

PAPER LAID ON THE TABLE

PROCLAMATION UNDER ARTICLE 356 OF
THE CONSTITUTION

THE LEADER OF THE COUNCIL (SHRI C C BISWAS) Sir, on behalf of the Minister for States, I beg to lay before the House, under clause (3) of article 356, a copy of the Proclamation issued by the President, assuming to himself the functions of the Government of the Patiala and East Punjab States Union as specified in the said Proclamation and dissolving the Legislature of that State [Placed in Library, See No S-11/53]

OPPOSITION MEMBERS Shame. Shame

CONGRESS PARTY MEMBERS Hear, hear.

KHWAJA INAIT ULLAH (Bihar) Very good

SHRI C C BISWAS Sir, may I make a statement regarding the conditions under which this has been found necessary? Conditions in Patiala and East Punjab States Union have been extremely unstable since the general elections. No political party emerged with a stable majority, the Congress Party was the largest single group with a membership of 26 in a House of 60 and its leader Col Raghbir Singh formed a Ministry on the 19th March 1952. In April about the time of the meeting of the Legislative Assembly there were some defections from the Congress ranks. Thereupon Col Raghbir Singh resigned and Sardar Gyan Singh Rarewala formed a Ministry on the 22nd April 1952.

Ever since then, political activity in Patiala and East Punjab States Union has been confined to manoeuvring for position by each party by securing adherents from the opposite camp. After the budget meeting the Assembly has not remained in session for more than seven days altogether. This is because with the shifting allegiance of Members, the Legislature could not settle down to serious business. The second session of the Assembly was summoned for the 19th November 1952

just before the expiration of the statutory period of six months under article 174 of the Constitution. It was scheduled to last ten days, but was abruptly adjourned on the 25th November 1952 at the request of the Leader of the House conveyed privately to the Speaker by a short note. The adjourned session was summoned by the Speaker without consultation with the Leader on the 22nd December. On the eve of the meeting two Members of the Opposition crossed over and were sworn in as Minister and Deputy Minister and a "no confidence" motion against the Government was rejected.

SHRI P SUNDARAYYA (Madras) Who are these—Congressmen?

MR CHAIRMAN I am glad to see that the Members on this side are participating.

SHRI C C BISWAS Thereupon the House was adjourned after that day's meeting. It was subsequently prorogued without transacting any business on the Agenda. Very little legislative business has been transacted throughout the year, even though important legislation has been pending for some time and demanding attention.

This state of political uncertainty has been heightened by recent decisions of the Election Tribunals. Election petitions were filed against no less than 31 Members in a House of 60. Petitions against 14 have been decided and against 17 are still pending. The election of 9 Members has been set aside and they have been unseated. These include three Ministers, of whom the Chief Minister is one. One Minister has been disqualified for six years. As the Council of Ministers consists of 6 including the Chief Minister, half of the Council is gone and an election petition against a fourth Minister is pending.

HON MEMBERS Decided against him

SHRI C C BISWAS It is quite obvious that the number of vacancies

will be very large, and these by-elections will be in the nature of a miniature general election. Having regard to the existing conditions in the State, it is of paramount importance that elections should be held in a tranquil and free atmosphere unaffected by an objectionable pressure of any kind.

PROF. G. RANGA: (Madras): What about the civil service?

SHRI C. C. BISWAS: This political instability in the State Legislature has produced most harmful results in administration. Law and Order position had never been satisfactory in this State and it has considerably deteriorated still further. As the Ministry itself has consisted of elements holding divergent opinions, on the one hand agrarian reforms have been held up, on the other in many areas parallel administrative authority has been established and is said to override the State itself. The whole executive administration has become weak. The effect on the morale of the Civil Services need not be emphasised. The State stands in need, along with other parts of India, of efficient administration for the furtherance of development plans, and under the present conditions such efficient administration is totally lacking and, indeed, impossible. It is, therefore, absolutely necessary that sound administrative conditions should be restored and the people of the State should be given an early opportunity to elect representatives of their own choice in a free and impartial manner.

The Chief Minister has tendered the resignation of himself and his colleagues to the Rajpramukh. The President has also received a report from the Rajpramukh under article 356 of the Constitution. On a full consideration of this report and of other information received by him, the President is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution and he has decided to take it over under his control. The Rajpramukh

has been directed to accept the resignation of the Ministry. The administration will be carried on under the general supervision, direction and control of the President by the Rajpramukh with the advice of an Adviser appointed by the President. A Proclamation giving effect to this arrangement has been issued today. A resolution asking for the approval of the House will be moved.

SHRI P. SUNDARAYYA: Sir, when will this House be given an opportunity to discuss this action of the Government in dismissing instead of the Rajpramukh the Rarewala Ministry, the administration and the elected Members of the Assembly and thus murdering democracy?

(Interruptions.)

MR. CHAIRMAN: When is this matter coming up for the approval of this House?

SHRI C. C. BISWAS: A very early opportunity will be taken to bring this matter before the House. Under article 356 (3) every Proclamation shall be laid before each House of Parliament and shall(I need not read it out) ... cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament.

SHRI P. SUNDARAYYA: Why did not the Government come before the House itself when the Houses were sitting instead of issuing this Proclamation?

SHRI C. C. BISWAS: Government is following the provisions of the Constitution.

SHRI P. SUNDARAYYA: I know it. Why did you use it?

MR. CHAIRMAN: This is merely a Proclamation. It has been laid before the Houses and it will come up for their approval in due course.

PROF. G. RANGA: May I seek elucidation on two points? One is my hon. friend referred to some rival bodies being in charge of administration in certain districts.

KHWAJA INAIT ULLAH: Parallel bodies.

PROF. G. RANGA: Yes, parallel bodies. May we have some information as to whether it is some political parties or whether it is rival bodies which are trying to capture power there in that State? Another point is my hon. friend said that the President has received information from the Rajpramukh and also.....

SHRI P. SUNDARAYYA: Who is also a party to it.

PROF. G. RANGA: ...other sources. I ask from which other source is the President entitled to get information.

SHRI C. C. BISWAS: All these questions may be raised when the Resolution is brought before this House for approval of the Proclamation.

SHRI S. MAHANTY (Orissa): Sir, I want to raise two questions in relation to the Statement which has just been made by the Leader of the Council. The first one is this. He said that certain defections in the Congress Party led to the formation of a non-Congress Ministry in P.E.P.S.U. I want to know what were those defections. Secondly, I want to know what was the party position in the P.E.P.S.U. Legislative Assembly on the eve of this Proclamation.

MR. CHAIRMAN: Well, all these things may be taken up when the Resolution for the approval of the Proclamation come before this House.

EVICTON OF SHRI P. SUNDARAYYA FROM NO. 1, WINDSOR PLACE

SHRI P. SUNDARAYYA (Madras): Sir, I have got a motion on the subject of breach of privileges of this House and I want to move it. I want to explain to you, Sir, how this breach of privileges of this House has come

in. It comes in this way. Myself, a Member of this Council and Comrade K. C. George who belongs to our Party and who is also a Member of this Council are both living in No. 1 Windsor Place, managing our Parliamentary Office and conducting it. In spite of this, the Government has sent police to evict us without previous warning and without any warrant of eviction. Yesterday night when I went home from this House and asked the Estate Officer, who is conducting this operation, whether he has got any order of eviction against me, he said, "There is no order of eviction against you, since you are supposed to live in No. 4 and there are only your clerks here. Therefore the eviction order is against the clerks." I told him this was a particularly queer position. For the last ten months, though No. 4 Windsor Place is allotted to me and two other M.P.s. I along with Comrade A. K. Gopalan are living there to conduct our office efficiently, to be in touch with our Parliamentary Office and with the affairs that come there, day and night. It is for this purpose that we are living there and all the correspondence that the Parliament has with me is always addressed to me at No. 1 Windsor Place. The electricity Bills, etc. all this I am paying in my name and the telephone is in my name and all the correspondence on the dispute with regard to No. 1 Windsor Place, its exchange etc. etc., has been carried on by me and all the communications are addressed to me. Even the latest order served the day before yesterday night, cancelling the stay order of the Speaker, was also served on me asking me to give possession of the House. When such are the facts, when my wife and myself are living here, without bringing a warrant of eviction against me.....

SHRI B. B. SHARMA (Uttar Pradesh): Sir, on a point of order. The hon. Member is referring to a particular case and not to any matter of breach of privilege of the House.

SHRI C. G. K. REDDY (Mysore): It is a matter of privilege.