

पंजाब के मुख्य मंत्री के विरुद्ध लगाये गये आरोपों की जांच

\*६७२. श्री ए० टी० वाजपेयी : क्या प्रधान मंत्री २९ अगस्त, १९६३ को राज्य सभा में तारांकित प्रश्न संख्या ३०९ के दिये गये उत्तर को देखेंगे और यह बताने की कृपा करेंगे कि :

(क) क्या उन्होंने पंजाब के मुख्य मंत्री के विरुद्ध गैर-कम्युनिस्ट विरोधी दलों द्वारा लगाये गये आरोपों की व्यक्तिगत जांच पूरी कर ली है ; और

(ख) यदि हां, तो वह किस निष्कर्ष पर पहुँचे हैं ?

†[ENQUIRY INTO THE CHARGES LEVELLED AGAINST PUNJAB CHIEF MINISTER

\*672. SHRI A. B. VAJPAYEE: Will the PRIME MINISTER be pleased to refer to the answer given to Starred Question No. 309 in the Rajya Sabha on 29th August, 1963 and state:

(a) whether he has completed the personal enquiry into the charges levelled against the Chief Minister of Punjab by the non-Communist opposition parties; and

(b) if so, what is the conclusion he has arrived at?]

वैदेशिक कार्य मंत्रालय में उपमंत्री (श्री दिनेश सिंह) (क) और (ख) : मुख्य मंत्री पंजाब के विरुद्ध लगाये गये आरोपों से सम्बन्धित कागजात की जांच पड़ताल अभी मुकम्मल नहीं हुई है। विदित हो कि इन आरोपों में से कई एक लगभग दो वर्ष या उससे पहले कांग्रेस के अध्यक्ष को मिल थे वे आरोप एक उप-समिति को भेजे गए, जो इस नतीजे पर पहुँची थी कि उनमें कोई असलियत नहीं थी। अब उनकी और दूसरे आरोपों की, इकट्ठी जांच पड़ताल, उन आरोपों के जवाबों के साथ जो कि मुख्य मंत्री से प्राप्त हुए हैं, हो रही है।

†[THE DEPUTY MINISTER IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI DINESH SINGH): (a) and (b) The examination of the papers relating to the charges against the Chief Minister of the Punjab has not yet been completed. It may be mentioned that many of these charges were received about two years or more ago by the President of the Congress. These were referred to a sub-committee, which came to the conclusion that there was nothing substantial in them. These and the additional charges are now being examined together with the replies to them received from the Chief Minister.]

SHRI A. B. VAJPAYEE: Now that the Government have taken official cognizance of the enquiry conducted by the Congress President may I know, Sir, whether the report of that enquiry will be made available to the Members so that we are in a position to know whether that Committee considered the issue as an internal affair of the Congress or an issue involving high principles of public conduct?

SHRI JAWAHARLAL NEHRU: Sir, I do not think that it would be proper for me because it is not in my province to request the Congress President to give a report of an enquiry that was conducted some two or three years ago. That would be a novel way of approaching this question, getting some papers which are confidential with them. It was mentioned in reply to the question that it was merely for the information of the hon. Members.

May I add that to some extent I am guilty for the delay in considering these matters now, because I had decided to look into all these papers myself personally. I had previously decided these papers to be looked through, to be examined by some senior officials. But I have been so heavily occupied during these days

of Parliament that I have been unable to do it. The fault is partly mine. Now, of course, lately, these are old charges. And recently many further papers in this connection have been received and the Punjab Government has supplied numerous papers, their comments. It is a very big file, very big bundle. It will take a little time to examine all these.

**SHRI A. B. VAJPAYEE:** Sir, the Chief Minister of Punjab has indicated in the State Assembly yesterday his readiness to face a judicial enquiry which shows that he too is eager to vindicate his position, or he too wants to have an opportunity to clear himself. But he has laid down certain absurd conditions in regard to such enquiry. May I know, Sir, whether the hon. Prime Minister would impress upon the Chief Minister of Punjab the desirability of agreeing to a judicial enquiry without any preconditions, and gratefully?

**SHRI JAWAHARLAL NEHRU:** Sir, I have seen in only this morning's newspapers something about what the Chief Minister has said, about his being perfectly prepared to have an enquiry. I know nothing else. I have not had any other communication about it.

As for the conditions which the hon. Member mentioned, it may be feasible or not feasible. I do not think he has said that. The enquiry should not last more than a month, that is the only condition I remember.

**SHRI A. B. VAJPAYEE:** Here is one more condition.

**SHRI JAWAHARLAL NEHRU:** And the other condition is that if he is found guilty he should be punished; if not, then his accusers should be punished.

**SHRI A. B. VAJPAYEE:** May I know, Sir, if the hon. Prime Minister is aware of the hectic lobbying that is going on in favour of Mr. Kairon inside Parliament and outside it, and

whether he is in a position to assure this House that no amount of lobbying will deter him in taking into consideration the basic issues that are involved in this question?

**SHRI JAWAHARLAL NEHRU:** I do not know. One thing I may say, Sir, just to explain the position. This matter has been referred to in Parliament and, to some extent, discussed. But it is not a matter for Parliament to consider really, if I may say so with all respect to you, Sir, because essentially it is a matter which the Punjab Assembly, being an autonomous State and autonomous Assembly, has to consider and express its opinion upon. It would be outside the scope, almost Constitutional scope, for us in Parliament to consider that. It is open to us to consider other aspects of the matter as we did, but essentially it is for the Punjab Assembly. No Constitutional difficulty has arisen in Punjab. Government has not failed there, the Assembly has not failed to function; they are functioning. And, therefore, normally, it is for them to consider.

As for the question that the hon. Member has asked me, about lobbying I suppose the hon. Member knows more about it than I do. I do not go and sit in the Central Hall. It appears to me that if there is lobbying, there is lobbying of all kinds and in every direction.

شری عبدالغفور : ابھی حال میں

شری موہن سنگھ ترک کے خلاف

درجوں کیس چلے - پنجاب گورنمنٹ

نے چلائے جب انہوں نے اعلیٰ عدالت

کو پنجاب کے باہر ان کیسیز کو

ترائی کرنے کے لئے کہا تو اس وقت

یہ آدر ہو گئے کہ باہر ترائی ہونگے -

اب سکار نے اچانک تمام چارجز کو

وایس لے لیا ہے - وہ تمام کومیسز وایس لے لئے گئے ہیں - تو کہا یہ چھوڑ پلجباب گورنمنٹ اور وہاں کے چھوٹے منسٹر کی کلگی کونشن کو ظاہر نہیں کرتی - میں یہ عرض کرنا چاہتا ہوں کہ جتنے بھی ریویس ججمنٹ ہو چکے ہیں جو اسٹیکچر پاس ہوئے ہیں ان کا خیال رکھا جائے اور کیپور اور گورنمنٹ کس میں ان کے خلاف جو باتیں کہی گئیں ہیں ان سب باتوں کو خیال میں رکھ کر انصاف کے لئے انہیں کورٹ میں لایا جانا چاہئے -

†[**श्री अब्दुल गनी :** अभी हाल में श्री मोहन सिंह तर्क के खिलाफ दर्जनों केस चले । पंजाब गवर्नमेंट ने चलाये । जब उन्होंने आला अदालत को पंजाब के बाहर इन केसेस को ट्राई करने के लिए कहा तो उस वक्त यह आर्डर हो गये कि बाहर ट्राई होंगे । अब सरकार ने अचानक इन तमाम चार्जिज को वापस ले लिया है । वह तमाम केसेस वापस ले लिए गये हैं । तो क्या यह चीज पंजाब गवर्नमेंट और वहां के चीफ मिनिस्टर की गिल्टी कोंशस को जाहिर नहीं करती । मैं यह अर्ज करना चाहता हूं कि जितने भी प्रिवियस जजमेंट हो चुके हैं जो जो इस्टिक्चर पास हुए हैं उन का खयाल रखा जाये और कपूर और गरेवाल केस में उन के खिलाफ जो बातें कही गई हैं उन सब को खयाल में रख कर इसाफ के लिये उन्हें कोर्ट में लाया जाना चाहिये ।]

**श्री सभापति :** जब आप बोलते हैं तो उस वक्त मना करना बेकार है, आप तकरीर कर रहे हैं या मुख्तसर सवाल कर रहे हैं ?

**شری عبدالغنی :** ابھی آدھٹی منسٹر صاحب نے کہا کہ دو سال سے زیادہ سے ہوا کہ جب کوئی چارج شیف کانگریس پریذیڈنٹ کو دیا گیا تھا اور پرائم منسٹر صاحب نے کہا وہ رپورٹ میں یہاں پر نہیں رکھ سکتا ہوں - میں ان کو یاد دلانا چاہتا ہوں کہ جو پمیشن شری کہروں کے خلاف دی گئی تھی اس میں میں بھی ایک سگنٹری تھا اور اب بھی ہوں اس پر پارلیمنٹ بورڈ نے جو جواب دیا اور اس کی کنسٹرکٹو ریسیپنسیبلیٹی چھوٹے منسٹر پر ڈالی اور چھوٹے منسٹر نے ریزائن کرنے کا افر دیا جو کہ ملحوظ نہیں کی گئی -

†[**श्री अब्दुल गनी :** अभी डिप्टी मिनिस्टर साहब ने कहा कि दो साल से ज्यादा समय हुआ कि जब कोई चार्जशीट कांग्रेस प्रेसीडेंट को दिया गया था और प्राइम मिनिस्टर साहब ने कहा वह रिपोर्ट में यहाँ पर नहीं रख सकता हूँ । मैं उन को याद दिलाना चाहता हूँ कि जो पिटीशन श्री कैरों के खिलाफ दी गई थी उस में मैं भी एक सिगनेटरी था और अब भी हूँ इस पर पार्लियामेंट बोर्ड ने जो जवाब दिया और इस की कंस्ट्रक्टिव रेस्पॉसिबिलिटी चीफ मिनिस्टर पर डाली और चीफ मिनिस्टर ने रिजाइन करने का आफर दिया जोकि मंजूर नहीं की गई ।]

**श्री सभापति :** अब आप चुप हो जायें ।

**شری عبدالغنی :** تو میں یہ کہتا ہوں کہ ڈپٹی منسٹر صاحب نے جو فرمایا ہے ایک غلط بیانی سی ہے - ان پر چارج لگایا گیا ہے

اور کانسٹیبل ریسیکٹو ریسیکٹو ڈالی گئی ہے - میں یہ عرض کرنا چاہتا ہوں کہ ۵ سال پہلے جو میں نے پتیشن دی تھی اور کہروں پر ریسیکٹو ڈالی گئی تھی چونکہ میں اس کا سکیورٹی میں جو چارج شہت دیا گیا تھا تو میں پوچھنا چاہتا ہوں کہ پرائم منسٹر صاحب سے چونکہ چارجز جو دیئے ہیں وہ میرے ہاتھ میں ہیں اور میں نے یہ ریویسٹ کی تھی کہ ان کے خلاف انکوائری کی جائے اور انہوں نے کہا کہ میں انکوائری کرونگا - جب سردار پرتاپ سنگھ کہتے ہیں کہ انکوائری کھجئے تو ہم بھی بالکل تیار ہیں اور نہ صرف ایسے پورسکوشن کو پروڈیوس کریں گے بلکہ جوڈیشل یا سپریم کورٹ کوئی بھی جج جو بھی فیصلہ دے گا اس کے مطابق یا ہم اندر جائیں گے یا وہ جیل کے اندر جائیں گے -

†[**श्री अब्दुल गनी :** तो मैं यह कहता हूँ कि डिप्टी मिनिस्टर साहब ने जो कुछ फरमाया है वह एक गलत बयानी की है। उन पर चार्ज लगाया गया है कि कंस्ट्रक्टिव रिस्पोंसिबिलिटी डाली गई है। मैं यह अर्ज करना चाहता हूँ कि दो साल पहले जो मैं ने पिटीशन दी थी और कैरों पर रेस्पोंसिबिलिटी डाली गई थी चूँकि मैं इस का सिगनेटरी हूँ जो चार्ज शीट दिया गया था तो मैं पूछना चाहता हूँ कि प्राइम मिनिस्टर साहब से चूँकि चांजिज जो दिए हैं वह मेरे हाथ में हैं और मैंने यह रिक्वेस्ट की थी कि उन के खिलाफ इन्क्वारी की जाय

और उन्होंने कहा कि मैं इन्क्वारी करूंगा। जब सरदार प्रताप सिंह कहते हैं कि इन्क्वारी कीजिये तो हम भी बिल्कुल तैयार हैं। और न सिर्फ अपने प्रोसिक्यूशन को प्रोड्यूस करेंगे बल्कि जुडिशियल या सुप्रीम कोर्ट का कोई भी जज जो भी फैसला देगा उसके मुताबिक या हम अन्दर जायेंगे या वह जेल के अन्दर जायेंगे।]

**श्री जवाहरलाल नेहरू :** मैंने जनाब की यह एक तकरीर सुनी जोकि एक प्रोसीक्यूशन की स्पीच मालूम होती है किसी मुकदमे में। उन्होंने अपनी तकरीर में कोई सवाल नहीं फरमाया।

[**कई माननीय सदस्य खड़े हुए।**]

**श्री सभापति :** आप सब साहबान तय कर लें कि पहले कौन साहब बोलना चाहता है।

**श्री राम सहाय :** मैं यह अर्ज करना चाहता हूँ कि उधर वालों की ही बात ज्यादा सुनी जाती है। मेरा क्वेश्चन यह है . . .

**SHRI A. B. VAJPAYEE:** On a point of order, Sir. Mr. Abdul Ghani has put a definite question whether the Sub-committee appointed by the Congress Committee . . .

**MR. CHAIRMAN:** He has brought in so many things. It is a long thing.

**SHRI A. B. VAJPAYEE:** Not so many things, Sir. There is one straight question, specific question whether the Sub-committee found the Chief Minister guilty of constructive responsibility in the matter. Unless the report is made available to the House, how can we know what the Sub-committee recommended?

**DIWAN CHAMAN LALL:** It is neither an official report nor an official matter. It has got nothing whatever to do with the Government.

MR. CHAIRMAN: I do not want this matter to be argued.

SHRI A. B. VAJPAYEE: Sir, I seek your intervention. The Deputy Minister in his reply has referred to some enquiry conducted by the Congress President.

MR. CHAIRMAN: He has referred to it but he also said that those charges and the additional charges are now under consideration.

SHRI A. B. VAJPAYEE: He has also stated that the Sub-committee did not find the Chief Minister guilty. Mr. Abdul Ghani says that the Sub-committee did find the Chief Minister guilty of constructive responsibility. How are we to decide it?

(Some hon. Members rose to speak.)

MR. CHAIRMAN: So many? One, two, three, four, five, six. Mr. Ram Sahai.

श्री राम सहाय : सैरी अर्ज यह है कि क्या मैं जान सकूंगा कि प्रधान मंत्री जी को किसी स्टेट के चीफ़ मिनिस्टर के बारे में इस प्रकार की जांच करने का कोई अधिकार है और इस बारे में हाउस में इस प्रकार की कोई बात करने का अधिकार है ?

( श्री जवाहरलाल नेहरू : मैं ने शुरू में कहा कि इस का कोई अधिकार नहीं है । अगर कांग्रेस ने कुछ किया है तो बहसियत एक सरकारी कानून के नहीं बल्कि कांग्रेस का जो रिश्ता है उस से किया है । )

SHRI GANGA SHARAN SINHA: Sir, normally I do not think this House can ask for any such report, but here a reference has been made in the reply. With regard to that reply, there is some dispute regarding the fact. In the reply it has been stated that the Chief Minister was exonerated or the charges had no substance. But here is an hon. Member who says that it is not correct and wrong informa-

tion is being given to the House. Therefore that report should be placed before this House, Sir. Secondly, when the Government mentions something from that report it is supposed that the report is the possession of the Government—and once a reference has been made, I think this house is entitled to see the report. When there is a dispute regarding the fact, I think the Prime Minister should make available that report to the house.

SHRI JAWAHARLAL NEHRU: Sir, it is not under my custody and it has not been under my custody at any time. I heard about it. Perhaps the hon. Member who spoke first earlier said it was not two years ago but it was five years ago. Well, I cannot remember the exact date. Maybe three years ago or four years ago, I do not remember it, it is a long time now. I never had it, nor could I possibly take it from anybody. And do not agree with the hon. Member who just now spoke that because a reference is made here, therefore the report should be made available. Reference was made in this connection that many of these charges were put forward some years ago and at that time—it is my recollection—they were not considered of substance and the Congress Committee no doubt enquired into them but decided not to proceed further. I do not know what is meant by 'constructive responsibility'—I do not remember it. Something may have been said — constructive responsibility—but in the balance they said these had no great substance. However, this is not mentioned in the reply in any defence but the fact is that these things were considered some years ago and they are again being considered.

SHRI B. K. P. SINHA: May I know Sir, if it is the opinion of the Prime Minister that in spite of the wide powers vested by the Constitution in the Union Government and the President of India to supersede a State Government and to issue directive, the Prime Minister of India as Prime

Minister of India cannot go into such questions regarding a Chief Minister?

SHRI JAWAHARLAL NEHRU: I do not speak either constitutionally or in some other capacity. Constitutionally I do not think the Prime Minister can take any steps. He can, of course, if he thinks that the conditions are fulfilled, submit his opinion to the President but if he is convinced and the President is convinced, only then can this question arise. But in other capacities it is certainly open to the Prime Minister to give his advice to anybody.

(Interruption)

MR. CHAIRMAN: Next question.

SHRI CHANDRA SHEKHAR: Sir, the Prime Minister has made a wrong statement. Here is a report by Shri Shriman Narayan and press cutting of Pandit Jawaharlal Nehru's statement.

(Interruptions)

SHRI JAIRAMDAS DAULATRAM: On a point of order, Sir. I want to know whether hon. Members are entitled to disobey the Rules of Procedure of the House. Once the Chairman closes an item and takes up the next item, are we entitled to continue dealing with the closed item?

MR. CHAIRMAN: I am quite sure they are not. They should obey the Chair. I am also happy to note that they do but the transition takes a little time.

12 NOON

SHRI CHANDRA SHEKHAR: Sir, I request your—ruling on my point of order. If any Minister makes a wrong statement in the House, whether it is the right of an other Member to challenge that statement or not. If he has the right, then I say that the Prime Minister has made a wrong statement. The Report was submitted by Shri Shriman Narayan on May

19th, 1958 and the Prime Minister made a Press Statement on 4th June regarding this Report.

MR. CHAIRMAN: Mr. Chandra Shekhar, you go a little slow. You first put a question and then you presume what the reply to that question is and you go on making a statement. That is wrong. It is not right, neither does the point of order stand.

SHRI CHANDRA SHEKHAR: Sir, I want your ruling on this point of order whether when a Minister makes a wrong statement, any Member has the right to challenge that statement.

MR. CHAIRMAN: But you did not wait for my reply; you proceeded to say something which was very wrong.

SHRI DAHYABHAI V. PATEL: He was only explaining his point of order.

MR. CHAIRMAN: No, he was saying what he would have said if I had permitted him to do so.

SHRI DAHYABHAI V. PATEL: We are interrupted by hon. Members on the other side. You are very kind and considerate, Sir, but the hon. Members interrupt us from the other side. There are so many Members on the other side who are assuming and abrogating your power and they are interrupting Members on this side.

MR. CHAIRMAN: If there are too many interruptions from any side, they are from your side. I hope that will not be done.

SHRI B. D. KHOBARAGADE: Sir, may I submit to you, Sir, that . . .

MR. CHAIRMAN: No. The Question Hour is over.

SHRI B. D. KHOBARAGADE: Sir, it is not something relating to the questions. I only make a submission. You know we have to depend on you

for help and support for protecting and safeguarding the rights of individual Members. Shri Chandra Shekhar has pointed out that the Prime Minister has made a statement and that he has evidence to prove that what the Prime Minister has said is incorrect, that he has made an incorrect statement. Sir, we have to depend on you to help and support so that our rights are safeguarded and our stand is vindicated. If the hon. Member is able to prove that the Prime Minister has made a wrong statement, he should be given a chance to prove that the Prime Minister has made a wrong statement. We depend on you, Sir, to safeguard our rights.

**SHRI CHANDRA SHEKHAR:** How can you deny that point of order? Is it not our right to have a ruling from the Chair? You should give your ruling on the point of order whether we have that right or not. I have raised a specific point of order, namely, whether if any hon. Minister makes a wrong statement, any Member has the right to challenge that statement or not.

**MR. CHAIRMAN:** My ruling is that he has the right to challenge it, but you cannot challenge it now because the Question Hour is over. You can do it at some other time.

We take up the Short Notice Question.

**SHRI G. MURAHARI:** I strongly protest against this sort of procedure, because this has nothing to do with the Question Hour. He has raised a specific point of order. There is a wrong statement by the Prime Minister and it should be taken up here and now.

**MR. CHAIRMAN:** Mr. Murahari, you will consider your language when you say that you strongly protest against what the Chair has done.

**SHRI G. MURAHARI:** I take full responsibility for whatever statement I made because . . .

**MR. CHAIRMAN:** You are not supposed to do that, I hope you will learn.

**SHRI G. MURAHARI:** I am not speaking against your ruling. I am only saying that on this question, you should give your ruling. When the Prime Minister makes a wrong statement, can he get away with it? Either he should prove it or the other should be allowed the opportunity to prove it to be wrong.

**MR. CHAIRMAN:** I am grateful to Mr. Murahari for telling me what I should do. I have given my ruling, and that is that if a Minister makes a wrong statement, any Member is entitled to challenge it. That is all. You can take some other opportunity to challenge it. The Question Hour is over and I will not allow it.

## SHORT NOTICE QUESTION AND ANSWER

### IMPORT AND PRICE OF FERTILIZERS

6. **SHRI N. C. KASLIWAL:** Will the Minister of FOOD AND AGRICULTURE be pleased to state:

(a) whether Government propose to give high priority in the matter of allocation of foreign exchange for importing fertilizers; and

(b) whether there is any proposal under consideration by Government to appoint a small expert committee to explore ways to reduce the price of fertilizers?

**THE MINISTER OF STATE IN THE MINISTRY OF FOOD AND AGRICULTURE (SHRI RAM SUBHAG SINGH):** (a) Yes, Sir.

(b) There is no such proposal, to appoint an expert committee.

**SHRI N. C. KASLIWAL:** Sir, I am grateful to the hon. Minister for giving the answer "Yes" to part (a) of my question. But may I enquire whether the Ministry is considering