

MR. CHAIRMAN : It will be for me to decide whether it is of such urgent public importance. I think this is not of such an urgent public importance that I should suspend this debate.

SHRI BHUPESH GUPTA : Sir, can they not without giving reason ...

MR. CHAIRMAN : I will not suspend the debate in order to allow you to raise this matter because I think it is not of such urgent public importance.

REFERENCE TO THE REPORTED RESIGNATIONS OF MINISTERS IN ORISSA

SHRI BHUPESH GUPTA (West Bengal) : I should like to know the position ...

SHRI LOKANATH MISRA (Orissa) : Mr. Bhupesh Gupta, let me raise it. Sir, the Orissa position is getting complicated. Yesterday it had taken one shape. Now, today it has taken a different shape. The Ministers are not prepared to withdraw the statement.

MR. CHAIRMAN : I hope the Government will make some statement in the course of the day.

SHRI BHUPESH GUPTA : Let the Home Minister say whether he knows this thing.

MR. CHAIRMAN : You cannot dictate to the Home Minister.

THE MINISTER OF HOME AFFAIRS (SHRI GULZARILAL NANDA) : Every one of us has something of his own, I believe. I am answering regarding Orissa. This can be stated in one sentence. Some Ministers may have submitted their resignation, the Deputy Chief Minister or a number of Ministers. But the Chief Minister also is a Minister. The Chief Minister is there. He is the Chief Minister and he is in position. Therefore, so far as the Government is concerned, the Government business is carried on through the Chief Minister. Such things may arise. They will be dealt with. But that is not the question for us here. Anyway, the Chief Minister is there. There may be some difficulty, some trouble. I en-

quired from the Chief Minister and he said that he was functioning as the Chief Minister of the State. Therefore, I do not think any other question arises here. There may be some difference of opinion that may have arisen between them. This may be sorted out in one way or the other. But that is not a matter which can cause us any great difficulty or problem.

SHRI BHUPESH GUPTA : Sir, that answer is unsatisfactory. I know the position of the Government in this matter. The Chief Minister alone is not responsible. Our Constitution provides for a Council of Ministers. It does not provide that the Chief Minister shall be responsible. The Council of Ministers is responsible for the conduct of the administration of the country. Now we find that all the members of the Council of Ministers other than the Chief Minister have not only tendered their resignation publicly but they are insisting on it. And, Sir, according to the report the Chief Secretary should send the files to the Chief Minister rather than to any of the Ministers or the Council of Ministers. It is an extraordinary situation. Not only that, the Chief Minister's public statement is also there in the paper. I am not going into that matter. I am only concerned with the Constitutional aspect of the matter. We have, therefore, the situation in our knowledge publicly stated by the Minister concerned that the files are to go from their Ministries to the Chief Minister. Therefore, a kind of constitutional sit-down boycott has started by the 12 Ministers against the Chief Minister. Naturally, it is not an ordinary situation. I should like to know whether the hon'ble Home Minister has got any report from the Governor on the subject. Secondly ...

SHRI M. M. DHARIA (Maharashtra) : On a point of order, Sir. My point of order is that there is no Calling Attention Notice for discussion on the Order Paper. The hon'ble Member was allowed to raise the point. You, Sir requested the hon'ble Home Minister to make the statement. The statement has been made. When there is nothing on the List of Business, if I am to remind you, Sir, it was agreed that only a

mention should be allowed to be made briefly, and only the Member concerned should bring forth ...

MR. CHAIRMAN : It is not that thing. Something was raised yesterday. There is no mention of that item in the Order Paper today. Therefore, the Members are anxious to know the position. The Home Minister has been pleased to tell the House what the position is. They want to know a little more. It has nothing to do with a Calling Attention Notice. Today there is no Calling Attention Notice.

SHRI M. M. DHARIA : Sir, this is creating new precedents. If your honour is pleased to create new precedents, I have nothing to say. But we are creating new precedents which are not in the rules. Now, Sir, this is my privilege to bring the matter to the notice of the Chair. (*Interruption*) I will not be cowed down in this way. I have brought it to your notice and now it is for you to decide. We shall abide by your discretion. But I think it is not in the interest of the House that we are creating new Exaditions which are adding to confusion. It should not happen.

MR. CHAIRMAN : He is not raising any point about Calling Attention Notice. Mr. Misra raised a point about Orissa which was agitated yesterday and on which he expected a statement from the Home Minister which the Home Minister has been pleased to do.

SHRI BHUPESH GUPTA : You assured him after that ...

MR. CHAIRMAN : That the Government would make a statement.

SHRI BHUPESH GUPTA : And we sat down. Now it seems that the Home Minister can say something. The trouble is what he has said we are not satisfied with. Hence we ask. It is a sequel to your ruling. It is a triangle. Nothing is wrong. We are asking. Do not get upset. May I ask whether the Home Minister has got a report from the acting Governor how the Government is going to settle this problem when all the members of the Council of Ministers except the Chief Minister not only privately offered their

resignations but made it publicly known? They also made it known publicly that the files from the offices should go straight to the Chief Minister. That means that they are not agreeable to function even as an interim arrangements. This clearly shows that under such a situation it does seem that at the Ministerial level or at the level of the Council of Ministers there is a positive breakdown of the normal constitutional process.

MR. CHAIRMAN : That will do, Mr. Gupta.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमान, मेरा एक प्वाइंट आफ आर्डर है। माननीय गृह मंत्री को सुनने के बाद मैं यह समझ नहीं पा रहा हूँ कि उड़ीसा में किस तरह से सरकार है। कांस्टीट्यूशन के 163 और 164 आर्टिकल्स को देखा जाय। मैं बहुत ही हैरत में हूँ कि हमारा केन्द्र और हमारे होम मिनिस्टर संवैधानिक धाराओं से इतने अनभिज्ञ हैं।

श्री सभापति : क्या है धारा वह बताइये।

श्री राजनारायण : वह यह कहते हैं वहाँ पर चीफ मिनिस्टर है। धारा 163 यह है :

“मंत्रि-परिषद्

163 (1) जिन बातों में इस संविधान द्वारा या इसके अधीन राज्यपाल से यह अपेक्षा की जाती है कि वह अपने कृत्यों अथवा उनमें से किसी को स्वाविवेक से करे उन बातों को छोड़ कर राज्यपाल को अपने कृत्यों का निर्वहन करने में सहायता और मंत्रणा देने के लिये एक मंत्रि-परिषद् होगी जिसका प्रधान मुख्य मंत्री होगा।”

माननीय होम मिनिस्टर का जो जवाब था कि वहाँ मुख्य मंत्री है, सरकार चल रही है यह बिल्कुल अवैध है, अनकांस्टीट्यूशनल है। In the eye of the Constitution it does not stand. मेरा कहना यह है कि यह डिक्टेटरशिप है, होम मिनिस्टर ने जो बात कह दी उससे जैसे कि मुख्य मंत्री को डिक्टेटर बना दिया, हमारा कांस्टीट्यूशन डिक्टेटोरियल नहीं है।

श्री सभापति : उन्होंने इस्तीफा दे दिया है और इन्नीफ मंजूर नहीं हुआ है।

श्री राजनारायण : अगर यह बात सही है कि वहां पर केवल एक मुख्य मंत्री है जो शासन को नाला कर रहे हैं तो यह संविधान की हत्या होगी, यह संविधान कहीं इन्विसेज नहीं करता है कि केवल एक मुख्य मंत्री एक्वाइंट करे।

SHRI M. PURKAYASTHA (Assam): What is this point of order?

SHRI RAJNARAIN : This is a point of order. You cannot understand what is the point of order. It is for the Chair.

श्री सभापति : आप अपनी बात कहिये, और झगड़ों में क्यों पड़ते हैं।

श्री राजनारायण : अब आर्टिकल 164 को देखा जाय। यह बात संविधान से साफ हो गई कि एक मंत्रि-परिषद होगी। संविधान हमारे एक चीफ मिनिस्टर को नहीं कही देखता कि एक वाफ मिनिस्टर किसा स्टेट में रह कर राज्य के कार्य का संचालन करें। आर्टिकल 164 कहता है :—

“164 (1) मुख्य मंत्री को नियुक्ति राज्यपाल करेगा तथा अन्य मंत्रियों की नियुक्ति राज्यपाल मुख्य मंत्री की मंत्रणा से करेगा तथा राज्यपाल के प्रसाद पर्यन्त मंत्री अपने पद धारण करेंगे :”

तो मेरा निवेदन है कि माननीय होम मिनिस्टर को सुनने के बाद आज उड़ीसा में कोई सरकार नहीं रह गई है, वहां मंत्रि-परिषद नहीं है, वहां संविधान की हत्या हो चुका है।

SHRI C. D. PANDE (Uttar Pradesh): It has not been accepted.

SHRI BHUPESH GUPTA : They have said so.

श्री राजनारायण : श्रीमान, जब चेयर ने सरकार से कहा कि कुछ सरकार को जवाब देना है तो दे, तो सरकार का जो अधिकृत जवाब है

वह गृह मंत्री ने यहीं दिया कि वहां पर केवल एक मुख्य मंत्री है जो कि सरकार चला रहे हैं।

SHRI GULZARILAL NANDA : I said that the resignations have been submitted but I did not say that they have been accepted and the Chief Minister ...

SHRI RAJNARAIN : Sit down. I am in possession of the House. Sir, you did not ask me to take my seat.

MR. CHAIRMAN : You put your question he is replying.

SHRI RAJNARAIN : Just hear me.

जब मैं क्वेश्चन पुट कर लूं और उस क्वेश्चन को आप एलाऊ करें तब वह बोलें। मैंने फ्लोर अभी ईलड नहीं किया है। हमको जबर-दस्ती न दबाया जाय।

श्री सभापति : कौन दबा रहा है। आपका प्वाइंट आफ आर्डर मुश्तसर में होना चाहिये।

श्री राजनारायण : मैं आपसे निवेदन कर रहा हूं कि हमें जबरदस्ती नहीं दबाया जाय।

श्री सभापति : यह फर्लिंग क्यों है कि कोई दबाता है। आखिर आप इतनी देर से बोल रहे हैं, आप मामले को खत्म तो कीजिये।

श्री राजनारायण : मामले को खत्म कर रहा हूं। यह होम मिनिस्टर कहते हैं कि हमने नहीं कहा। उनका जवाब मैंने सुन लिया है और मैं उसका जवाब देता हूं।

श्री सभापति : यह आपका प्वाइंट आफ आर्डर नहीं है। आपने प्वाइंट आफ आर्डर के लिये कहा था और वह आप कह चुके, अब आप बैठ जाइये, आप तो कानून के पाबन्द हैं।

श्री राजनारायण : हमारा दूसरा प्वाइंट आफ आर्डर भी है। मैं आपसे जानना चाहता हूं, आप भी राज्यपाल रह चुके हैं, हमको किसी जगह कांस्टीट्यूशन के अन्दर दिखाया जाय कि कहीं का राज्यपाल प्रधान मंत्री से मिलने के लिये जाय यह कांस्टीट्यूशन में कोई निर्देश या हिदायत या अधिकार है? राज्यपाल आ सकता है तो प्रेसिडेंट के पास आ सकता है।

राज्यपाल की नियुक्ति प्रेसिडेंट करता है, प्राइम मिनिस्टर से राज्यपाल वहां के मंत्रिमंडल के गठन के सम्बन्ध में कोई बातचीत नहीं कर सकता है। आज अखबारों में मैंने पढ़ा है...

SHRI C. D. PANDE : On a point of order.

MR. CHAIRMAN : Let him finish.

श्री राजनारायण : तो मेरा प्वाइंट यह है कि आज अखबारों में यह समाचार निकला है कि वहां के राज्यपाल यहां आये हैं, प्रधान मंत्री से मिले हैं, प्राइम मिनिस्टर से वहां की सरकार के बारे में बातचीत हुई...

श्री सभापति : यह राज्यपाल इस वक्त वहां मौजूद थे, वह छुट्टी पर थे।

श्री राजनारायण : यह आप इन्फॉर्मेशन दे रहे हैं लेकिन प्रेस की इन्फॉर्मेशन यह नहीं है।

श्री सभापति : मैं क्या करूं ?

श्री राजनारायण : इसके बारे में क्या माननीय मंत्री जी बतायेंगे, सरकार बतायेगी कि राज्यपाल छुट्टी पर हैं। प्राइम मिनिस्टर से उन्होंने क्या बातचीत की होगी।

श्री सभापति : आपकी तसकीन उसी हालत में होगी कि वह बता दें, अच्छा साहब आप बता दीजिये।

SHRI .GULZARILAL NANDA : I would at once state that there is no violation of the provisions of the Constitution because the Chief Minister is there in position and the Council of Ministers is there also because the resignations have been submitted but not accepted. The Chief Minister can, at any time, have other Ministers and reconstitute the Ministry. That is a different matter. But the position to-day is this. Therefore, as regards the Governor, I have met him this morning. He is leaving for Bhubhaneswar; he will be reaching there and he will be sending a report but his information is the same as I have given.

MR. CHAIRMAN : That is enough.

SHRI NIREN GHOSH (West Bengal) : He gave an assurance on the floor of this House that Mr. Biju Patnaik will not be allowed to take over.

MR. CHAIRMAN : Mr. Ghosh, I will not allow any further discussion. Will you please sit down ?

SHRI NIREN GHOSH : That assurance should be honoured.

MR. CHAIRMAN : Please do not give any reply.

SHRI NIREN GHOSH : Why not ?

MR. CHAIRMAN : Because I think it is enough.

SHRI NIREN GHOSH : I am aggrieved.

SHRI BHUPESH GUPTA : He says that he met the Governor. Let us hear ...

MR. CHAIRMAN : This matter is closed. Let me begin the debate.

SHRI RAJNARAIN : According to the rules I can move any resolution at any time, if you allow. You have residuary powers.

MR. CHAIRMAN : I have not allowed.

श्री राजनारायण : श्रीमान, एक प्वाइंट हमारा यह है...

श्री सभापति : अब इस मामले पर नहीं।

श्री राजनारायण : मेरा एक प्रस्ताव है कि डिबेट को स्थगित किया जाय। आप सुनें तो कि मैं क्या कह रहा हूं। मैं यह कह रहा हूं...

श्री सभापति : मैं इस वक्त कुछ एलाऊ नहीं करना चाहता, मैं डिबेट शुरू करना चाहता हूं।

श्री राजनारायण : मैं इसलिये आपसे कहना चाहता हूं कि इस डिबेट को स्थगित किया जाय क्योंकि उससे ज्यादा जरूरी काम है। हमको कुछ कहने नहीं दिया जायगा।

SHRI BHUPESH GUPTA : You seem to be needlessly angry with me.