

[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

'Yes'. The Congress Party has never said or the Governor has never said that the Congress Party in the Punjab Legislative Assembly did not have a majority. Therefore, we come up against a situation in which there was a Legislature. There was a Party commanding a majority in the Assembly. Now, the next question is : Was there anything else outside which prevented the Government from functioning ? We do not know. On the face of it, on the surface of it, there was nothing that prevented the Government from functioning. The question, therefore, arises. How is it that when there was a Party commanding a majority in the Legislature, that Party could not produce a government ? There is no indication in the report that the majority Party, namely, the Congress Party in this case failed to present to the Legislature a government. All that we are told is that the government could not be carried on in accordance with the provisions of the Constitution. This is entirely unsatisfactory and vague. On the other hand, we know that the government could have been carried on in accordance with the Constitution, but for certain reasons, about which, technically speaking, we have been kept in the dark. This is unfair. I think Parliament, when called upon to endorse such a Proclamation, should be taken fully into confidence. That has not been done in this case. What happened ? Mr. Ram Kishen, the Chief Minister of Punjab, tendered his resignation. Very well. Was anybody else invited or was Mr. Ram Kishen asked to nominate somebody else of his Party ? This is very important. Was he asked specifically to nominate somebody and then did he nominate somebody ? If he did not nominate somebody, did he give his reasons, or did the Governor make any enquiry on his own as to why Mr. Ram Kishen did not advance any name or somebody else did not give any name ? But here we are concerned with the resigning Chief Minister. Now, in parliamentary practice what happens when somebody resigns as the Prime Minister ? If the Party is in a majority, then, he normally gives the name of his successor. It happened in the case of Mr. Macmillan when he resigned. He gave the name of his successor, the name of Lord Home, who then became Alec-Douglas Home. He was the nominee of Mr. Macmillan and he was invited by

the Queen to form the government. Were these things maintained ? There is a clear indication that no such things were done. Now, therefore, it was not a breakdown of the Constitution. It was a breakdown of the factional arrangements within the Congress Party. It was some kind of maladjustment among the various factions in control within the Congress Party in the Punjab Legislature. Even that we do not know, as to how it came about, what its ramifications were. But we are called upon to endorse the Proclamation. The Congress Party has acted highly irresponsibly in this matter to put it mildly, from the point of view of constitutional practices. It has not even cared to tell Parliament the exact reason why the government could not be formed. Even in his speech he has not said it, except that we are told what is written in article 356 of the Constitution. That is not enough. The Proclamation contains the same wording practically. What we want to know in the course of the speech and discussion here is how this came about that a majority Party, still remaining a majority Party, could not produce a government. That party stands self-condemned in terms of parliamentary democracy. This point I wish to make for a variety of reasons. First this is a fraud on the Constitution. This is an attempt to subvert the Constitution at the will of the party in power. Secondly, this shows scant respect and regard for the elected institutions of the country. Thirdly, this also shows complete mistrust as far as the Government is concerned in regard to the normal functioning of elected institutions like the State Assembly.

The real story of course is well known and the story should be told here a little. Everybody knows it, the circumstances of the case leading to the conclusion that it is not the normal reasons for which the so-called constitutional breakdown came about and the Governor was obliged to send a report to the President. It is something else extraneous to the principles and practices of our Constitution. What was it ? It was that the ruling party had their problems in Punjab. Because of their factional quarrels not only over the question of how Punjab should be divided, where Chandigarh should go, who should be the Chief Minister of either State of divided!

[Shri Bhuposli Gupta.) Punjab and may be other things, they could not come to an agreement and they felt that if there were such quarrels and squabbles over such matters they would not be in a position to run it. But this should have been stated in a speech here frankly by the Minister. Nothing of the kind. This creates a very very wrong type of precedent. Suppose I was in the Centre; suppose it was another party which had control over the Central Government advising the President. What that party could have done ? It could have asked the Governor to re-examine this matter or even changed the Governor to explore the possibilities of getting the majority party to settle its internal affairs in such a manner that the constitutional processes are not weakened. None of the organs of the Constitution has broken down. What broke down was an internal arrangement within the Congress Party, and that was depicted as a breakdown of the Constitution in order to warrant the Proclamation. This is what I am contesting today. Therefore, I say that they have started playing with the Constitution, this Government. If the Congress Party is unable to produce a Government even with a majority, that party should at the party level declare so, and the Government of that party, if it is in control of the Centre, (should offer better explanation than it has offered today. In fact no explanation has been given. Therefore for factional reasons, for factional conflicts unresolved, we we now called upon to deny the Punjab people what is their due, namely, the governance of the State by their Legislature and a Government responsible to the Legislature and functioning. That has been denied. The Punjab people have been punished as a result of the factional squabbles within the ruling party, and the Central Government has placed itself at the disposal of the Punjab party factions and groups in order to see that their quarrels do not become a public scandal, that they «continue yet not function, continue as Members of the Legislature but do not continue as members of the Government or some of them as members of the Government in a constituted Cabinet or Council of Ministers in the State. This is an extraordinary thing. Here I need not dilate on it. I hope he will explain this thing.

Therefore, I demand that the Governors

report in full be presented to the House and we should like to know on the basis of that report, on studying it, exactly in what manner the Governor functioned. We have seen various types of gubernatorial functions. Take the case of Orissa. When somebody resigned from the Government. I think it was Mr. Mahtab at that time who resigned from the Government, the Governor even went out of his way to tell the Chief Minister, "I feel you have a majority". That is how Mr. Sukhthankar I believe at that time wrote to Mr. Mahtab. That appeared in the press. Not only that, the Governor came to Delhi to advise that Mr. Mahtab had a majority and he should come back, and time was given for Mr. Mahtab or whoever it was to come back. This is one type of thing. The Governor had no business to write such a letter or say that he felt that Mr. Mahtab had a majority.

Another type of thing we had in Kerala. What was that ? The Governor sent a report to the Centre when we were in the Ministry in Kerala, when the Communist Party was leading the Government and Mr. Namboodiripad was the Chief Minister; at that time the Governor sent a report behind the back of the Council of Ministers. Yet the Council of Ministers was completely the advice of the Council of Ministers, and the Council of Ministers was completely ignored. A report was sent on the orders of the Central Government, and on the basis of that tutored report the Kerala Government was dismissed; not only the Kerala Government but the Legislature also was dismissed. The M.L.As were all 'killed'.

Now you have got the third type. How elastic is our constitutional conscience is what I am trying to show. The third type is this. Because it is the Congress Party and factional squabbles are taking place, therefore : "Do not form a Government; put our man there as Governor till we arrange our things a little better; do not dissolve the Assembly also". It is good they did not dissolve the Assembly. I am opposed to it. "Do not dissolve the Assembly because the overwhelming majority of the members are our members and the M.L.As would not like to go into liquidation. Therefore, keep them alive Having done it, put the Governor. Then again after the arrangements are made, divide it into two different States." This

is a very good arrangement of private property. This is the line they have followed. Just now the Governor's report has come. Now the Proclamation. The Proclamation did not take the interests of Punjab that way. The people of Punjab so long as the State remains what it is have a right to be governed by a Government which is responsible to its elected representatives as such. Now the Legislature has been made *functus officio*. This is the position. Therefore, I say that the whole thing is wrong. It should be strongly opposed in point of principle and in practical politics also, and I rise here to oppose this Proclamation as an arbitrary, mischievous, perverted action on the part of a Government which does not know how to run a State Government even when its party has the clear majority there. Why should the people suffer? Why the people should suffer for the failures of the Congress Party is a matter which is too big, and I need not go into it here.

SHRI G. RAMACHANDRAN (Nominated) : May I interrupt the brilliant eloquence of my friend to point out that a very important matter is being discussed in a House which has no quorum?

SHRI BHUPESH GUPTA : That is right. I am opposed to the Proclamation. Therefore, I want the quorum.

SHRI G. RAMACHANDRAN : What can be more irresponsible than this?

*(The quorum bell rings)*

THE DEPUTY CHAIRMAN : You continue. We have given time for Members to come.

SHRI BHUPESH GUPTA : Let them come. What is the guarantee that they will come? How can I anticipate that they will come?

SHRI BANKA BEHARI DAS : Once the question of quorum has been raised, only after the Members come can he resume his speech; he cannot resume now.

SHRI BHUPESH GUPTA : If you like. I can keep on standing, without any interruption of my speech.

So, we have a truant democracy. Now the quorum, I believe, is there. Our con-

stitutionalists, I mean those who framed the Constitution, were wise people. They fixed the quorum at a low figure so that it is there always.

SHRI ARJUN ARORA (Uttar Pradesh) : Mr. Bhupesh Gupta, no Member of your party is present to listen to your lively discussion.

SHRI BHUPESH GUPTA : Because we oppose the damned thing. We oppose the Proclamation. What is the use of listening?

SHRI ARJUN ARORA : They do not care.

THE DEPUTY CHAIRMAN : We have a very short time for this. You please carry on with your speech. I do hope that Members will keep the quorum till this is finished.

SHRI BHUPESH GUPTA : My party people are not interested.

SHRI ARJUN ARORA : They do not care.

THE DEPUTY CHAIRMAN : You have another five minutes.

SHRI BHUPESH GUPTA : Therefore, the whole thing is wrong. I have to point out—I am sorry—that hon. Members were not here as if it is a prohibited thing.

Now, with regard to their general approach to the problem of Punjab, the entire approach has been initially one of backdoor intrigues, one of arranging things, in the first instance, through their various factions, very often working at cross purposes. Now, the Punjabi people forced this thing; naturally, they could not but accept the demand in principle. I am not going into that thing. But even so, they did not accept the faithful implementation of the linguistic principle, for example, that would lead to the village being taken as the unit in the demarcation of the boundary, and certainly, Chandigarh should go on that score to the Punjabi-speaking Punjab that will now be formed. Vishal Haryana, it should come with old Delhi as its capital and so on. But pending old Delhi, some temporary arrangements can be made even in Chandigarh. I am not going into all that. They have not done that. The Legislature they have kept

[Shri Bhupesh Gupta.]

alive. That is the work of the Congress Party. Suppose some other party were in the Legislature. They would have dissolved the Legislature. The Congress people when they are in legislature, until the people turn them out, nobody can turn them out.

SHRI AWADHESHWAR PRASAD SINHA (Bihar) : You are not in power and that is why you are . . .

THE DEPUTY CHAIRMAN : He has got very little time.

SHRI BHUPESH GUPTA : On the contrary, my position is this. The Punjab Legislature should have been functioning now and there should have been no Governor's rule. The Congress High Command and the Congress Party are not in a position to present a Government. That party be damned publicly because with a majority in the Legislature . . .

SHRI AWADHESHWAR PRASAD SINHA : It is not the Congress High Command who did it. The Chief Minister voluntarily resigned.

SHRI BHUPESH GUPTA : Why say 'Chief Minister' ? Everybody knows. But you must take the subsequent . . .

THE DEPUTY CHAIRMAN : Mr. Sinha, you were not here, he has gone through the whole argument. You were not here then.

SHRI BHUPESH GUPTA : Anyhow, your Chief Minister went away.

Therefore you take the political responsibility. The Congress Party should have taken the political responsibility for the failure on that score and for that people should not have been punished. Now, therefore, the Proclamation, the whole thing, is wrong. We repudiate this Governor's rule. In fact, the very idea of the Governor's rule is repellent to democratic conscience, this business of Governor's rule is all the more atrocious when the Legislature is there and yet when it is not alive and functioning.

AN HON. MEMBER : Temporarily.

SHRI BHUPESH GUPTA : Well, it is a temporary measure, something living temporarily while the thing is there. If it is temporary, it is bad. It is all the more worse because the Legislature is there and

you do not allow it to function. Why was not the Legislature called upon by the parties concerned or by the Governor to try to form a Government and give it a Government ?

THE DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, you have taken nearly half an hour. You must wind up.

SHRI BHUPESH GUPTA: Nothing of the kind.

Therefore, I think the whole thing from beginning to end is wrong.

Now, let me say a few words about the Congress and I hope you will not interrupt. I hope you will not interrupt because you were also a little harsh at that time. What I want to say here is that these incompetent Ministers here, these intriguers, some of them, were in favour of the Punjabi Suba; others were not in favour of the Punjabi Suba. Everybody knows it. They were quarrelling among themselves. They had their factions in Punjab trying to play . . .

SHRI ARJUN ARORA : They were not quarrelling.

THE DEPUTY CHAIRMAN : Yes, Mr. Gupta, please continue.

SHRI BHUPESH GUPTA : You ask him, why do you ask me ?

THE DEPUTY CHAIRMAN : This measure has to be passed in three hours.

If you go on like this, we will have to sit . . .

SHRI BHUPESH GUPTA : You sit seven hours. What is there?

THE DEPUTY CHAIRMAN : You Kve finished your arguments.

SHRI BHUPESH GUPTA : Please do not disturb. Then I would say . . .

THE DEPUTY CHAIRMAN : You have taken half an hour.

SHRI BHUPESH GUPTA: \* \* \*

THE DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you have taken half an hour.

\*Expunged as ordered by the Chair.

SHRI BHUPESH GUPTA : I was speaking on the other Bill. \* \* \*

THE DEPUTY CHAIRMAN: Three hours are given to this measure. I have a number of Members here, the list is here. I am supposed to regulate the debate and therefore, I request that if there are interruptions, we shall have to sit after six.

SHRI BHUPESH GUPTA : \* \* ♦

THE DEPUTY CHAIRMAN : You have taken half an hour.

SHRI BHUPESH GUPTA : I have finished.  
\* \* \*

THE DEPUTY CHAIRMAN : That is not right, Mr. Bhupesh Gupta. You are being unreasonable. You have taken half an hour. I permitted you half an hour and still you seem to have objections.

SHRI BHUPESH GUPTA: \* » \*

THE DEPUTY CHAIRMAN : I have seen. I have marked the time.

SHRI BHUPESH GUPTA : \* \* •

THE DEPUTY CHAIRMAN : You have already taken half an hour. You never listen to me. If you wind up your speech, you are welcome. Otherwise, I shall call the next speaker. I told him not to interrupt, not you.

SHRI ARJUN ARORA : On a point of order.

THE DEPUTY CHAIRMAN : No point of order . . .

(Interruptions)

SHRI BHUPESH GUPTA: \* \* \*

THE DEPUTY CHAIRMAN : If you want to wind up your speech . . .

(Interruptions)

SHRI BHUPESH GUPTA : I do not want to. I feel absolutely sorry.

SHRI ARJUN ARORA : On a point of order.

THE DEPUTY CHAIRMAN: Kumari Shanta Vasisht . . .

(Interruptions)

Yes, Mr. Arora, what is your point of order ?

SHRI ARJUN ARORA : On a point of order. Shri Bhupesh Gupta has been rude to the Chair and has \* \* \* Is somebody superior to the Chair ? His remarks against the Chair should be expunged. He has done so in the heat of the moment. Tomorrow he will . . .

SHRI BHUPESH GUPTA : I did feel disturbed, Madam. Who disturbed or not, I do not know. But I felt disturbed.

THE DEPUTY CHAIRMAN : I would say that when there is passion and there is less of reason . . . (Interruptions) I am not able to follow what is being said. Anyhow, we will go through the records in the evening and if there is any reflection, it will be taken out.

SHRI BHUPESH GUPTA : We are feeling very much irritated—please understand—for the last few days from the way some people are behaving like this.

THE DEPUTY CHAIRMAN : You will take your seat and we shall go through the records and see what has been said.

SHRI BHUPESH GUPTA : \* \* \* I felt disturbed. \* \* \* I have a right to feel it. \* \* \* I may feel like being mad or insane.

THE DEPUTY CHAIRMAN : I may tell you that this measure has to be finished in three hours.

SHRI BHUPESH GUPTA : \* \* •

KUMARI SHANTA VASISHT (Delhi) : Please do not disturb me, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : Not at all.

SHRI ARJUN ARORA : Mr. Bhupesh Gupta seems to live under the impression that it is his right to interrupt, it is his right to disturb, and when his own case comes \* \* \*

♦Expunged as ordered by the Chair.

THE DEPUTY CHAIRMAN : I do not think that you should pass that remark, Mr. Arjun Arora. That will have to go. I do hope the Members will be more responsible in the words they utter on the floor of this House.

SHRI BHUPESH GUPTA : \* \* \*

THE DEPUTY CHAIRMAN : You will please not interrupt.

SHRI BHUPESH GUPTA : \* \* \*

KUMARI SHANTA VASISHT : Madam Deputy Chairman, President's Rule has been promulgated in Punjab for some time. Unfortunately today is the last day when the Bill must be passed. I think it could have been brought a little earlier so that there need not be this hurry. This hurry to finish it and pass it on the last day and last hour of the expiry of the Proclamation is improper.

Madam, this is a very fundamental and important matter, namely, how the President's Rule may be brought in and what our practices are going to be in this regard. We have had the Congress Government for nearly two decades. We have always tried to have democratic practices and institutions. We have followed high standards in this regard. But something which we may be doing with good intentions may be used some time or the other by some other party at a future date with bad intentions. This is of such a fundamental importance that we should be very careful as to when the President's Rule should be brought about in various States.

Madam, this is a provision which was used once upon a time when India was not free, and we used to always point out this particular section of the Government of India Act and so on as being highly undemocratic. How bad we considered it and what a peculiar provision was it in our Constitution at that time ? But gradually we also, off and on, take recourse to it of which, I think, we should not be very chary. Since I have given it a very deep and serious thought to it, I am constrained to talk about it which ordinarily I would not have done. The question is so impor-

\* Expunged as ordered by the Chair.

tant. I feel that I may not agree with the Government's attitude and I would like to say what I feel about it.

Madam, we are here to uphold parliamentary practices and parliamentary institutions. In Punjab the Congress Party was there in majority, and when a party is in a majority in a State, I think, by and large, that party should form the Government, no matter which party it is. Sometimes you may feel that the Government there is not doing something very proper or very correct. Of course, this was not so much the case in this particular instance. When the Punjabi-speaking State was decided to be created and also Haryana, the Central Government's allegation was that the State Government was doing something *ultra vires* the Constitution, or something which a Government should not do, which is not in the interest of the people or the country at large. If they feel that way, I think they have always the right and also the justification to take certain steps and curb the ordinary law of the land. But those things should be taken care of under the ordinary law of the land. But we always forget the ordinary law of the land. We always forget the powers that we have and take recourse to things like the D.I.R. or something else which really take us far away from our goal. We go against the democratic practices.

Madam, I have here my sad duty to point out a few things which I think were very unfortunate. At one time, in 1956 or 1957, the Kerala Government was there which was not functioning properly according to us. We got worked up. We thought that the whole State was going to dogs. We threw out that Government and brought in the President's Rule. When I say this I do not mean any disrespect to the hon'ble Minister. His intentions were very good even at that time. Of course, it is a long time ago and I do not know whether he was in charge of the Ministry or not. But I do not mean my disrespect to him.

SHRI RJUN ARORA : He was in charge of the Irrigation Ministry.

KUMARI SHANTA VASISHT : I am saying all this because if it could happen to a Communist Government in Kerala, it can happen to our party Government tomorrow elsewhere. Therefore, I do not like that. So we threw out that Government uncere-

moniously because they were going to take up their Education Bill which we thought was colossal, impossible, very bad, etc. etc.

Madam, some two years back we had a similar Education Bill here which was worse than the Kerala Bill. Heavens did not fall in Delhi but they fell in Kerala. The Delhi Bill was more authoritarian, more arbitrary and more undemocratic. It gave huge powers to the Director of Education who could use it and even misuse it to his heart's content. It gave him even more powers than you could give to the President of India.

Madam, the Delhi Education Bill was supposed to be beneficial to Delhi but a similar Bill was not to be beneficial for Kerala. In other words, what was bad for that particular State under the Communist regime, was very healthy and proper in Delhi under a different party. If we could take care of all the irregularities of lawlessness or high-handedness, etc., etc. even in Kerala under the existing law of the land, then to have suspended that Government was not justified. Even if it was used as a means to curb the Communist movement, the Communist movement, if anything, got a fillip and nourishment from this suppression. It was a very impractical and wrong short-cut which unfortunately did not work at all; it should not have been tried at all in the first instance.

Then came the last elections in Kerala and the Central Government put some of their leaders in jail at that time, rightly or wrongly.

SHRI BHUPESH GUPTA: Absolutely wrongly.

KUMARI SHANTA VASISHT : We did not let them form the Government. When a party has been elected and enjoys the support of the people at large, they should be allowed to function. If they make mistakes, put it down with force and strength. But so long as that party enjoys a majority there, they should have the opportunity to function. But we deviated again from a good policy. It was again a shortsighted step as far as I can see.

We have another instance. Sometimes there are party frictions and a leader does

not function. Let us have another leader from that party. If the Ministers do not do something which is correct, the Central Government can put them down. They can remove the Ministers. When a certain leader cannot function, this is used as a threat. Madam, it is not the only time, not the first time that they have used this as a threat. Though in Punjab the background is different, ordinarily they have been doing it. Sometimes there is somebody, a dissident leader, forming the Government. With the help of Central Government leaders, they would call upon you to quit or they would give the threat of bringing in the President's Rule. Is it a *tamasha* which can be introduced any time, anyhow ? Why should the President's Rule be used as a threat to frighten and curb certain leaders in certain States ? You want to get rid of leaders who do not want to be puppets of the Central Government and you threaten to bring President's Rule in those States. The majority party is there. If a leader cannot command the majority support, choose a different leader and run the Government. But that does not suit you.

In Punjab, of course, the two States had to be created. Even if the Government had continued there, why could the two States not be created ? Where was the difficulty in creating the two States ? Could the representatives of the people not really function and participate in this process of creating the two States ? Were they not capable of doing it, and could only the bureaucracy decide about the assets and liabilities of the two States, as to how they should be divided and how the officers should be divided between the two States ? How is the bureaucracy more competent to do this job than the representatives of the people ? Why not the people be associated in this very important work also ? Where was the need to see that they were conveniently pushed out ? What is this sort of so-called suspended animation of the State Legislature ? Would they also suspend the Cabinet at the Central level and have only one person, say the Prime Minister, running the whole show and have the rest of the Cabinet in suspended animation ? What is this ? You cannot develop piecemeal and in parts. It has to be the whole. It has to have the entire spirit behind it. It has to reflect the opinion of the elected people as supported by the people at large and what



[Kumari Shanta Vasishth.] they express as the expression of the people at large. Because the M.L.As. put pressure on the M.L.Cs want that they should be continued there, therefore, the State Legislature is only suspended—why? When the M.L.As remain the Cabinet does not remain. This is a peculiar sort of device and convenience. We cannot use the democratic institutions as our handmaid, as matters of convenience. We must respect them, we must have due regard for them. Then only we can hope that democracy will find roots in this country and will flourish and survive; otherwise, we will chop it off bit by bit and some day we will find that there is no democracy here. I feel that this should not have been done, that the Cabinet has been removed, there has been no Cabinet functioning and the Governor functions but the State Legislature remains. If the State Legislature can remain, the Cabinet can also remain. I think this is not a very happy precedent. If such precedents are allowed, then I think this will not work for very good democratic practices. I feel that this is a very important issue and we should not have on any ground and every ground this sort of thing because we want to have very strong parliamentary democratic institutions and practices and precedents. Everything should be there which holds ground, which has a solid foundation, very solid like a rock and no power, no authority and nobody should be able to manipulate with it. If we really take them easy and make them suit our convenience, we can never hope to have proper democratic traditions. Therefore I feel that the President's Rule should be exceedingly rare. It should be only when no Government can be formed, when there is no majority party and no Government can function, etc. etc. but to find any flimsy ground to force our own prejudices and whims and fancies cannot work and I feel that the Government will be very careful about it because my party may not misuse this power very much but we may have in some States at some places some other party who may use it even against us and misuse it and if that happens, we will cry over what we have done ourselves and then it will be no time to retrieve the situation.

Therefore, I feel that the President's Rule should be very exceedingly rarely used or resorted to. Our aim, our object, should be, our goal should be, to have very healthy,

sound and strong democratic traditions in this country.

THE DEPUTY CHAIRMAN : Shri Banka Behary Das.

SHRI BANKA BEHARY DAS : Madam, I feel that the ruling party always tries to play with the Constitution of this country which they and all of us hold as very sacred. In this connection, when we debated the Kerala Bill, I demanded at that time from Mr. Hathi that the report of the Governor should be placed on the Table. He refused to place on the Table the report when the renewal question came but today he conveniently uses the Governor's report in favour of this Proclamation and here also, just like in other cases, they pursue a double standard. In this connection my friend has referred to the case of Orissa also. I am not going into any details but I will request the Minister to consider all the President's Rules that have been enforced in this country beginning from Kerala to Andhra, from Pepsu to Punjab and also Orissa and he himself will admit that in every case a different standard has been pursued and the Constitution of this country has been outraged. I am constrained to say this because I do not want to add anything more to what Mr. Gupta has said but everybody knows that under the Constitution, once a party is elected, that party should behave properly. Here was a majority party and if the Chief Minister wanted to resign, he had two courses open to him. Now as in England, either he should nominate who will be his successor, with the consent of the party, or the second course open to him was to advise the Governor to dissolve the Assembly and go to the elections. I do not think in the British constitutional history there is any other instance which can show that there is any third method which they have pursued.

DrWAN CHAMAN LALL (Punjab) : There is no written Constitution in England. We have a written Constitution.

SHRI BANKA BEHARY DAS : I want to reply to my friend that even though we have a written Constitution, we are going to develop some other conventions also. I am going to reply to him. About the President's Rule, there is no such thing like that in the Constitution except what Mr. Gupta has quoted. What we have done is, in every

case we are having some convention established for the future generations to come and we are creating certain precedents also. What are the precedents that we are creating? We have created one in Kerala, a different one in Orissa and a different one in Punjab. I again remind Mr. Hathi that in the case of Orissa when the Coalition Government was in majority and that majority Government was not defeated in the Orissa Legislature but they had the President's Rule and the Assembly there was dissolved. I was an humble Member in that Assembly. We could run there only for four years and now the present Orissa Assembly is running for six years. Are you not following a double standard? I do not want to add more about these because I have something more to say and here I want to record that because for historical reasons they are ruling this country for the last 20 years, they have the greatest responsibility on them to create precedents and conventions which will be followed by others, and what are the precedents they are creating? The only precedent is the precedent of convenience. Would Mr. Hathi like, if he is in the Opposition and some other Party is in power and that party also plays with the Constitution and creates precedents and conventions according to its own wishes? I think there he will not agree and he will again attack the party in power at that time that that party was playing with the Constitution. With these words I do not want to go into details about it because my friend has referred to it and my predecessor has referred to the politics of Punjab.

Now I go to the very question of the President's Rule that is obtaining in Punjab. We are happy that the Punjab Governor has started a campaign against hoarders. We welcome it, not only that; that gave some inspiration to the other State Governments also. But here I want to give a warning through Mr. Hathi to the Governor of Punjab because taking advantage of the situation do you know how the officers have started behaving? I know how the Congress Party of Punjab opposed this very idea of the anti-hoarding drive of the Governor. They had a different purpose behind it. Here again they might be thinking of placating the hoarders to get money for the elections. That is the purpose. Not only

that. If I refer to the resolutions and statements that have been given by Punjab leaders, then you will be astonished to, know that on one fine morning they have become votaries of Gandhism. They have started even criticising the action of the Governor telling that this is not the method how he can check the rise in the prices. The only method is to convert them and change their hearts. They have started raising such slogans. I am not going to shield the hoarders in that way. I am one with the Governor to see that all the boarders are brought to book and sent to jail with all the humiliation that they should get but I want to refer to one or two instances. I know that when there is a representative Government the party in power utilises the administrative machinery either to curb the Opposition or to favour some criminals— if they support them and that is a danger in a representative Government and the Congress Party has always shielded such people there is also similar danger when there is President's Rule because you know that a Governor cannot look into everything and has to depend on certain officials and I am going to give instances from my personal knowledge. I am not holding any brief for anybody because, here, I am going to mention about persons who are close associates of Mr. Ram Kishan, ex-Chief Minister of Punjab. Madam Deputy Chairman, I had been to Jullunder only two weeks back. I verified the facts. I went to every quarter, including journalists, Congressmen, including members of the opposition parties, because I was very much concerned when I was satisfied *prima facie*. I am subject to correction. Therefore I may state these facts for the information of the Home Ministry which is in charge of that State now.

Madam Deputy Chairman, the date is 15th of July and the time is 6 P.M. when a group of policemen headed by a D.S.P. raided a few cycle stores at Jullundar. The intrigue was done, the conspiracy was hatched, not by the Governor or anybody else elsewhere, but by the S.P. and the District Magistrate whom they call Deputy Commissioner or something like that, there. They raided some of these shops but found no incriminating documents. Even when every voucher, every bill, everything was found in tact, they brought them to the police station. They again verified these facts and were satisfied that nothing could be done

[Shri Banka Behary Das.] according to the present Act. They were determined to put them to trouble, taking advantage of this anti-hoarding drive, because they were determined to punish those persons including one who is a close associate of Mr. Ram Kishan—I am stating this, only because the Congress Party members are here, to inform them that their own man is involved in it, and after satisfying myself that he is a close associate of Mr. Ram Kishan, because I have seen the correspondence of Mr. Ram Kishan with that gentleman—because they were frustrated, because they could not be successful in their conspiracy, they had to frame fresh charges. After getting bail, those gentlemen, some of them, went to the Governor, met him and gave him a representation stating all the facts, stating the actions of this D.C. and also the S.P. The Governor, *prima facie*, was satisfied. The Home Secretary was there. They thought that the cases should be withdrawn, that they were unnecessarily being harassed. Not only there, they expressed that opinion before the traders also, who went and met them. But something happened and those officers thought that if the cases were withdrawn, their behaviour towards the traders would come to light, would be questioned, the way they had been handcuffed and made to march in the streets of Jullunder. Initially they were not released on bail though bail orders were obtained and they were again produced before the court, and released on bail and I am not quoting what the A.D.M. remarked in the court-room. But when they saw that a defamation case could be started against them, they had another conspiracy. They did not want to leave them or leave the matter there. They wanted that there should be a compromise, they wanted that they should write to them stating that under no circumstances a damage suit or a defamation case would be instituted against them. But these people did not oblige them. They said, "We are prepared to face the court of law." As a result they were to be harassed. But when this Governor and the Home Secretary were satisfied, at least they did something good; they wanted to transfer the D.C. and the S.P. immediately, and against these very persons, the D.C. and the S.P. I am constrained to say that, in course of a judicial inquiry, a non-official judicial inquiry—I say so because a non-official inquiry was conducted which

was headed by some ex-judicial officers of standing—they found in their reports that during the last riot those two persons were held responsible for some actions. Now they were transferred; the S.P., I am not going to name him, but he was transferred *vide* letter No. 18178B dated 16-7-1966 to join in the Punjab Armed Police, P.A.P. they call. This officer's record was very bad. All the three previous higher officers have entered very adverse remarks against this very particular S.P. and I am told also from reliable sources there that cases of bribery and embezzlement and corruption also are pending against this particular S.P. So he was relieved and he went on leave for a few days. He came to Delhi. I am constrained again to say that he was connected with the security guards when Prime Minister Nehru was here. And some wire-pulling started from Delhi. Delhi informed the Governor that he should not be allowed to go and join the P.A.P. The Governor prevailed upon the Home Secretary, and the order was issued on 27-7-1966 *vide* letter No. 20012B, and he was posted as Vigilance Officer at Chandigarh. This officer, who was transferred for his misdeeds—and cases are still pending against him—this police officer was asked to join in the P.A.P. to be posted in some border areas. But under this new order he is now Vigilance Officer at Chandigarh. Then I want to say that the conspiracy did not end there. I want to say about this D.C. also. Again I am not going to name him, because I do not want to defame any person. Now he was asked over the telephone to hand over charge to his junior and he was relieved on 16-7-1966. No definite order was sent to him as to where to join. He went to the Governor on the 27th of July and he could prevail upon the Governor to change the order. I am very sorry to say that the Governor, who shows so much of strength against the hoaidets, could be prevailed upon because I am again told that this officer, this D.C., was a junior of this Governor when this Governor was in charge of rehabilitation a few years back in that State. Now he could be prevailed upon, and then the Home Secretary was prevailed upon by the Governor, and the D.C. is now posted as Director of Food and Supplies, *vide* order No. 8640-ASI-66, dated 10-8-1966, Madam Deputy Chairman, I want to say,

though I fully support this anti-hoarding drive of the Governor, a drive which he started, though I know that this has created » some impression in other States also, with all that I want to say that, if things go like this, if under President's rule also interference from Delhi starts, and sometimes the Governor also, because of certain other reasons—which I am not going to state here—allows himself to be prevailed upon and these things happen, then, Madam Deputy Chairman, I again plead before this hon. House and also before the hon. Minister and ask, "Are we creating any precedents about this President's rule?" I do not want to take much of the time but I again want to warn, I am personally of the view that only an anti-hoarding drive or sending a few policemen to houses of this man or that man is not going to solve the problem though that is a very vital part of the anti-hoarding drive. I again plead before the Minister that if in this way the President's rule is conducted, if in this way the law is violated, if in this way officers, who are defamed, who are not fit, nor whose integrity is not beyond doubt, are posted to the vigilance department to check corruption, if their postings are interfered with and they are placed at Chhndigarh, the headquarters, to wreak vengeance upon some persons who were being harassed, what will happen to this country. I do not want to take more time because I have other things about Punjab on which I will speak on other occasions, but I particularly referred to this matter because, when I visited Jullunder, not only these people met me. I talked to most of the journalists who came to my place for a press conference, to all those politicians of all parties, and I again say, because the friend who is being harassed is not our man or man of any other party but he is a close associate of Mr. Ram \* Kishan, that because of changed circumstances such things are happening and the President's rule is being taken advantage of by a few officers also to wreak their , vengeance for whatever might be the reasons.

With these words I oppose this Proclamation and again plead that the Minister should be very careful to see that he should not be accused of double standards. I will rather go another step ahead and I

will advise him that if you want to create conventions when the administrative machinery breaks down, when the constitutional machinery breaks down, the only thing that you should do is to consult all other political parties and create a new-convention so that we all agree. Then we can act accordingly. If they follow that, only then they will not be accused of double standards. I have nothing more to say now. With these words, I oppose this Proclamation.

DIWAN CHAMAN LALL : Madam Deputy Chairman, I rise to support this Proclamation that was issued and this Resolution in respect of the State of Punjab. That Proclamation has been issued under the Constitution, under article 356 of the Constitution. That article of our Constitution deals with three or four matters. Under it Parliament acts as the Legislature of the particular State, that is to say, the State of Punjab in this case. We are the custodians of the Constitution of Punjab by virtue of the fact that under article 356 (b) we become the Legislature of Punjab. Obviously if within two months there is no approval of Parliament, then the Proclamation lapses and it lasts only for six months unless Parliament passes a Resolution and not for more than three years in any case. These are the main provisions of article 356 under which this Proclamation has been issued. Now, what is this Proclamation ? The Proclamation says : that the President having received a report from the Governor of the State and :—

"After considering the report and other information received by me, I am satisfied that a situation has arisen in which the Government of that State cannot be carried on in accordance with the provisions of the Constitution of India (hereinafter referred to as 'the Constitution') :

Now, therefore, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby proclaim that I—

(a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Governor of that State;

[Diwan Chaman Lall.]

(b) declare that the powers of the Legislature of the said State shall be exercisable by or under the authority of Parliament".

SHRI BANKA BEHARY DAS : Instead of going through the wording, you should consider the policy behind it. That is what I am objecting to. I do not say that as it is worded it is *ultra vires* or anything like that.

DIWAN CHAMAN LALL : My learned friend is not listening to me. I am seeing what is the basis of his objection. No basis for his objection exists in this particular situation when these two States have got to be created out of the one single State of Punjab. We have to create these two States and there is no other method of doing it except this particular method and if my hon. friend objects to it he should have certain reasons which he should place before the House. He has placed some observations which he thinks are his reasons and he is welcome to those reasons. I do not object to those reasons, whatever they may be. He has a perfect right to bring those grievances before the House which he has referred to. Whether those grievances are correct or not I do not know. I cannot take the responsibility of saying that they are correct. But I do take the responsibility of saying that my hon. friend has no right whatsoever to object to this particular Proclamation. He has given no reason why he objects to it. He merely says that he objects to this Proclamation. I am trying to make out why this Proclamation is innocuous and very necessary under the Constitution. Under our Constitution the President has got to take over the powers of the State and of the State Ministry and this Parliament has to take over the powers of the Legislature of that particular State until this division has taken place. What else does the hon. Member expect the Government to do?

SHRI BANKA BEHARY DAS : This Proclamation is only a symptom. But the disease is there and that disease it is that we oppose.

DIWAN CHAMAN LALL: My hon. friend has got jaded diseased eyes and when he looks at anything he sees disease where no disease exists. He sees something nocuous, something harmful where everything

innocuous and without any harm. That is what I am trying to make my hon. friend understand. But he refuses to understand anything that I have got to say with regard to this particular matter. What I am saying is that as far as this particular Proclamation is concerned there is nothing in it to which my learned friend can object or to which anybody can object. They can object to the policy behind this Proclamation and they can object to the State of Punjab being divided, and say that after having been divided once Punjab should not be divided a second time.

SHRI BANKA BEHARY DAS : We wanted the division of Punjab.

DIWAN CHAMAN LALL: My hon. friend says he wants division and when a measure that is laid down in the Constitution is brought forward he objects to that constitutional measure. How am I to understand anything that my learned friend says with regard to this matter ? He must try and make me understand him.

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : The division has not yet taken place.

DIWAN CHAMAN LALL : My hon. if my hon. friend there is a lawyer.

SHRI AWADHESHWAR PRASAD SINHA : Look to the Chair.

DIWAN CHAMAN LALL: Who is objecting to my looking at the hon. Member ? The hon. Member should know that I am addressing the Chair and all the time I am addressing the Chair only. The hon. Member is a newcomer to this Legislature compared to me and being a newcomer he does not know the rules. What I am trying to do is this. I am trying to find out the reason why my hon. friend over there objects to this particular Proclamation. **Yes**, of course, the Legislature will be restored. It has got to be restored. Under the Constitution it has got to be restored. Not only has the Legislature got to be restored but a new Legislature has got to be created for Haryana. And according to the constitutional pandits, that new Legislature has got to be created before a certain time. If that is correct, then why should my hon. friend object to the Proclamation to make it **pos-**

sible for the Haryana Legislature to be created or for the division to take place as it is contemplated here ? There is only one method known to the Constitution and that is the method of having this Proclamation. There is no other method known. If my hon. friend knows of any other method, he can bring it before the House and let us then consider it. But as far as I know there is no other method.

My hon. friend refers to the British Constitution. Of course, such things do not happen in the British Constitution. The British Constitution with regard to these matters is entirely different. It is not a written Constitution.

SHRI BANKA BEHARY DAS : I agree.

DIWAN CHAMN LALL: My hon. friend says that he agrees with me that it is not a written Constitution. But here is nothing in the Constitution of Great Britain where such powers can be taken as we have in the written Constitution of India. Therefore, the two things are not parallel. There is no comparison that can be made between the Constitution of Great Britain and the Constitution of India. In one case as I stated, the Constitution is unwritten and in the other case it is a written Constitution.

Now, with regard to this particular measure brought forward by the hon. Minister, the only things to be considered is the validity of this Proclamation. Is it valid or is it not valid ? I consider it is entirely valid and it is the only method by which the division can take place. It is the only method by which in the present situation we can consider this question. Therefore, Madam, I support this Proclamation.

श्री सुन्दर सिंह भंडारी : उपसभापति महोदया, पंजाब में राष्ट्रपति शासन लागू किया गया। उसके लिए कारण दिया गया है कि वहां के मुख्य मंत्री ने इस्तीफा दे दिया था, कोई दूसरी सरकार वहां बनाई नहीं जा सकती थी, इसलिए राष्ट्रपति का शासन लागू किया गया। इसका दूसरा अर्थ यह है कि अगर मुख्य मंत्री ने इस्तीफा न दिया होता या वहां की जो मेजरिटी पार्टी कांग्रेस

है वह वहां पर जब तक ये दोनों रियासतें बन कर अलग अलग उनका काम प्रारम्भ न हो जाता—पहले अक्टूबर कहा गया, अब नवम्बर कहा जा रहा है, अर्थात् उस तारीख के पहले पंजाब में इस चुनी हुई सरकार को चलाने में, चलाए रखने में कोई वैधानिक आपत्ति नहीं थी। और ये दोनों रियासतें बनतीं, उसके बाद वहां पर किस तरह से सरकार बने, वहां पर सरकारें बनाई जा सकती थीं या नहीं या उसके लिए फिर प्रेसिडेंट का राज आवश्यक था—यह अलग विषय हो सकता था। सवाल खड़ा होता है कि पंजाब में क्यों राष्ट्रपति शासन लागू किया गया। लोग कहते हैं कि जो डिवीजन का प्रासेस है, जो सारी एसेट्स और लाइबिलिटीज का विभाजन करना है उसके लिए यह जरूरी था कि वहां पर राष्ट्रपति का शासन लागू होता। मेरा ऐसा निवेदन है कि आज गवर्नर स्वयं यह काम तो नहीं कर रहे। इसके लिए हमने एक मशीनरी सेट-अप की है। वह वहां पर सारी व्यवस्था किस तरह से बांटी जाएगी, एसेट्स और लाइबिलिटीज का विभाजन किस प्रकार से होगा, दो रियासतें अलग बन जाने के बाद अफसर किधर जायेंगे, पंजाब में कौन रहेंगे, हरियाना में कौन रहेंगे, हिमाचल में कौन जायेंगे, फिर उनकी नौकरी की व्यवस्थाएं क्या होंगी इन सब चीजों के लिए एक योजना बना रही है, डाटा तैयार कर रही है। मैं समझता हूं कि ये सब चीजें की जा सकती थीं अगर वहां पर शासन चालू रहता। पंजाब में एक चुनी हुई सरकार कायम रहती तो उसमें किसी भी प्रकार की आपत्ति उपस्थित नहीं हो सकती थी।

यह तो जो पार्टी मेजरिटी है वह कुछ अलग कारणों से वहां पर शासन चलाने के लिए अयोग्य हो गई, वहां के मुख्य मंत्री ही नहीं, वहां के बहुमत के दल में वह साहस नहीं रहा कि पंजाब की स्थिति जो पिछले कुछ वर्षों से बिगड़ती जा रही थी, ला एंड आर्डर को सम्भालने की उनकी क्षमता समाप्त

**[श्री कृष्ण सिंह मंत्री]**

हो रही थी और प्रेसिडेंट उस लागू होने के पहले ही पंजाब में जो बंटनाएँ बड़ी थीं जिस तरह उन बंटनाओं में वहाँ का शासन लगभग एक समासबोध बन कर खड़ा रहा। वहाँ की बिगड़ती हुई परिस्थिति को सम्भालने की उसके अन्दर योग्यता नहीं रही, पंजाब में जो प्रष्टाचार व्याप्त हो गया सन्निवेश में भी, वहाँ के जन-जीवन में भी, उसको सम्भालने की उसकी योग्यता समाप्त हो गई—ये कारण हैं शासन में जिनके कारण वहाँ की मिनिस्ट्री इलेक्टोरेट को फेस कर सकने की क्षमता न रखने के कारण मैदान छोड़ कर भाग गई। यह कोई रियार्गेनाइजेशन की कन्डिजेंसी नहीं थी, यह तो कन्डक्ट उसने प्रगट किया, जो पब्लिक रेस्पॉन्सिबिलिटी को निभाने की अयोग्यता उसने साबित की और वहाँ के शासन को सम्भाल सकने में जो असमर्थता प्रकट की उसके कारण पंजाब में राष्ट्रपति का शासन लागू करने की परिस्थिति पैदा हुई है। मेरा निवेदन है कि ये कारण हैं जिनकी वजह से राष्ट्रपति का शासन लागू किया गया और बंटवारे की फरमेसिटीय को पूरा कर देने मात्र से राष्ट्रपति शासन की आवश्यकता समाप्त नहीं हो जायेगी। आज भी वहाँ गवर्नर को इस बात के लिए मजबूर होना पड़ा है कि वहाँ की चुनी हुई सरकार ने पंजाब के शासन के दौरान जो आदेश जारी किए थे उनमें से 22 डिप्टीज ऐसे हैं राम किशन मिनिस्ट्री के जिनको इस गवर्नर को रिवाइज करना पड़ा है। यह शासन की अयोग्यता का चिन्ह है कि उसको रिवाइज करने की नीयत आई।

ये दोनों राज्य चाहे किसी भी दबाव में, परिस्थिति में बनाने की बात स्वीकार कर ली गई हो, लेकिन दो राज्यों में बिभाजित करने के बाद भी, भविष्य के सुधीते के लिए जिन बातों को हमने आवश्यक महसूस किया है उन व्यवस्थाओं को कामन लिक्स के रूप में वहाँ की जनता की एकता को बनाए रखने के लिए स्थापित करना जरूरी होगा। असल

में तो राष्ट्रपति के शासन की आवश्यकता इस बात के लिए भी है कि दोनों एडमिनिस्ट्रेशन्स के अलग हो जाने के बाद भी दोनों राज्यों के लिए जो कामन लिक्स प्रस्थापित करने चाहिये, राष्ट्रपति शासन के दौरान में उन कामन लिक्स को स्टेबिलाइज होने का मौका दिया जाए, एक बार उन चीजों को प्रस्थापित कर दिया जाए।

मुझे दुख है कि इसलिए कि आज एरिया के सम्बन्ध में भी विवाद पैदा है। पंजाब की कांग्रेस सरकार यह कह कर अपने उत्तर-दायित्व से बंचित नहीं की जा सकती कि पंजाब की कांग्रेस एक पार्लिटिकल पार्टी का प्रतिनिधित्व करती है। आज शासन उसके विचारों से, उसके निर्णयों से प्रभावित हो रहा है। आज पंजाब की कांग्रेस लोकल प्रेसर से डब कर चम्बीगढ़ के झू को रियोपिन करने की बात कर रही है। मेरा इसलिए निवेदन है कि वहाँ पर अभी भी ऐसी फोर्सों का काम कर रही हैं जो इन दोनों सुबों को ठीक प्रकार से आगे काम करने नहीं देंगी और बाउन्डरी कमीशन ने जो रिपोर्ट दी है उसको ठीक प्रकार लागू करने नहीं देंगी। असल में तो आवश्यकता इस बात की है कि जब हमने एक कदम उठा लिया है पंजाब की परिस्थिति को सुधारने के लिए, पंजाब की बिगड़ती हुई स्थिति को बचाने के लिए, पंजाब के लोगों को एक करंट और ठीक एडमिनिस्ट्रेशन से मुक्ति दिलाने के लिए तो इन दोनों रियासतों को एक बार ठीक प्रकार से कायम कर दें जिससे उनका शासन ठीक से चलता रहे और उनके कामन लिक्स व्यवस्थित रूप से काम करते रहें।

हम नवम्बर तक तो पहुँच गए। चार महीने के बाद इस देश में आम चुनाव होने वाले हैं। इन दोनों रियासतों में नए डिप्टी-मिटेज के आधार पर नई सरकारें बनेंगी, जनता की प्रतिनिधि सरकारें बनेंगी। इन प्रतिनिधियों को जो इस समय अपनी जिम्मेदारी से भाग खड़े हुए मैदान छोड़ कर, जो पंजाब

की इस वर्तमान स्थिति में अपनी जिम्मेदारी को निभाने का साहस प्रगट नहीं कर सके, केवल इन्हीं लोगों को दो टुकड़ों में बांट कर हम अपेक्षा करें कि हरियाना और पंजाब की जिम्मेदारी बे सम्भाल सकेंगे तो यह पलायनवाद को प्रश्रय देने वाली बात होगा। उन्होंने इस जिम्मेदारी को निभाने में असमर्थता प्रकट की है और कांस्टीट्यूशनल रेस्पॉसिबिलिटी से उन्होंने पीठ दिखाई है। कोई कारण नहीं होना चाहिए कि इन्हीं लोगों को, इन्हीं निर्वाचित प्रतिनिधियों को हरियाना में और पंजाब में फिर से हम रिवाइव करें। कितने अयोग्य साबित हुए कि जब पंजाब के रिआर्गनाइजेशन को डिस्कस करने का सवाल आया तो उनकी राय तक लेने की हमने जरूरत महसूस नहीं की कि पंजाब का बंटवारा किस प्रकार से किया जाय, उस पर ओपीनियन देने का हमने उन्हें मौका नहीं दिया। उन्हीं को शासन भार सम्भालने का मौका हम फिर से देना चाहते हैं? इस पावर अपोर्च्युनिज्म को हमें रोकना पड़ेगा। इसलिए मैं चाहता हूँ कि आज जब वहाँ की मेजरिटी पार्टी, कांग्रेस पार्टी अपने इस उत्तरदायित्व को निभाने में असमर्थ हुई, भाग खड़ी हुई मैदान से, तो दो प्रान्तों के बंट जाने के बाद उन्हीं लोगों को वहाँ फिर शासन सुपुर्दन किया जाय। अब उन्होंने वह अधिकार फोरफीट कर लिया है, अब उनका वह अधिकार नहीं रहा। आम चुनाव के बाद नये बिलिमिटेसन के आधार पर वहाँ चुनाव हो कर जो भी जन-प्रतिनिधि जायें उन्हीं को वहाँ का शासन सम्भालना चाहिये और उसका उनको ही मौका मिलना चाहिये। मैं समझता हूँ कि जो आज फिर से पावर में आने की बात कही जा रही है वह केवल इसलिये कि आने वाले चुनाव के लिये उनको सत्ता चाहिये, डेमोक्रेसी के इंटरेस्ट में नहीं, जनता के अधिकारों की सुरक्षा के लिये नहीं अपने फ्यूचर एलेक्टोरल प्रासपेक्टस् को बनाने के लिये शासन फिर से प्राप्त करने की एक हविस जाग्रत हुई है।

इसलिये मेरा निवेदन है कि सरकार यह जो एक अक्टूबर या एक नवम्बर की बात कर रही है तो प्रान्तों का पुनर्गठन जल्दी से जल्दी होना चाहिये लेकिन यह राष्ट्रपति शासन वहाँ पर आने वाले आम चुनाव तक जारी रहना चाहिये और हरियाना और पंजाब के लोगों को उन्हीं सरकारों के हाथ में सुपुर्द करना चाहिये जो कि जनता के सही प्रतिनिधि बन कर आम चुनाव के बाद वहाँ इस स्थिति में आयें। मेरा इतना ही निवेदन है।

श्री शीलभद्र याजी (बिहार) : ये जो अभी तक एम० एल० एज० हैं वे क्या जनता के रिप्रेजेन्टेटिव्स नहीं हैं। वे चुने हुये मौजूद हैं, उनको डिजाइव नहीं किया गया है।

श्री सुन्दर सिंह बंधारी : दुर्भाग्य से उन्होंने अपनी जिम्मेदारी से पीठ मोड़ दी। चीफ मिनिस्टर ने इस्तीफा दिया था मगर एक एक चुने हुये कांग्रेस के एम० एल० ए० ने शासन सूत्र सम्भालने की जिम्मेदारी क्यों नहीं ली, वह क्यों मैदान से भाग गये, वह क्यों नहीं सामने आये। उन्होंने क्यों नहीं सामने आ कर कहा कि श्री राम किशन अयोग्य होंगे मुख्य मंत्री बनने के लिये लेकिन मैं भी उसी कांग्रेस का हूँ, उसी बहुमत पार्टी का हूँ, मैं जिम्मेदारी लेता हूँ कि जब तक ये दो रियासतें नहीं बन जायेंगी काम चलाऊंगा। पंजाब आज भी कांस्टीट्यूशनली वही पंजाब है जो कि इतने बर्षों से चला आ रहा है, अभी तक पंजाब की एनटिटी समाप्त नहीं हुई, तो क्यों नहीं वहाँ के कांग्रेस के एक एक एम० एल० ए० ने यह जिम्मेदारी ली कि हम बहुमत दल के हैं और हम यहाँ का शासन चलायेंगे।

श्री शीलभद्र याजी : उन्होंने हिम्मत नहीं की लेकिन आप हिम्मत कर के कहें कि उन एम० एल० ए० लोगों को अपनी सरकार बनाने के लिए स्वतंत्रता दी जाय।

श्री सुन्दर सिंह बंधारी : वह भाग गये, भाग जाने से उनकी कौन वकालत कर सकता है।



شری عبدالغنی (پنجاب) میڈم ڈپٹی چیرمین—میں اس سچھاؤ کی تائید کرتا ہوں، سپورٹ کرتا ہوں۔ میں دیوان چمن لال سے متفق ہوں کہ جب بد قسمتی سے دیش کو ہم بڑے بڑے سات حصوں میں نہیں بانٹ سکے اور زبان کے آدھار پر ہم اسٹیٹس بناتے چلے جا رہے ہیں اور سنٹرل گورنمنٹ نے طے کیا کہ پنجاب کے تین حصے کرنے ہی ہیں تو پھر اس کے سوائے کوئی چارہ تھا نہیں چاہے رام کشن نے ریزائن کیا یا نہیں کیا۔ رام کشن تو ایک منظم پارٹی، ایک آرگنائزڈ پارٹی کا ایک سرکردہ کارکن تھا اور جو اوپر والوں نے طے کیا اس کو اسے اوپے کرنا ہی تھا۔ تو بھائی ہاتھی جنہوں نے جھوٹ نہیں بولا وہ اس معاملہ میں آ کر اس طرح کی بناوٹ کی بات کریں۔ وہ آج مجبور تھے جو لکھا ہوا تھا پڑھ دیا۔ ورنہ رام کشن انکار کرتے تو کانگریس میں آج بھی ایک سے ایک اچھے آدمی موجود تھے جو کہ ذمہ داری کو سنبھال سکتے تھے اور وہ نہیں سنبھالتے تو دیوان چمن لال ہی اس کو سنبھال سکتے تھے۔ لیکن سوال یہ نہیں ہے سوال یہ ہے کہ جب اس کے دو ٹکڑے کرنے تھے تو کوئی راستہ نہیں تھا۔ یہ بات ضروری نہیں۔ میرے بھائی ہاتھی جن سے میں بہت پیار کرتا ہوں وہ ہاتھی ہیں یا ہاتھی ہیں لیکن جو کچھ بھی ہوں

ان میں بڑی خوبی ہے۔ تو آج وہ اس طرح سے آئے کہ مجھے کوئی راستہ دکھائی دیتا نہیں۔ وہ بات جو فرما رہے ہیں اس سے نکل سکیں۔ لیکن دیوان صاحب کی بات مجھے پسند آئی اور میں سمجھتا ہوں کہ اس ہاؤس کے سارے آئریبل ممبر اس بات میں ان سے متفق ہیں۔ پنجاب کا ایک عجیب قصہ ہے ایک عجیب قسمت ہے وہاں دو بار راشٹر پتی کا جب جب دور ہوا تب تب دونوں بار کانگریس پاور میں تھی۔ اپوزیشن پاور میں نہیں تھی۔ ایک دفعہ کاسریڈ بھارگو چیف منسٹر تھے اور دوسری مرتبہ رام کشن چیف منسٹر تھے۔ یہ کانگریس کو کریڈٹ جاتا ہے کہ انہوں نے صرف کیرل میں بھوپیش گپتا کی سرکار کو ختم نہیں کیا بلکہ ضرورت پڑی تو اپنی سرکاروں کو بھی ختم کیا۔ تو بھوپیش گپتا یا کوئی اور بھائی اس سے ناراض کیوں ہو۔ یہ میں مانتا ہوں کہ سب غلط ہے کہ جو چھوٹی چھوٹی اسٹیٹس بنیں سوائے ہاگل پن کے یہ اور کچھ نہیں ہے دیش کو برباد کرنے والی بات ہے لیکن جب ایک دفعہ آندھرا کا مانا دوسری جگہ میسور کا مانا تو پھر اگر یہ بھی مان لیا کیوں کہ پنجابی بولنے والے بھائی اپنے لئے ایک الگ اسٹیٹ چاہتے تھے انہوں نے اس کے لئے ہزارہا مصیبت اٹھائی اپنے بھائی بہنوں کو جیلوں میں ڈالا

تھا گولیاں بھی کھائی تھیں لائیہاں بھی کھائی تھیں تو اگر سرکار نے کہا کہ یہ بات مان لینی چاہئے تو پھر واشٹر پتی ہی رول ہو سکتا تھا۔ واشٹر پتی رول کرتے وقت کچھ باتیں ہوئی تھیں اور ہاتھی صاحب نے ان کو فرمایا میں ان کو بھی کافی وزن دیتا ہوں لیکن میں کہنا چاہتا ہوں کہ اگر پنجاب کو آپ تقسیم کرنے جا ہی رہے ہیں تو پھر اس میں اتنی ہری (hurry) کیوں ہے اتنی جلدی کیوں ہے۔ کیوں کہ آپ جلدی میں غلطی پر غلطی کرتے جائیں گے اور غلطیاں پھر آئندہ جا کر آپ کے لئے ایک مصیبت کا باعث بنیں گی۔

میڈم—میں حیران ہوں کہ یہ کہتے ہیں کہ ۲-نومبر کو ہریانہ اسمبلی بنا دیں۔ ازاں پریکٹیکل - کیا یہ پریکٹیکل ہے یہ میں نہیں جانتا۔ میں قانون اور آئین کا ماہر نہیں ہوں دیوان صاحب ماہر ہیں لیکن میں اتنا ضرور جانتا ہوں کہ اس سے ممبروں کی تعداد پوری نہیں ہوتی جس سے کہ اسمبلی بن سکے اور یہ بالکل حکومت اپنے آئین اور قانون کا انکھن کر کے ۸ ممبروں کو جن کا ان ڈائریکٹ الیکشن لوکل باڈیز سے ہوا ہے ان کو اسمبلی کا ممبر بنا دینا چاہتے ہیں جب کہ آئین میں بالکل صاف ہے کہ جن کا ڈائریکٹ

الیکشن ہوا ہو وہ ہی ادھیکاری ہیں کہ اپنی وہاں منسٹری بنائیں اور ایک منسٹری بنا کر اس کو چلائیں لیکن جلدی کرنے کے لئے کہہ دیا کہ جب ہم نے ایک فیصلہ کر لیا ہے تو ہمارا یہ فیصلہ خدائی فیصلہ ہونا چاہئے۔ اس کو اسی طرح سے لانا چاہئے ہیں اور ہریانہ میں اسمبلی قائم کر کے وہاں کی سرکار بنانا چاہئے ہیں۔ میرا یقین ہے کہ جب یہ سوچیں گے تو ان کے لئے ایک دقت آنے لگی کہ یہ ایک مشکل بات ہے۔

دوسری بات میں یہ کہنا چاہتا ہوں کہ یہاں پر آپ نے یہ اعلان کیا یا نہیں کہ پاکستان اور چین کے ارادے نیک نہیں ہیں اور اگر کیا ہے تو پھر ایسا کرنے وقت کیا آپ نے سوچا پہلے تو پورا پنجاب تھا یعنی اس کے پہلے سے بھی آدھا تھا لیکن ایک پنجاب تھا اور پاکستان اور ہندوستان کی جب جنگ چھڑی تو اس نے بہت بوجھ اٹھایا۔ اس پر بڑی مصیبت آئی اور وہاں کے لوگوں کا ہر طرح سے نقصان ہوا۔ جانی نقصان ہوا۔ مالی نقصان ہوا۔ جائیداد کا بھی نقصان ہوا۔ ان کی انٹسٹری کو بھی دھکا لگا لیکن اب اس کو اور چھوٹا کر دیا کیوں کہ ہریانہ کو الگ کر کے اور ہماچل کو کچھ بڑھا کر اس کو کچھ اور زیادہ وسیع کر کے رکھنا ہے تو وہ اور

[شری عبدالغنی]

چھوٹا ہو گیا ہے۔ میڈم—میں جانا چاہوں گا کہ ہند سرکار کیا سوچتی ہے؟ کہ یہ تمام بارڈر کی جو ذمہ داری ہے جس کا پہلے ان کو سامنا ہو چکا ہے وہ ذمہ داری اس چھوٹی سی اسٹیٹ پر ڈال دینے کے یہ ناممکن ہے۔ یہ سرکار کو سوچنا ہی ہوگا کہ اگر چندی گڑھ پر ادھیکار لیا ہے تو کیا بارڈر کے ساتھ ساتھ دس دس میل کی زمین کو بھی وہ اپنے قبضہ میں نہیں لیگی تاکہ سارا بوجھا جو ہے وہ سارے ملک پر پڑے وہ چھوٹی سی اسٹیٹ پنجابی صوبہ کی جو پیدا ہو رہی ہے اس پر نہ پڑے۔ تو ایسا سوچنا ہی چاہئے ان کو۔

بھر میڈم—یہ ہمارا بھاگڑہ ڈیم جو ہے جو ہندت جواہر لال نہرو کے کہنے کے مطابق ایک بہت بڑا ہمارا قومی مندر ہے جس کے درشن کے لئے دنیا کو جانا چاہئے اور ہندوستانیوں کو تو خاص طور پر۔ تو بھاگڑہ ڈیم جو ہے اس کی بڑی ذمہ داری ہے۔ میں جانتا ہوں جب خروشچیف آئے تھے تو وہ بھی دیکھنے گئے اور جب چو این - لائی آئے تھے تو وہ بھی دیکھنے گئے تھے اور وہ دیکھنے تھے دائیں بائیں کہ کیسے اس پر حملہ ہو سکتا ہے یا نہیں ہو سکتا ہے۔ ایک عجیب تماشہ

تھا ہم لوگ بھی وہاں تھے۔ دیوان صاحب تو ان سے باتیں کرتے تھے۔ ہم دیکھ کر خوش ہونے لگے۔ تو میں کہنا چاہتا ہوں کہ بھاگڑہ ایک ایسی جگہ ہے جس کے لئے سینٹر کو سوچنا ہوگا کہ اس بھاگڑہ کی ساری ذمہ داری ان بے چاروں پر، ان پنجابی صوبہ والوں پر جو کہ چھوٹے سے ہیں ان پر ڈال دی جائے۔ یا اس کی ذمہ داری اپنے کندھوں پر لی جائے تو یہ وچار بھی ہمیں کرنا ہے۔ سرکار کو کرنا ہے۔ ہمیں ان کو مشورہ دینا ہے۔ تو اس کے بارے میں سرکار کس طرح چاہتی ہے کرنا؟ وہ جھگڑا ہے کہ نہ ان کی کوئی حلقہ بندی ہوئی ہے نہ جو شاہ کمیشن نے فیصلے کئے ان کو اپنانے کا یا نہ اپنانے کا پوری طرح سے سرکار ہی من بنا پائی تو پھر اتنی جلدی کیا ہے۔ راشٹری رول سے ہمیں پورا موقع ملتا ہے کہ جو بھی ہمیں حکومت کو کہنا ہو تو ہم ہاتھی جی یا نندہ جی کے ذریعہ اندرا جی تک پہنچا دیتے ہیں اور اپنے جذبات واضح کر دیتے ہیں۔ اس میں ایک اچھا ایٹموسفر بھی پیدا کیا جیسا آئریل مہرا نے کہا۔ تو یہ تو ابھی پہلا ہی قدم ہے۔ چپ لیڈر شپ لینا تو بہت آسان ہے لیکن دیش کے لئے مضبوط ہاتھوں سے پورا مضبوط قدم اٹھانا کافی مشکل ہے۔ تو اگر

آپ پوچھیں کہ موجودہ پنجاب کے گورنر نے ایک مضبوط قدم اٹھایا اور دوسری اسٹیٹوں کو بھی انہوں نے ایک موقعہ دیا ، دعوت دی کہ وہ بھی مضبوط قدم اٹھا کر دیش کے اندر سماج کی حالت بدانے کی کوشش کریں۔ تو میں سمجھتا ہوں ابھی تو منزل بہت باقی ہے۔ ہاتھی صاحب جانتے ہیں اسی ہاؤس میں بہت بحث ہوئی ہے میڈم—کہ کروڑوں روپے کے لائسنس ایسے دیئے گئے جن کو بلیک میں بیچا گیا جس سے دیش کو بڑی ہانی ہوئی۔ دیش کے فارن ایکسچینج کو دھکا لگا دیش کے لیبر کو دھکا لگا۔ تو اس گورنر کو یہ موقعہ دیا کہ وہ چھوٹی چھوٹی گندی مچھلیوں کو صاف کرنے کی جو کوشش کی اس کے ساتھ بڑے بڑے مگر مچھ جو ہیں ان پر بھی ہاتھ ڈالیں اور دوسری اسٹیٹوں کو ایسا کرنے کے لئے دعوت دیں۔ اربوں روپے کے لائسنسز آج مختلف منسٹروں کے ذریعہ سے مختلف فرموں کو دیئے گئے ان کا ممبروز کیا گیا کہ ان پر کس طرح سے ہاتھ ڈالیں ، گورنر کو موقعہ دیجئیے کہ وہ یہ بتلائے کہ کس طرح سے بلیک مارکیٹس کی دعوت میں حکومت شامل ہوئی حکومت کی سپلائی چاہے وہ کیروسیں کی ہو چاہے ہائی اسپیلڈ ڈیزل کی ہو

چاہے پیٹرولیم کی سپلائی ہو کوئی بھی ہو اگر وہ وقت پر نہیں کر پائے اور انہوں نے موقعہ دیا کوئی بلیک مارکیٹنگ کرے تو گورنر صاحب اپنے ہوم منسٹر کے ذریعہ راشٹر پتی جی پر اور اندرا جی پر واضح کر سکیں کہ کس چالاک کے ساتھ انہوں نے کیروسیں کی سپلائی نہیں کی۔ بہانہ یہ تھا کہ راجستھان کو پانی دینا تھا۔ بہانہ یہ رکھا کہ ہمیں یہ دقت آ گئی اور وہ دقت آ گئی۔ میں کہنا چاہتا ہوں۔ مگر ارجن اروڑا صاحب اس وقت یہاں نہیں ہیں ایک واقعہ بتاتا ہوں کہ ایک نوجوان لڑکا آیا اور آکر ایک دوسرے لڑکے کو کہا کہ تمہاری ماں نے شادی کر لی تھی اور پھر اس نے اس لئے نئے خاوند کو چھوڑ دیا ہے۔ اس پر اس نے کہا کہ نیا خاوند کیا تو بہت برا کیا اور اگر اس کو پھر چھوڑ دیا تو اور برا کیا۔ اس طرح سے اگر وہاں—راشٹر پتی رول لاگو نہیں کرنا تھا اور اگر کیا ہے تو پھر اس کو موقعہ دیجئیے کہ وہ پوری طرح سے اس کو چلائے اور آپ کوئی ایسی بات کرنے کی کوشش نہ کریں کہ ہریانہ کے ممبر اگر پورے نہیں ہوتے تو آئین کا النگھن کر کے انہیں پورا کرنا چاہئے۔ اگر راجیہ سبھا پانچ ادھر رکھے سات ادھر رکھے تو آپ کہتے ہیں کہ بھائی ٹھیک

[شری عبدالغنی]

ہے ہم ایسا کرینگے کہ چار ممبروں کی لائری نکالینگے ان میں سے جس کا نمبر آ جائے گا اس کو ہریانہ پرانت میں ڈالینگے - یہ لائریوں سے کوئی قسمیں نہیں بنتی ہیں اسٹیٹس نہیں بنتی ہیں - یہ باتیں میں اس لئے کہہ رہا ہوں کہ جب آپ اس کو بنانے جا ہی رہے ہیں تو پھر اس کو آرام سے بنائیے جیسا کہ میرے بھائی بھنداری جی نے کہا - آپ تھوڑا صبر کیجئے کوئی جلدی نہیں ہے کہ اسٹیٹس بن کر منسٹروں کی کاریں پھر یہاں آئیں - میڈم - یہ سب جانتے ہیں کہ بے چارے رام کشن کو کتنی دقت تھی صبح شام کو یہاں مارا مارا پھرتا تھا - تو اس نے ایک خطرہ پیدا کیا - میں صرف اس موقع پر آپ کے ذریعے اپنے بہترین اور اپنے با عزت اور مجھ سے لائق جو ممبران ہیں ان سے اور اپنی سرکار سے کہنا چاہتا ہوں کہ اس وقت دو خطرے ہیں جو ملک کو بہت بڑا دھکا لگا سکتے ہیں - نہ پاکستان نہ چین نہ کمیونسٹ پارٹی نہ اپوزیشن کوئی دھکا نہیں لگا سکتا - اس کو دو چیزیں دھکا لگا سکتی ہیں - ایک ہیں اسٹوڈنٹ - ان میں کچھ کا پیسہ لگا ہوا ہے اور کچھ لگا رہے ہیں اپنے ہی - مجھے معاف کیا جائے ادھر ہو یا ادھر ہو وہ ایک ایسا خطرہ ہے - انڈونیشیا

نے اس کو فیس کیا ہے اور ہمیں فیس کرنا پڑے گا - اگر کانگریس والے آپس میں چونکہ وہ طاقت میں ہیں صرف سچیتا کو گرانے کے لئے یا گپتا کو بچانے کے لئے یا ترپاٹھی کو اٹھانے کے لئے اسٹوڈنٹس میں روپیہ بانٹ لیں آگ لگائیں تو اسٹوڈنٹس سے جو آگ لگے گی وہ بجھے گی نہیں - ایک تو مجھے یہ عرض کرنا ہے - دوسرا یہ ہے کہ آپ آفیسرس کو اتنی طاقت دیتے چلے جا رہے ہیں کہ آج کانگریس کا الیکشن بچائے اسکے کہ ہم گاندھی جی کے نام پر جیتیں یا ہم اپنی قربانیوں کے نام پر جیتیں ہم اپنی خدمات کے نام پر جیتیں ہم اپنی سچائی کے نام پر جیتیں - آج سب کے سب آفیسروں کے ہاتھ میں قسمت دیتے جا رہے ہیں - ادھر اسٹوڈنٹ ادھر آفیسرس - یہ دو خطرے ہیں دیش کو - وہ نہ بھوپیش گپتا ہے نہ راج نرائن ہے - راج نرائن پر مجھے افسوس ہے میرا بھائی ہے - کچھ خواہ مخواہ ایسی باتیں کر جائیں جب کہ ملک کے سامنے اندرا جی نے ہمت کے ساتھ ایک ہائی پاور کمیشن بٹھا دیا تو ان کے اوپر دھڑا دھڑا الزام لگائیں اس کا نتیجہ کیا ہوگا ؟ جو اصلی کیس ہے یعنی سردار سورن سنگھ، مسٹر سبرا منیم اور مسٹر منو بھائی شاہ ان کے کیسیز تمام اوجھل ہو جائینگے - بچائے اس کے کہ اندرا جی کے گلے میں کوٹ ڈالتے اچھا ہوتا کہ وہ کوٹ ان سب کے

کلے میں ڈال دیا ہوتا اس لئے میں کہتا ہوں کہ راشٹری رول کو ابھی چلنے دیجئے۔ اسٹیٹوں کی تمام تفصیلیں اچھی طرح سے بنائیں اور بنانے کے بعد پھر راشٹری صاحب کو—ان بے چاروں کو جواب مل ہی جائے گا ویسے بھی کافی عمر ہو جائے گی ویسے شاید تھوڑا عرصہ ان کا باقی ہے کچھ یہ بھی ہے کہ وہ اچھے اچھے لوگوں کے اوپر ہاتھ ڈال سکیں گے۔ (Time bell rings.) ایک ہی منٹ لیا چاہتا ہوں آپ کی گھنٹی بجی میں بیٹھا۔ یہ تو میرا قاعدہ ہی ہے۔ وہ یہ کہ میرا جواب دیتے ہوئے یہاں مسٹر الیگیشن نے کہا کہ انفیریر کیروسین ۱۰۰ سے ۲۰۰ ہو گیا وہ ہم نے دیا۔ لیکن دیا وہ کس کو؟ ہم نہیں بتا سکتے اس کی تفصیل کیا ہے؟ اچھی بات ہے پھر آگے کہتے ہیں میں مانتا ہوں اس میں ایڈلٹریشن ہوا وہ ایڈلٹریشن کے کام آیا۔ اس کے بعد سوال تھا کہ آیا اس میں انکوائری ہوئی تو جواب دیا کوئی انکوائری نہیں ہوئی اس کا کچھ نہیں کیا۔ یعنی یا تو کسی ڈیلر نے جن کو پکڑا ہوگا ہزار ہا لیٹر لیئے ہوں گے لاکھ لیٹر لئے ہونگے۔ مال تو کروڑوں لیٹر کی تعداد میں آیا۔ تو کیا گورنر صاحب نے، ہند سرکار نے ان ادھیکاریوں کو جنہوں نے یہ انفیریر کیروسین سپلائی کیا ان

پر ہاتھ ڈالا ہے۔ اگر وہ نہیں ڈالیں تو ہاتھی صاحب کو خود ڈالنا چاہئے۔ وہ الیگیشن صاحب کا جواب پڑھ لیں۔ میرا مطلب یہ ہے کہ جیسا کہ دیوان صاحب نے فرمایا کہ گورنر صاحب کے لئے اس کے سوا کوئی راستہ نہیں تھا کہ کڑوے گھونٹ پی لئے جائیں تو ان کو پورا موقعہ دیجئے کہ جہاں چھوٹے چھوٹے لوگوں پر ہاتھ ڈالیں وہاں بڑے بڑے مگر مجھوں پر ہاتھ ڈالیں بڑے بڑے گرگوں پر ہاتھ ڈالیں سچ بات ہے منسٹریوں کو بنائے بنا اپوزیشن کہا جائے گا۔ یہ سنت فتح سنگھ یہ کمیونسٹ اور جن سنگھ کے نیتا کو چھوڑ کر باقی تو تھوڑے تھوڑے ہیں۔ سوشلسٹ اور سوتنتر بھی تو اس کے لئے اگر آپ منسٹریاں بنانا چاہتے ہیں تو شوق سے بنائیں مجھے کوئی جھگڑا نہیں ہے لیکن الیکشن جیتنے کے لئے منسٹریوں کے بنانے کے بغیر پوری تفصیل کے بغیر کمیشن کے فیصلہ پر گئے بغیر میرے خیال میں غلط ہوگا۔ میری مودبانہ درخواست ہے کہ اس کو جنرل الیکشن تک پوسٹپون کیجئے۔ کیا ہی اچھا ہوتا کہ یہ جو ریزولیشن آج ہمارے سامنے ہے یہاں بہت پہلے آ جاتا، یہاں سے منظوری ملتی اور اب تک پوری کاروائی ہو جاتی۔ بہر حال میں اس ریزولیشن کو سپورٹ کرتا ہوں۔

†[श्री अब्दुल गनी (पंजाब) मेडम, डिप्टी चैयरमैन, मैं इस सुझाव की तारीफ करता हूँ, सपोर्ट करता हूँ। मैं दिवान चमन लाल से मुत्तफिक हूँ कि जब बद-किस्मती से देश को हम बड़े-बड़े सात हिस्सों में नहीं बांट सके और जवान के आधार पर हम स्टेटें बनाते चले जा रहे हैं और सेंट्रल गवर्नमेंट ने तय किया कि पंजाब के तीन हिस्से करने ही हैं तो फिर इसके सिवाए कोई चारा था नहीं चाहे राम किशन ने रिजाइन किया या नहीं किया। राम किशन तो एक मुंजिम पार्टी, एक ओगेंनाइज्ड पार्टी का एक सरकदाई हकन था और जो ऊपर वालों ने तय किया उसको उसे ओबे करना ही था। तो भाई जिन्होंने झूठ नहीं बोला वह इस मामले में आकर इस तरह की बनावट की बात करें। वह आज मजबूर थे जो लिखा हुआ था पढ़ दिया। बरना राम किशन इंकार करते तो कांग्रेस में आज भी एक से एक अच्छे आदमी मौजूद थे जो कि जिम्मेदारी को संभाल सकते थे। और वह नहीं संभालते तो दिवान चमन लाल ही उसको संभाल सकते थे। लेकिन सवाल यह नहीं है सवाल यह है कि जब इसके दो टुकड़े करने थे तो कोई रास्ता नहीं था। यह बात जरूरी नहीं। मेरे भाई हाथी जिन से मैं बहुत प्यार करता हूँ वह हाथी हैं या हाती हैं लेकिन जो कुछ भी हों उनमें बड़ी खूबी है। तो आज वह इस तरह से आए कि मुझे कोई रास्ता दिखाई देता नहीं। वह बात जो फरमा रहे हैं उससे निकल सकें। लेकिन दिवान साहब की बात मुझे पसन्द आई और मैं समझता हूँ कि इस हाउस के सारे आनरेबल मेम्बर इस बात में उनसे मुत्तफिक हैं। पंजाब का एक अजीब किस्सा है एक अजीब किस्मत है वहां दोबार राष्ट्रपति का जब-जब दौर हुआ तब-तब दोनों बार कांग्रेस पावर में थी। अपोजिशन पावर में नहीं थी। एक दफा कामरेड भार्गव चीफ मिनिस्टर थे और दूसरी भरतबा राम किशन चीफ मिनिस्टर थे। यह कांग्रेस को क्रेडिट जाता है

† Hindi Transliteration

कि उन्होंने सिर्फ केरल में भूपेश गुप्ता की सरकार को खत्म नहीं किया बल्कि जरूरत पड़ी तो अपनी सरकारों को भी खत्म किया। तो भूपेश गुप्ता या कोई और भाई इससे नाराज क्यों हों।

यह मैं मानता हूँ कि यह सब गलत है कि जो छोटी-छोटी स्टेटें बनीं सिवाए पागलपन के यह और कुछ नहीं है। देश को बरवाद करने वाली बात है। लेकिन जब एक दफा आंध्र का माना दूसरी जगह मैसूर का माना तो फिर अगर यह भी मान लिया क्योंकि पंजाबी बोलने वाले भाई अपने लिए एक अलग स्टेट चाहते थे उन्होंने इसके लिए हजारहा मुसीबतें उठाईं अपने भाई बहनों को जेलों में डाला था गोलियाँ भी खाई थीं लाठियाँ भी खाई थीं तो अगर सरकार ने कहा कि यह बात मान लेनी चाहिए तो फिर राष्ट्रपति ही रूल हो सकता था राष्ट्रपति रूल करते वक्त कुछ बातें हुई थीं और हाथी साहब ने उनको फरमाया मैं उनको भी काफी वजन देता हूँ लेकिन मैं कहना चाहता हूँ कि अगर पंजाब को आप तकसीम करने जा ही रहे हैं तो फिर इसमें इतनी हरी (Hurry) क्यों है। इतनी जल्दी क्यों है। क्योंकि आप जल्दी में गलती पर गलती करते चले जाएंगे और गलतियाँ फिर आइन्दा जाकर आपके लिए एक मुसीबत का वाइस बनेंगी।

मेडम, मैं हैरान हूँ कि यह कहते हैं कि 2 नवम्बर को हरियाणा स्टेट बना दें। इज इट प्रेक्टिकेबल? क्या यह प्रेक्टिकेबल है यह मैं नहीं जानता। मैं कानून और आइन का माहिर नहीं हूँ। दिवान साहब माहिर हैं लेकिन मैं इतना जरूर जानता हूँ कि इससे मेम्बरों की तादाद पूरी नहीं होती जिससे कि एसेम्बली बन सके और यह बिल्कुल हुकूमत अपने आइन और कानून का उल्लंघन करके 8 मेम्बरों को जिन का इनवायरेक्ट इलेक्शन लोकल बाडीज़ से हुआ है उनको एसेम्बली का मेम्बर बना देना चाहते हैं जबकि आइन में बिल्कुल साफ है कि जिन का डायरेक्ट इलेक्शन हुआ हो वे ही अधिकारी हैं कि अपनी वहां मिनिस्ट्री बनाएं और

एक मिनिस्ट्री बनाकर उसको चलाएं लेकिन जल्दी करने के लिये कह दिया कि जब हमने एक फैसला कर लिया है तो हमारा यह फैसला खुदाई फैसला होना चाहिये। उसको इसी तरह से लाना चाहते हैं और हरियाना में एसेम्बली कायम करके वहां की सरकार बनाना चाहते हैं। मेरा यकीन है कि जब यह सोचेंगे तो उनके लिए एक दिक्कत आएगी कि यह एक मुश्किल बात है।

दूसरी बात में यह कहना चाहता हूं कि यहां पर आपने यह एलान किया या नहीं कि पाकिस्तान और चीन के इरादे नेक नहीं हैं और अगर किया है तो फिर ऐसा करते वक्त क्या आपने सोचा पहले तो पूरा पंजाब था यानी उसके पहले से भी आधा था लेकिन एक पंजाब था और पाकिस्तान और हिन्दुस्तान की जब जंग छिड़ी तो उसने बहुत बोझ उठाया। इस पर बड़ी मुसीबत आई और वहां के लोगों का हर तरह से नुकसान हुआ। जानी नुकसान हुआ, माली नुकसान हुआ। जायदाद का भी नुकसान हुआ। उनकी इण्डस्ट्री को भी धक्का लगा लेकिन अब उसको और छोटा कर दिया क्योंकि हरियाना को अलग करके और हिमाचल को कुछ बढ़ा करके उसको कुछ और ज्यादा बसिह करके रखना है तो वह और छोटा हो गया है। मेडम, मैं जानना चाहूंगा कि हिन्द सरकार क्या सोचती है? कि यह तमाम बार्डर की जो जिम्मेदारी है जिसका पहले उनको सामना हो चुका है वह जिम्मेदारी इस स्टेट पर डाल देंगे यह नामुमकिन है। यह सरकार को सोचना ही होगा कि अगर चंडीगढ़ पर अधिकार लिया है तो क्या बॉर्डर के साथ साथ दस-दस मील की जमीन को भी वह अपने कब्जे में नहीं लेगी ताकि सारा बोझ जो है वह सारे मुल्क पर पड़े वह छोटी ही स्टेट पंजाबी सूबा की जो पैदा हो रही है उस पर न पड़े। तो ऐसा सोचना ही चाहिए उनको।

फिर मेडम, यह हमारा भाकड़ा डेम जो है जो पंडित जवाहर लाल नेहरू के कहने के मुताबिक एक बहुत बड़ा हमारा कीर्मी मंदिर है।

जिसके दर्शन के लिये दुनिया को जाना चाहिए और हिन्दुस्तानियों को तो खास तौर पर। तो भाकड़ा डेम जो है उसकी बड़ी जिम्मेदारी है। मैं जानना चाहूंगा जब क्यूँ आए थे तो वह भी देखने गये और जब चाउ एन लाड आए थे तो वह भी देखने गये थे और वह देखते थे दाएं बाएं कि कैसे इस पर हमला हो सकता है या नहीं हो सकता है। एक अजीब तमाशा था हम लोग भी वहां थे। दिवान साहब तो उनसे बातें करते थे। हम देखकर खुश होते थे। तो मैं कहना चाहता हूं कि भाकड़ा एक ऐसी जगह है जिसके लिए सेंटर को सोचना होगा कि इस भाकड़ा की सारी जिम्मेदारी उन बेचारों पर इन पंजाबी सूबा वालों पर जो कि छोटे से हैं उन पर डाल दी जाए। या इसकी जिम्मेदारी अपने कंधों पर ली जाए तो यह विचार भी हमें करना है। सरकार को करना है। हमें उनको मशवरा देना है। तो इसके बारे में सरकार किस तरह चाहती है करना। वह झगड़ा यह है कि न उनकी कोई हलका-बंदी हुई है न जो शाह कमीशन ने फैसले किये उनको अपनाने का या न अपनाने का पूरी तरह से सरकार ही बन बना पाई तो फिर इतनी जल्दी क्या है। राष्ट्रपति रूल से हमें पूरा मौका मिलता है कि जो भी हमें हुक्मत को कहना हो तो हम हाथी जी या नन्दा जी के जरिए इंदिरा जी तक पहुंचा देते हैं और अपने जज्जवात वाज्जय कर देते हैं। इसमें एक अच्छा एटमोस्फियर भी पैदा किया जैसा आनरेबल मेम्बरान ने कहा। तो यह अभी पहला ही कदम है। चीप लीडरशिप लेना तो बहुत आसान है। लेकिन देश के लिए मजबूत हाथों से पूरा मजबूत कदम उठाना काफी मुश्किल है। तो अगर आप पूछें कि मौजूदा पंजाब के गवर्नर ने एक मजबूत कदम उठाया और दूसरी स्टेटों को भी उन्होंने एक मौका दिया, दावत दी कि वह भी मजबूत कदम उठा कर देश के अन्दर समाज की हालत बदलने की कोशिश करें तो मैं समझता हूं अभी तो मंजिल बहुत बाकी है। हाथी साहब जानते हैं इस हाउस में बहुत बहस हुई है मेडम, कि करोड़ों रुपये



[ श्री धरमल गनी ]

के लाइसेंस ऐसे दिये गये जिनको ब्लैक में बेचा गया जिससे देश को बड़ी हानि हुई। देश के फौरन एक्सचेंज को धक्का लगा देश के लेबर को धक्का लगा। तो इस गवर्नर को यह मौका दिया कि वह छोटी-छोटी गन्दी मछलियों को साफ करने की जो कोशिश की उसके साथ बड़े-बड़े भगरमछ जो हैं उन पर भी हाथ डालें और दूसरी स्टेटों को ऐसा करने के लिए दावत दें। अरबों रुपयों के लाइसेंस आज मुख्तलिफ मिनिस्ट्रियों के जरिए से मुख्तलिफ फर्मों को दिए गये उनका मिस यूज किया गया उन पर किस तरह से हाथ डालें। गवर्नर को मौका दीजिये कि वह यह बतलायें कि किस तरह से ब्लैक मार्किटर्स की दावत में हकूमत शामिल हुई हकूमत की सप्लाई चाहे वह केरोसीन की हो चाहे हाई स्पीड डिजल की हो चाहे पेट्रोलियम की सप्लाई हो कोई भी हो अगर वह बक्त पर नहीं कर पाए और उन्होंने मौका दिया कोई ब्लैक मार्किटिंग करे तो गवर्नर साहब अपने होम मिनिस्टर के जरिए राष्ट्रपति जी पर और इंदिरा जी पर वाजय कर सकें कि किस चालाकी के साथ उन्होंने कैरीसीन की सप्लाई नहीं की। बहाना यह था कि राजस्थान को पानी देना था। बहाना यह रखा कि हमें यह दिक्कत आ गई और वह दिक्कत आ गई। मैं कहना चाहता हूँ। मगर अर्जुन अरोड़ा साहब इस वक्त यहाँ नहीं हैं कि एक वाक्या बताता हूँ एक नौजवान लड़का आया और आकर एक दूसरे लड़के को कहा कि तुम्हारी मां ने शादी कर ली थी और फिर उसी ने उस नये खाविन्द को छोड़ दिया है। इस पर उसने कहा कि नया खाविन्द किया तो बहुत बुरा किया और अगर उसको फिर छोड़ दिया तो और बुरा किया। इसी तरह से अगर वहाँ राष्ट्रपति रूल वहाँ लागू नहीं करना था और अगर किया है तो फिर उसको मौका दीजिये कि वह पूरी तरह से उसको चलाए। और आप कोई ऐसी बात करने की कोशिश न करें कि हरियाना के मेम्बर अगर पूरे नहीं होते तो आईन का उल्लंघन करके उन्हें पूरा करना

चाहिए। अगर राज्य सभा पांच इधर रखे सात उधर रखे तो आप कहते हैं कि भाई ठीक है हम ऐसा करेंगे कि चार मेम्बरों की लाटरी निकालेंगे। उनमें से जिसका नम्बर आ जाएगा उसको हरियाना प्रान्त में डालेंगे। यह लाटरियों से तो कोई किस्मतें नहीं बनती हैं, स्टेटें नहीं बनती हैं। यह बातें मैं इसलिए कह रहा हूँ कि जब आप इसको बनाने जा ही रहे हैं तो फिर उसको आराम से बनाइये जैसा कि मेरे भाई भंडारी जी ने कहा। आप थोड़ा सबर कीजिये कोई जल्दी नहीं है कि स्टेटें बन कर मिनिस्ट्रों की कारें फिर यहां आएँ। मेडम, यह सब जानते हैं कि बेचारे राम किशन को कितनी दिक्कत थी सुबह शाम को यहां मारा मारा फिरता था। तो उसने एक खतरा पैदा किया। मैं सिर्फ इस मौके पर आपके जरिए अपने बहुतरीन और अपने बाइजजत और मुझ से लायक जो मेम्बरान हैं उनसे और अपनी सरकार से कहना चाहता हूँ कि इस बक्त दो खतरे हैं जो मुलक को बहुत बड़ा धक्का लगा सकते हैं। न पाकिस्तान न चीन न कम्युनिस्ट पार्टी न अपोजीशन कोई धक्का नहीं लगा सकता। इसको दो चीजें धक्का लगा सकती हैं। एक है स्टूडेंट, उनमें कुछ का पैसा लगा हुआ है और कुछ लगा रहे हैं अपने ही। मुझे भाफ किया जाए इधर हो या उधर हो वह एक ऐसा खतरा है। इंडोनेशिया ने इसको फेस किया है और हमें फेस करना पड़ेगा। अगर कांग्रेस वाले आपस में चूंकि वे ताकत में हैं सिर्फ सुचेता को गिराने के लिए या गुप्त को बचाने के लिये या त्रिपाठी के उठाने के लिये स्टूडेंट्स में रुपया बांट लें आग लगायें तो स्टूडेंट्स से जो आग लगेगी वह बुझेगी नहीं। एक तो मुझे अजं करना है। दूसरा यह है कि आप ओफिसर्स को इतनी ताकत देते चले जा रहे हैं कि आज कांग्रेस का एलेक्शन बजाएं इसके कि हम गांधी जी के नाम पर जीतें, या हम अपनी कुर्बानियों के नाम पर जीतें, हम अपनी खिदमात के नाम पर जीतें हम अपनी सचाई के नाम पर जीतें। आज सब के सब आफिसरों के हाथ में किस्मत देते जा रहे हैं। उधर स्टूडेंट इधर आफिसर्स

ये दो खतरे हैं देश को। वहन भूपेश गुप्ता है न राजनारायण है। राजनारायण पर मुझे अफसोस है मेरा भाई है। कुछ ब्वाहमब्बाह ऐसी बातें कर जाएं कि जबकि मुल्क के सामने इंदिरा जी ने हिम्मत के साथ एक हाई पावर कमीशन बिठा दिया तो उनके ऊपर धड़ा-धड़ इलजाम लगायें उसका नतीजा क्या होगा? जो असली केस है सरदार स्वर्ण सिंह, मिस्टर मुबह्मथम और मिस्टर मनुभाई शाह उनके केसिज तमाम ओझल हो जायेंगे। बजाये इसके कि इंदिरा जी के गले में कोट डालते अच्छा होता कि वह कोट इन सब के गले में डाल दिया होता। इसलिए मैं कहता हूं कि राष्ट्रपति रूल को अभी चलने दीजिये। स्टेटों की तमाम तफसीलें अच्छी तरह से बनाइये और बनाने के बाद फिर राष्ट्रपति साहब को—उन बेचारों को जबाब मिल ही जाएगा कि वैसे भी काफी उमर हो जायेगी वैसे शायद थोड़ा अर्सा उनका बाकी है कुछ यह भी है कि वह अच्छे-अच्छे लोगों को ऊपर हाथ डाल सकेंगे—(time bell rings) एक ही मिनट लिया चाहता हूं आपकी घंटी बजी मैं बैठ। यह तो मेरा कायदा ही है वह यह कि मेरा जवाब देते दूये यहां मिस्टर अल-गेसन ने कहा कि इंफिरियर कैरोलीन 100 से 205 हो गया वह हम ने दिया। लेकिन दिया वह किस को? हम नहीं बता सकते उसकी तफसील क्या है? अच्छी बात है फिर आगे कहते हैं मैं मानता हूं इसमें एडल्ट्रेशन हुआ वह एडल्ट्रेशन के काम आया। इसके बाद सवाल था कि आया इसमें इन्क्वायरी हुई तो जवाब दिया कोई इन्क्वायरी नहीं हुई उसका कुछ नहीं किया। यानी या तो किसी डीलर ने जिनको पकड़ा होगा हजार हा लीटर लिये होंगे, लाखों लीटर लिये होंगे माल तो करोड़ों लीटर का तादाद में आया। तो क्या फिर गवर्नर साहब ने, हिन्द सरकार ने उन अधिकारियों को जिन्होंने यह इंफिरियर कैरोलीन सप्लाई किया उन पर हाथ डाला है। अगर वह नहीं डालें तो हाथी साहब को खुद डालना चाहिये। वह अलगसन साहब का जवाब पढ़ लें। मेरा मतलब यह है कि जसा कि दिवान साहब ने फरमाया कि गवर्नर

साहब के लिये इसके सिवाए कोई रास्ता ही नहीं था कि कड़वे घूंट पी लिये जाये तो उनको पूरा मौका दीजिये कि जहां छोटे-छोटे लोगों पर हाथ डालें वह बड़े-बड़े मगरमच्छों पर हाथ डालें। बड़े-बड़े गुरगों पर हाथ डालें। सच बात है मिनिस्ट्रियों को बनाये बिना अपोजिशन खा जाएगा। ये सन्त फतेह सिंह यह कम्युनिस्ट और जन संघ के नेता को छोड़ कर बाकी तो थोड़े-थोड़े हैं। सोशलिस्ट और स्वतन्त्र भी तो इसके लिए अगर आप मिनिस्ट्रियाँ बनाना चाहते हैं तो शौक से बनाइये मुझे कोई झगड़ा नहीं है लेकिन एलेक्शन जीतने के लिये मिनिस्ट्रियों को बनाने के बगैर पूरी तफसील के बगैर, कमीशन के फंसले पर गये बगैर मेरे ख्याल में गलत होगा। मेरी मोदबाना दरख्वास्त है कि इसको जनरल एलेक्शन तक पोस्टपोन कीजिये। क्या ही अच्छा होता कि यह जो रेजोल्यूशन आज हमारे सामने है यहां बहुत पहले आ जाता यहां से मंजूरी मिलती और अब तक पूरी कार्रवाई हो जाती। बहरहाल मैं इस रेजोल्यूशन को सपोर्ट करता हूं]

5 P.M.

THE DEPUTY CHAIRMAN : SHRI A. P. SINHA. He is not here. Shri Niren Ghosh.

SHRI NIREN GHOSH (West Bengal) : Madam, I have listened very respectfully to the speech delivered by Diwan Chaman Lalji. He is a constitutional pundit; I am not. But I am not convinced by his arguments. First of all, in the Proclamation itself, there is not a single reason given why the Government of Punjab cannot be carried on in accordance with the Constitution. It is said that the President has been satisfied by the Report of the Governor. May I ask the Home Minister and request him also to place the Report of the Governor on the Table of the House? What is that Report? I know for myself. When the Kerala Legislature was dissolved and the Governor's rule was proclaimed, the Governor's Report was distributed to all tire Members of Parliament. I was in detention, in jail, but I got a copy of that Report. But where is the Governor's Report here? No Report, nothing, simply a Proclamation that the Governor has

[Shri Niren Ghosh.]

written and the President has been satisfied. Secondly, the argument given by Diwan Chaman Lalji that there is no other way except to proclaim Governor's rule, the Presidential Proclamation, then divide Punjab and constitute the States, is wrong. Where is it written down in the Constitution that this is the only procedure through which the reorganisation of the States can take place? May I ask him what happened when Bombay was bifurcated and the new States of Gujarat and Maharashtra came into being? Was the Governor's rule proclaimed there? Were the State Legislatures kept in suspended animation then? As far as I know, nothing of that sort happened. So, I think it is wrong to say that this is the only constitutional procedure by which the reorganisation could take place and the two States could come into being. I also ask. You have taken the plea that the Chief Minister, Mr. Ram Kishen, has resigned. What would have happened if he had not resigned? The Ministry would have been there, the Government would have been there. So, the flimsy excuse of there being no Ministry is not a reason at all. And if it could have happened, Mr. Ram Kishen might not have resigned. So, I say that this Proclamation is not valid. I am sorry that our august President has been ill-advised by the Cabinet. He is bound to follow the advice of the Cabinet but I am quite sure, left to his own discretion, he would have never issued such a Proclamation under such circumstances. He had no alternative. So he did it. And everybody knows that by rather violating all Constitutional procedure and precedents, this Proclamation was issued in order to benefit the ruling party at the Centre and in the State. That is the only reason for which this procedure has been adopted. And it proves to the hilt that in our country, the one party, that is the Congress Party, is equated with the State. A sign of equality has been put between the Congress Party and the State. I do not say, Government, because Governments may come and Governments may go. But the State will remain. But the Congress Party thinks that it is the State. And that is how all constitutional proprieties have been trampled upon. Everybody knows that there was internecine quarrel in

Punjab. They were challenging the leadership of Mr. Ram Kishen. Sardar Swaran Singh went there to patch up things. He could not succeed. If they succeeded, there would have been no Proclamation. Because they could not succeed and did not succeed, the Proclamation was issued. And it is a strange procedure. The Governor's rule continues and the Assembly is also there. Only it does not sit. I do not know how it can be constitutional. If in a State Governor's rule is proclaimed, the Assembly must go, it must be dissolved. Here under one unconstitutional act, they went further and they have kept the Assembly in being. What is the reason? The reason is before the election, you need a State Ministry because a State Ministry can disburse any patronage. It holds the levers of the State machine and everybody knows that the Congress Ministries utilise the State machinery for election purposes. That has been the experience of every single Opposition party. So, in Punjab they do it. May I ask why the Kerala Assembly was not kept in suspended animation? What is the reason? If the Governor, Mr. Giri, at that time reported that he was satisfied that there could not be a Communist Ministry which could be formed, what was wrong if it was kept in a state of suspended animation as this Punjab State Assembly is being kept? So that those parties could combine together and come to a very clear demonstration that they could form a Ministry? It could come about. Things are turned; the clock has been turned in the reverse direction now and all the opposition groups have combined; in that elected Assembly, they hold a definite, distinct, absolute majority. If that Kerala State Assembly has been kept in being today, a Government could have functioned in Kerala. It was not allowed to be done. So, it can be aptly said that it is the constitutional dictatorship of one party. This Constitution is so many scraps of paper to the ruling party. Whenever it suits them, they ignore its provisions, whenever it suits them, they distort the meaning of the Constitution and invoke it in their aid. That has been so. So the respect for the Constitution is gradually dwindling in the country. And in the Constitution they do not go in for proportional representation. Even under a bourgeois Constitution—it is a capitalist country, it has a bourgeois

Constitution—in order to correctly reflect the people's views in the legislature, one should at least have proportional representation. I know such an article would never be enshrined in the Constitution by the ruling party because if that is done, neither in the Centre nor in the States the Congress would come to power since they are in an absolute minority amongst the people. In no State Legislature or in the Centre would they command majority. Therefore, it was deliberately done. Such a thing was never introduced. I know that if it had been introduced it would have been Jeleted in the very first sitting. So these things are going on.

Now, on Chandigarh since they cannot decide, so the bureaucrats must divide the assets. It has been given to the bureaucrats to divide the assets of the divided State, the two new States that are to come into being. The people's representatives cannot do that. Why can they not do that? It is so simple, because there is quarrel in the Congress. It could be done in the case of Maharashtra and Gujarat and it was done. It is very clear.

So all through this they have ignored the Constitution, trampled it and brought us to this pass of things. Now after this Bill is passed another thing would come up. The President is satisfied that Ministries can function in Haryana and Punjab. There is nobody to prevent satisfaction to the President because it is done on the advice of the Cabinet. Under article 311 the President has to be satisfied and then employees can be discharged. This has happened a number of times. A Communist employee had been dismissed because the President had been satisfied. So there is nothing to prevent the satisfaction of the President. He can be satisfied in his own right. But it is not the President who acts, it is the Cabinet. The President has to act under the advice of the Central Cabinet. He is satisfied because the Central Cabinet wants him to be satisfied in a wrong way, in an unconstitutional way. Now there will come another Bill.

As regards the Governor's Rule, there is the anti-hoarding drive going on. I would like to know how many hoarders with income above Rs. 1 lakh have been arrested so far?

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) in the Chair.] I also visited Punjab for a day or two in between and I can say that the really big fries, the big hoarders are not touched. Certain people are no doubt touched. Anyway, that is an internal affair of the Governor's Rule. But what I was saying is that you have one standard for Maharashtra, one standard for Kerala, one standard for Orissa and one standard for Madras. I remember how in the united State of Madras, C. R., that is, Rajaji, who was not a Member of the State Legislature neither of the Assembly nor of the Council, was suddenly called in to form the Ministry. So that is how things are going on in the country. This one-party dictatorship people are learning gradually from the examples you are setting, much more than what we can make them learn by our propaganda, agitation, this, that and the other. By your action in Maharashtra, Kerala, Orissa and everywhere you are showing to the people that it is sham of a democracy, that it is a lip service to the democracy, that it is a one-party dictatorship that is running the country which is equated to the State itself. In this way you are opening the eyes of the people wide. Beware of that. People in their own way are drawing their own conclusions. So beware of the steps that you are taking. It will lead to consequences which you may not dream of.

**श्री बी० एन० मंडल (बिहार) :** वाइस चैयरमैन, सर, जो प्रोक्लेशन अर्थात् इस हाउस के सामने मंजूरी के लिये लाया गया है, मैं उसका विरोध करता हूँ। दीवान चमन लाल जी के कहने के अनुसार भले ही यह प्रोक्लेशन संविधान की धारा 356 के अन्दर हो और इस माने में कोई वानुत्ती डिफेक्ट इसमें न हो, इसके लिये मुझे कुछ कहना नहीं है, लेकिन सरकार को जो कार्यवाही होती है, या संविधान के अन्दर जो कार्यवाही होती है, उस कार्यवाही के पीछे एक भावना भी रहा करती है। तो जो भावना उसके पीछे है वह भावना अच्छी भावना है या बुरी भावना है, इसको देख कर के ही कोई मंजूरी की बात उठ सकती है। मैं समझता हूँ कि जिस ढंग से यह प्रस्ताव इस हाउस के सामने लाया गया है वह गलत भावना के अन्दर

[ श्री बी० एन० मंडल ]

लाया गया है और ऐसा होने से देश में बहुत गड़बड़ मच सकती है, ऐसी मेरी मान्यता है।

अभी हाल में जो कांग्रेस पार्टी ने डिसेंजन लिया है, पंजाब को दो टुकड़ों में बांटने का अगर इसी तरह बांटना था, तो इनने दिन के बाद यह क्यों किया गया ? जब स्टेट्स रिअर्गनाइजेशन कमेटी का फैसला हुआ था, उस समय यह सब न कर के इतनी देर बाद यह बात हुई है। इसी तरह से आंध्र में भी कितना आंदोलन करने के बाद, मृत्यु हो जाने के बाद, वहां फैसला किया गया। बम्बई और गुजरात के झगड़े में भी यही बात हुई है। इसी तरह से आज देश में और भी अनेक जगह इस तरह के लड़ाई झगड़े सीमा बगैरह को ले कर के हो रहे हैं। इन सारी बातों में कांग्रेस पार्टी की जो नीति रही है, वह नीति इस तरह की खतरनाक नीति है, जिससे देश के टुकड़े-टुकड़े हो सकते हैं और देश के लोगों के सामने सिर्फ एक ही रास्ता दिखाई देगा कि बिना हिंसा किये हुये, बिना मरे हुये, इस सरकार से कोई काम नहीं कराया जा सकता है। इस तरह के कई उदाहरण आज देश में देखे जा रहे हैं। हर तरफ से यह कहा जा रहा है कि इस तरह से यह जो रास्ता प्रशस्त किया जा रहा है, यह देश के लिये बहुत बुरी बात हो रही है, हो सकता है कि जो चुनाव आ रहे हैं, उसके पहले पंजाब के लोगों को खुश करने के लिये उन्होंने ऐसा किया हो। इसी तरह से जितनी भी इनकी कार्यवाही होती है, उसके पीछे यह भावना नहीं रहती है कि समूचे देश के हित का विचार करके कोई कार्यवाही की जाय। इनकी हर कार्यवाही के पीछे यही भावना रहती है कि हमारी गद्दी किस तरह से बरकरार रह सकती है। यही एक रह सकती है। यही एक कॉन्सिडरेशन इनके सामने रहता है, जिसके अनुसार इनके फैसले होते हैं। फिर इनके काम करने का तरीका बहुत निराला है। जैसा कि अभी हाउस में बहुत से लोगों ने कहा कि उड़ीसा में विधानमंडल के बारे में इनका फैसला एक तरीके का हुआ, बम्बई में दूसरे तरीके का, केरल में तीसरे तरीके का हुआ और

अब पंजाब में एक निराले तरीके का हो रहा है। तो अगर देश में जनतंत्र चलाना है और उस जनतंत्र को संविधान के अंदर चलाना है, तो सिर्फ इस बात की नहीं जरूरत है कि संविधान की धारा के अक्षरों में अगर कोई बात आ जाय, तो किसी तरह से उस बात को कर दिया जाय। सिर्फ इतनी ही बात नहीं है। समूचे देश के लोगों की क्या भावना है और किस तरह से समाज आगे अच्छा चल सकेगा, इस बात का भी खयाल रखना जरूरी है, लेकिन इनके काम में कोई सबूत इसका नहीं रहा करता ? इसलिये जो अभी प्रोक्लामेशन आया हुआ है, इसका मैं विरोध करता हूं।

इसी सिलसिले में एक बिल भी आने वाला है। उसके सिलसिले में ये चाहेंगे कि जो लेजिस्लेचर और पार्लियामेंट का हक है, कानून बनाने का वह राष्ट्रपति को दे दें। आज चाहे राष्ट्रपति शासन हो, गवर्नर का शासन हो, कोई भी शासन जो आज देश में बना रहे हैं, वह शासन गवर्नर का शासन न होकर, राष्ट्रपति का शासन न होकर, उसके जरिए से संवृचित स्वार्थ वाला इनकी पार्टी का अपना शासन कायम हो जाता है, इनकी पार्टी का जो स्वार्थ रहता है, उस स्वार्थ को साधने की कोशिश करने हैं। इनको इस बात से सन्तोष नहीं है कि इस देश के हर लेजिस्लेचर में पार्लियामेंट में इनका बहुमत है, उस बहुमत को जनतंत्र के आधार पर चला कर देश का शासन करें और उसके मुताबिक सारा इन्तजाम हो। उसमें इनको विश्वास नहीं है। इनको सिर्फ तिकड़मबाजी में विश्वास है। इनकी पूरी कोशिश है कि चाहे गवर्नर का शासन हो, चाहे राष्ट्रपति का शासन हो—हर शासन में यह अपने मन की बात करें। इनके मन की बात क्या रहती है ? इनके मन की बात यह है कि नाजायज तरीके से अपनी पार्टी के लिये फायदा उठा लें। यही इनके मन की बात रहती है। इसीलिए अभी तो गवर्नर के शासन की और अभी राष्ट्रपति के शासन की व्यवस्था किया करते हैं।

आज देश में जितने भी इडियन्ट इन्स्टीट्यूशन हैं—चाहे वह पब्लिक सर्विस कमिशन

हो, चाहे वह चुनाव का कमीशन हो, जो भी कमीशन है—इनकी कार्यवाही से सारी चीज झप्ट हो गई है। जनतंत्र को चलाने की जितनी भी मेकेनिजम है, वह इतनी करप्ट हो गई है कि इस देश में कोई बात ठीक रास्ते पर नहीं चल रही है। यही कारण है कि देश में जो ला-जेसनेस बढ़ रही है, उनके पीछे जो सरकार के लोगों की कार्यवाही है, उस कार्यवाही ने एक वातावरण पैदा किया है, जिसमें हर कोई आदमी समझता है कि जायज तरीके से मेरा काम चलने वाला नहीं है। इसलिए किसी न किसी तरीके से अपना काम चलाओ। अपना काम चलाने के सिलसिले में हर आदमी आज कानून तोड़ रहा है; क्योंकि देखता है कि देश को नेतृत्व देने वाली पार्टों के नेता हों कानून तोड़ने पर तुल गये हैं; इसलिये और लोग भी अपना स्वार्थ साधने के लिये इस तरह के काम करने लगे हैं। जिससे देश भर में इस तरह का झप्ट वातावरण बन गया है। इसलिए राष्ट्रपति शासन के लिये प्रोक्लामेशन के कन्फर्मेशन का

SHRI JAISUKHLAL HATHI: I have heard with attention all the speeches made by the various Members and I am thankful to those Members who have supported this motion. Other Members who have not been able to support the motion have not perhaps been able to understand the reasons that I had submitted at the very beginning and I am also constrained to say that they have not correctly understood the facts. Some of them have not even perhaps remembered certain facts mentioned here just now and some have complained of things which have been done. Shri Bhupesh Gupta's first complaint was that the letter or the report which I read was only an extract but the whole of it should have been made available. That report had been laid on the Table of the House on 29th July. If a Member wants to argue on facts which are not their and he simply goes on complaining that the report is not made available, although it has been laid on the Table of the House, it will be difficult for me to argue and convince him.

SHRI BHUPESH GUPTA: Full or summary ?

SHRI JAISUKHLAL HATHI : Full. A person can be convinced if he bases his reasoning on the facts as established but if one tries to base his arguments on things which are not correct, then my first task would be to establish the fact. In this case luckily the report or the letter which I read has been placed on the Table of the House. The other argument which he advanced . . .

SHRI BHUPESH GUPTA: Not an argument. Maybe it has been laid, we do not know I still do not know what it contains.

SHRI JAISUKHLAL HATHI : That is what I mean. The second thing he said was that there was no indication that the Government could not have been carried under the provisions of the Constitution. The Legislature is there, the High Court is there, why the Government could not function ? I also mentioned that the Ministry resigned. "The Governor called all other Ministers and several other ex-Ministers, Members of the majority party and he also consulted the Members of the Opposition. When from the majority party none . . .

SHRI BHUPESH GUPTA: That was for formality.

SHRI JAISUKHLAL HATHI: It may be a formality for Mr. Gupta but it was really a sincere effort on the part of the Governor to find out if any of these was prepared and able to form a Ministry. Now if a Ministry could not be formed, then answering Mr. Gupta's question 'How could it be said that the Government could not function under the provisions of the Constitution ?' is very simple.

SHRI BHUPESH GUPTA : Do not jump to conclusions. First say whether the Congress party had a majority in the Assembly and then explain why that majority party could not produce a Government.

SHRI JAISUKHLAL HATHI: Now the majority party is the Congress and that is a fact. The Ram Kishen Ministry resigned—that is also a fact. The report

[Shri Jaisukhlal Hathi.]

also says that the Governor consulted others and they were not prepared to form a Ministry. That is also a fact. Then article 63 also provides that there shall be a council of Ministers and if there is a Legislature, if there is a High Court but if there is not a Council of Ministers, well, the Government cannot run according to the provisions of the Constitution. There should be a Council of Ministers. Therefore, to say that he could not understand how it was said that the Government could not be run or could not be carried on according to the provisions of the Constitution—that question does not arise.

SHRI BHUPESH GUPTA : It does.

SHRI JAISUKHLAL HATHI : If it does, it is all right for you but not for me.

SHRI BHUPESH GUPTA : I say you do not give an explanation'. The Congress had a majority and that Legislature Congress Party did not produce a Government which normally it should. I said : 'You have not given a proper explanation as to how it came about'. Then I gave my information that there was a factional quarrel in which the Centre was also involved and it brought about this .

SHRI JAISUKHLAL HATHI : Shall we go on with this dialogue ? I have given an explanation which will convince anybody who is prepared to be convinced. The third thing he said was : 'This is a wrong precedent and if any party was in power, they would have asked the Governor to call the majority party and consult whether they would be prepared to form a Ministry'.

This also, the Governor had consulted all others, and he has stated in his letter which I read—it was not an extract; it was the whole letter; I read out nearly the whole of that letter—he has very clearly stated :

"I have been having discussions with several people with a view to ascertaining whether an alternative arrangement for the formation of a Ministry could be made. I have discussed the matter with the Chief Minister, all other Ministers, with the Leader of the Oppo-

sition, ex-Ministers and others. There is a complete unanimity that, under the present conditions, it would not be possible to form another Ministry and that there is no alternative except for the Government of the State to be taken over by the President."

This is what the Governor says. (*Interruptions*) Now I am not yielding for some time.

SHRI BHUPESH GUPTA : Mr. Hathi, you are good; you are explaining "complete unanimity".

SHRI JAISUKHLAL HATHI : Complete unanimity of all those.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Bthupesh Gupta, he is not yielding, he says.

SHRI BHUPESH GUPTA : Kindly yield. You said "complete unanimity". I accept it. Therefore it is presumed complete unanimity was also among the members of the Congress Party there.

SHRI JAISUKHLAL HATHI : And of the Opposition.

SHRI BHUPESH GUPTA : Well, for the present the Opposition does not form a Government, with such a small opposition. Since you said "complete unanimity" of the Assembly Members, it is presumed, it follows there was complete unanimity among the Congress Members also. How is it that a majority party unanimously comes to the agreement that they should not produce a Government except if there be some extraneous reasons for that. And you have a precedent, when such a situation arose, when such a difficulty arose, you even exported a Minister, a person from Delhi, Shrimati Sucheta Kripalani was sent to U.P.

SHRI JAISUKHLAL HATHI : Now I thought that in his anger and resentment he had saved us the hearing of harsh words which he was going on speaking at the end of his speech. I thought he was now refraining from speaking as a sign of his protest, but I am glad that he is again coming back and intervening and asking questions, so that his anger has gone, I think.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : He is a sportsman.

SHRI JAISUKHLAL HATHI : I am glad that his anger and wrath have gone away, have disappeared.

SHRI AKBAR ALI KHAN : It has.

SHRI BHUPESH GUPTA: Mr. Hathi, I have read an article, the importance of being Mr. Hathi.

SHRI JAISUKHLAL HATHI: That was not very complimentary.

Then he says about the denial of the right of the Punjab people to be governed by a Government elected by them. Well, we have never denied that right. That right is there, and it is in our anxiety to allow the people of Punjab to exercise that right as quickly as possible that we have decided to bring the two States into being as early as possible, and to give them their Legislative Assembly. Therefore, that anxiety we are also sharing, perhaps in a more responsible manner than Shri Bhupesh Gupta does.

SHRI BHUPESH GUPTA : For the first time.

SHRI JAISUKHLAL HATHI: Then the other Member who spoke from this side, Kumari Shanta Vasisht, she said that the Government of India should have used the law of the land, and not invoked article 356. I think the Constitution is a Constitution of this land of India, and if we are acting under the provisions of article 356, we are acting under the law of the land. It is not a foreign Constitution whose article we are invoking for this purpose and, therefore, when circumstances arise, which Diwan Chaman Lall has very ably put, it has to be invoked, and there was no other alternative but to do so.

Then Shri Banka Behary Das, he said about the Governor's action against the hoarders and the Congressmen resenting all this action. Now on the one hand he appreciates the action of the Governor and he feels that it is because of the Governor that this action against the hoarders is being taken. Of course it is a good thing that he is doing and it should be done. But let it not be thought that

where there are Ministries, popular Ministries, actions against blackmarketeers and hoarders and profiteers have not been taken. They have been taken, and if I may, I can give you the figures. I can say that during the period of the emergency ending last year, there have been a number of prosecutions against blackmarketeers and profiteers and the figure runs into, say, 50,000 people throughout the country, in different States where everywhere there is the Congress Ministry. Therefore, this is a constant drive which we are carrying on.

SHRI BHUPESH GUPTA : There are two things . . .

SHRI JAISUKHLAL HATHI: Strong action against the hoarders should be taken, it was said. That we have taken and we shall take. Then we cited some individual cases and I do not think they were relevant to the present Proclamation. Of course there is nothing wrong in it. Anyway it will be our duty to see that no injustice is done to anyone. If there is anything wrong in the administration, it will be our duty to look into all those cases.

Then I am thankful to Diwan Chaman Lall for his able contribution, for the analysis which he made. Naturally, when the conditions in a State so come up that it is not possible to carry on the administration of the State according to the provisions! of the Constitution, the President has a responsibility under the Constitution to issue a Proclamation. He has no other alternative but to do so, and it is in the discharge of that responsibility enjoined upon him under the Constitution that he issued this Proclamation. But I may make another point clear, which point was taken up by Shri Ghosh perhaps. It was Shri Ghosh perhaps who said that when Bombay was bifurcated President's rule was not imposed, that it was not a condition precedent. Here again, as I observed earlier, is that on facts which are stated hon. Members do not give any consideration, and they go on advancing arguments which suit them. I myself, when moving the motion, said, and I may read what I said :

"It was of course not an essential part of the scheme of reorganisation that the Punjab State should be brought



[Shri Jaisukhlal Hathi.]

under President's rule for giving effect to this scheme. The Assembly and the Council of Ministers might have continued to function."

I myself said so. So therefore his argument that there are double standards does not hold good. I had been watching his speech. He is very fond of using the expression "double standards" everywhere, whether it is right or whether it is wrong. Here also, because he wanted to have the use of this expression "double standards", he brought in Bombay and he said that in Bombay, when it was bifurcated, Bombay into Maharashtra and Gujarat, "you did not have President's rule. Why do you have it here for the same bifurcation?" Now bifurcation is not the reason for having President's rule. I myself said that President's rule is not necessary, that it is not a part of a scheme of reorganisation. But I mentioned the other circumstances also. The other circumstances are that the Ministry had resigned. No other Ministry could be formed and therefore the Government of the State could not be carried on according to the provisions of the Constitution. My hon. friend also made the same complaint that Shri Bhupesh Gupta made, namely, that no report of the Governor is forthcoming and therefore, they could not decide. Now, it is not my fault if what is laid on the Table of the House is not looked at or referred to by hon. Members and then they complain that it is not available.

My hon. friend also said that the President's Rule was brought in for the benefit of the Party. I fail to understand how it is for the benefit of the Party when there is no Ministry and no Ministry is possible.

SHRI BHUPESH GUPTA: That is because your people were quarrelling.

SHRI JAISUKHLAL HATHI: Even otherwise our people were there and they will be there whatever may happen. Before the coming general elections neither Mr. Gupta's Party nor any other Party except this Party can be there. Therefore it was not meant to benefit the Congress Party. The Congress Party was there and they will be there. They were in power and they will remain in power.

(Interruptions)

THE VICE-CHAIRMAN (SHRI M. P. BHAROA): Order please.

SHRI BHUPESH GUPTA: The whole lot of them were fighting each other.

SHRI JAISUKHLAL HATHI: So far as Shri Bhandari is concerned, I am thankful to him for this at least that he in one respect supported this Resolution, because he said that this President's Rule must be continued till the general elections. That means that this Resolution has to be approved. There cannot be President's Rule unless this Resolution is approved. This Resolution has to be approved if the President's Rule is to extend up to the time of the general elections. So indirectly he supports this Resolution. He wants President's Rule until the general elections. You cannot extend President's Rule unless you have President's Rule and to have that you have to approve of this Resolution. Therefore, he supports this Resolution.

SHRI BHUPESH GUPTA : We are opposed to the Proclamation.

SHRI JAISUKHLAL HATHI: You may oppose the Proclamation. But I am not referring to Mr. Gupta.

SHRI BHUPESH GUPTA : I said that for all of us.

SHRI JAISUKHLAL HATHI: Then my hon. friend Shri Abdul Ghani talked about the various provisions that should be in the Bill, about the members of the Legislative Assembly of Haryana, how the membership should be divided, whether it will have an adequate number, what will be the position of the border security, what will become of the Beas and Bhakra Boards and so on.

SHRI BHUPESH GUPTA: I suggest, let the Congress Members in that Assembly be asked to surrender their salaries to us. We are doing it.

SHRI JAISUKHLAL HATHI: My Communist friends should not have greed for money and they should not try to get somebody else's money.

SHRI BHUPESH GUPTA: But the elected people there do not function. What can I do ?

SHRI JAISUKHLAL HATHI : Then he said that the officers are a danger to the country and he warned us against students agitation. So far as the officers are concerned, I may say, this. My hon. friend wanted President's Rule to be extended till the general elections. But if the President's Rule is extended, then it will be only the officers who will run the Administration. Therefore, to say that there is a risk is rather a very sweeping statement. I think, therefore, Sir, that all the points that were raised by various hon. Members against this Resolution were either based on wrong information or on insufficient knowledge of facts or on wrong data. Although data was available to them, they did not take that data into consideration, perhaps inadvertently. Had they taken into consideration these facts perhaps it would not have been so easy for them to argue in the way in which they argued.

Sir, I do not think I should take more time of the House.

SHRI BHUPESH GUPTA : Do take a little more time.

SHRI JAISUKHLAL HATHI: Pardon?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : You proceed.

SHRI JAISUKHLAL HATHI : Then my hon. friend Shri Bhandari, as I said, really supported the Resolution, in the sense that he wants the President's Rule to be extended. But his argument was that it was not necessary to have President's Rule for the division of assets and liabilities and that some other machinery could have been set up for this purpose. I have never said that President's Rule was necessary for this purpose or that the Proclamation was issued and the State of Punjab has been taken under President's Rule for the purpose of the division of assets and liabilities. That was never my argument. Nor has the Governor given the report saying that it is necessary to have President's Rule because the division of assets and liabilities will not otherwise be possible. That is nobody's case. Then again, as I have been repeating, arguments have been advanced on data which do not exist. First of all some imaginary data is taken to be correct data and on that incorrect data they base their arguments. The arguments are logical. I must give

them that credit, that their arguments are logical. But the data on which they are based are wrong. Here it is nobody's case that for the division of the assets and liabilities it is necessary to have President's Rule. That is not so. In Bombay and Maharashtra, when the Bombay State was divided, also in the case of other States, it was possible to do it without President's Rule and it has been done. Therefore, it is not anybody's case except of those who want to use this for an argument which may look logical. It may be logical provided the data are correct. But the data, as I said, are not correct.

SHRI BHUPESH GUPTA: One thing has to be answered. That is the main point and it has not been answered. How is it that the Congress Members there could not elect a leader?

SHRI JAISUKHLAL HATHI: I think I have replied all the points that were raised and I have done it in a convincing manner. But if they do not want to be convinced, then it is a different matter. Therefore, I commend this Resolution for the approval of the House.

SHRI BHUPESH GUPTA: We raised many points and he has dealt with some of them. But one question still is in the dark. How is it—and you may give us the information if you have got it—that the Congress Members in the Punjab Assembly could not elect a leader from amongst themselves? Will you kindly explain the reason why? Is it because there is not a single member in that Assembly who is competent enough to be the leader?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That need not be replied to.

The question is :

"That this House approves the Proclamation (G.S.R. No. 1069) issued by the President of India on the 5th July, 1966, under article 356 of the Constitution, in relation to the State of Punjab."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The House stands adjourned till 11 A.M. on Monday the 5th September.

The House then adjourned at forty-eight minutes past five of the clock till eleven of the clock on Monday the 5th September, 1966.