legislature. That is why in this case it has not been dissolved. So this measure of having President's rule in Punjab has become necessary in view of the circumstances I have mentioned. The only point now is that as soon as the two States come into existence after the Reorganisation of the Punjab Bill which we will have here in this House next week, there will be again popular Government. This is an interim period and it would be of a very short duration. I, therefore, commend the Resolution for the acceptance of the House.

THE DEPUTY CHAIRMAN : You want—«d some clarification.

SHRI MULKA GOVINDA REDDY (Mysore) : Madam, I would like to know from the Minister whether it is a fact that the former Punjab Governor refused to submit a report to the Centre saying that the Constitution had broken down and the President's Rule should be imposed. That is No. 2. Secondly, because he refused to do that, he was transferred from Punjab to Madras and a new Governor properly briefed from Delhi was sent to Punjab.

SHW JAISUKHLAL HATHI: No, Madam, it is not a fact. As you know, the Governor previous to Shri Dharma Vira was appointed there only as the then Governor, Hafiz Mohammed Ibrahim, was not keeping well. It is not that he refused to send such a report. It is also not correct that because of that he was sent to Madras.

The question was proposed.

ANNOUNCEMENT *RE* GOVERNMENT BUSINESS.

THE DEPUTY CHAIRMAN: Before I call hon. Members to begin the debate, I have to make an announcement. I have to inform Members that the Business Advisory Committee at its meeting held today has recommended allocation of time for Government and other business as follows :—

Government Business
Allotted Time

1. The Punjab State Legislature (Delegation of Powers) Bill, 1966, as passed by the Lok Sabha. 2 houri
1. The Punjab Reorganisation Bill, 1966 4 houri ai passed by the Lok Sabha.

3. The Representation of the People (Amendment) Bill 1966 (Motion 30 mti. for reference of Bill to Joint Committee).

4. The Delhi High Court Bill, 1966 1 hour. as passed by the Lok Sabha.

5. Discussion on Gold Control Order. 2 houri

In order to be able to complete the business, the Committee recommended that the House might curtail or dispense with the lunch recess and sit beyond 5.00 P.M. as and when necessary.

RESOLUTION *RE*. PROCLAMATION BY PRESIDENT IN RELATION TO THE STATE OF PUNJAB—*contd.*

THE DEPUTY CHAIRMAN : Now, I shall call upon you to speak on this.

SHRI BHUPESH GUPTA: Madam Deputy Chairman, I wanted to ask * question with regard to the Governor's report. I think the full text of the Governor's report should have been made available to un. What has been given are certain eitracti from this particular report, which is very irrelevant in the context. Now, under our Constitution, article 356 lays down:

"(1) If the President, on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation . ." Now, the President can act on two grounds or on two bases, shall we say, namely, (i) on a report from the Governor or (ii) on his own. As you know, in the case here I understand that he has acted on the basis of the report of the Governor. Now, article 356 also lays down that the report must show that the government cannot be carried on in accordance with tho provisions of the Constitution. I should like you to note these very words. Now, which organ of the Constitution cease te function? Did the Legislature cease to function? The answer will be 'No*', because the Legislature is still ia existence in a state of, shall we say, animated suspense for the present. Now, the judicial organ is also functioning, but let us concentrate here on the other organs of the State. Now, the Legislative Assembly is there. That would not be disputed by the Government. Did any Party have a majority in the Legislative Assembly? The answer would be