

1	2	3	4	5	6
6.	Jammu & Kashmir	90	200	130	285
7.	+ Kerala	118	225	160	304
8.	Madhya Pradesh*	115	200	161	292
9.	+ Madras	148	198	188	238
10.	Maharashtra	116	130	166	236
11.	+ Mysore	113	215	145	264
12.	Nagaland	175	264	195	400
13.	+ Orissa	110	165	158	208
14.	Punjab	70	135	223	446
15.	Rajasthan*	116	195	208	376
16.	+ Uttar Pradesh	95	150	130	265
17.	+ West Bengal	105	205	157.5	222.5

(+) These States have introduced the Triple Benefit Scheme.

(*) These States give provident fund contribution

SOME HON. MEMBERS *rose*..... 12.51 hrs.

(*Interruption*)

MR. DEPUTY-SPEAKER : Only one of you. Otherwise I will call Mr. Limaye.

DR. V. K. R. V. RAO : We shall have a full discussion if you want.

SHRI HEM BARUA (Mangaldai) : That is meaningless. The Kothari Commission was appointed to give a national minimum wage. (*Interruptions*)

SEVERAL HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER : Order, order. What I suggest is this. The statement that has been made by the Education Minister is before us. He has explained his role in this case : his powers are very limited and with all his good wishes he is helpless in a way. Even then, we shall consider if we can find some time for discussion on this subject.

AN HON. MEMBER : Have a discussion.

MR. DEPUTY-SPEAKER : We shall consider. I do not promise anything now. (*Interruption.*) I said I will consider.

MATTER UNDER RULE 377

RESIGNATION BY VICE-PRESIDENT ACTING AS PRESIDENT

✓ श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, मैं आज सदन में कार्यवाहक राष्ट्रपति वी०वी० गिरि के इस्तीफे के औचित्य और वैधानिकता का सवाल उठाना चाहता हूँ और इसके लिए संविधान की धारा 56 (1) के (अ) की तरफ ध्यान खींचना चाहता हूँ जो कहता है कि :

"The President may, by writing under his hand addressed to the Vice-President, resign his office ;

फिर धारा 62 (2) भी देख लें :

"An election to fill a vacancy in the office of President occurring by reasons of his death, resignation or removal, or otherwise shall be held as soon as possible after, and in no case later than six months from the date of occurrence of the vacancy ; and the person elected to fill the vacancy shall, subject to the provisions of article 56, be entitled to hold office

[श्री मधु लिमये]

for the full term of five years from the date on which he enters upon his office."

उपराष्ट्रपति के बारे में भी फिर धारा 67 (अ) में कहा गया है कि—

"a Vice-President may ; by writing under his hand addressed to the President, resign his office ;"

उपरोक्त धाराओं से जाहिर होता है कि न तो संविधान ने ऐसी स्थिति की परिकल्पना की और न व्यवस्था ही की है कि राष्ट्रपति के विधिदत्त चुनाव होने और राष्ट्रपति का स्थान भरे जाने के पहले ही कार्यकारी राष्ट्रपति अपने पद से त्याग-पत्र दे देगा। संसद् के विगत सूत्र में जो राष्ट्रपति उत्तराधिकार विधेयक पारित हुआ उसमें भी इस विशेष स्थिति के लिए व्यवस्था नहीं की गई थी।

इस प्रकार यह लगता है कि जब तक राष्ट्रपति का चुनाव सम्पन्न नहीं हो जाय तब तक कार्यकारी राष्ट्रपति के त्याग-पत्र के लिए कोई इन्तजाम नहीं है, प्रावधान नहीं है। भारत सरकार के कानून अधिकारियों को चाहिए था कि वे श्री वी० वी० गिरि को इस कानूनी हालत की जानकारी करा देते और उन्हें कार्यकारी राष्ट्रपति के पद से त्याग-पत्र देने के फंसले से विरक्त करते। इसके विपरीत, अटर्नी जनरल या किसी अन्य व्यक्ति ने उन्हें यह सलाह दी कि संविधान की व्यवस्था अनुसार राष्ट्रपति को पत्र लिखकर वे अपने पद का त्याग कर सकते हैं। यह उल्लेखनीय है कि कार्यकारी राष्ट्रपति के द्वारा त्याग-पत्र देने के समय कोई राष्ट्रपति था ही नहीं और जब राष्ट्रपति ही नहीं था तो भला उसे पत्र कैसे लिखा जाता? राष्ट्रपति के नहीं रहते भी पटल पर पत्र रख देने और उसकी प्रतिलिपि प्रधान मंत्री और मुख्य न्यायाधीश को भेज देने की प्रक्रिया सचमुच एक अजीबोगरीब प्रक्रिया है। क्यों समय रहते भी इस प्रकार की स्थिति के लिए कोई कानून

नहीं बनाया गया? क्या सरकार इस सम्बन्ध में कोई अध्यादेश नहीं जारी कर सकती थी, जैसे उन्होंने बैंकों के राष्ट्रीयकरण के बारे में किया? अब हमको कैसे पता चलेगा कि इस्तीफे का पत्र किस समय राष्ट्रपति के टेबल पर रखा गया और यह इस्तीफा किस तारीख को किस समय अस्तित्व में आया? क्या मंत्री महोदय ये सारे तथ्य सदन के सामने रखेंगे?

जो भी हों, लोक सभा को इस प्रश्न पर बहस करने का और सरकार का इस सम्बन्ध में विचार जानने का अवसर अवश्य मिलना चाहिए और वर्तमान कानून में आवश्यक परिवर्तन कर समस्या का हल निकालना चाहिए।

SHRI. N. DANDEKER (Jamnagar) : I support entirely what Shri Madhu Limaye has said. (Interruption)

MR. DEPUTY-SPEAKER : This is an occasion when a statement is made under the rule. The suggestion is that opportunity should be given ; we will consider it at the proper time.

The Law Minister.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI M. YUNUS SALEEM) : Mr. Deputy-Speaker, Sir, under article 65 (1) of the Constitution, the Vice-President has to act as President in the event of the occurrence of a vacancy either on account of the resignation of the President or on account of the death of the President or when the office falls vacant on any other account, Article 65(1) does not indicate that the individual who is the Vice-President in the vacancy of the President shall continue to act until such President is elected ; nowhere has it been provided. I will read article 65 (1) :

"(1) In the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until the date on which a new President elected in accordance with the provisions of this Chapter to fill such vacancy enters upon his office."

Sir, then article 67, which has been also referred by the hon. Member, provides the manner in which the Vice-President may resign his office. I am reading article 67 (a)

"a Vice-President may, by writing under his hand addressed to the President, resign his office ;"

This presupposes the existence of the President because the letter of resignation is to be addressed to the President. If there is no President, for example, and the Vice-President wants to resign., then article 67 (a) would have no application to such cases. Proviso (a) of article 67 does not provide for the acceptance of the resignation before it becomes effective. If one reads this proviso of article 67 carefully one would be convinced that the moment the resignation is submitted it becomes effective. It is not necessary that if the resignation is submitted by the Vice-President it must be also accepted by the President. Nowhere it has been provided in the Constitution.

I also want to make it quite clear before the House that in this particular case Shri V. V. Giri has only resigned his office as Vice President because he was only acting President discharging the duties of the President on account of the death of the President.

AN HON. MEMBER : On what date ?

श्री मधु लिमये : मेरा एक पायंट ग्राफ़ आर्डर है ।

MR. DEPUTY-SPEAKER : Let him conclude. At this stage I am not permitting anything. Let him conclude his reply to the statement that the hon. Member made.

SHRI M. YUNUS SALEEM : If hon. Members want to know the date for their reference I will rely on the Notification published in the Gazette of India dated 20th July, 1969. There it is said :

"I, V. V. Giri, have resigned my office of Vice-President with effect from the forenoon of the 20th July, 1969."

This is the resignation of the Vice-President.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : Addressed to whom ? Is it addressed to anybody ?

श्री मधु लिमये : उपाध्यक्ष महोदय, ग्राफ़ मेरा पायंट ग्राफ़ आर्डर सुन लीजिए । मेरा पायंट ग्राफ़ आर्डर आशय के बारे में नहीं है, बल्कि जिस ढंग से मंत्री महोदय बयान कर रहे हैं, उसके बारे में है ।

MR. DEPUTY-SPEAKER : No, Sir, not at this stage.

SHRI MADHU LIMAYE : Why not ? I am raising it under rule 376.

MR. DEPUTY-SPEAKER : Let him conclude. Under the rules I have permitted you to make a statement and he is to make a reply. I will listen to him at the end.

श्री मधु लिमये : पायंट ग्राफ़ आर्डर उठने के बाद कोई नहीं बोल सकता है ।

SHRI M. YUNUS SALEEM : Sir, with whatever I have read I hope I have satisfied the hon. Members of this House as to from what date the resignation became effective. I am not reading the contents of the letter which was addressed by the Vice-President to the President. I have read the Notification which appeared in the official Gazette of India. Under article 67 (a) obviously the letter of resignation should have been addressed to the President as contemplated. Here, in this particular case, the Vice-President has addressed his letter of resignation under the advice of Attorney-General.

The Attorney-General had advised him ..

13.00 hrs.

SHRI MADHU LIMAYE : Sir, on a point of order (Interruptions).

MR. DEPUTY-SPEAKER : I would request all hon. Members to resume their seats. I will not listen to anybody if they interrupt like this. The first point is that the Law Minister ought to have given a copy of the full reply to the chair. He has given me only a summary.

SHRI M. YUNUS SALEEM : I am sorry.

MR. DEPUTY-SPEAKER : It not a question of a verbal reply. So, he should have submitted a full statement to the chair before making it. That is one point. Then, he has referred to the letter or opinion of the Attorney-General. Hew ill have to place it on the Table of the House. He can give the full statement even tomorrow. Then alone we will proceed with the matter.

SHRI M. YUNUS SALEEM : I am sorry, I could not do it today. It will be done tomorrow.

13.02 hrs.

BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) BILL—Contd.

MR. DEPUTY : I want to make one announcement about this Bill. Though we had allotted only four hours for the clause by clause consideration of this Bill, we have already exhausted 3 hours and 25 minutes on two clauses alone. It is an important measure and guillotine is the last desperate remedy which I do not want to follow. So, I would make one suggestion. After lunch hour when we take up the clauses various parties should concentrate their attention on those clauses and points with which they are vitally concerned. In that case, there will be no overlapping. In that way alone we can conclude a major portion of the work today. Government have given notice of some amendments now.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : They are debarred.

MR. DEPUTY-SPEAKER : I will permit them with this condition that those clauses to which amendments have been given notice will be held over and debated tomorrow, because full notice must be there.

SHRI N. DANDEKER (Jamnagar) : Sir, I intend challenging some of those amendments, given notice of by the government, under rule 80 (i) of the Rules of Procedure.

MR. DEPUTY-SPEAKER : That can be done only when the amendments come before the House.

SHRI N. DANDEKER : I am giving advance notice so that you may give me an opportunity to do that at the proper time.

MR. DEPUTY-SPEAKER : We will not dispose of those clauses today, because I am permitting those amendments. Those clauses and amendments will be held over till tomorrow. The rest of the clause by clause consideration will be concluded today. The third reading will be take up tomorrow.

SHRI N. DANDEKER : Sir, you have stated that some of the amendments given notice of by the government will be considered tomorrow. But they will certainly affect some of the amendments that are going to be considered today to other clauses.

MR. DEPUTY-SPEAKER : I have already told the Law Minister that the consequential results of the present amendments must be taken into consideration while other clauses are being debated. That will be done.

I would appeal to members to help the chair to see that within the three hours that are at our disposal we conclude every clause except those where fresh amendments have been given notice. I would inform the Law Minister that as a consequence of these fresh amendments if certain modifications are called for to the other clauses, he should be prepared for them after the lunch hour. He should be well-prepared for them. Now we will adjourn for lunch.

13.05 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock

The Lok Sabha re-assembled after Lunch at four minutes past Fourteen of the Clock.

[SHRI VASUDEVAN NAIB in the Chair]

BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKINGS) BILL—Contd.

Clause 4—(Undertaking of existing banks to vest on corresponding new banks.)

SHRI S. S. KOTHARI (Mandsaur) : Sir, I move :