

Saturday,
18th December, 1954

LOK SABHA DEBATES

VOLUME VII, 1954

(14th to 24th December 1954)



सत्यमेव जयते



EIGHTH SESSION, 1954

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

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LOK SABHA

Saturday, 18th December, 1954

The Lok Sabha met at Eleven
of the Clock.

[Mr. Deputy-Speaker in the Chair]

QUESTIONS AND ANSWERS

(No Questions: Part I not published)

RESIGNATION OF SHRIMATI VIJAYA LAKSHMI

Mr. Deputy-Speaker: I have to inform the hon. Members that Shrimati Vijaya Lakshmi Pandit has resigned her seat in the House with effect from the 17th December, 1954.

RESOLUTION RE: REMOVAL OF SPEAKER

Mr. Deputy-Speaker: There is a Resolution on the Order Paper. Shri Vijneshwar Missir.

Shri S. S. More (Sholapur): May I crave your indulgence to move it. I am one of the signatories.

Mr. Deputy-Speaker: Is not Shri Vijneshwar Missir here?

Shri V. Missir (Gaya North) rose—

Several Hon. Members: Then let him move it.

Mr. Deputy-Speaker: I am only considering: before I ask hon. Members to rise in their seats, I would like to know some facts relating to this. Now

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this is a Resolution, and a Resolution has to be specific, not vague, or indefinite. There are charges for removal: they are all vague. How is the House to address itself? What are the incidents leading to it? They have not been given. I would like to know how this Resolution is admissible.

Shri Raghuramalah (Tenali):

Mr. Deputy-Speaker, I wanted to rise on a point of order. But you were good enough to point it out yourself.

No doubt, removal of the Speaker who does not enjoy the confidence is one of the privileges of this House under Article 94. But Article 94 merely refers to a Resolution. It does not say what the contents of the Resolution should be. The contents of the Resolution and the manner of its entertainment by the house are matters of procedure, wherein we have to be guided entirely by the Rules of Procedure. I would like to draw your attention, Sir, to Rule 191 which lays down what a Resolution should contain and what it should not. I would draw your pointed attention to clauses (i) and (iii). (i) says:

"the Resolution shall be clearly and precisely expressed."

(iii) says:

"it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;"

When I read this Resolution, I feel that it offends, and offends gravely, both clauses (i) and (iii). Taking clause (i) first, we have to see whether the Resolution before us is

[Shri Raghuramaiah]

clear and precise. With your permission I shall read the Resolution—

"That this House, having taken into consideration the conduct of the Speaker of the House as regards giving his consent to adjournment motions, disallowing questions, etc., feels that he has ceased to maintain an impartial attitude necessary to command the confidence of all sections of the House";

It is well-known matter perhaps, not in one sense, that a Resolution expressing want of confidence in a Speaker and for his removal....

Shri N. Sreekantan Nair (Quilon cum Mavelikkara): On a point of information—what is going on in the House? We do not know. He has not raised any point of order.

Shri Raghuramaiah: The point I wish to raise, as you yourself have explained it, is that it is not precise.

Mr. Deputy-Speaker: The hon. Member has referred to the rule—No. 191(i) according to which a resolution should be precise and definite. That is what he is developing.

Shri S. S. More: May I seek a clarification from you?

Mr. Deputy-Speaker: Let him state the point of order.

Shri Raghuramaiah: I am explaining the point of order. The first portion of the Resolution refers to his giving his consent to adjournment motions, disallowing, questions, etc. It is if I may say so, not only not precise, but grossly vague. There have been thousands and thousands of questions and adjournment motions. Of late, it has almost become a fashion to move adjournment motions day in and day out. (Interruption).

Mr. Deputy-Speaker: The hon. Member need not make any speech at this stage. Whoever raises a point of order has to state his point and

just refer to one or two points to show how the point of order is relevant and proper.

Shri Raghuramaiah: I am coming to that, Sir. The reference to adjournment motions and disallowance of questions is very vague. The Resolution should have specified the particular adjournment motion, or the particular question in respect of which there has been that misconduct, or want of proper conduct, as the case may be.

The second portion of the Resolution is still worse. It contains arguments, inferences, ironical expressions, imputations and defamatory statements as is referred to in clause (iii). With your permission, I shall draw the attention of the House to the particular contents of the Resolution—

"that in his partisan attitude he disregards the rights of Members of the House and makes pronouncements and gives rulings calculated to affect and undermine such rights; that he openly espouses the version of the official spokesmen on all controversial matters as against information supplied by other Members of Parliament";

Well, Sir, it is an argument, it is an inference and it is an ironical expression.

The Resolution runs—

"that all these acts constitute a serious danger to the proper functioning of this House and ventilating effectively the felt grievances of the people,....".

If I may humbly submit, Sir, having regard to the functions of the Speaker as the guardian of this House, this is the vilest defamatory statement that could be made against the Chair, and in that view I submit that the Resolution offends Rule 191(i) and therefore, is out of order.

Pandit Balkrishna Sharma (Kanpur Distt. South cum Etawah Distt.—East): Mr. Deputy Speaker, may I be permitted to....

Some Hon. Members: Order, order. What does he want to say.

Pandit Balkrishna Sharma: I want to say something which you will know very soon.

Mr. Deputy-Speaker: Order, order. I would like the proceedings to be conducted in as orderly a manner as possible. If I am unable to control the House I would request some hon. Members to control the House on my behalf. Till then they need not open their mouths, nor call any hon. Member to order. I shall do so.

Pandit Balkrishna Sharma: I only wanted to say something in support of what my hon. friend said. There are certain precedents of the House of Commons and those precedents tell us as to how a motion which is placed before the House in regard to the conduct of the Chair should be worded. I only wanted to place one or two precedents before the House in order that the House may know that no vague motions can be admitted and the motion that is before the House is of a vague character, and therefore, on the face of it is inadmissible.

Mr. Deputy-Speaker: Does it relate to the removal of the Speaker?

Pandit Balkrishna Sharma: Yes, Sir.

I would like to place before you one motion which Captain Wedgwood Benn moved in the House of Commons and it was worded like this:

"That, in view of the express provisions of Standing Order No. 26, for the protection of the rights of minorities, this House regrets the action of Mr. Speaker on the 25th May, 1925, when, contrary to recent precedents, he granted the Closure at 11-45 P.M. on the first day's Debate on the

Motion for the Second Reading of the Finance Bill."

Here we find what exactly the Member wanted and the House also was aware of the definite charge that was laid at the door of the Speaker in regard to his conduct. Here, his Resolution does not mention a single instance of such conduct on the part of the Speaker. Therefore, this Resolution is of a vague and indefinite character and therefore, it must be ruled out of order.

Again there was a motion against the Chairman of the Ways and Means Committee—the Deputy-Speaker in the House of Commons. Here also the charge was very definite and instances were mentioned. If you would permit me I would read the motion which was moved by Mr. Quintin Hogg, an hon. Member from Oxford and it was like this: "That, in the opinion of this House, the conduct of the Chairman of the Ways and Means on the 5th of April 1949 in refusing the hon. Member for Norwich to withdraw a charge of accusation publicly confirmed by the hon. Member that an hon. Member of the Opposition had been guilty of lying accusation was wanting in the impartiality required for the discharge of his office.....". Here again, as you will see, a particular instance was mentioned. From the Resolution which is before us we do not know what the charges are and therefore, this sort of Resolution should not be held in order.

The third point, I wanted to mention before you is that certain precedents and conventions had to be established here, in this House. This Resolution has been brought before this House without any reference to the Leader of the House or to the Speaker himself. As a matter of fact, if any of the hon. Members of the House were not satisfied with the conduct of the Chair it was their duty to approach the Leader of the House and place their grievances before him.... (Interruption.)

Mr. Deputy-Speaker: Hon. Member is making a point. According to him, these things should have been done.

Shri S. S. More: Mr. Deputy-Speaker you called me already to make my submission and it was a sort of interruption through that which he wanted to draw your attention to. But he has started a full fledged discussion of the question in spite of the fact that you were kind enough to call me.

Mr. Deputy-Speaker: I have no objection. I originally thought that it was an interruption and I thought I should allow him some time, a minute or two. Then, when I found that he was referring to some precedents of the House of Commons wherein similar motions with regard to the removal of the Speaker or the Chairman of the Ways and Means Committee specific charges were made, I thought that he would make a reference to *Hansard* to support his statement that unless there is a specific charge, you cannot go into this Resolution. That will help us. That is the very point that I wanted to know having regard to Rule 191 (1). This is apart from any defamatory or other statements. If I allow Shri More to speak immediately, he may not have another opportunity to say about these things. I wanted to hear on this point so that whoever supports this Resolution may bear all the other facts in their minds with regard to vagueness or indefiniteness. It is for that purpose that I allowed Mr. Sharma to speak. Evidently, he wants to raise another point also; namely, this Resolution has been brought forward without reference to the Leader of the House. It is for the House to decide if this is also a matter which, according to him, has to be taken into consideration.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): Since my name has been brought in, I would say that I take no objection to anything. If I have a chance, I shall say something about this matter. This matter is too serious a matter to be dealt with in a trivial manner or on legal technicalities. We attach great importance to

this matter and we propose to see it through... (*Interruptions.*) In this matter, not only the future of the House is concerned but the future of the working of this House and the future democratic set-up of this country are concerned and more particularly whether the Opposition behaves decently or not in future. We have had enough of this kind of quibbling and strong language being thrown about... (*Interruptions.*) I do not sit down. I do not give way. (*Interruptions.*) I do not tolerate this kind of thing; I am not giving way.

Acharya Kripalani (Bhagalpur cum Purnea): Even when an objection is raised, may I say that there ought to be courtesy in one's language? One can be as strong as he wants to be and yet be courteous. We are here as representatives of the people and we are entitled to consideration—as much consideration as any hon. Member in this House. I submit that if there is heat on one side, there will be heat on the other side, I respectfully submit that heat may be avoided.

Shri Jawaharlal Nehru: I entirely agree with the hon. Member and I wish he had borne this point in mind before he signed this Resolution.

Shri V. G. Deshpande (Guna): That is a constitutional right.

Shri Jawaharlal Nehru: There are certain standards of behaviour and these standards, apparently the Opposition think, do not apply to them

Some Opposition Members: It is very unfair.

Shri Jawaharlal Nehru: The first and foremost standard of behaviour is to remain quiet when others are speaking; I would not interrupt them when they speak.

Acharya Kripalani: We do not denounce anybody here and we take strong objection to this. We had not

said that we are not going to tolerate the Congress. What is the meaning of anybody tolerating us here? We are here by our right. It is no use using a language, which is highly objectionable, by the Leader of the House. I think we are not here to be tolerated by anybody; we are here by the will of the people as much as anybody else.

Dr. Lanka Sundaram (Visakhapatnam): On a point of Order, Sir. It is for you now to decide. A reference was made to rule 191(1) about the language of the Resolution. I invite your attention to rules 218 and 219. Is this Resolution on the Order Paper to be moved under rules 218 and 219, or under rule 191(1) which says generally about resolutions. That is the point; the merits can be gone into later.

Shri S. S. More: May I make a submission? Unfortunately, because I have not got a strong voice, I could not be heard. I am one of the signatories to the Resolution and I would submit that patriotism and sense of responsibility could not be the monopoly of any single party in this country. I quite agree with the Leader of the House that we are as much interested in the democratic set up in this country...

Mr. Deputy-Speaker: Let us confine ourselves to the point.

Shri S. S. More: Certain objections were first raised by you and then by some other hon. Member in support of what you said about this Resolution. A particular chapter was first referred to and you were kind enough to refer to rule 191. A special procedure has been provided and as an eminent lawyer you know that when a special procedure is prescribed for any particular action, then the general provisions or general procedure stand abrogated as far as that matter is concerned.

I would like to draw your attention to a particular article of the Constitution—article 94, Mr. Sharma and others referred to some practices of

the British Parliament. May I bring to your notice and to the notice of the House that the House of Commons is not governed under a written Constitution? We are governed by a written Constitution. Wherever our Constitution lays down a precise term or a particular procedure or practice then the precedents from the House of Commons or elsewhere have no application. Our Constitution makers—you were one of those and most of the hon. Members on the other side were also there—had definitely laid down a procedure under certain articles. They did contemplate that in spite of the august position of the Chair, occasions may arise when people might be aggrieved. What is the remedy? The only remedy contemplated by the Constitution was under article 94—they should table a resolution for his removal. Article 94 does not lay down a particular form for that resolution. As there is an article, it supervenes even the Rules of Procedure. Therefore, I would say that the only article which can relevantly command your attention and consideration is article 94. It only says there might be a resolution for the removal of the Speaker. It does not say for grounds stated or for particular grounds to be mentioned.

Then it was said that a convention ought to be established for seeking the permission of the Leader of the House. I would bring to your notice that under the old Government of India Act, 1935...

Mr. Deputy-Speaker: The hon. Member will answer one point. It is true that under article 94 no ground is stated, that is as when a Speaker is elected no arguments are addressed.

An Hon. Member: Order, order. Sit down.

Mr. Deputy-Speaker: It is all right. I am not standing.

Shri S. S. More: I am entitled to stand. The Chair is not standing.

Mr. Deputy-Speaker: Order, order. I can manage the House.

[Mr. Deputy-Speaker]

No grounds are set out there as in some other articles relating to some other high dignitaries. Does the hon. Member contend that as when a Speaker is elected no grounds are set out and the majority elects the Speaker, likewise straightway I must put it to the vote of the House asking the vote of the House one way or the other, merely because there are no grounds under article 94? Is that the meaning?

Shri S. S. More: I would very humbly try to state the point. There are two stages as far as the procedure is contemplated. First, I do not know how we can go into the merits of this Resolution unless leave is granted. For that purpose there is a special procedure provided, rule 218. Now a Resolution is put on the Order Paper. But the House is not yet seized of the matter, unless leave is granted for it. As a matter of fact we are going much ahead of the schedule as prescribed by the Rules of Procedure.

So I would seek your indulgence. Of course on the merits it is quite possible to retaliate heat by heat and we are quite capable of it. I accept what you say...

Mr. Deputy-Speaker: How is the House to address itself? There are thousands of questions since the Speaker assumed office, hundreds of adjournment motions. Am I to allow any hon. Member to refer to any adjournment motion which according to him is relevant and thus exhaust all the adjournment motions? Is it not necessary for the House to know what exactly they are, one, two, three, among the various adjournment motions?

Shri S. S. More: With due deference to you, Sir, I fear we are entering into the merits of the matter.

Mr. Deputy-Speaker: It is not the merit.

Shri S. S. More: I will try to meet, as far as I am capable of, your point. Here certain stages of procedure have

been laid down and they have to be categorically observed. Unless leave is granted even the Chair will not be competent to rule it out of order. Because only a valid motion which is given according to a certain procedure before the House can be said to be a motion in possession of the House, and the Speaker or the Chair gets the right to knock it down on certain technical grounds.

My submission to you and to the House will be that under the old Government of India Act, 1935 there was no specific provision like this article 94, and a certain provision was made under the Rules of Procedure and Standing Orders. You, Sir, were there at that time. A resolution was moved, a sort of no-confidence resolution was moved, and Sir Abdur Rahim was in the Chair and he ruled out that it was not a matter of statute as it was a matter of rules and certain rules applied to the way how resolutions were to be sponsored and introduced in the House. He said that under rule 24-A the permission of the Leader ought to be sought and only on such permission the resolution of no-confidence can be taken into consideration. I will refer, with your permission, to the Decisions of the Chair, 1941-1945, page 67, item 442:

"On the 20th November, 1944, Mr. Kailash Bihari Lall gave notice of the following motion"—I do not know the history of this Kailash Bihari Lall, but I assume he was a Congressman, and he gave notice of the following motion—"That this Assembly has no confidence in the President". A reply was sent to him that under Rule 24-A of the Indian Legislative Rules, he was required to obtain the consent of the Government Member concerned and the President to the moving of this motion. On the following day when he enquired in the House as to who was the Government Member con-

cerned, the Chair replied that it was the Leader of the House whose consent had to be obtained."

This is reported in Legislative Assembly Debates dated 21st November, 1944. I have cared to read the original proceedings, and to some extent they were extraordinary proceedings. There, there was no particular section in the Government of India Act. They had to fall back on the Rules of Procedure, and this sort of no-confidence resolution was treated like any other resolution coming up for discussion, and therefore it was said that under this particular rule, Rule 24-A, the consent of the Leader was required.

I would humbly beg to bring to your notice that there is no other provision, no other rule, either in our Rules which are the handiwork of the Speaker himself, or in the Constitution which was deliberately enacted. And when they enacted, rather legitimately assuming, they took into consideration all the past instances.

My submission is we are controlled by article 94. Article 94 says that the resolution shall be moved. We would not have—I can assure on behalf of all of us that we would not have—gone to the extreme limit of moving a resolution for his removal if we could have some softer remedy available. But looking to all precedents we came to the conclusion that if we try to pedal softly looking to the dignity of the House, then it might be said to be out of order, and we were left no other course under article 94. It is time for the Leader of the House to consider whether even that article should be amended or not along with other articles. But as the position stands according to the Constitution and the Rules of Procedure, I would say that even the special rules, 218 and others under that particular chapter, do not prescribe any form, do not prescribe any content.

Let us fall back on the Civil Procedure Code. A plaint has to be filed. A plaint does not contain all the evi-

dence available. You have to make a particular case for assertion of the facts, and as evidence goes on to be recorded all these facts come to be proved or not proved.

I would say at this particular moment—I share the sentiments of the Leader of the House that it is too far a serious matter to be knocked out on legalistic grounds. Let us have our chance. As far as the Chair is concerned it is competent to command our highest respect. But the Opposition Members also have their own grievances, and just like other grievances our grievances could not be brought to the notice of the House, nor to its august Leader by any other means than by this so-called extreme measure.

So my submission to you will be that as far as the legality of the matter is concerned we are shielded by the particular article of the Constitution and the special Rules of Procedure which have been devised. As regards parliamentary precedents, when there is a special provision in our Constitution we need not seek some light from the Eighteenth or Nineteenth Century, because the light of the Constitution is quite strong enough for us to guide our steps.

Shri Jawaharlal Nehru: Just one word. Perhaps you will permit me, Sir, to say a few words which may perhaps shorten this debate on this particular point.

First of all, my hon. friend who just spoke said, argued at some length, about the Leader of the House being consulted or not. If I may say so with all respect, it was totally unnecessary for him to argue the point; because that point does not arise at all. I do not claim at all that the Leader of the House should be consulted, that he should as of right be consulted. It is another matter his being consulted as of discretion, courtesy or propriety. But as of right the question, does not arise. That question does not arise at all.

[Shri Jawahar Lal Nehru]

In regard to other matters that have been raised by some hon. Members on this side, that is so far as the legality is concerned and I do not wish to express any opinion, it is for you, Sir, to express. But I would submit to you that in matters of this kind and having come thus far it would be unfortunate if they are dealt with in a legalistic manner, whatever the view might be. I think that it is better, when a certain section of the House has presumably a feeling that way and has brought a certain motion of this kind before the House, and it seems to me desirable, that the matter should be dealt with in the normal way, and no doubt left in the public mind, by some legal decision, as to what the views of the House may be. Therefore, so far as I am concerned,—I speak now, if I may for the moment functioning as the Leader of the House,—I think that, in the interests of the House, when once such a matter is brought up, it should be disposed of unless there is any legal bar of which you are the judge. Therefore, I would beg these hon. Members with whom my words may have some weight, not to press any legal objections.

Shri Raghavachari (Penukonda): I wish to submit that I am supporting the arguments of my friends who have spoken already. In addition, I wish to say that even if it is the contention of the Members who have raised the point of order that it is an ordinary motion and it is Rule 191 that applies, I would request your attention to Rule 192 which says that the Speaker shall decide on the admissibility of a Resolution, and may disallow....etc. Later on, you will please see Rule 194 which says, a Member in whose name the Resolution stands in the list of business....etc. So, this question whether it is in conformity with the particular Rule, should be deemed to have been decided by the Speaker before he admitted the Resolution. Once it has been admitted and it is in the Order Paper, Rule 194 should apply and

even on that basis, it is in order. It cannot be raised again.

Pandit Thakur Das Bhargava (Gurgaon): May I, with your permission make a few submissions?

Mr. Deputy-Speaker: I have heard enough on this matter.

Pandit Thakur Das Bhargava: I have to make an important submission. I am at one with Shri S. S. More on the question of the sanction of the Leader of the House. We have got a Constitution and we are bound by the Constitution. Under the Constitution power has been given to Members or to group of Members to table a motion of this kind. Apart from that, though I am moved by the appeal of the Hon. Leader of the House and I accept his lead and do not want to raise any legalistic point, because the matter is serious, at the same time, it is a matter of future guidance also.

Shri S. S. More has just now called the attention of the House to a section in the Civil Procedure Code. I would humbly call the attention of the Chair to a provision of the Criminal Procedure Code. On every motion of this sort, we cannot have a roving and rambling discussion and we must have specific instances on which the charge of partiality is based. Unless specific things are before the House, it will not be doing justice to the House, and we cannot take an objective view. We cannot go into all the 90,000 questions and hundreds of motions which have been made so far during all these years. I am not submitting that the Resolution may not be allowed. The Resolution may be allowed as it pleases you. But, I am very anxious that specific points should be made in this House and they must be known to the House. How can you or how can any person on earth meet the charge of partiality unless specific cases are mentioned? I do not accept the proposition that the general rules relating to the business of this House are abrogated, because, as was con-

tended by Shri S. S. More, a specific procedure has been suggested. These Rules are made under the statute and while considering the Resolution we are bound by certain rules. So, the rules relating to Resolution have got applicability. Unless the Resolution is clearly worded, and it is not vague and it is definite, it is not fair to the House to ask us to make our submissions or discuss the matter. I beg to submit that either at this stage or at another stage, we must know what really the charges are, what the specific instances are so that we may be able to meet them. This is not a legalistic question at all. It is not a question of substance and procedure also. It is a question of well established practice. In any case when a charge is made against a person, the specific date and specific incidents are given. Is this less than a charge? It is a very serious matter. I would therefore beg of you to see that specific charges are made so that they can be met. On a roving or rambling motion of this sort, it is very difficult to have a fair discussion.

Shri V. G. Deshpande: May I make a submission?

Mr. Deputy-Speaker: I have heard enough.

Regarding this Resolution, a point of order was raised that it is not admissible under Rules 191(1) and 191(3). Sub-rule (1) of Rule 191 says:

"it shall be clearly and precisely expressed;"

Sub-rule (3) says:

"it shall not contain arguments, inferences, ironical expressions, imputations...etc."

Regarding sub-rule (1), the details or instances or facts on which arguments could be based for the rejection or for supporting this Resolution have not been given. They are general in terms. Taking questions, it is the privilege or the duty of the Speaker to admit or disallow questions. Therefore, when he has had to look into more than 30,000 questions during

the course of a session or since his assumption of office, unless attention is drawn to particular questions which have been disallowed from which the House can be asked to draw an inference that it was on account of partiality or for one or the other of the reasons which are set out as grounds for his removal, it will be impossible for the House to consider those matters. It will be a rambling discussion. We won't come to a particular point. Thirty thousand questions cannot be taken up one after another. One hon. Member can refer to one question and another hon. Member to another question. To meet the case, that question or other questions may be referred to. Therefore, it is necessary that specific instances, 1, 2, 3, 4, regarding questions or adjournment motions should be given so that the objections raised can be met, or any inference that he is guilty of partiality can be drawn.

That is one thing. This was met by the argument that special Rules of Procedure have been laid down in Rules 219 and 220 relating to the removal of the Speaker and that when specific provisions have been made, the general provisions relating to Resolutions ought not to apply. Rules 218 to 220 also form part of the same rules which have made provisions for Resolutions. All the rules have to be taken together. As a matter of fact, rules 219 and 220 do not refer to any time limit. Am I to allow any hon. Member to go on speaking on the Resolution indefinitely? The hon. Member will have to be allowed 15 or 20 minutes only. Wherever provision is not made, unless a provision is inconsistent, that other provision under the rules ought to be applied. It is not at every stage that all rules will be made. The rules as to Resolutions will be added to every other matter. I do not find any force in that argument.

Article 94 of the Constitution has been referred to for the purpose of showing that no grounds need be set out. If we strictly go by article 94, no ground need be set out and

[Mr. Deputy-Speaker] straightaway. I will have to put the question to the House as to whether the Speaker ought to be there or not irrespective of any particular point. As, at the time of the election, no arguments are addressed, likewise, this is a reversal of the election process and as soon as a Resolution is tabled, without any ground whatever, the question will be put and as things are decided by the majority, if the minority has become the majority against a particular Speaker, they can remove him. That would be the regular and logical meaning of article 94. But, there is a later article where it is said that if the Speaker chooses, he can participate in the proceedings. Therefore, it is necessary for the House to consider as to how the Speaker ought to be removed. Unless he knows what are the charges which he has to answer, it is impossible for him to answer. Therefore, it is not a matter of technicality; it is a matter of substance. It will be just and necessary for the hon. Members here to consider the *pros and cons* before they can come to conclusion. This analogy of the Criminal Procedure Code need be drawn upon. Principles of natural justice require that when something is attributed against some one, he must be made to know what are exactly the points, and in what particulars he has offended. Now, therefore, that is the vital objection.

Shri Raghavachari said that I have already admitted it, and therefore it is too late and I cannot go behind it. But I have not yet admitted it. I have merely put it on the Order Paper here, for the purpose of my coming to a conclusion. Before I admitted, I wanted to hear the hon. Members who have sponsored it; I did not want them to come to my Chamber, and have a discussion with me. I wanted to know how this is admissible.

Shri V. G. Deshpande: But you have not allowed me to speak. I am also a signatory to that Resolution.

Mr. Deputy-Speaker: I cannot allow all the Members. When I wanted Shri V. Missir, whose name appeared first, to speak, Shri S. S. More said that he would speak. So I thought he was speaking on behalf of all. I allowed Shri Raghavachari also to speak on this occasion. Therefore, it is idle to contend that unless I exhaust all the fifteen or more signatories, I ought not to give my ruling; I do not agree with it.

Therefore, unless there are specific charges which could be met, and of which due notice has been given, this Resolution is clearly out of order. But as the hon. Leader of the House said, on a technicality, with respect to such a serious matter, I do not want to disallow this motion; I do not want to refuse to admit it on a mere technicality.

This is one of first impression. There has been no ruling till now, and no precedent for this, after independence has been obtained, and after we have started working under a Constitution. Even under the previous regime, there was a specific rule which required the consent of the Leader of the House. That rule is not here before us. And rightly, the hon. Leader of the House has said that he does not desire that he ought to be consulted, though he expected that for various good reasons, it might have been desirable that he should have been consulted. However, that is another matter.

As this is one of first impression, though *prima facie* this Resolution has not been a Resolution which has been worded properly so as to give notice, yet particularly since this happens to be a Resolution for the removal of the Speaker, I would say that I am going to allow it or admit it now; of course, subject to hon. Members supporting it, I am going to allow it. I do not want to stand on technicalities, because it is one of first impression, and a matter of this kind ought to be thrashed out in the

House. Though this would not be a precedent for the future, I decide or rule that this is a Resolution which is not purely governed by rules 219 and 220 read with rule 191(1) which require that a Resolution ought to be specific. Therefore, to obviate the difficulty and to focus attention on particular points, whoever speaks first on behalf of the signatories to this Resolution may start by saying, one, two, three, these are the things relating to questions, and again, one, two, three, these relate to the adjournment motions. So far as 'etc.' is concerned, 'etc.' is not a legal language. Therefore, I am not going to allow any discussion further or allow 'etc.' to be clothed with flesh and blood here on the floor of the House. Therefore, I will allow discussion only on these points. Condoning the fact that regularity has not been adopted in this matter of giving the details and making it more specific, I would ask that whichever hon. Member might begin must set out the three or four questions which he intends placing before the House for the purpose of focussing attention with respect to the questions, and also the three or four adjournment motions, which he wants to place before the House in respect of adjournment motions. No other subject which the Hon. Speaker had dealt with during the course of his regime would be allowed to be referred to merely because the word 'etc.' is there. Therefore, the discussion will be specific. I admit this Resolution, subject to all these observations. I would like to know now how many hon. Members are supporting it.

Shri K. K. Basu (Diamond Harbour): May I seek a clarification on the ruling you have given just now? You were kind enough to say that a Resolution should be guided by our Rules of Procedure, namely from rule 191 onwards. According to the rules, before a Resolution is admitted, certain conditions have to be fulfilled. But in reply to the points raised by my learned friend Shri Raghavachari, you said, "though I did not decide as to

the admissibility of this Resolution beforehand, I wanted to know the view of the House before I decided on that issue". Do I take it that in future you would follow the same procedure in respect of all Resolutions, before deciding whether they are admissible or not?

There is one other point which I would like to know from you. You were kind enough to say that specific facts must be stated. Supposing there are one or two questions which the hon. Speaker disallows in his judgment and according to his view, we may not be agreed on that; that may be justified, because we know that on a specific issue there is possibility of disagreement. But after quite a number of questions are disallowed, we feel that he is always following a policy which is against the interests of the House. In that even, is it your ruling that in the body of the Resolution, we shall state that such and such a question he has not allowed, and for these grounds, he has been behaving in such a manner? If in that way you stretch it further, I would apply it to all other Resolutions as well in that case, I do not know in what forms our Resolutions should be drafted in future, because regarding other Resolutions or even adjournment motions, we have certain forms, and this is a new procedure. Of course, you were kind enough not to disallow this Resolution on this technical ground. But you have made a certain observation which will affect the interpretation of the rules. So, I would like you to clarify the whole position, for our future guidance.

Pandit S. C. Mishra (Monghyr North-East): May I make one submission? Since you have laid down the procedure and you say that you will admit this Resolution subject to the requisite number backing it, and since you have also said that you will allow the discussion only on the specific points, my submission is that if this Resolution is admitted, you may kindly allow two or three days' adjournment so that the whole House may be in possession of all the specific facts on

[Pandit S. C. Mishra.]
which these allegations have been made, and the hon. Members of the House may come prepared.

Several Hon. Members: No, no.

Mr. Deputy-Speaker: Shri K. K. Basu has raised two points. So far as the admission of the Resolution is concerned, when I said I have not yet admitted it, I wanted some clarification before I admitted it, and asked hon. Members who are in support of this to stand up, with a view to give a lead to the House, so that the House may give leave....

Shri S. S. More: Formally, I will have to beg for leave.

Mr. Deputy-Speaker: I would call upon him now. Regarding the first point raised by Shri K. K. Basu, it is not as if in future all Resolutions ought to be brought here for purposes of admission. The Hon. Speaker has got a right—if we go under the rules—under rule 191(1) to say, this is vague and indefinite, and therefore, I am not going to allow it. But this is not a Resolution of that kind; therefore, I was not willing to disallow it; even though my opinion, after I heard the hon. Members, is that it ought to be more clear and precise, I did not disallow it.

Under these circumstances, this is not a precedent for bringing every other Resolution before the House, before it is admitted or rejected. That is all hypothetical. Now, this is what I have to say so far as this is concerned. On this, I wanted to have the view of both sides of the House before I made up my mind whether it ought to be admitted or not.

Now, so far as this question is concerned, the hon. Member himself is a lawyer and he knows that unless there are charges, or allegations of fraud etc. in a plaint as even on the civil side, or unless such particulars are given, we cannot proceed with the case. There is a difference made between matters of evidence and matters of substance. So, it is necessary to say, these are the charges. Under these circumstances, it is necessary that

three or four specific points on questions or adjournment motions should be raised, which could be debated upon and answered. The hon. Member who starts speaking first may state them, so that the attention of the House may be focussed upon those particular points.

Now, regarding adjourning the House to some other day, hon. Members had fourteen days' time and they must have thought about all these matters during that time. If leave is granted, I would like to have this Resolution debated upon sometime in the afternoon today, and dispose of it today.

The question is:

That leave be granted to move the following Resolution:

"That this House, having taken into consideration the conduct of the Speaker of the House as regards giving his consent to adjournment motions, disallowing questions, etc., feels that he has ceased to maintain an impartial attitude necessary to command the confidence of all sections of the House; that in his partisan attitude he disregards the rights of Members of the House and makes pronouncements and gives rulings calculated to affect and undermine such rights; that he openly espouses the version of the official spokesman on all controversial matters as against information supplied by other Members of Parliament, that all these acts constitute a serious danger to the proper functioning of this House and ventilating effectively the felt grievances of the people, and, therefore, resolves that he be removed from his Office."

Hon. Members who are in favour of this question will kindly rise in their seats. I shall count them one after another, for under the rule, fifty Members are necessary in favour. I have counted bench after bench, and I have counted up to 56. There is sufficient margin.

The motion was adopted.

Mr. Deputy-Speaker: Leave to move this Resolution is granted.

Shri Nambiar (Mayuram): The whole row may be counted—I mean at the back.

Mr. Deputy-Speaker: There may or may not be more. It is enough for the purpose of granting leave if there are fifty Members. The House will take up this resolution at 4 P.M.

Shri S. S. More: What will be the time?

Shri Raghavachari: May I submit one point? According to the rules, when a motion is admitted, if there is sufficient strength, the Speaker shall have to fix a day for a discussion. So it does not mean the same day. I will just invite your attention to that rule. The Speaker shall fix a day for discussion, not the very day.

Mr. Deputy-Speaker: It is not necessary. I will have it at 3 o'clock, today.

Several Hon. Members: No.

Mr. Deputy-Speaker: What is the time that is necessary?

Shri S. S. More: May I bring to your notice that we will have to allot time first? Unless we know how much time will be permitted, it will be difficult for us to proceed.

Sardar A. S. Saigal (Bilaspur): May I submit that it be taken up at 2-30 P.M.? (*Interruptions.*)

Shri Jawaharlal Nehru: We can have 1½ hours, if you like.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Let it be 4 to 6 p.m.

Shri Jawaharlal Nehru: You might have it at 3-30.

Shri Punnoose (Alleppey): I would like to point out that this is a very serious matter. The Prime Minister was pleased to over-emphasise, that it is a very very serious matter. But I am surprised that they want to dismiss it in 1½ hours. We want a full

day's discussion, as this is a serious matter—if he stands by what he says.

Mr. Deputy-Speaker: As yet, we have not had any indication in the Resolution itself, as I pointed out, as to what are the points that are going to be raised. I believe there will be three or four points relating to questions, three or four points relating to adjournment motions, however long we may sit, having regard to the number of persons here. Therefore, though one hour may not be enough for the Mover and for the reply, and other persons also might like to take part in it, an hour and a half may meet the requirements. (*Interruptions.*) I am not going to allow every hon. Member who is a signatory to this Resolution to get up and speak on this matter. Now, that is clear. This is a matter in which the entire House is interested. Under these circumstances, time will be given according to the number of persons in each group—only that time. We have 1½ hours. The House will start discussing this Resolution at 3-30 p.m. I do not agree that it ought to be on some other day. I do not want to allow this matter to be hanging. This is a serious matter and 14 days' notice has been given. So at 3-30 p.m. the House will take this up.

Shri Punnoose: Before you give your ruling, may I say that even for an adjournment motion we have 2½ hours? This is a very important matter. How can we dismiss it within 1½ hours?

Shri S. S. More: I would just supplement what the hon. Member said. I would bring to your notice rule 81. Though this is a Resolution given in this particular form, it is, more or less, a Resolution in the nature of an adjournment motion—of censure. If we treat it on par with an adjournment motion, then the least that we can do under rule 81 is to allot 2½ hours—at least 2½ hours—unless you treat it as on grounds still inferior to an adjournment motion. It is much more serious than an adjournment motion.

Shri Jawaharlal Nehru: I do not wish to limit discussion. You can have it for a week so far as I am concerned. (*Interruptions.*)

Dr. N. B. Khare (Gwalior): He is agreeable to have it for a week. Let us have it.

Mr. Deputy-Speaker: The House will take up this Resolution for discussion at 3-30 p.m. and the discussion will conclude at 5-30 p.m. Two hours are more than enough so far as this matter is concerned. (*Interruptions.*) Now, each hon. Member who speaks will have 15 minutes except the person who speaks in the beginning—he will have 20 or 25 minutes—and any spokesman on the other side, the Leader of the House or some other person, who also will have 20 or 25 minutes. I would only request hon. Members to be as cool and considerate in the debate as they have been so far. (*Interruptions.*)

Pandit Thakur Das Bhargava rose—

Shri A. K. Gopalan (Cannanore): May I submit that so far as the time is concerned, it is very limited? From among those who have signed the Resolution, at least some persons from each group have to speak. Also Members on the other side may wish to speak. So I do not think that two hours will be enough.

Pandit Thakur Das Bhargava: May I submit a word?

Mr. Deputy-Speaker: Except the leaders of groups, others may not speak.

Shri Raghavachari: May I submit that you may be pleased to consider and review the decision as to what day and time should be allotted for discussion? The rules definitely contemplate that a day may be fixed within ten days, i.e. some other day within ten days. So you have to take the spirit of the thing rather than go on disposing of it as if it is some matter that has arisen casually. The spirit of the rule is that within ten days a day has to be fixed, but you

want to immediately go on and decide this.

Mr. Deputy-Speaker: I expected any such remarks least of all from the hon. Member who is a signatory. Those persons who gave notice must have made up their minds. I am sure they would have made up their minds as to what the charges are; otherwise responsible people would not have appended their signatures. Fourteen days' notice has been given and thereafter it has come. Now, we have other business in the House. It is not the only business of the House—to remove the Speaker. We have other business before the House and consistent with the time required for other business, time has to be found. It is not for the sponsor to come and say 'You ought to give more time. I was not prepared'.

Shri Raghavachari: I never said it that way.

Mr. Deputy-Speaker: It is not at all proper for the hon. Member to say himself 'You must adjourn it'. For whose benefit? The other people have not asked for it. This being a serious matter, under these circumstances I am going to take it up today from 3-30 p.m. to 5-30 p.m.

Several Hon. Members rose—

Shri Raghavachari: May I submit that it is not for my sake that I said it? It is not that I am unprepared but there must be sufficient time for all...

Mr. Deputy-Speaker: For what?

Shri Raghavachari: ...to really discuss the matter and not hurry it up, as you are inclined to do.

Mr. Deputy-Speaker: No hurrying up.

Pandit Thakur Das Bhargava: May I submit a word?

Shri V. P. Nayar (Chirayinkil): In fixing up the time, the usual practice is that the Chair consults the Leader of the House, formally or informally. The Leader of the House, before he chose to go out of the House, very

the House other than the one on the Order Paper.

Shri Raghavachari: The other matter, about the irrigation policy of the Government is in question. I wish to make only very brief remarks about one or two points. The Ministry in its anxiety to arouse the sympathy and support of all parts of Andhra have committed themselves in a hurry to a number of projects costing crores of rupees which they may not be able to implement within the space of one term of office or even two. Not that I am complaining that they should not have a plan and should not do their business, but there is more anxiety to do too many things and in this hurry what they have done is they have utterly neglected the very small irrigation projects. It is unnecessary to advance any arguments in favour of the necessity of taking up these small minor irrigation projects because they are not very costly, they are quick in yielding results; and they will avoid first to un-settle people and disposses them and then to rehabilitate them. All those are considerations that would ordinarily arise in bigger projects.

Pandit Thakur Das Bhargava: We want to know what are the points. The House wants to know. We want that these should be given to us within 15 minutes from now. These points may be given so that the House knows what we are to discuss.

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But, in the neglected Andhra and in our districts where the rainfall is not more than 20 inches a year, the ancient kings have adopted one policy and that is of building tanks and kuntas. Wherever it is possible for them to store the rain water, they have always taken care to see that, that water is not allowed to flow out waste. Therefore, it must have been the primary work of the Government to examine the possibilities of such small schemes which might even not cost more than Rs. 1,000, and all that would have really helped in bringing a little more water to facilitate irrigation. Such a thing should have been done from village to village. An estimate should have been made, details gathered from the local knowledge work carried out. That has not been done. They want to take up projects costing Rs. 100 crores or Rs. 150 crores which will be more a matter for

Shri Rathavachari (Penukonda): Sir, yesterday I was submitting a few points in respect of things that arise out of these Supplementary Demands for Grants for Andhra State.

Mr. Deputy-Speaker: Order, order. Let there be no other discussion in

[Shri Raghavachari]

advertisement and satisfaction rather than yielding any quick results. That is the point I wish to make clear.

Particularly in the case of my district where there is, as I have already submitted, no possibility of any big irrigation scheme ever giving help to the people, such small minor irrigation schemes should be taken up.

The other observation that I wish to make relates to two points about electricity. The policy of the Government very happily is that electricity should be brought to the rural parts for agricultural purposes. It is no doubt a very happy thing when we hear that such a thing is given importance; but, in the matter of executing there are two difficulties that have actually been experienced. One is, much of this energy we are now getting by way of sale from the neighbouring State of Mysore. There are two types of electricity that is generated in the Mysore State. They have agreed to supply electricity to Andhra, one kind from the Sivasamudram Hydro-electric works and that is of 25 cycles and the other is from Jog which is of 50 cycles. The present programme of extending the power to villages and rural parts should be really to the advantage of the agriculturists. The difficulty should have been imagined by the Government and they should have made all the power of one type and not of two namely 25 cycles and 50 cycles; it must all be 50 cycles. You know, Sir, that the modern electric power is invariably of the standard of 50 cycles. When from Tungabhadra 36,000 or 40,000 kwts.—even from Jog it is 50 cycles—are generated and distributed, if you spread 25 cycles electricity to the villages now, almost every villager who invests any money on a motor or a pump or anything to work with, he has immediately to change that after two years. That will be a difficult task for him. It is not likely in a poor country and particularly in backward districts like ours. You can-

not expect the ryots to change their machines often. Therefore, the best thing would have been to convert the 25 cycles electricity to 50 cycles and then spread it round the villages. I am not mentioning this with a view to stop the extension of electricity into the village parts. I am anxious that it must be taken soon and it may be done in a way which will not mean additional investment or call for any additional investment by people who, if they could not afford that, may find no use for electricity. These are the two things on which I wanted to make my submission.

There is one other thing also which I wish to state in this connection in the matter of general administration. I have found that in trying to distribute the head offices from Madras to various parts of the Andhra territory, they have entirely neglected the claims of Anantapur. I beg to be pardoned when I have to say that I have a suspicion that the claims of Anantapur have not been considered at all, perhaps designedly. Of course there was a police training school in Anantapur and they now want to make it a police training college. Except this, Anantapur has been ignored. Almost all the things are taken to other parts of the Andhra State to the prejudice of Anantapur which enjoys a first class healthy climate and other beautiful conveniences. This is a matter which may be considered sympathetically.

I may next briefly refer to the newly instituted High Court of Andhra. Even when the Andhra Bill was under discussion on the floor of the House, I took care to see that a clause was there in the Bill which would make it permissible, which would make it administratively within the powers of the Government and the High Court to locate a Division Bench of the High Court in any other part of the Andhra State, so that all people may not have to go to one place at considerable cost. I invite the attention of the Deputy Minister of Home Affairs to this parti-

cular point which I am urging. It is a matter which is within the peculiar province and the privilege of the High Court. Instead of building a High Court and asking for lakhs of rupees to be provided for the Judges' quarters and so on, in a place overcrowded already like Guntur, it is worth while considering as to why they should not have a Division Bench of the High Court located in Anantapur which is a centre of Rayalaseema, so that it will be more to the advantage of people to have justice in a place which is quite near. This principle has been accepted by the Union Government and even a Bill was introduced in the case of the Travancore-Cochin State High Court, providing for a Division Bench of the High Court in another part of that State. Therefore, I wish to urge that a Division Bench of the Andhra High Court might well be located in Anantapur. It does not require the sanction of the Legislature, it does not require any public agitation. It is a matter which is purely one of extending the policy which has already been accepted by the Government. It can easily be done by the Andhra Government and the High Court (Andhra).

Shri Lakshmayya (Anantapur): While supporting the Demand for Grant in respect of the Andhra State, I oppose the cut motion of the hon. Members of the Opposition, and I want to speak a few words in doing so, on the Andhra administration and also on the irrigation works that have been executed in that State. Yesterday, some of the hon. Members of the Opposition criticised and condemned the administration of the Andhra Government and also advanced an argument that Kurnool district was neglected in the matter of irrigation projects. Another Member of the Opposition said that the Government has failed to implement some of the schemes approved by the Andhra Assembly. I must disagree with that criticism. I can really welcome a criticism which is a fair one. Criticism is necessary as a corrective and as a

spur to further efforts but unfair criticism is not desirable.

If you look into the book on Supplementary Demands for Grants, you will understand that the Andhra Government has undertaken a number of irrigation works, as many as 17 works, involving nearly Rs. 6 crores. In that connection I must compliment and pay a tribute to the hon. Minister for P.W.D. in Andhra, for having conducted negotiations with the Central Government and got a boon from the Central Government for the irrigation projects. When a Member from Kurnool said that Kurnool was neglected in the matter of irrigation projects, I was really surprised. Rayalaseema is a poor and backward tract and Kurnool is one of those tracts. Of course the Member from Kurnool said that it is a poor and backward place, but he also said that it has not received any irrigation benefits either from the Plan or from the Andhra Government. I am sorry he is not correct. It is Kurnool that has got the maximum benefit from the Tungabhadra project. Perhaps my hon. friend might have forgotten Alur and Adoni which are part and parcel of the Kurnool district and which are receiving maximum benefit from the Tungabhadra project. The K. C. canal is also one of the biggest projects that is included in the Five Year Plan. It involves a cost of nearly Rs. 1,12,00,000. In addition to this, I think Kurnool is a town blessed in all respects. Fortunately, the capital was located there in spite of the keen opposition, as the House knows, and later on, lakhs and lakhs of rupees have been spent on buildings, roads, water works and electricity in the town. You are aware that Kurnool has sprung up into a fine city, beyond recognition, and nobody expected that it would become like that. But when an hon. Member did state, grudgingly and grumblingly, that Kurnool had been neglected, I was really surprised to hear it. It only leads me to conclude that there are some people who, having eyes, refuse to see the things done by others, however good those things may be,

[Shri Lakshmayya]

and refuse to see the worth or merit of others.

Another Member said that Government is not coming forward to offer loans to the ryots, etc. I saw the report yesterday, which was sent by the Special Collector of Adoni on the Tungabhadra irrigation works. I find that it is not Government that is lethargic but the ryots. Some people who were not for the scheme are not coming forward. Therefore it is no fault of the Government. We should not blame Government unnecessarily, though fair criticism is really necessary.

I next come to another point raised by hon. friends. I can say that the Kuppuswami Committee's report has been accepted by the Andhra Government. The recommendations contained in the report would have been implemented had the Assembly continued to function. Unfortunately the crisis overtook the Assembly and it was dissolved. An hon. Member from Chittoor made a point on which I need only say that the Government are considering it.

Finally, I want to let the hon. Members know that the Government are neither indolent nor indifferent, but that they did excellency well in executing the projects, and in doing so, only the interests of the new Andhra State were in their minds.

Coming to some of the points relating to my district, my hon. friend Mr. Raghavachari has already advanced in favour of the Tungabhadra High Level Canal. It is a long-felt need. I am happy to hear that it would be included in the First Five Year Plan. It is an old dream which has been realised by the people. (Interruption.) I do not know how far the Government would be able to achieve it; it is the desire and intention of the people of Rayalaseema that the Tungabhadra High Level Canal should be excavated. It is the only perennial

source for Rayalaseema. For the last forty years the people of Rayalaseema were agitating for that and were hoping with great eagerness that it would be taken up. Eventually, when the Tungabhadra project materialised, the matter was left there and the high level canal was not excavated. There is no hope for the people of Rayalaseema unless that is done.

You are aware that Rayalaseema is a backward and poor area and also, on account of the failure of the monsoon, agriculture in Rayalaseema is a gamble in rain. Irrigation facilities are necessary for Rayalaseema. The land is fertile and it would yield a very good crop of cotton, millets, paddy and others but, unfortunately, we have no rains. On account of the failure of the rains, we are all poor and we are faced with famines off and on. You are also aware that the people of Dharmavaram represented this to you when you presided over a conference. I am glad that in this provision has been made for some trees and plants and I am sure that investigation will be completed before long and the excavation of the canal would be taken up so that it would benefit some of the taluks in Bellary and Anantapur, particularly, Gooty, Muruvakonda, Rayadrug and some other taluks in Cudappah district also. Not only that, it would solve the problem of drinking water in some of the villages in my parts, where drinking water is in scarcity.

I now come to electricity in Rayalaseema. Again, I congratulate the Government of Andhra for having installed a number of thermal stations. Within 30 days they were able to install a complete thermal station at Kadiri and another at Dharmavaram within 40 days. It is a thing which could never be expected of any Government within such a short period. It is a stupendous task, so efficiently and so quickly completed. That it has been executed within such short a time, the Government of Andhra deserves congratulations.

Unfortunately, my taluk of Kalyandrug which is a poor one and another taluk in my district, the taluk of Madaguserai, which is the poorest, have not got electricity. Perhaps the poor people will be neglected everywhere. We expected that the Andhra Government would give us electricity soon, but, unfortunately, it was dissolved. They had promised that they would get it because we have got electricity within a distance of 16 miles of it, at Rayadurg. We can easily connect Kalyandrug. Rural electrification is also absolutely necessary for Rayalaseema.

In Andhra there are 5 lakhs of wells and 12 lakhs of tanks and the Andhra Government has undertaken the repair and renovation of innumerable tanks. My friend Mr. Raghavachari just now said that they have not taken up minor irrigation works. They have taken many—not so many—and the House would appreciate what I saw if they refer to page 7 where they have included as many as 70 irrigation works, most of them medium and also minor. Therefore, irrigation projects as well as power projects should be executed before long and electricity should be provided in the rural parts, particularly in the villages, so that the cultivators will have the facilities of taking the water by means of pumping sets.

Then, my hon. friend, Mr. Raghavachari, said that a Division Bench of the High Court should be established at Anantapur. I really agree with him that it is certainly necessary in order to afford judicial facilities to the people. That will really be useful and helpful for the district of Anantapur. Of two other districts of Rayalaseema, Chittoor has got a University and Kurnool has got something—why something, it has got the capital. Cudappah and Anantapur are neglected. Therefore, I request Government to consider the advisability of establishing a Division Bench at Anantapur.

With regard to the courses of study in the Colleges and the University at Tirupathi, they should be different

from what we are having at Waltair and some special courses should be started.—I welcome the idea. We really compliment the Andhra Government for getting the Venkateswara University established at Tirupathi. That is a holy and sacred place. Though Anantapur is the centre of culture, we welcome the University at Tirupathi. We want that some higher courses should be included in the college at Anantapur.

I once again compliment the Andhra Government for the excellent work in the Andhra State and for the progress of the new Andhra State.

Shri Ramachandra Reddi (Nellore): Mr. Deputy-Speaker, I wish to focus my attention on the subject-matter of the two cut motions that I have given notice of. I must, at the outset, observe that the Ministry of Irrigation is not represented here now, though that is most necessary.

Shri Lakshmayya: The Minister is out of office since the dissolution of the Andhra Assembly.

Shri Ramachandra Reddi: Sir, when the supplementary demands are presented to the House, it is not only desirable but incumbent on every Ministry which is responsible for the several supplementary grants to be represented on the floor of the House....

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): These are supplementary demands for Andhra and we are here.

Shri Ramachandra Reddi: I quite realise that but I do not think the hon. Finance Minister will be able properly to appreciate the viewpoint of the Andhra representatives regarding certain irrigation facilities.

Shri M. C. Shah: After all, the Ministry of Irrigation and Power will also not be able to say much. What we propose to do is to take notes and send them to the Andhra Government.

Shri Ramachandra Reddi: I do not want to spend more time on that; anyhow, I would like to point out certain things that require immediate attention of the Government and especially from the viewpoint of finance.

In Demand No. XXXIV a list of irrigation works has been shown and the estimated amounts as well as the money required immediately are shown in the respective columns. The schemes that are put down on page 7 seem to be provided for scarcity areas. While I welcome the activity of the Government, both State and the Centre, to provide for scarcity areas large sums of money for improving their irrigation facilities and thereby helping their food production, I would advise caution as regards taking up some of those schemes, either from the financial point of view or from the point of view of the fact whether they are going to affect the other irrigation facilities if the facilities that are now going to be adopted are brought into existence. I would like to point out that item No. 17, Kalangi Reservoir, with which I am acquainted, is going to be executed at an estimated cost of Rs. 14,66,000. The project is going to serve about 3,000 or 4,000 acres of land in Kalahasti Taluk in Chittoor District. I have had opportunities of studying this question and I find that in Nellore District through which the river Kalangi flows...

Shri T. B. Vittal Rao (Khammam): There is no quorum in the House now.

Mr. Deputy-Speaker: At about lunch time it is not necessary.

Shri T. B. Vittal Rao: It is half an hour ahead of lunch time.

Shri Ramachandra Reddi: In Sulpurpet Taluk in Nellore District, there are already 10,000 acres of registered Ayacut land, wet irrigation, and another 2,000 acres of T.J. land. I am told that the Andhra Government has taken notice of 5,000 acres under the anicut at Taniyali in Nellore District and ignored the existence of 10,000

acres of registered land wet irrigation and 2,000 acres of T.J. land, though the matter has been brought to the notice of the hon. Minister there in charge of Irrigation. The information he seems to have obtained is that there are only 5,000 acres under irrigation in Nellore District. I am afraid either the Government there is misleading itself or is being misled by the irrigation authorities concerned, but the facts have to be faced, and I only suggest that the Central Government should take up a further investigation of the matter before they actually commence it. You might have noticed that already several projects have been amply provided for—Rs. 14 lakhs, Rs. 15 lakhs and Rs. 13 lakhs and so on. I would suggest that a greater scrutiny of these estimates would be necessary because these are projects which are going to be unremunerative, not even coming under the protective schemes, but are supported on account of the scarcity areas where these projects are going to be located. It is possible that estimates are prepared in the interests of the contractors and not so much of the ryots. It is also possible that heavy schedule of rates have been adopted in places where the schedule of rates could have been easily reduced. In that view I would wish that the Central Government appoint their own officers from here and in collaboration with the Andhra Irrigation Department, try to scrutinise the estimates to the best advantage of not only of the finances of the Centre, which I think is going to grant these sums, but also for quick execution as well as the integrity of the State Government departments.

On page 8 of the Memorandum on Supplementary Grants, it is noticed that an amount of Rs. 3,00,000 is provided for the remodelling of the K.C. Canal, for which the estimated cost is shown as Rs. 1,12,00,000. There has been a good deal of misunderstanding of the possibility of remodelling this particular canal, and I wish also that the Government should look into the matter much more clearly. I think

the Khosla Committee has suggested that it should be remodelled at a cost of about Rs. 3 crores so as to give supply of water to two new channels for Nellore District. As it is, the present capacity of the K.C. Canal as well as the anicut in Sunke-sila is 1,500 cusecs. If the idea is to increase it to 3,000 or even to 6,000 cusecs and spend about Rs. 6 crores, the possibility and feasibility of executing this will have to be looked into more carefully. There have been differing opinions and estimates on this matter and the Chief Engineer there thinks that it is not possible to remodel it so as to give a supply of 6,000 cusecs, but the Central Government seems to be of the opinion, probably without looking into the facts much more closely, that they can increase the capacity to 6,000 cusecs. This means that the remodelling of not only the channel but also the bridges and aqueducts connected with this particular channel. Under the K.C. Canal, the estimated acreage would be about one lakh of irrigated land, which has not been sufficiently covered until recently, because the cultural practices there, especially for growing paddy crops, have not been quite predominant. But of late, there seems to have been some activity in that way, and the entire areas is going to be cultivated. This channel, if it is estimated to serve certain other areas in Nellore District, will cost, according to the announced estimates, about Rs. 6 crores. My suggestion is that instead of spending Rs. 6 crores, which figure probably would have to be revised to Rs. 8 crores in due course of time, the possibility of having the terminal reservoir for Pennar River, where it enters Nellore District, can be considered. Shri Trivedi, the present Governor of Andhra, had the goodness to inspect the particular site of the construction of the proposed projects—the Somasila Project—and I am told that he was very much impressed not only about the feasibility but also about the utility of the project. Probably, the construction of the reservoir or raising of the dam would

come to about Rs. 10 crores. If that is so, whatever amount that can be saved by not improving the K.C. Canal, can be utilised on the construction of the reservoir and the dam at Somasila. It might not exceed about Rs. 10 crores. It is often pointed out that the Nandikonda project, Right Bank Canal upto the river Pennar, will be about 276 miles long. It is doubtful whether this long channel would be able to give much water supply to the areas lying on either side of the river Pennar, including present irrigated wet area of nearly 2,00,000 acres, and they have to be stabilised. Whether it is possible to give 20,000 cusecs of water from the Nandikonda project to Nellore through the right bank canal is very doubtful. It is also doubtful whether the expected areas in Nellore district can be irrigated by this canal. It is, therefore, suggested that this new project mentioned, namely, the Somasila project, might be brought into being with a view to irrigating about 10 lakhs of acres. It might be possible that it will take up a portion of the land provided for irrigation under the Nandikonda R.B. canal. So we can cut off that estimate which is made under the Nandikonda canal and divert it to the estimate under the Somasila project and the canals.

The idea of improving or remodelling the K. C. Canal is to give two channels in the Nellore district, one the Kavali canal and the other Kanpur canal. Unfortunately, before the Nandikonda project has been thought of these two canals were expected to be taken off from the Sangam Anicut across the river Pennar where the storage of water is very precarious and undependable. Unless there is a specially augmented supply from above, it is not possible to make these two canals useful, even if the Kurnool-Cudappah Canal can be improved and remodelled. I have already said that it is not possible to remodel the Kurnool-Cudappah Canal to the extent expected and if the Central Gov-

[Shri Ramachandra Reddi]

ernment thinks that it could be done, or if the State Government also agrees with them, I am afraid it is going to be a political eye-wash rather than actual help to the people concerned. So, even to stabilise the two lakhs of acres in Nellore Delta this reservoir is absolutely necessary and I am very doubtful whether this stabilisation can depend on the Nandikonda Canal at all. Both from the point of view of extension of irrigation to about 10 lakhs of acres in Nellore District without such depending on the Nandikonda canal, and also to stabilise the existing irrigation of nearly 2 lakhs of acres the Somasila project is an absolute necessity. I did not want to raise this question earlier during the debate in this House because I thought that this would crowd out or cloud out the possibility of bringing the Nandikonda project. But I am sure the authorities should be able to look into the matter much more clearly and have a discussion with the Governor of Andhra as regards the feasibility and the workability of the scheme that I have suggested without affecting the prospects of the Nandikonda project.

Sir, I have got one more matter to speak about, that is the efficiency of Police in Andhra. That is a matter directly connected with the Home Department here and I am sure they will take note of the few remarks that I make at this particular juncture. You know, Sir, that the working of prohibition in Andhra has been a failure. Whether the policy of prohibition is right or wrong I am not going to discuss now. I am only trying to impress upon the Government that it has been a failure and a Special Committee appointed for that purpose has declared it to be so—a Committee consisting of a High Court Judge, an ex-administrator of great repute and ex-Service Commission Member. They have given a clear verdict that prohibition has failed. I do not mind in this connection

whether prohibition succeeds or fails, but I want to point out the very bad effects of the prohibition policy on the police in Andhra. Regular mamools have been set up for the police inspectors and sub-inspectors....

Shri Lakshmayya: Nira was accepted in Andhra State.

Shri Ramachandra Reddi: I am not speaking about the policy of prohibition, but I am speaking of the effects of the prohibition policy on the police. Regular mamools have been set up for each man who deals with a number of trees. A particular sum of mamool has been fixed and there will be a man who collects all these mamools and pays them to the sub-inspector. This is an open secret about which there is no second opinion and it looks as if it is necessary that this sort of demoralisation that has crept into the police force will have to be removed as early as possible by whatsoever means it might be.

Not only the prohibition, but also the separation of the executive and the judiciary has had some effect on the efficiency of the police. I do not for a single moment say that the separation of the judiciary from the executive is not good, but I would like to impress how the decisions of the judicial magistrates have often been going against police cases, so much so, the police people feel that it is no longer useful for them to put up any cases. So many cases are not brought on record; so many cases are not even taken notice of, and even if complaints go, the complainants are simply pacified and sent home with the result that on records it will be found that there are very few cases coming to the notice of the police, and as such the efficiency of the police is deemed to be maintained by the fact that they are taking care of the law and order situation in the country quite well. But they do not take note of the cases; they do not even record them, and the very few cases that they

record are probably so bad that a judicial magistrate is apt to decide against the police, with the result that there is a general despondency coming over the police and they do not want to put up cases at all. This is a very sad state of affairs and the police efficiency will have to be increased considerably. If the Police College, or Training School that is going to be established at Anantapur can be of any use, it must be for the equipment and training of the new officers in such a manner that they will withstand any efforts that will come to them when they actually enter service.

Unless the position of law and order is very much improved there is likely to be a general situation not only in prohibition cases, but also in general, in other cases. It is absolutely necessary that the Central Government should come forward to give a fillip to the spirit prevailing there now and see that the administration of law and order is improved and the inefficiency that is now creeping is checked.

Shri T. B. Vittal Rao: Nobody from our side has spoken.

Mr. Deputy-Speaker: They would have spoken yesterday.

Shri M. C. Shah: Sir, I have not much to say on this subject. I thought these Supplementary Demands for Grants were only with regard to certain expenditure to be in regard to some money to be taken out of the Consolidated Fund. But because of the President's rule we have to place these Demands before Parliament and I thought that the explanatory notes to all these Demands were so exhaustive that no further information was necessary.

Certain questions of policy have been raised and we thought that it would be advisable to have a senior officer of the Andhra Government to be here and take note of all the questions raised in this House and place them before the Governor and before the Ministry that will be formed very

soon. About the police and the other matters, my colleague, the Deputy Minister of Home Affairs will reply. A question was raised about the power development in Andhra State. I have got a brief note here and I will refer only to relevant portions. It was stated that there was a necessity for power development in Andhra State. We have got the figures and they show that by the end of 1956, there will be 47,700 K.Ws. and that there will be a surplus of 5,000 K.Ws. The present generating capacity in Machkund area is 17,300, in Tungabhadra area it is 6,500; 2,500 in Nellore area and 3,800 in Chittoor area. There will be an increase in the total load demand which is estimated to be 42,700 whereas the total power produced will be 47,700 K.Ws. Thus, there will be a surplus of 5,000 K.Ws.

Still, it is recognised that the possibilities of power development and power utilisation in Andhra are very considerable and to harness these potentialities the State Government electricity department has a very active programme of construction works before them, not only in the First Five Year Plan but also in the subsequent plan periods. The power projects now under construction are: The Machkund scheme (first stage—51,000 K.W.) and the Tungabhadra scheme (first stage—3,800 K.W.). The Machkund scheme will supply power to the coastal areas of Andhra State from Srikakulam district in the north and Guntur district in the south. The Tungabhadra scheme will largely benefit the ceded districts area. The Machkund scheme will commence operation by the end of 1955 and the Tungabhadra power plant by 1957.

To be able to meet the anticipated future power demand in these areas, several new power projects have been proposed for inclusion in the Second Five Year Plan and these are under consideration by the Planning Commission. These include the second stage of the Machkund power station (51,000 K.W.), the second stage of the Tungabhadra hydro-electric scheme (about 3,000 K.W.) Nandikonda

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hydro-electric scheme (first stage—75,000 K.W.), Sileru hydro-electric scheme (first stage—75,000 K.W.), Nellore thermal power station scheme (30,000 K.W.) and appropriate transmission and distribution projects.

It will be clear from the above that the power development programmes in the Andhra State are being actively proceeded with. That is about irrigation. My hon. friend, Shri Datar, will also speak about it. We have got a big note on that. But, I can assure the hon. Members that all the proceedings of this debate will be forwarded to the Andhra Government and due consideration will be given to all the questions that had been raised.

Shri Lakshmayya: What about electricity in my part? Hon. Minister perhaps knows that the per capita consumption of electricity in Andhra is only 4 units whereas in Madras it is 12 units. In Mysore, it is 44 units.

Shri M. C. Shah: This question also will be considered by the Andhra Government. We will forward this also to the Andhra Government. That is what we can do.

The Deputy Minister of Home Affairs (Shri Datar): A number of points were raised regarding the Supplementary Demands that had been made here. One consideration that should be taken into account is that these are Supplementary Demands and the general questions of policy regarding the conditions obtaining in Andhra cannot be discussed. Secondly, President's rule in Andhra is more or less in the position of a caretaker government. This House desires that the general elections should be held there as early as possible and there ought to be popular government functioning at Kurnool. Subject to these considerations, President's rule has to be carried on and therefore, the general policy is in respect to follow the policy laid down by the last Government as far as possible and to keep the administration going on

without entering into larger questions of policy or undertaking very large schemes. Subject to these broad considerations or limits, I would point out to this House what the Government have been doing or what the Government's answer is in respect of the suggestions and criticisms offered on the various points in this House.

It was first contended that there was some delay in the development of the Tungabhadra project area. The Two points were made out. One was that there was delay in the grant of taccavi loans and the other was that the facilities for land reclamation were not sufficient. So far as these two points are concerned, I may point out to this House that the Government have made available tractors for land reclamation in this area. Secondly, it may also be noted that the Government have already sanctioned the purchase of some more tractors. So far as taccavi loans are concerned, they are already being granted by the Government and the Andhra Government have already approached the Government of India for more financial assistance for the purpose of granting loans in this area. In addition to these, it will also be noted that the Andhra Co-operative Central Land Mortgage Bank is also considering the question of providing easy credit facilities in the Tungabhadra project area.

Something was said about the Kurnool-Cuddapah canal yesterday. The real position in this respect is that the Government of Andhra have already sanctioned a scheme for remodelling this canal and one of the items for which a supplementary grant is asked for, is for this scheme. The scheme as sanctioned envisages the remodelling of the canal to carry a discharge of 3,000 cusecs. An enquiry is being made whether it could carry a larger discharge, say, to the extent of 6,000 cusecs. That question is now under consideration.

and the matter will be decided in consultation with the Technical Committee of the Planning Commission.

So far as the Nandikonda project is concerned, it has been under the consideration of both the Government of India and the Government of Andhra. The joint project report sent by the Governments of Andhra and Hyderabad was scrutinised by the Technical Committee of the Planning Commission and they had made certain suggestions and comments which have to be considered. Government of India have already pointed out to the Government of Andhra that they would be prepared to include the Nandikonda project in the Five Year Plan subject to the settlement of the points raised by the Technical Committee in consultation with the Governments of Andhra and Hyderabad. One more point has been stressed by the Government of India that the financial basis assumed in the project report should not be departed from. Subject to these conditions, Government will do all that is possible so far as these two schemes are concerned.

Shri Lakshmayya: What about the high level canal?

Shri Datar: That is what I am pointing out. The hon. friend, Shri Raghavachari, stated that the facilities of the Tungabhadra high level canal scheme should also be available to the Anantapur District. So far as that question is concerned the position is like this. That scheme was investigated up to the 82nd mile some time ago and investigation of the scheme beyond the 82nd mile was sanctioned by the Government of Andhra recently. The question whether irrigation facilities can be provided for Anantapur and Dharmavaram talukas would depend upon the technical investigation of the project. That is with regard to the question raised by the hon. Member, Shri Raghavachari.

1 P.M.

Shri Raghavachari: Technical feasibility or technical assistance?

Shri Datar: Technical investigation of the project.

Something was stated about the Kalangi river. It was contended that the new scheme will affect existing irrigation rights. The policy of the Government of Andhra, which the Government of India naturally is following, is that no project will be taken up unless technical investigation has shown that water will be available without impairing existing rights. Therefore this question will also be considered.

With regard to the Nandikonda project and the Kurnool-Cuddapah Canal one more point may be noted. The question as to which areas should be served by these projects is engaging the attention of Government and a decision will be taken in consultation with the Technical Committee and the Planning Commission.

Then certain other questions were raised, one regarding what is stated to be duplication of the courses of study so far as the Andhra University and the Tirupati Venkateswara University are concerned. In this connection this House will kindly note that the Venkateswara University was established for the purpose of meeting the needs of the Rayalaseema people, because it was felt that Waltair was at a very great distance from the Rayalaseema area. It will also be noted that only a few months ago this Venkateswara University has started functioning as such. Under these circumstances, to a certain extent, at least so far as the lower courses of study are concerned, some duplication is almost inevitable. Otherwise, if certain courses of study have to be formulated and established, say, at Waltair, then it would be inconvenient for the students from the Rayalaseema to go there; and vice versa the students of the coastal districts will find it difficult to go down. So to a certain extent in respect of all these regional Universities this question of duplication up to a certain point is inevitable, because the

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earlier courses have to be provided. The question mainly arises so far as the post-graduate courses or special departments of learning or sciences etc. are concerned. There I am quite confident that the Andhra Government would take care to see that both these Universities are advised properly so far as the fixing of the various courses of study is concerned. The House will also note in this connection that the question regarding the particular courses of study to be fixed is more or less a matter within the autonomy of the Universities concerned, and here the Government will only be acting in a persuasive manner. Therefore it would not be possible for us, either for the Government of India or the President or even ultimately for the popular Government of Andhra, to insist upon certain courses of studies being fixed up, though their general advice will always be available. And I am quite confident that the new Venkateswara University will be of the greatest benefit so far as the people of Rayalaseema area are concerned.

One more point was made, about the police. So far as the police administration is concerned, Shri Ramachandra Reddi contended that the efficiency has gone down on account of, what he stated, the establishment of the separation of the judiciary from the executive. This is rather a surprise to us. After all it is one of the fundamental principles that there ought to be separation of the judiciary from the executive. And if there has been a separation of the judiciary from the executive and if judicial Magistrates are appointed, in all such cases we have to take proper care to see that proper cases are put up before the Magistrates without necessarily reducing the efficiency of the police. I am confident that the Andhra Government, the popular Government that will be established in Andhra, would take this question into account.

I am not here dealing with the question of prohibition at all, be-

cause the cut motion regarding it has not been allowed at all. But it will be found that this is a very controversial matter which requires very close consideration, and the House must have noticed that a Special Committee has been appointed by the Planning Commission with an hon. Member of this House as Chairman. It will go into all aspects of the case, and the report and the recommendations of this all-India body will have its full bearing so far as its effects on Andhra are concerned, and therefore I would not deal with that question at any great length.

Then my hon. friend Shri Raghuramaiah wanted to know the exact position so far as the Andhra High Court is concerned. You will find that the Andhra High Court was established on 5th July, 1954, and to start with three Judges of the Madras High Court were allotted to the new Andhra High Court. Subsequently two more Judges have been appointed and they are carrying on work with effect from 1st November, 1954. The sanctioned strength of the Andhra High Court is six Judges and five have already been appointed. So far as the last vacancy is concerned Government are awaiting the recommendations in this respect from the Government of Andhra. The moment the recommendations are received then early attention will be given to it to have the full sanction strength in respect of the Andhra High Court.

Shri Raghuramaiah (Tenali): May I know whether the filling up of that vacancy will be from the members of the Bar or from the service?

Shri Datar: Government will take into account the point that has been raised by the hon. Member. It is the desire of the Government, naturally, that there ought to be experienced Judges from the District Judges' cadre who ought to be appointed to the High Court. Now that question will also be taken into account Government are anxious that both advocate-Judges and service-Judges are offered due opportunities for being members of the Benches of

the High Court. The aspect that has been raised by my hon. friend will be duly taken into account, and the last vacancy will be filled up as early as possible.

Then my hon. friend Shri Raghavachari stated that there ought to be a Bench of the Andhra High Court at Anantapur. I might point out to him that hardly six months have passed since the establishment of the Andhra High Court. It is very early, if not premature, to consider the question of the establishment of a Bench of the High Court at some other place. Some time has to go and we must have some more experience as to the way in which the Andhra High Court will be working before we can consider whether it will be advisable to have one more Bench. That is a question which can, again, be considered by the popular Government of Andhra after one has been established. Therefore I would request him to wait for some time so far as this question is concerned.

One more point was stated that the Andhra Government offices have not been removed from Madras. Now, that depends upon the availability of accommodation at Kurruol or elsewhere. This is also being considered, and to the extent that it is possible, offices are being gradually removed from Madras to areas in the Andhra State.

I think I have answered all the points raised by my hon. friends in the course of the debate.

Mr. Deputy-Speaker: It is 1—10 now. This will stand over. The Demands will not be put to the vote of the House now, but at 2-30 when the Appropriation Bill also will be moved. Now the House will take up the next time on the agenda.

DELIMITATION COMMISSION (AMENDMENT) BILL

The Minister in the Ministry of Law (Shri Pataskar): I beg to move:

"That the Bill further to amend

the Delimitation Commission Act, 1952, be taken into consideration."

The facts which have necessitated this Bill are briefly stated in the Statement of Objects and Reasons. As we all know, in the Act of 1952, section 8 provides that the Commission shall, in the manner hereinafter provided, determine on the basis of the latest census figures, the number of seats to be allotted to the States, and so on. Provision was made that these constituencies should be delimited on the basis of the latest census figures. However, it appeared that in the case of certain States, there was some obvious mistake. In the case of Scheduled Castes, there is an Order by the President under article 341 of the Constitution and under that Order, certain castes and communities were mentioned either as Scheduled Castes or Scheduled tribes. As we all know, for a period of ten years, they have been having some special representation. It is for this purpose that the Order was made. The Order had to be made by the President in the first instance. Then, Parliament may subsequently add to or alter it. That question does not strictly arise so far as the present Bill is concerned.

As a matter of fact, there was a previous census in the year 1941. After ten years, there was a subsequent census in 1951. Both under the Constitution and under the Delimitation Act, for the purpose of determining these constituencies, we are to go by the figures ascertained at the last census. In this case, the last census was in 1951. What happened was, at the time of the census in 1951, when the enumerators went about, they only entered the names of such communities as were mentioned in the Order by specific name. Apart from the Scheduled Castes and Scheduled Tribes, in certain parts of the country, for example in the West Khandesh district, there are people called Konkana and Konkane. It was contended in the election petitions that

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those who were calling themselves Konkana did not belong to the tribe called Konkane. As a matter of fact, Konkana and Konkane are the same name and they apply to both. The result was that there was no uniformity so far as the enumeration of the Scheduled Castes and Scheduled Tribes in the different States concerned. Naturally, at the time when the census was made, they were not cognisant that subsequently the Delimitation Act was going to be passed which will be used for that purpose. From the facts, it appears that in Hyderabad and Saurashtra, there was some mistake on this basis. In Hyderabad, for the first time, the contention was raised that while there was a general increase in the population as a whole, so far as Scheduled Castes and Scheduled Tribes were concerned, as compared with the census figures of 1941, there was a decrease. Therefore, the matter had to be examined and after it was examined, it was set right, by ascertaining the correct number of the Scheduled Castes and Scheduled Tribes in that State. On that basis, they got some additional seats. Similar was the case in Saurashtra. It is possible that there may have been some such mistakes in respect of other States also. I am not sure whether all of them could be removed by this Act so that we may have a clean slate.

So far as this Bill is concerned, that is a matter which is entirely distinct and different. We are making every effort to see that no injustice is caused to these Scheduled Castes and Scheduled Tribes for whom special provisions have been made. It is the desire of the Government that there should not be any unfairness to these people and they are taking all possible steps. In U.P. also, a similar question was brought to their notice. This is so probably in some other States also. In some cases, possibly the material is also readily available by which all these could be corrected.

We want to remove this anomaly. Wherever we can give this relief, the present Bill seeks to add section 9A. The new section reads thus:

"(1) Where at any time before the publication in the Gazette of India of the final order of the Commission determining in respect of any Part A State or Part B State the matters referred to in sub-section (2) of section 8, the census figures pertaining to the population of the scheduled castes or scheduled tribes of that State are corrected by the competent census authority in order to rectify any *bona fide* mistake or omission during enumeration and the corrections so made are duly published by that authority and brought to the notice of the Commission,—

- (a) the staff figures as so corrected shall be taken to be the latest census figures for the purpose of section 8;"

It is section 8 that prescribes the basis for delimitation of constituencies. The corrections will be published and the rest follows. There seems to have been some mistakes in Rajasthan and U.P. I will examine it in the case of other States also. It appears to us that where final orders have not been issued, by this amendment, it should be possible to do justice to these people in respect of whom such mistakes have occurred. It is with that limited intention that this Bill has been brought.

The urgency of the measure is due to the fact that the work of the Delimitation Commission has progressed far enough and probably if this Bill is not passed very early, the whole thing might be disturbed. There is another question to which I would like to refer briefly without taking much of the time of the House. People say, what right has this Parli-

ment got to bring forward this measure and what right has the census authority to amend. There is no attempt here to do anything under the Constitution, article 341(2). Of course, if we have to add certain other castes or categories as belonging to the scheduled castes and scheduled tribes, the procedure will be entirely different. That would be a distinct matter, from what is done here. What we are trying to do is only to correct an anomaly for which at the present moment record is available in the census office. For instance, I may tell the hon. Members that in the case of Hyderabad, nothing more was necessary. It is just possible that there were some castes called themselves as Konkana and Konkane or some such synonyms. The enumerator went there and asked them and the person who was asked, gave the description. The enumerator looked into the lists of these castes and finding that there is some difference, omitted it. Therefore, it is not so much a matter of adding to the list as a matter of correcting what has been put down incorrectly. Therefore, there is no constitutional difficulty in what has been done in respect of Hyderabad and Saurashtra. What we propose to do may be done in respect of other States wherever it is possible to rectify the mistake. I am aware that there might be cases where the provisions of this Bill may not be enough to do what is necessary. That is a problem which will have to be tackled in a different manner and at a different level. Therefore, so far as this Bill is concerned, it only enables us to do what we were not able to do because of the difficulty that there was a final order issued. The Commission may issue orders to remove these difficulties.

Shri Raghunir Sahai (Etah Distt.—North East cum Budaun Distt.—East): What are the States in which final orders have not yet been passed?

Shri Pataskar: I think I may say that excepting in the case of a few

States, probably in most of the States the final orders have been passed.

Mr. Deputy-Speaker: What is the object of restricting it only to a few cases? Once an Act is passed, why not apply it to all the cases?

Shri Pataskar: The difficulty is that so far as this Bill is concerned, we could do it in the case of a few States only, and it will not be for me to say that because we could do it in the case of a few States, therefore this Bill will enable the other cases also to be tackled. What I propose doing is that wherever we could do it—as we could do in the case of Hyderabad and Saurashtra—we will do it. In other cases, if defects are found out after examination of the proper census records, wherever such records are available, we shall come forward to rectify them with some other methods, because I find that it is not merely by an amendment of the Delimitation Commission Act that the whole purpose could be achieved; it is a larger question. But what could be settled for the time being by amending these provisions should be settled, and I think there should be no objection to that.

Mr. Deputy-Speaker: The mistake seems to have crept in this way. In some cases, there are persons who are called themselves Harijan or achuts. This is what happened. Harijans and achuts are not names which have been put in the list of Scheduled Castes, and therefore, they have not been counted amongst the Scheduled Castes, for purposes of the Scheduled Castes population. That has been brought to notice in Hyderabad. There are other cases also where the enumerators might have proceeded on that basis and ignored achuts and Harijans. If those mistakes are corrected now by the Census Commissioner, why should they not also be included within the scope of this Bill? Wherever it has happened, it should be corrected, whether it is before or after the passing of this Bill. Why should any distinction be made?

Some Hon. Members: This is the point.

Mr. Deputy-Speaker: Either you make no provision at all, or try to do it only with respect to the future, and not with respect to the past where the thing has been done. What is the reason adduced by the hon. Minister?

Shri Pataskar: I am amenable to accept the suggestion which has been made. But in the Bill, we have only got the words 'Where, at any time before the publication ...'

Mr. Deputy-Speaker: You can add 'or after'.

Shri Pataskar: We can consider that. Therefore, if a small Select Committee is proposed, I am prepared to sit with those people and see that whatever relief is possible is given. I might give the assurance just now that whatever relief is possible will certainly be given by Government. But this should not be mixed up with other questions. Otherwise, it may be very difficult to deal with the question, because there might be some other matters also which may crop up.

So far as this question is concerned, Government have no desire to discriminate between one State and another or between when happened in the past and what might happen in the future; and they will try to take whatever steps are possible in this regard. From that point of view, I am amenable to accept the proposition that a small Select Committee may go into this matter and examine it.

As I explained, it is a *bona fide* mistake that has occurred in 1951, under certain circumstances which probably were not foreseen then. So, I am prepared to examine this question. But so far as this Bill is concerned....

Sardar Hukam Singh (Kapurthala—Bhatinda): A *bona fide* mistake did

occur. So far as I know, I am told that in 17 States, the final orders have been passed, and in the case of the remaining States, they might be passed by the 23rd or 24th of this month. So, this Bill may not be of avail to them as well. As it is, this Bill would have a restricted application only to one or two States. Therefore, we welcome this suggestion that a small Select Committee may be appointed to go into this matter.

Shri Pataskar: I have already said that I am amenable to that suggestion. We can thrash it out in the Select Committee, and whatever relief could be given we are prepared to concede and give.

Shri T. N. Singh (Banaras Dist.—East): May I seek a clarification on one point?

Sardar A. S. Saigal (Bilaspur): I will give you one instance regarding Madhya Pradesh. The hon. Minister may or may not accept it. As far as Madhya Pradesh is concerned, the final order has been passed. You will see that the general population in 1941 was.....

Mr. Deputy-Speaker: I shall give an opportunity to the hon. Member to speak later. The hon. Minister may continue now.

Shri Pataskar: I have nothing more to add except to say that there is no desire on the part of Government to make any discrimination in this matter. The mistake has happened in the case of two States. If it has occurred in the case of a few other States as well, certainly we are prepared to consider that in the Select Committee that we are proposing now, and see that wherever relief could be given, that relief is given, and justice is done.

The point is that these things should be finished within a short duration. As my hon. friend Sardar Hukam Singh was saying, the Delimitation Commission is about to finish its work, and some dates also may be fixed for that; so, we do not

want to add to the complications. We can sit across the table and look into the whole question.

Sardar Hukam Singh: This Bill should not prolong its life.

Shri Pataskar: I have no desire to do that. I think probably we may have a small Select Committee where all these things could be thrashed out, and the Committee might submit its report even by Monday. I am prepared to sit with all those who are interested in the matter, and we can dispassionately consider the whole thing.

Pandit Balkrishna Sharma (Kanpur Distt.—South cum Etawah Distt.—East): May I ask one question? Some of us in the House are of the opinion that as this Bill only seeks to amend section 10....

Shri Pataskar: It is introduction of a new section 9A.

Pandit Balkrishna Sharma: My only submission on this matter was whether the Members sitting across the table would be entitled to suggest to the hon. Minister to incorporate in the Bill the powers of Parliament, which powers Parliament itself at one time gave to the Commission, or in other words, whether it will be possible to have an amendment to the effect that the recommendations of the Delimitation Commission should be considered final only after Parliament has either accepted them or approved of them with some amendments.

Shri Pataskar: That would clearly be outside the scope of the Bill.

Sardar Hukam Singh: There are amendments to that effect. So, this question could be discussed when those amendments are taken up, and the hon. Minister may perhaps give his reactions at that time. There are amendments given notice of simply for that purpose.

Shri Pataskar: So far as section 10 is concerned, my hon. friend Pandit Balkrishna Sharma will find that

there is nothing much in that section at all. It only seeks to correct some clerical errors.

Sardar Hukam Singh: Therefore, it is admitted that some correction is required. And it is only for the purpose of correction of errors that we want this.

Shri Pataskar: So far as this Bill is concerned, the limited purpose in view is to give relief in the case of those Scheduled Castes and Scheduled Tribes in respect of whom an injustice has occurred on account of certain things that happened in regard to the maintenance of the census register. But to go beyond that and say that there should be some revising authority, and that the revising power should be given to the Commission itself or to Parliament, is a thing, which, I think, will be outside the scope of this Bill. But if at any time it is thought necessary that certain things are to be done even from that point of view, certainly there is nothing to prevent Parliament from considering them, but to put them in this Bill is certainly not proper, because as I said this Bill has got only a limited object in view.

Shri T. N. Singh: On a point of information. Under article 341(2) of the Constitution, an addition to or inclusion in the list of Scheduled Castes as declared by the President can be done only by Parliament. I have every reason to believe that in the revised lists and revised figures of Saurashtra and Hyderabad, and particularly of Saurashtra, certain castes have been included which are neither synonyms nor generic names. I have great doubts as to whether Dhed, a Scheduled Caste which was included in the Saurashtra list in the revised figures is a synonym or generic name of any other caste which was already there in the list as declared by the President. If such a thing occurs—I hope it has been examined—then the delimitation of Saurashtra or Hyderabad as done by the Commission will become ultra vires, because Parliament has not amended that list.

Pandit Munishwar Datt Upadhyay (Pratapgarh Distt.—East): Why not U. P. also?

Shri T. N. Singh: I hope this point is before Government, and this aspect may be considered at least in the Select Committee when we go into it.

Shri Pataskar: I shall make it clear once again. We do not propose in this Bill to add to the lists of the castes which have been enumerated in the President's order under article 341(2). The question now is this. Supposing we have done something of that kind, and by an administrative order of the Census Commissioner some such thing has been done, will that be valid? That is the question raised, the point being that this can be done only by Parliament.

So far as I am aware—I have made enquiries—we have not done any such thing. What happens is this. Suppose a man, a valmiki, when he was asked said he was a Harijan, there is no such caste as Harijan. Harijan is a generic term including so many people of different castes, whether they are included or not included in this. So, wherever our records show, whether in Saurashtra or others, the caste is included. So we have not done anything like adding to the caste. If there has been a wrong or synonymous description as to whether that particular person belonged to that caste which is mentioned in the order of the President, we have tried, as far as our records show, to find it out and then rectify it. So far as we are concerned, we have examined the question and there is no chance of its being declared *ultra vires* at the present moment. With respect to the question of adding to certain castes just because they are excluded from the President's order, that is entirely a distinct matter. So I say that it would be worthwhile for Parliament and also for Members who are interested in justice being done not to mix up all these three questions. The list is a different matter. What should be the powers of the Delimitation Commis-

sion, whether it should be subject to any revision or authority, that, again, is another matter.

Pandit Munishwar Datt Upadhyay: But that list is the basis of all this delimitation.

Shri T. N. Singh: The only point if in the revised figures as supplied by the Registrar-General of Census, there is addition to the list, in that it is not a synonym or generic name, then we are taking away the powers of Parliament by passing this Bill because Parliament alone is entitled to add to or subtract from the list.

Shri Pataskar: According to what I have been able to gather from the figures supplied to me, they have not done anything of that kind. (Interruptions). I do not mean that that information is absolutely correct. My submission is that we should take all these questions separately on a different level, and I think there should be absolutely no anxiety on the score that Government will not rectify wherever something has been done by mistake. I can assure hon. Members of that. So far as this Bill is concerned, being limited to that—whatever is there—whatever the Select Committee say, we will consider. But I cannot say that all these things about constitutional amendment will be included in this Bill because that will be going too far and it will be too much to expect.

Pandit Balkrishna Sharma: I would only point out one thing. It is not only the generic terms that have been included by the Census Commissioner, but even particular caste names also have been included, and as a result of that the Commission have given special representation to such people. For instance, *dheds* is not a generic term; it is a definite caste name. That has been included here.

Mr. Deputy-Speaker: I will give opportunity to hon. Members to speak. Every one may speak. Let me first put the motion before the House.

Shri Pataskar: So far as I am concerned, I ~~am not making any point to add~~ I will reply to any points raised later.

Shri Dasaratha Deb (Tripura East): I only want to ask for some information.

Mr. Deputy-Speaker: I will give every hon. Member an opportunity to speak.

Shri Dasaratha Deb: I only wanted to ask for some information; I did not want to speak.

Mr. Deputy-Speaker: After I put the motion.

Motion moved:

"That the Bill further to amend the Delimitation Commission Act, 1952, be taken into consideration."

There are some amendments tabled to this. One is by Shri Ramji Verma for reference to a Select Committee. But he has not given the names. Another, by Shri R. D. Misra, is to the effect that the Bill be circulated. Does he want to move it, in view of the statement of the Minister?

Shri B. D. Misra (Bulandshahr Distt.): I do not want to move it.

Shri T. N. Singh: There has to be a regular motion before the House for reference to a Select Committee. Is the Minister going to move it? If he is not going to move it, then this may be taken up for consideration.

Mr. Deputy-Speaker: I am coming to all those motions. I am not going to allow any motion which is not before me here.

Then there is an amendment by Sardar Hukam Singh for reference to a Select Committee.

Sardar Hukam Singh: Yes. But if the other motion is going to be moved, then I would be content with it. This is only an alternative.

Shri Barman (North Bengal—Reserved—Sch. Castes): I beg to move:

"That the Bill be referred to a Select Committee consisting of

Shri Venkatesh Narayan Tivary, Shri Raghunath Dayal Misra, Shri Narayan Sadoba Kajrokar, Shri Trilochan Narayan Singh, Pandit Algu Rai Shastri, Shri Resham Lal Jangra, ~~Shri~~ Bahadurbhai Kunthabhai Patel, ~~Shri~~ S. Murthy, Shri N. C. Chatterjee, Shri Jai Prakash, Shri Awadheshwar Prasad Sinha, Shri M. G. Ukey, Shri T. Sanganna, Shri Mangalagiri Nanada, Shri P. Ramaswamy, Dr. A. Krishnaswami, Shri Panna Lal Barupal, Shri N. Rachiah, Shri Sitanath Brohmo-Choudhury, Shri Ramji Verma, Shri Nikunja Behari Chaudhuri, Sardar Hukam Singh, Shri Rameshwar Sahu, Sardar Amar Singh Saigal, Shri H. V. Pataskar and the Mover with instructions to suggest and recommend amendments to the Bill in order to remove the underestimation in 1951 Census of the Scheduled Castes or Scheduled Tribes, if any, in any State to give such castes or tribes the proper representation in the delimitation of constituencies, and also to remove any other difficulty in delimitation of constituencies as the Committee thinks proper and to report on or before the 22nd December, 1954".

Shall I speak now?

Shri Pataskar: There is some difficulty about the last sentence, because I think it is too wide. I do not know what is covered by it. It may be looked into by the Select Committee. It says:

"...in any State to give such castes or tribes the proper representation in the delimitation of constituencies, and also to remove any other difficulty in delimitation of constituencies as the Committee thinks proper."

Therefore, it does not mean that the whole Act should be amended.

Shri T. N. Singh: I suggest that the words "relevant or connected" be added before "difficulty".

The Minister of Defence Organisation (Shri Tyagi): Difficulties might arise. Once the Scheduled Castes constituencies are changed, others would be affected.

Shri Pataskar: What is the question? This is rather too.

Shri E. D. Misra: There are other difficulties too.

Shri Barman: They may be examined.

Shri Kakkan (Madurai-Reserved—Sch. Castes): May I point out that there is no Harijan from Madras State on the Committee?

Mr. Deputy-Speaker: Why not add the name of Shri Kakkan?

Shri Barman: I am including Shri Kakkan also on the Committee.

श्री नवल प्रभुकर (बादल दिल्ली—रहित—अनुसूचित जातिवा) : दिल्ली का तो खास मामला है। इस में पहले भी यह था कि दिल्ली की लिस्ट यूज नहीं की गई, पंजाब की लिस्ट यूज की गई है और साथ में दूसरी गतिविधियां भी हैं। मैं इस हाउस में इस मामले को पहले भी उठा चुका हूँ लेकिन इस सेलेक्ट कमेटी के अन्दर दिल्ली का कोई मम्बर नहीं लिया गया।

Shri Barman: This Bill seeks to remove the constitutional and legal difficulty that has arisen because of the detection of certain mistakes in certain States. The four Main States that have got some relief—I should not say full relief—as regards this discrepancy in the enumeration of the census figures of Scheduled Castes and Scheduled Tribes are Hyderabad, Saurashtra, Rajasthan and Uttar Pradesh. In the case of two States, that is, Saurashtra and Hyderabad, the correction was done by some method which I shall relate shortly. Also, some corrections have been made in the case of three Part C States. That is also by a process which I shall have to relate to the House shortly.

Now, the hon. Minister has himself stated that in the case of Hyderabad

it was detected that the population as enumerated by the 1951 census of the Scheduled Castes and Scheduled Tribes, is such that instead of being on a par with the growth or increase in the case of general population, it had rather gone down. When that fact was detected early steps were taken to rectify it by an ingenious method. I should like to point out to him that similar injustice or similar discrepancies will be found in the case of other States. I shall say, for example, take the case of Madhya Pradesh. The census figures will show that in the case of Madhya Pradesh the general population shows an increase of 8.15 per cent.

Sardar A. S. Saigal: 8.18 per cent.

Shri Barman: It is almost the same. Between 1940-41 and 1950-51 the population of the Scheduled Castes went down by 12.42 per cent. I should just like to ask the hon. Minister and ask this hon. House to consider whether the injustice which was detected in the case of Hyderabad could not be detected by the Government or those who were in charge of delimitation in the case of Madhya Pradesh. Now, in the case of Hyderabad certain representatives or ordinary public had pointed out this mistake that is going to be remedied in a certain round-about way. But, is it not proper for the Government to look into the case of similar injustices and discrepancies in other States? It would be a case of discrimination for which the Government will have no answer to the people of those States where these injustices remain.

The hon. Minister has stated that delimitation has been done in most of the States and if revisions are made again they will create enormous difficulties. I understand it very well. But, would that administrative difficulty stand in the way of doing similar justice to all the States that is going to be administered in the case of only four States? Will the Government have any answer to the people of

other States unless they remedy the injustice?

What I say, Sir, is this. Once the Delimitation Commission has determined the constituencies it would be very difficult later on. As the hon. Minister says that he may take up the question of other States later on if he finds any difficulty, I would point out to him that once the delimitation is made and the constituencies are settled, these constituencies will remain for a certain number of years and it cannot be altered every six months or every alternate year. Therefore, that difficulty will arise and whatever promises he may give to the House at this stage, I think, he will not be able to keep those promises later on. More than that, even at the very outset, nobody is going to be affected and Heaven is not going to fall if this delimitation of constituencies be deferred by six months or a little more. The old constituencies will be there and any by-election that will be held can be held under the constituencies delimited already. I therefore, submit that an even-handed justice should be meted throughout India and to all the castes and communities. This will create a psychology which I would request the Government to consider thrice. It will not be to the benefit of the Government to allow these injustices to remain.

Sir, I may state how these things had occurred. It is given in page 2 of No. 4 of the census papers that the Census Superintendents of each State had issued orders to their subordinates while enumeration was going on just to record the names of those castes which appear in the list under articles 341 and 342 and if such a name does not appear in that list they have been advised by the Census Superintendents just to write "O", that is "others". Therefore, it was an optional matter for any State Superintendent to record castes like Achuts, Harijans, Dheds etc. if they so like, but in most of the States these have not been recorded.

Now the point arises only in regard to those cases. The hon. Minister says that we may have a small Select Committee and we may make slight alterations in the Bill so that we can cover similar cases in other States. I say Sir, that, that will not meet with the requirements of the moment because, so far as I know, in most of the States wherever the caste of the person was not within the list, it has been recorded simply as "others". Therefore, by this rough method no justice can be done to the other States whatever time the hon. Minister may take. As I understand from his version, he thinks that if slight modifications in the light of Hyderabad can be made in other States he is ready to take them. I have to tell him that even if he finds in one or two States—as we find in the National Register—that there are names recorded like Achuts or Harijans, in those cases also he has got to revise the constituencies and delimit the Constituencies again. So, where is the saving. Once he starts the process he cannot keep it half way.

[SARDAR HUKAM SINGH in the Chair]

Now, Sir, in this Census paper on page 2 it is stated:

"Write the name of a caste, tribe or class as given in the list. If he is an Anglo-Indian, write 'A'. In all other cases write 'O'."

So, it appears from this that this was the advice given. Then at the bottom of the page the statement given is:

"The figures of Scheduled Castes given in this brochure do not include persons who grouped themselves under a caste name which, though local people believe to be identical with Scheduled Castes such as Harijans, Achuts etc., is not specifically named as such in the instructional order. Members of Scheduled Castes who maintained that they were not members of any caste or tribe are also not included."

That being the case, what has happened? I am just giving, Sir, in a nutshell the position of the different States. In Assam the general popula-

[Shri Barman]

tion increased by 17.67 per cent. between 1941 and 1951 but the Scheduled Castes population during the same period went up only by 12.48 per cent. In Bombay the general population showed an increase of 21.85 per cent. but the Scheduled Castes population increased by 18.88 per cent. The case of Madhya Pradesh I have already stated which is more startling. The general population shows an increase of 8.15 per cent.—though my hon. friend says that it is 8.18 per cent., whatever that may be—but the Scheduled Castes population went down during the same period by 12.42 per cent. What is the explanation for it? Was there, what we call, some kind of calamity among the Scheduled Castes so that only their population went down? What is the explanation?

Shri B. S. Murthy (Eluru): Magic please.

Shri Barman: In Madras, including Bellary district, the general population increased by 14.39 per cent. but the population of Scheduled Castes went up only by four per cent. In Bihar the Scheduled Caste population is said to have gone down by two lakhs in the course of the twelve months between 1950 and 1951. So, that is the general picture. In the case of the Scheduled Tribes, the figures are more striking.

Fandit Munishwar Datt Upadhyay: There are a large number of Members wishing to speak, and I think the time should be limited. Otherwise, it would be difficult.

Mr. Chairman: Yes, there are so many Members yet to speak.

Shri Barman: I shall try to be as short as possible.

Shri Tyagi: If it goes to the Select Committee, you can speak again.

Mr. Chairman: Because he is the mover now, he has the right to speak,

even if he would be on the Select Committee.

Shri Barman: The House should know why the Bill is sought to be sent to the Select Committee. That is the object of my speech. Otherwise, it is no use speaking.

Mr. Chairman: The hon. Member may continue his speech with the idea that he should finish soon.

Shri Barman: Yes, Sir. I shall not go into details. I shall simply point out to the House the report of the Commissioner for Scheduled Castes for the year 1952, which was published in 1953. It gives the figures according to the 1951 census. As compared to the figures for 1941 which was 2,47,12,000 the figures for 1951 had decreased and the population of Scheduled Tribes in 1951 stood at 1,91,16,498. These are the facts. It is for the Government to consider whether they are going to rectify their mistake without additional cost, or whether they are going to ask the Delimitation Commission to renew this work. My submission is that the Government should not mind the trouble, should not mind the delay involved in coming to the correct conclusion about the population. There should be some justice done to all parts of India in an even way. There is one difficulty. In the case of States such as Hyderabad, a generic name has been adopted for enumeration of the Scheduled Castes, and that name has been recorded, while in some other States, it has not been recorded, likewise. If the Government want to do justice for all parts of the country, one thing can be done, and that is, to increase the ratio of the Scheduled Castes to the same ratio as is found in regard to the increase in the general population, considering the figures obtained from the census of 1941 and 1951. That is the shortest and surest way.

of doing justice. Of course, it lies with the Government to do what is feasible. I should again appeal to the hon. Minister not to try to cut short this matter in a half-hearted manner or do half-hearted justice, because if injustice is done in some States and the correct figures are taken into account in other States, the result will not be good.

Mr. Chairman: Motion moved:

"That the Bill be referred to a Select Committee consisting of..."

Shri Barman: I suggest that the name of Shri Naval Prabhakar may also be added in the list.

Mr. Chairman: Yes.

Shri T. N. Singh: May I suggest that the name of Shri H. N. Mukerjee may be added?

Mr. Chairman: Has the mover any objection?

Shri Barman: I have no objection.

Shri B. S. Murthy: I do not think Shri H. N. Mukerjee is keen about it. He is not keen about it.

Mr. Chairman: Whether he is keen or not, if the House agrees, we can have his name also.

Shri T. N. Singh: He is there in the back-bench. He has no objection.

Mr. Chairman: I see he has no objection, and the House has no objection. Shri Mukerjee's name is also added. Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri Venkatesh Narayan Tivary, Shri Raghubir Dayal Misra, Shri Narayan Sadoba Kajrolikar, Shri Tribhuvan Narayan Singh, Pandit Algu Rai Shastri, Shri Resham Lal Jangde, Shri Bahadurbhai Kuntabhai Patel, Shri B. S. Murthy, Shri N. C. Chatterjee, Shri Jaipal Singh, Shri Awadheshwar Prasad Sinha, Shri M. G. Uikey, Shri T. Sanganna, Shri Mangalagiri Nanades, Shri P. Ramaswamy, Dr. A. Krishnaswami, Shri Panna Lal Bartupal, Shri N. Rachiah Shri Sitanath Brohmo-Chaudhury

Shri Ramji Verma, Shri Nikunja Behari Chaudhuri, Sardar Hukam Singh, Shri Rameshwar Sahu, Sardar Amar Singh Saigal, Shri P. Kakkan, Shri Naval Prabhakar, Shri H. N. Mukerjee, Shri H. V. Pataskar and the Mover, with instructions to suggest and recommend amendments to the Bill in order to remove the under-estimation in 1951 Census of the Scheduled Castes or Scheduled Tribes, if any State to give such castes or tribes the proper representation in the delimitation of constituencies, and also to remove any other difficulty in delimitation of constituencies as the Committee thinks proper and to report on or before the 22nd December, 1954."

Now, there is amendment No. 7. Does Shri R. D. Misra want to move it? Now that the motion for referring the Bill to the Select Committee has been moved, his motion goes away. I suppose. May I know the reaction of the hon. Member?

Shri R. D. Misra: I am moving my amendment.

Mr. Chairman: The motion is there now. Perhaps the hon. Member does not want to move his own.

Shri R. D. Misra: My submission is that I want the provisions of the parent Act should be amended. I want to move it.

Mr. Chairman: Then he might move it.

Shri R. D. Misra: I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri H. V. Pataskar, Pandit Thakur Das Bhargava, Dr. Lanka Sundaram, Pandit Munishwar Datt Upadhyay, Dr. A. Krishnaswami, Shri Diwan Chand Sharma, Shri Awadheshwar Prasad Sinha, Sardar Amar Singh Saigal, Sardar Hukam Singh, Shri Radheshyam Ramkumar Morarka, Shri Ramji Verma, Shri Narayan Sadoba Kajrolikar, Shri Jaipal

[Shri R. D. Misra]

Singh, Her Highness Rajmata Kamlendu Mati Shah, Shri Bheekha Bhai, Shri A. M. Thomas, Shri Dodda Thimmaiah, Shri Nikunja Behari Chowdhury, Shri Vishwambhar Dayal Tripathi, Shri Panna Lal, Pandit Balkrishna Sharma, Shri N. Rachiah, Shri Bahadurbhai Kunthabhai Patel, Dr. Satyanarain Sinha, Shri M. G. Uikey, Shri B. S. Murthy, Shri Rameshwar Sahu, Shri T. Sanganna, Shri Upendranath Barman and Shri Raghubir Dayal Misra with instructions to suggest and recommend amendments to any other sections of the parent Act not covered by the Bill, if in the opinion of the said Committee such amendments are necessary and to report on or before the 1st March, 1955."

Mr. Chairman: Then there is amendment No. 10 by Sardar A. S. Saigal.

Sardar A. S. Saigal: My amendment is to refer the Bill to a Select Committee.

Mr. Chairman: That Select Committee is now there.

Sardar A. S. Saigal: As regards the names, you can go through the names which I have already submitted.

Mr. Chairman: The motion is the same.

Sardar A. S. Saigal: Then I withdraw.

Pandit Munishwar Datt Upadhyay: I beg to move:

"That the Bill be referred to a Select Committee consisting of:....."

Mr. Chairman: If the names are the same as those suggested in the previous amendment, the hon. Member need not read the names.

Pandit Munishwar Datt Upadhyay: They are not quite the same.

Mr. Chairman: All right.

Pandit Munishwar Datt Upadhyaya
I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri Upendranath Barman, Sardar Amar Singh Saigal, Shri Narayan Sadoba Kajrolkar, Shri R. L. Jangde, Shri V. N. Tivary, Shri T. N. Singh, Pandit Algu Rai Shastri, Shri Raghubir Dayal Misra, Shri Nikunja Behari Chowdhury, Sardar Hukam Singh, Dr. A. Krishnaswami, Shri Ramji Verma, Shrinati Sucheta Kripalani, Pandit Balkrishna Sharma, Shri H. V. Pataskar, Shri P. Kakkan, Shri Hirendra Nath Mukerjee and the Mover, with instructions to report on or before the 22nd December, 1954."

It is a new amendment. There is a title modification.

Mr. Chairman: The amendment moved by Shri Barman has already been placed before the House. I am now placing the other two amendments before the House.

Amendments moved:

(1) "That the Bill be referred to a Select Committee consisting of Shri H. V. Pataskar, Pandit Thakur Das Bhargava, Dr. Lanka Sundaram, Pandit Munishwar Datt Upadhyay, Dr. A. Krishnaswami, Shri Diwan Chand Sharma, Shri Awadheshwar Prasad Sinha, Sardar Amar Singh Saigal, Sardar Hukam Singh, Shri Radheshyam Ramkumar Morarka, Shri Ramji Verma, Shri Narayan Sadoba Kajrolkar, Shri Jaipal Singh, Her Highness Rajmata Kamlendu Mati Shah, Shri Bheekha Bhai, Shri A. M. Thomas, Shri Dodda Thimmaiah, Shri Nikunja Behari Chowdhury, Shri Vishwambhar Dayal Tripathi, Shri Panna Lal Barupal, Pandit Balkrishna Sharma, Shri N. Rachiah, Shri Bahadurbhai Kunthabhai Patel, Dr. Satyanarain Sinha, Shri M. G. Uikey, Shri B. S. Murthy, Shri Rameshwar Sahu, Shri T. Sanganna, Shri Upendra-

nath Barman and Shri Raghubir Dayal Misra with instructions to suggest and recommend amendments to any other sections of the parent Act not covered by the Bill, if in the opinion of the said Committee such amendments are necessary and to report on or before the 1st March, 1955."

(2) "That the Bill be referred to a Select Committee consisting of Shri Upendranath Barman, Sardar Amar Singh Saigal, Shri Narayan Sadoba Kajrolkar, Shri R. L. Jangde, Shri V. N. Tivary, Shri T. N. Singh, Pandit Algu Rai Shastri, Shri Raghubir Dayal Misra, Shri Nikunja Behari Chowdhury, Sardar Hukam Singh, Dr. A. Krishnaswami, Shri Ramji Verma, Shrimati Sucheta Kripalani, Pandit Balkrishna Sharma, Shri H. V. Pataskar, Shri P. Kakkar, Shri Hirendra Nath Mukerjee and the Mover with instructions to report on or before the 22nd December, 1954."

Shri Radbelal Vyas (Ujjain): On a point of order. The amendment of Shri Barman which was moved just now, is already there. When such an amendment has come before the House, is it competent for another Member to bring another amendment for reference to the Select Committee? He can bring of course an amendment to this amendment, and I submit that no other amendment of this type can be brought in. There is already one amendment for reference to the Select Committee.

2 P.M.

Mr. Chairman: If they were identical or even similar, I would have ruled the other one as barred; but, now they are different, their imports are different and therefore both will stand.

Pandit Thakur Das Bhargava (Gurgaon): With your permission, may I make a suggestion? The only difference is in the names. I would respectfully ask.....

Mr. Chairman: That is not the case. It is not only a difference in names. I have seen that.

Pandit Thakur Das Bhargava: Apart from that, there is some difference so far as the substance is concerned. I would beg of the hon. Members who have moved such amendments to give an agreed list of names. There is no difficulty in that. At the same time, the widest possible scope may be given to the motion. There may be only one amendment and it would otherwise be difficult to vote.

Shri Pataskar: If it is acceptable to all the Members who have given notice of such amendments for reference to the Select Committee. There is already one amendment of Shri Upadhyay which may be accepted. I am prepared to accept it. If anybody is interested in making any additions to the names, I have no objection.

Mr. Chairman: If the hon. Members agree and the Movers can compromise, that is all right. I shall not have any objection to that. Unless that is done, I cannot rule out any of these. Let the discussion proceed, and let the hon. Members come to an agreement. I do not find any other amendment.

Shri B. S. Murthy: Sir, I have an amendment. My name and Upadhyay's names have been linked.

Mr. Chairman: It has already been moved. What else does the hon. Member want?

There is another amendment, No. 12. That is also for reference to Select Committee. When the motion for reference to Select Committee is already before the House, I do not think the hon. Member need move his amendment except that there might be some difference in the names. We can add here and there.

Pandit Munishwar Datt Upadhyay: Certain names are being suggested; if they come in, I shall accept them.

Mr. Chairman: The hon. Member may also be consulted and his consent taken.

Shri Jangde (Bilaspur—Reserved—Sch. Castes): Sir, I want to move my amendment.

Mr. Chairman: I have been asking whether any other Member also wanted to move his amendment. What is that amendment?

Shri Jangde: List No. 4; I have just given it today.

Mr. Chairman: It is an amendment to a clause. They are not being taken up now.

Shri R. N. Singh (Ghazipur Distt.—East-cum-Ballia Distt.—South West): Sir, I want to move my amendment, No. 6.

An Hon. Member: He was not here when his name was called.

Mr. Chairman: The hon. Member was called but he was not in his seat.

Pandit Munishwar Datt Upadhyay: Sir, I have read out my amendment just now. I will just repeat the substance of it.

Mr. Chairman: If the hon. Member wants he may read it out again; the names need not be read out.

Pandit Munishwar Datt Upadhyay: I beg to move that the Delimitation Commission (Amendment) Bill, 1954 be referred to a Select Committee consisting of the names which were read out—18 names are there with instructions to report to the House before the 22nd December, 1954.

An Hon. Member: What is the scope; what instructions are to be given?

Pandit Munishwar Datt Upadhyay: I have read out the entire thing.

Mr. Chairman: Let the hon. Member now proceed.

Shri B. S. Murthy: Sir, I think his amendment is different from mine though it is bracketted. My amendment is No. 11.

Mr. Chairman: We have got another also of that import. As the hon. Member has already moved it, we can discuss that, whether this should have wider scope and all other sections should also be opened. That has also been moved. The hon. Member may proceed.

Pandit Munishwar Datt Upadhyay: The Bill that is before the House is very limited in scope. It can really benefit only U.P., if it can benefit any State at all. My submission is that it is not going to benefit, as a matter of fact, any State. It appears that the final orders have not been passed in respect of U. P. and therefore before the final orders are passed, the revised figures of the Scheduled Castes in U.P. have been obtained and they are before the Commission. So, according to the revised figures now, they will delimit the constituencies. They will fix the number of seats. But the whole difficulty is there and it applies to almost all the final orders that have so far been passed in respect of any State. That will apply to U.P. as well, with one difference only that here the Commission has got the power. As regards other States, six months have elapsed after the final orders have been passed. Therefore, the Commission has no power to correct even a clerical error or arithmetical mistakes. In this case, because the final orders have not been passed, therefore, it is within the power of the Commission to act on the basis of the revised figures and to fix the seats and delimit the constituencies.

But, this is not the only difficulty. The six months' period was not the only difficulty that is provided in section 10 of the Delimitation Act of 1952. The main difficulty is the phraseology of the President's order. That con-

tains an exhaustive list of the Scheduled Castes who can be considered as such during the census operations. During the last census operation, the list of cases, according to the President's Order was taken into consideration and on the basis of that list the population of the Scheduled Castes was determined. After this revision had been made, a number of other castes have also been accepted as Scheduled Castes. Because those castes have been accepted as Scheduled Castes, the number has increased and therefore, that figure is very much different—there is a difference of four lakhs or a little more.

Shri B. S. Murthy: Where?

Pandit Munishwar Datt Upadhyay: In U.P. My submission is that this is not possible unless the order of the President is revised, unless these caste names or generic names or synonyms are added to the list of the Scheduled Castes in the President's Order, according to article 341 (1). If any question is raised how these figures were revised and on what basis the difference of four lakhs has come into being, there will be no reply. I shall read out only a line from article 341 as I think that will make the whole position clear. It is really this vital trouble that has been there all along and which some of our friends now think that simply by revising that figure and fixing the seats on the basis of the revised figure and also delimiting the constituencies would be correct. I would submit that that also would be *ultra vires* and illegal ultimately.

The article says—

“by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State.”

It is for the President alone to alter that list. If any number of people who have been classed as *Harijans*, *Achuts* and *Dheds* as just now suggested by one hon. Member, are now

counted as Scheduled Castes, the counting would be incorrect although, in fact, these people are Scheduled Caste people, because they are not on the list under the President's Order. Therefore, it is not possible to include them unless by an Act of Parliament that list is changed and that Order is modified.

Mr. Chairman: But the present plea is that they were included in that Scheduled Caste Order, that they are Scheduled Castes as are enumerated there, and that only by mistake, because that name was given, they have not been counted.

Pandit Munishwar Datt Upadhyay: Unless they find a place on the list, they cannot be counted as Scheduled Castes, because it has been defined that the Scheduled Castes would be only those whom the President, by his order under article 341, declares to be Scheduled Castes. If that question is raised, I do not think that there can be any effective reply, and the figures that have now been received after revision will not be the correct figures of the Scheduled Castes. They might be correct figures according to the notion of Scheduled Castes, but legally the President's Order shall be strictly constructed, and on the basis of that construction, it shall not be possible to accept these castes as Scheduled Castes and the revised figures would be again incorrect. As a matter of fact, this revision does not very much help even U.P. although it is said that this is going to help U. P. I accept that if it can help any State at all, it can help only U.P., but I do not want that it should be limited to U.P. only; it should be for all States. Why should the Scheduled Castes of other States suffer? Why should an invidious distinction be made in favour of our State? That is what I do not want. So, if it applies to U.P., it should apply to all other States also. But what I am submitting is that it does not help even U.P. The wording of the Bill is “in order to rectify any bona fide mistake or omission during enumeration”. These omissions of figures were quite

[Pandit Munishwar Datt Upadhyay] deliberate and there was no mistake about it. It will be quite clear if I read out a sentence or two from the *Census of India, Paper No. 4, 1953* at page 2 near about the bottom—

"The figures for Scheduled Castes given in this brochure do not include persons who returned themselves under a caste name which, though locally believed to be identical with a Scheduled Caste (e.g. Harijan, Achut etc.), is not specifically named as such in the President's Orders. Members of Scheduled Castes who maintained that they were not members of any caste or tribe are also not included."

As a matter of fact, there was a list, these people were there, the figures were there, but these figures were deliberately left out because they were not included in the list of the President's Order. Therefore, they were left out, it was deliberately done and it was done *bona fide* and there is no mistake in their omission. The omission is deliberate because they were not on the list prepared under article 341, by order of the President. I think this trouble will arise in the case of U.P. also, and as regards others, my submission is that if anything is done for the U.P., it should be done for all other States also.

The other point is in respect of Hyderabad and Saurashtra States. Their order is illegal and *ultra vires* because the revision of the figures in regard to Hyderabad and Saurashtra was done probably in the manner in which it has been done in U.P. There also, certain castes which should have been included among the Scheduled Castes have not been included. Deliberately they were left out, because the names of their castes did not find a place in the list prepared under the orders of the President. Any revision of figures on the basis of certain castes now being taken as Scheduled Castes, although they were not on the list that was prepared under the orders of the President, will not make it valid.

Any final order passed in respect of Hyderabad and Saurashtra will also be questionable. This difficulty appears to be in respect of three States. As regards the other States, final orders have already been passed. When the final orders were passed, they were passed on the basis of figures that were not revised. These castes did not at all come in the original figures, on the basis of which orders were passed. They are also questionable, probably a little more than the others. Probably all the orders that are proposed to be covered by the Bill are in respect of U.P. and Rajasthan. I am afraid none of them will be legal if anybody goes to a court of law and questions their validity.

Shri Raghubir Sahai: There is a provision that they cannot question it in any court of law.

Mr. Chairman: I have not fixed any time limit, but I would request the hon. Member to exercise restraint on himself and finish his speech quickly.

Pandit Munishwar Datt Upadhyay: I will finish in a minute or two. I would refer to the letter from the Commission itself. They have accepted this position, namely, that unless the President's Order is revised, it is not possible to fix the seats and delimit the constituencies on the basis of the revised figures. They have written a letter to Mr. V. N. Tivary and in that they have said:

"Any classification of particular groups as Scheduled Castes in the National Register of citizens cannot be given effect to in the absence of a specific amendment or correction by Parliament."

They also say that it is only Parliament which can correct it; nobody else can correct it. In these circumstances to leave things as they are and not to amend the President's order which can be done only by Parliament.....

Shri Pataskar: It cannot be done in this Bill.

Pandit Munishwar Datt Upadhyay: I know it cannot be done in this Bill.

This Bill cannot correct this fundamental defect; it is helpless in this matter. So, we must take up the entire thing and see that all the States get the benefit of the revised figures by a separate legislation.

Mr Chairman: But the hon. Member's motion does not contemplate that.

Pandit Munishwar Datt Upadhyay: I had a talk with the hon. Minister. He said that he can accept only this much and if the other difficulties are brought to his notice, he will consider them and try to remedy them later.

श्री आर० डी० मिश्र : यह जो बिल इस हाउस के सामने हैं मैं इस का स्वागत करता हूं और वह इसीलिये कि जो ज्यादाती मेरे सूबे के शिड्यूल कास्ट भाइयों के साथ हुई थी उस ज्यादाती को यह बिल दूर करना चाहता है। हम ने डिप्लोमेटिक कमीशन इसीलिये बनाया था कि वह तमाम कांस्टिट्यूएन्सीज का बंटवारा कर दें और क्योंकि आबादी बढ़ रही थी इस वास्ते इस कमीशन को अलिस्तराई दे दिया गया था कि वह कांस्टिट्यूएन्सीज को रिअडजस्ट कर दें और उन को ठीक ठीक कर दें। इतना ही काम इस कमीशन के सिपुर्द किया गया था। इस बीच में कुछ गलतियाँ सामने आईं और सन् १९५० में प्रेसीडेंट का आर्डर जारी हुआ और उस आर्डर में कुछ जातियों के नाम लिखे गये कि फलां फलां जगह पर फलां फलां जातियों को शिड्यूल कास्ट जातियों माना जायगा। बल्किस्मती से गवर्नमेंट के काम कुछ इस तरीके से चलते हैं कि मैं न तो उनकी तारीफ़ ही कर सकता हूं और न बुराई ही। हम सब जानते हैं कि इस देश के अन्दर भंगी अछूत होते हैं, मांची अछूत होते हैं और मेहतर भी अछूत होते हैं। लेकिन प्रेसीडेंट के आर्डर में उत्तर प्रदेश में न भंगी अछूत हैं न मांची अछूत हैं और न ही मेहतर अछूत समझे जाते हैं। इन जातियों को शिड्यूल कास्ट सिर्फ़ इस वास्ते नहीं माना जाता क्योंकि इन का प्रेसीडेंट के आर्डर में कोई जिक्र नहीं है। सन् १९५१ में हिदायतें दे दी गई कि जिन्होंने अपने नाम के साथ बाल्मीकी

लिखवाया हो उन को शिड्यूल कास्ट समझा जायगा इसीलिये जिन्होंने अपने नाम के साथ भंगी या खाकरुब या मेहतर लिखवाया था उनको शिड्यूल कास्ट की कैटेगरी में शामिल नहीं किया गया। हम जानते हैं कि उस वक्त ये लोग अपने आप को भंगी या खाकरुब या मेहतर के नाम से पुकारा जाना नहीं चाहते थे और अपने आप को हरिजन या बाल्मीकी कहते थे। महात्मा गांधी ने इन को हरिजन का नाम दिया था। कहने को तो वे हरिजन हो गये लेकिन उनका काम चमार, मेहतर और मांची का ही रहा। लेकिन प्रेसीडेंट के आर्डर के मुताबिक सिर्फ़ उन का नाम ही शिड्यूल कास्ट में रखा गया जिन्होंने अपने नाम के साथ बाल्मीकी ही लिखवाया और मांची मेहतर वगैरह को इन की गिनती में शुमार नहीं किया गया।

Mr. Chairman: Order, order. I find there is a regular conference on my right which has been growing in numbers and in loudness of voice as well.

श्री आर० डी० मिश्र : मैं कह रहा था कि प्रेसीडेंट का वह आर्डर गलत था इसीलिये जरूरत इस बात की है कि प्रेसीडेंट के उस आर्डर को बदला जाये। प्रेसीडेंट का आर्डर सिवाये पार्लियामेंट के कोई नहीं बदल सकता और यह बात हमारे सामने आ चुकी है। अभी माननीय उपाध्याय जी ने वह पत्र पढ़कर सुनाया है जो कमीशन ने श्री वी० एन० तिवारी को लिखा है। उसमें कमीशन ने यह बात साफ़ कर दी है कि जो फ़िजार्ज रीजिस्ट्रार जनरल ने नेशनल रीजिस्टर की बिना पर भेजी हैं जिस में वह लोग शामिल किये गये हैं जिन्होंने सेन्सस के समय अपनी वह जाति लिखाई है जिस का शिड्यूल जिक्र आर्डर में नहीं है। कमीशन का कहना है कि रीजिस्ट्रार जनरल को शिड्यूल कास्ट को इस प्रकार ठीक करने का अधिकार नहीं है, सिर्फ़ पार्लियामेंट ही इस प्रेसीडेंट के आर्डर को बदल सकती है। तो ऐसी सूरत में जरूरत इस बात की हो जाती है कि पहले उस आर्डर को बदला जाये चाहे इस एक्ट के जरिये से या दूसरे एक्ट के जरिये। प्रेसीडेंट साहब के गलत

[बी आर डी मिश्र]

आर्डर के कारण बितनी भी गलतियाँ अछूत भाइयों की गणना के संबंध में हिन्दुस्तान में हुई हैं, उनको न सिर्फ उत्तर प्रदेश में या हैदराबाद में या सौराष्ट्र में बल्कि सभी स्टेटों में उन तमाम गलतियों को हटा दिया जाना चाहिये। इस के लिये मैं यह दखला हूँ कि इस बिल में कोई गुंजाइश नहीं है। इस बिल से तो सिर्फ उत्तर प्रदेश वालों को यह हक मिल जाता है कि उनके साथ जो ज्यादातया हुई हैं उनको ठीक किया जा सके और चूँकि कमीशन ने जो बात सौराष्ट्र और हैदराबाद में ठीक समझा वह यू० पी० के संबंध में ठीक नहीं मानी इसलिये यह बात पार्लियामेंट के सामने आई है। यह ठीक है कि इससे उत्तर प्रदेश को दो तीन सीटें और मिल जायेंगी। लेकिन इस बिल के जरिये तमाम हिन्दुस्तान के अछूतों के साथ जो ज्यादातया हुई हैं वह दूर नहीं हो सकती हैं। इस बात का मैं स्वागत करता हूँ कि जहाँ तक उत्तर प्रदेश का सम्बन्ध है वहाँ के अछूतों के साथ जो ज्यादातया हुई हैं उनको दुरुस्त करने की वह बिल कोशिश करता है लेकिन दूसरी स्टेटों के बारे में नहीं। हमारे माननीय मंत्री जी ने मुझे यकीन दिलाया है कि और स्टेटों में जहाँ कहीं ज्यादातया हुई हैं उनको भी दुरुस्त करने के लिये वे तैयार हैं। मैं उनके इस आश्वासन का भी स्वागत करता हूँ और उम्मीद करता हूँ कि जो ज्यादातया अछूत भाइयों के साथ हुई हैं उनको दूर करने के लिये जब यह बिल रिसेडेंट कमेटी में जायेगा तो हर मुसलिक कोशिश की जायेगी और उनके साथ न्याय किया जायेगा।

दूसरी बात जो मैं कहना चाहता हूँ वह यह है कि पार्लियामेंट ने जो एक्ट पास किया है, डिजिटलमिंटेशन एक्ट, उसकी दफा ६ में कहा गया है कि जो कुछ कमीशन लें करेगा, छप जाने के बाद वह सा हो जायेगा और किसी अदालत में भी उसके मुताबिक सवाल नहीं उठाया जा सकता और उसका इस पार्लियामेंट में आने का सवाल भी नहीं है। बहुत से ऐसे

मामला हमारे सामने आये हैं कि जिन में कमीशन ने जान बूझ कर गलती की है और कांस्टीट्यूशन के आर्टिकल ५९ और १७० के खिलाफ गया है। जो हिदायतें दफा ५ डिजिटलमिंटेशन एक्ट की सब बजाज 'इ' में दी हुई हैं और जो मेंडरी हैं और जिनको माना जाना चाहिये कमीशन उनके खिलाफ गया है और इसने उनको नहीं माना है। कांस्टीट्यूशन के आर्टिकल ५९ में दिया हुआ है कि साइं सात लाख की आबादी के पीछे एक मੈम्बर पार्लियामेंट में आये सारे हिन्दुस्तान में प्रतिनिधित्व का अनुपात एक रहे लेकिन इस पर अमल नहीं किया गया है और कहीं पर थोड़े लोगों को एक मुमइदा इस हाउस में भेजने के लिये कमीशन ने ज़ेब बनाया है और कहीं से बहुत ज्यादा लोगों को एक मुमइदा घुनने का ज़ेब बनाया है। इसके लिये एक मँवार होना चाहिये जो कि तमाम हिन्दुस्तान के लैंग्वेज और बूद्ध पर लागू हो। फाइनेल सेंसस में ७,२७,००० पर एक कॅंस्टिटेंट आता है और इस अनुपात से ही कमीशन को घुनाव ज़ेब बनाने चाहिये थे लेकिन कमीशन ने इस अनुपात का ठीक ध्यान नहीं रखा है। उसने ऐसा नहीं किया। कुरंग, हिमाचल प्रदेश और दिल्ली में उसने इस तरीके की मुमयन्दगी दी कि दिल्ली में १७ लाख के ऊपर तीन सीटें। दूसरी जगह १२ हिमाचल में १० लाख की आबादी पर दो सीटें, गोपाल को ८,२६ लाख पर दो सीटें और कुरंग को २.२६ लाख पर एक सीट। उसने आर्टिकल ५९ के बिनाकुल खिलफ काम किया है कि जिसके मुताबिक सारे मुल्क में एक एवरज होना चाहिये। इसका उल्टा कोई कावनी हक नहीं था।

दूसरी बात यह है कि डिजिटलमिंटेशन एक्ट के सेक्शन ८ में यह दिया हुआ है कि वह रिसेडेंटमिंटेशन करेगा। वहाँ पर उनको यह अख्तियार नहीं दिया गया है कि वे जबसर नौ सारी कांस्टीट्यूएन्सीज बनायेंगे। उसको सिर्फ यह अख्तियार दिया गया है कि वे रिसेडेंटमिंटेशन करेगा। इसका मतलब यह है कि अगर लम्बी

की आबादी बढ़ गयी है तो वहां सीट बढ़ा दी, या उस कांस्टीट्यूएन्सी के कुछ हिस्से को निकाल दी, या अगर किसी कांस्टीट्यूएन्सी की आबादी कम गयी है तो उसमें कुछ और हिस्सा शामिल कर दी। लेकिन अगर किसी इलाके में या स्टेट में जहां पर कोई आबादी नहीं बढ़ी है वहां ऐसा करने की कोई जरूरत नहीं है। जैसे उत्तर प्रदेश में ५२ जिले हैं। वहां पर सात जिलों में आबादी बढ़ी है और सात जिलों में घटी है। तो इन्हीं जिलों पर आबादी के घटने या बढ़ने का असर पड़ना चाहिये। बाकी जिले और जिले बचते हैं उनमें रिएंजस्टमेंट की कोई जरूरत नहीं रहती। लेकिन कमीशन ने इसके खिलाफ किया और जहां रिएंजस्टमेंट की जरूरत नहीं थी वहां भी फर्क कर दिया।

सेक्शन ५ ई० में दिया गया है कि कमीशन इस बात का ख्याल रखेगा कि कोई एंटीमिनिस्ट्रीटिव यूनिट न तैयार हो जाय। लेकिन मैं ने देखा है कि उसने एंटीमिनिस्ट्रीटिव यूनिट तोड़ दिये हैं। मर जिले में कोई आबादी नहीं बढ़ी है। चिफ सौ आदीमियों का फर्क पड़ा है। वहां से वो सीटें हैं। वह पार्लियामेंट की सीट में तो कोई तबदीली नहीं कर सके, वहां तो १५ लाख की आबादी है। लीजिस्ट्रीटिव असम्बली की सीट की संख्या में भी कोई फर्क नहीं कर सके। लेकिन उसने एक परगने को एक तहसील में से निकाल कर दूसरी तहसील में डाला है और दूसरी में से निकाल कर तीसरी में छस है। इस तरह से उसने एंटीमिनिस्ट्रीटिव यूनिट तोड़ है। ऐसा करने की कमीशन को जरूरत नहीं थी लेकिन उसने समझ लिया कि हमको तो कुछ तोड़ फेंक करनी है। न डिमिनिमेशन एक्ट उसको इसका अस्तित्व देता है न कांस्टीट्यूशन अस्तित्व देता है। लेकिन वह अपनी जगह जो उसके मन में आता है कर लेता है। मैं ने अपने डूजाफ में यह खीज देखी। उससे मेरा कहना है कि ब० पी० में जब चिफ सात जिलों में आबादी बढ़ी है और सात में घटी है, और बाकी में कोई खस फर्क नहीं पड़ा है तो तय्यम सूच में गड़बड़ी करने की क्या जरूरत है। कानून की मर्यादिक सारी

स्टेट में आबादी का मंतरा बांध लेना चाहिये था। अगर कहीं रास्ते की दिक्कत हो या तनासुब की दिक्कत हो तो थोड़ा बहुत फर्क किया जा सकता है। लेकिन ऐसा नहीं किया गया है। उसने यह किया कि तमाम ५० पी० का अनुपात न रख कर जिले वार अनुपात निकाल कर प्रत्येक जिले को एसम्बली की नुमायन्दगी दी है। जिससे बड़ी गड़बड़ हो गई है उस ने यह भी ख्याल नहीं किया कि जहां आबादी कम और रकबा ज्यादा है उस में कुछ फर्क करे जैसे गढ़वाल जिले में जहां एक जगह से दूसरी जगह जाने जाने का रास्ता नहीं है, रेल नहीं है बीच में नदियां पड़ती हैं। वहां आबादी बहुत कम है। लखनऊ या फैजाबाद में जहां पर बहुत घनी आबादी है वहां छोट से एरिया में बहुत बड़ी तादाद हो जाती है इन में कुछ अन्तर होना चाहिये। उसने इस बात का कोई ख्याल नहीं किया कि कहां बीच में पहाड़ पड़ता है, कहां दरिया पड़ता है या नहीं पड़ता है। जो धुन आयी उसके मुताबिक उसने कांस्टीट्यूएन्सी बना दी। इस का नतीजा यह होता है कि एक जगह तो दस मील की अन्दर एक कांस्टीट्यूएन्सी बन जाती है और दूसरी तरफ एक ऐसी कांस्टीट्यूएन्सी बन जाती है कि जहां मेंबर को थोड़ा से आदीमियों का यह बतलाने में कि मैं खड़ा हुआ हूं बहुत संकट लगता है। जैसे कि गढ़वाल में मैं जहां कि एक जगह से दूसरी जगह जाने में सात सात दिन लग जाते हैं। इसलिये हमको अपने कमीशन से कहना चाहिये कि यह ठीक नहीं है कि आप बड़े जवा हैं, अब इंडिपेंडेंटली काम कर रहे हैं, लेकिन यूनिट आपके जाइर फाइनेल है इसलिये आप बड़े से सम्बन्धों कि मैनहंटररी अज्ञातों का मतलब क्या है, लफ्ज "हैल" का मतलब क्या है और सेक्शन ६ ई० में जो रिएंजस्टमेंट का लफ्ज दिया गया है उसका मतलब क्या है, और कांस्टीट्यूशन में जो आर्टिकल ५१ और दूसरे आर्टिकल दिये गये हैं उनको धीरे धीरे कभीकभान ऐसा नहीं किया है मैं यह समझता हूं कि अगर उसने कहीं छे से सात की आबादी पर एक सीट दी है और कहीं ५ लाख की आबादी पर। इसका कांस्टीट्यूशन ऐसा नहीं कहता है, डिमिनिमेशन एक्ट ऐसा

[श्री आर० डी० मिश्र]

नहीं कहता हूँ। और इसका कोई इलाज नहीं है। अगर हम अदालत में जाना चाहें तो संवैधानिक के मुताबिक नहीं जा सकते हैं। न सुप्रीम कोर्ट में जा सकते हैं न हाई कोर्ट में जा सकते हैं। हम पार्लियामेंट में जरूर आ सकते हैं, लेकिन इसके लिये भी आपने रास्ता बन्द कर रखा है यह कह कर कि हमने उसको अख्तियारात दं दिये हैं। अगर आप अख्तियारात दना चाहते हैं तो जरूर दीजिये लेकिन उनसे कहिये कि वे इंडिपेंडेंटली और ठीक तौर पर काम करें वरना कोई न कोई आधारिटी होनी चाहिये जो कमिशन की इस नाजबव कार्यवाही को जो कि वह कांस्टीट्यूशन के खिलाफ, डिमिनिशुशन एक्ट की मेनडेटरी प्रावीजन्स के खिलाफ, करता है दखल करे। चाहे वह आधारिटी हाईकोर्ट हो, सुप्रीम कोर्ट हो, कोई मिनिस्टर हो, या पार्लियामेंट की कोई कमटी हो, जो कि अगर कमिशन सिद्ध्युल्ड कास्ट वालों के साथ ज्यादाती करे या और कोई गलती करे तो उसको दखल करे। कमिशन ने सौंराष्ट्र में जो कुछ किया, हैदराबाद में किया वही उसको ५० पी० में करना चाहिये था, लेकिन जब वह ५० पी० में आया और उससे कहा गया कि अब इस तरह से कीजिये जो आपने वहां सौंराष्ट्र और हैदराबाद में किया है वही यहां भी कीजिये तो कमिशन ने कहा कि कांस्टीट्यूशन के मुताबिक ऐसा नहीं हो सकता है। लेकिन उत्तर प्रदेश के मंत्री तो पढ़ लिखे थे। उन्होंने कहा कि हम कांस्टीट्यूशन को जानते हैं और उन्होंने कमिशन को कांस्टीट्यूशन सिखाना शुरू किया। तो कमिशन ने कहा कि पार्लियामेंट में जाओ। हमने बड़ा जोर लगाया, पार्टी के लीडर के सामने अपना रिप्रेजेंटेशन रखा, मिनिस्टर के पास भेजा, जब कमिशन ने भी इस बात को मान लिया कि इस गलती को पार्लियामेंट ठीक कर सकता है तब बड़ी मुरिदाल से यह कार्यवाही चली और गवर्नमेंट इस बिल को लेकर आई है। लेकिन इस बिल से कुछ नहीं होगा। आपको चाहिये कि आप पैरेंट एक्ट में तरमीम करें और इस पार्लियामेंट को अख्तियार दीजिये कि वह उसकी गलत कार्य-

वाही को बदल सके। कोई न कोई तो उसकी गलतियों को दखल करने लिये होना चाहिये। लेकिन मैं यह पसन्द नहीं करता कि कमिशन के मंत्री चाहे कुछ करें और पार्लियामेंट उसमें कुछ न कर सके। मैं इस मामले को इसीलिए पार्लियामेंट के मंत्रियों के सामने रख रहा हूँ और कहना चाहता हूँ कि आप पार्लियामेंट के मंत्री हैं। जो ज्यादाती आपके इसको में होती है अगर उसको आप दूर नहीं कर सकेंगे तो कौन दूर कर सकेगा। इसलिये मैं कहता हूँ कि आप कोई कमटी बनायें जो कि इन चीजों को दखल करे। मैं यह नहीं कहता कि खुद पार्लियामेंट ही इस अख्तियार को ले ले। लेकिन किसी को तो रखिये। आप हाईकोर्ट को ही यह अख्तियार दीजिये।

अभी हमारे भाई मुनीश्वर दत्त जी ने अमेंडमेंट दिया। मुझे उसे दखल कर बड़ा तन्जुब हुआ। मेरी समझ में उनका अमेंडमेंट नहीं आया। उसमें सिलेक्ट कमटी के लिये कोई इंस्ट्रक्शन ही नहीं है। अभी अभी क्रिमिनल प्रोसीज्योर पास हो चुका है। उसमें जोइन्ट कमटी को इंस्ट्रक्शन दिये थे। इस अमेंडमेंट से हम सिर्फ कमटी में जा कर इस बिल पर ही बात चित करेंगे। वहां से लौट कर आने पर कहा जायेगा कि इससे बाहर नहीं जा सकते। श्री मुनीश्वर दत्त उपाध्याय के अमेंडमेंट का वह नतीजा होगा कि हम यहां से जाकर वहां बैठ रहेंगे क्योंकि उसमें कोई इंस्ट्रक्शन नहीं है और उत्तर प्रदेश के सिर्फ तीन ही मंत्री रह जायेंगे। सिलेक्ट कमटी इससे बाहर नहीं जायेगी। उत्तर प्रदेश में सिद्ध्युल्ड कास्ट के सिर्फ तीन ही मंत्री रह जायेंगे। हम चाह रहे थे कि जो लोगों के साथ पहाड़ों में और दूसरी जगह ज्यादातियां हुई हैं उनको दूर कर दिया जाय और हम अपने कानून को ऐसा बनायें कि जिससे किसी के साथ अन्याय न हो। इसीलिए मैं ने अपना अमेंडमेंट मूव किया है। मैं चाहता हूँ कि पैरेंट एक्ट में संश्लेषी होनी चाहिये। लेकिन मैं नहीं जानता कि गवर्नमेंट की मींसनरी कैसे चलती है। हम यहां

पार्लियामेंट में आ गये लेकिन यहां भी हम अपना काम नहीं कर पाते हैं। हम अपने इलाके में गलती होते देखते हैं, हम देखते हैं कि हमारी कांस्टीट्यूएन्सी का सत्यानाश हुआ जा रहा है, अब अगर हम उस गलती को दूर नहीं करा सकेंगे तो कौन करा सकेगा। तो मैं चाहता हूँ कि पेरेंट एक्ट में तबदीली की जाय। हम चाहते हैं कि अगर हम इन गलतियों को ठीक नहीं कर सकते हैं तो कोई कमेटी उनको दूर करे। डिलिमिटेशन कमीशन ने जो गलतियों की हैं उन पर कमेटी गौर करे इस हाउस के सामने मुनासिब बिल लाये तो मैं समझता हूँ कि उसकी रिपोर्ट को गवर्नमेंट मंजूर करेगी, हाउस मंजूर करेगा, और मिनिस्टर साहब मंजूर करेंगे। अगर कहीं ज्यादाती है तो उसको दूर कीजिये अगर नहीं है तो दूर न कीजिये। मेरा कहना आप साहबान से यह है कि आपके साथ और आपके हलके के साथ जो ज्यादाती हो रही है उस ज्यादाती को दूर कराने के लिये कदम उठाये। यह चुनाव का मामला है, डिलिमिटेशन का मामला है, मैं हम म्भरते में बकालत की बात नहीं करना चाहता लेकिन इतना जरूर कहूंगा कि यह जो कमीशन को अख्तियार दिया गया है वह इन्सिगेर्टेड एंथारिटी है और उसके अख्तियार से बाहर का हुक्म कहां तक 'ला' हो सकता है, मैं उसे डाउटफुल समझता हूँ। कमीशन का आर्डर ला भी होगा या नहीं होगा, इसमें यह साफ नहीं होता है। मैं अपने अर्मेंडमेंट में सिर्फ वही बात रख रहा हूँ कि पेरेंट एक्ट को अर्मेंड करने के इन्स्ट्रक्शंस सिलेक्ट कमेटी को दे दिये जाय, वहां पर भी आप ही उसको करने वाले हैं, अगर वहां पर कमेटी यह देखे कि कोई गलत बात दूर होनी चाहिये तो वह उसके लिये इस बिल की दफा में ऐसी बात रखे जिससे वह गलती दूर हो जाय जैसे कि प्रेसीडेंट का आर्डर बदलना चाहिये। प्रेसीडेंट के आर्डर के मुतालिक जो बात शिकायतें हुई हैं उनको हफा करने के लिये इस बिल की किसी दफा में ऐसे साफ इन्स्ट्रक्शंस रख दीजिये कि कमीशन को जहां गलतियां मालूम पड़े, उन गलतियों को वह दुरुस्त कर सके और वह भी

[MR. DEPUTY-SPEAKER in the Chair]

आप देखें कि कमीशन की गलतियां कोई एंथारिटी देखे, अब उस काम के लिये आप चाहें तो पार्लियामेंट के लिये यह एंथारिटी रख दीजिये कि वह उसकी गलतियों को देखे। इस सिलसिले में मैं आपको बतलाना चाहता हूँ कि अभी पिछली मर्तबा जब डिलिमिटेशन आफ कांस्टीट्यूएन्सीज के बारे में यहां पर डिस्कशन हुआ था तो उस मौके पर तमाम जगह के मम्बरान चिल्लाते थे, अपोजिट पार्टी के मम्बर चिल्लाते थे, सरदार हुक्म सिंह और डा० लंका सुन्दरम् का मैं ने चिल्लाते देखा था। जितनों से मैं ने बातचीत की मैं ने यही पाया कि हर आदमी डिलिमिटेशन कमीशन के काम से परेशान है। मैं और ज्यादा न कह कर अपने मिनिस्टर साहब से आशा करता हूँ कि वह मेरा अर्मेंडमेंट मंजूर कर लेंगे लेकिन अगर वह बर्नन साहब का संशोधन स्वीकार कर लें तो मैं उस पर इक्तफा करने के लिये तैयार हूँ।

Shri Pataskar: May I intervene for a moment because the discussion may be made shorter? There is an amendment moved by Pandit Munishwar Datt Upadhyay. There I am prepared to consider "so far as this Bill is concerned and anything connected therewith", though I cannot imagine all sorts of difficulties in the whole of the Delimitation Act. But if this will satisfy hon. Members, that is, "the provisions of the Bill as well as matters connected therewith on or etc." I am prepared to accept it.

But my friends will realise that the present Bill is confined only for solving a part of the problem which has arisen on account of the work of the Delimitation Commission. Suppose, as I said in the beginning, in Hyderabad something has been said. Wherever possible something could be done by an amendment in this Bill. It is not the intention of the Government that they should discriminate between State and State or between persons and persons. Therefore I am prepared to reassure my friends on that point, and I am prepared to this addition "the provisions of the Bill as well as

[Shri Pataskar]

matters connected therewith on or before etc."

Even as regards the general complaints about the work of the Delimitation Commission it is certainly not within the scope of the Bill, but nothing debars Members from approaching in the right manner wherever there is a just grievance and I can assure them, instead of taking time here, that all those things will be considered by Government from a proper point of view, from the point of view of the interests of all concerned. It is nobody's intention to deny any individual's rights or to cause inconvenience to any people. But I cannot assure anything, that I will do this or that, in a Bill which has a limited object.

Even with regard to that I find that if I keep it like this some friends probably think that something might be omitted. Therefore I have intervened to say that all that will be done. Even with respect to others, whatever they have got to say, that will be considered. Beyond that I cannot say, and if we can come to a decision on this and pass it that will help because we have another equally important Bill and that must be passed. That is the Prevention of Disqualification Bill. That will not take time, but it has to be passed before the end of this year. I hope that after this intervention the House will agree to this motion.

Mr. Deputy-Speaker: In view of the statement and in view of the fact that the Bill is going to Select Committee is it necessary to pursue the matter further here?

Some Hon. Members: No.

Pandit Munishwar Datt Upadhyay: Let this amendment be moved.

Mr. Deputy-Speaker: Amendment to the amendment?

Shri Kajrolkar (Bombay City—North—Reserved—Sch. Castes): Yes. I beg to move:

That in the amendment moved by Pandit Munishwar Datt Upadhyay, after "to report" insert "on the provisions of the Bill as

well as matters connected therewith".

Shri Pataskar: If it becomes necessary, as a result of this, that some other section has also to be considered, I will take it into account. So far as this matter is concerned there is nothing which has been kept behind in my mind.

Mr. Deputy-Speaker: What is the other amendment? The hon. Member will kindly pass it on to the Chair. I am waiving the notice because the Mover of the Bill has accepted it. Otherwise I would have insisted upon notice.

I will now put to the vote of the House this amendment by Shri Kajrolkar to the amendment moved by Pandit Munishwar Datt Upadhyay.

The question is:

"That in the amendment moved by Pandit Munishwar Datt Upadhyay, after "to report" insert "on the provisions of the Bill as well as matters connected therewith".

I think the Ayes have it.

Shri B. S. Murthy: No the Noes have it.

Mr. Deputy-Speaker: I will put it once again,—the amendment of Shri Kajrolkar to the amendment moved by Pandit Munishwar Datt Upadhyay. The question is:

"That in the amendment moved by Pandit Munishwar Datt Upadhyay, after "to report" insert "on the provisions of the Bill as well as matters connected therewith".

The motion was adopted.

Mr. Deputy-Speaker: I will now put Pandit Munishwar Datt Upadhyay's amendment, as amended.

The question is:

"That the Bill be referred to a Select Committee consisting of Shri Upendranath Barman, Sardar Amar Singh Sehgal, Shri Narayan Sadoba Kajrolkar, Shri R. L. Jangde, Shri V. M. Tiwary, Shri T. N. Singh

Pandit Algu Rai Shastri, Shri Raghubar Dayal Misra, Shri Nikunja Behari Chowdhury, Sardar Hukam Singh, Dr. A. Krishnaswami, Shri Ramji Verma, Shrimati Sucheta Kripalani, Pandit Balkrishna Sharma, Shri H. V. Pataskar, Pandit Munishwar Datt Upadhyay, Shri P. Kakkan, and Shri Hirendra Nath Mukerjee with instructions....."

Shri B. S. Murthy: Not even one Harijan has been taken from the Opposition.

Mr. Deputy-Speaker: Shri Kakkan is there.

Shri B. S. Murthy: Shri Kakkan is not from the Opposition.

Mr. Deputy-Speaker: The further amendment is to add the name of Shri B. S. Murthy.....

Some Hon. Members: And Dr. Manik Chand Jatav-vir and Shri Rameshwar Sahu.

Shri Kajrolkar: And Shri N. A. Borkar.

Shri Uikey (Mandla-Jabalpur South—Reserved—Sch. Tribes): Not a single Adivasi has been taken on the Select Committee.

Mr. Deputy-Speaker: What is the name?

Shri Rameshwar Sahu (Muzaffarpur cum Darbhanga—Reserved—Sch. Castes): Shri M. G. Uikey.

Mr. Deputy-Speaker: I am adding these names.

Some Hon. Members: And Shri Sanganna.

Mr. Deputy-Speaker: The question is:

"That the Bill be referred to a Select Committee consisting of Shri Upendranath Barman, Sardar Amar Singh Saigal, Shri Narayan Sadoba Kajrolkar, Shri R. L. Jangde, Shri V. N. Tivary, Shri T. N. Singh, Pandit Algu Rai Shastri, Shri Raghubar Dayal

Misra, Shri Nikunja Behari Chowdhury, Sardar Hukam Singh, Dr. A. Krishnaswami, Shri Ramji Verma, Shrimati Sucheta Kripalani, Pandit Balkrishna Sharma, Shri H. V. Pataskar, Pandit M. D. Upadhyaya, Shri P. Kakkan, Shri Hirendra Nath Mukerjee, Shri B. S. Murthy, Dr. Manik Chand Jatav-vir, Shri Rameshwar Sahu, Shri M. G. Uikey, Shri Nama Arjun Borkar, Shri T. Sanganna, with instructions to report on the provisions of the Bill as well as matters connected therewith on or before the 22nd December, 1954."

The motion was adopted.

Mr. Deputy-Speaker: The Bill is referred to the Select Committee. All the other amendments so far as the Delimitation Commission (Amendment) Bill is concerned, are barred.

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1954-55—ANDHRA

Mr. Deputy-Speaker: I shall now put to the vote of the House the Supplementary Demands. Any hon. Member pressing his cut motion? I find none. I shall put all the cut motions moved so far.

The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,10,000 in respect of 'Irrigation' be reduced by Rs. 100".

The motion was negatived

Mr. Deputy-Speaker: The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 6,10,000 in respect of 'Irrigation' be reduced by Rs. 100".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the demand for a supplementary grant of a sum not ex-

[Mr. Deputy-Speaker]

ceeding Rs. 7,50,100 in respect of 'Education' be reduced to Re. 1."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 7,50,100 in respect of 'Education' be reduced to Re. 1."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 5,24,300 in respect of 'Capital Outlay on Irrigation' be reduced to Re. 1."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 5,24,300 in respect of 'Capital Outlay on Electricity Schemes' be reduced by Rs. 100."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 5,24,300 in respect of 'Capital Outlay on Electricity Schemes' be reduced by Rs. 100."

The motion was negatived.

Mr. Deputy-Speaker: I shall now put all the Demands to the House. The question is:

"That the respective supplementary sums not exceeding the amounts shown in the third column of the Order Paper in respect of Demands Nos. VIII, XI, XIV, XV, XVII, XXIV, XXV, XXVII, XXXIV, XXXVI, and XXXVII be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955 in respect

of the corresponding heads of Demands entered in the second column thereof."

The motion was adopted.

[The motions for Demands for Supplementary Grants in respect of Andhra which were adopted by the Lok Sabha are reproduced below—Ed. of PP.]

DEMAND No. VIII—IrrIGATION

"That a supplementary sum not exceeding Rs. 6,10,000 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Irrigation'."

DEMAND No. XI—DISTRICT ADMINISTRATION AND MISCELLANEOUS.

"That a supplementary sum not exceeding Rs. 100 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'District Administration and Miscellaneous'."

DEMAND No. XIV—POLICE

"That a supplementary sum not exceeding Rs. 25,000 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Police'."

DEMAND No. XV—EDUCATION

"That a supplementary sum not exceeding Rs. 7,50,100 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Education'."

DEMAND No. XVII—PUBLIC HEALTH

"That a supplementary sum not exceeding Rs. 89,200 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Public Health'."

DEMAND No. XXIV—CIVIL WORKS—WORKS.

"That a supplementary sum not exceeding Rs. 4,00,000 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Civil Works—Works'."

DEMAND No. XXV—CIVIL WORKS—ESTABLISHMENT AND TOOLS AND PLANT.

"That a supplementary sum not exceeding Rs. 51,600 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Civil Works.—Establishment and Tools and Plant'."

DEMAND No. XXVII—ELECTRICITY

"That a supplementary sum not exceeding Rs. 1,72,300 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Electricity'."

DEMAND No. XXXIV—CAPITAL OUTLAY ON IRRIGATION.

"That a supplementary sum not exceeding Rs. 64,50,100 be granted to the President out of the Consolidated Fund of the State of Andhra

to defray the charges which will come in course of payment during the year ending the 31st day of March, 1953 in respect of 'Capital Outlay on Irrigation'."

DEMAND No. XXXVI—CAPITAL OUTLAY ON CIVIL WORKS.

"That a supplementary sum not exceeding Rs. 8,38,000 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955 in respect of 'Capital Outlay on Civil Works'."

DEMAND No. XXXVII—CAPITAL OUTLAY ON ELECTRICITY SCHEMES.

"That a supplementary sum not exceeding Rs. 5,24,300 be granted to the President out of the Consolidated Fund of the State of Andhra to defray the charges which will come in course of payment during the year ending the 31st day of March, 1955, in respect of 'Capital outlay on Electricity Schemes'."

ANDHRA APPROPRIATION BILL

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Andhra for the service of the financial year 1954-55.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Andhra for the service of the financial year 1954-55."

The motion was adopted.

(Parliament and Part C States
Legislatures) Second
Amendment Bill

Shri M. C. Shah: I introduce* the Bill and beg to move*:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Andhra for the service of the financial year 1954-55, be taken into consideration."

Mr. Deputy-Speaker: The question is:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Andhra for the service of the financial year 1954-55, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: Clause by clause discussion.

The question is:

"That clauses 1, 2 and 3, the Schedule, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1, 2 and 3, the Schedule, the Title and the Enacting Formula were added to the Bill.

Shri M. C. Shah: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

PREVENTION OF DISQUALIFICATION
(PARLIAMENT AND PART C
STATES LEGISLATURES) SECOND
AMENDMENT BILL

The Minister in the Ministry of Law (Shri Pataskar): I beg to move:

"That the Bill further to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, be taken into consideration."

The history of this Bill is very simple. In our Constitution we have Article 102 which says:

"(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;"

As we are all aware, this matter has been discussed so many times. The term 'office of profit' has been found to be very difficult to be exactly defined. Therefore, when this article was introduced in the Constitution, they made a provision; other than an office declared by Parliament by law not to disqualify its holder. This matter has been under consideration since long. We first passed the Prevention of Disqualification Act of 1953. Then, we declared that certain offices permanently would not entail a disqualification. There were certain offices in respect of which, for the time being, provision was made that there will be no disqualification because it was felt doubtful whether they would entail any disqualification or not.

[SHRI BARMAN in the Chair]

Provision was made by which a time limit was fixed. It has become necessary to extend that period now, up to 31st December, 1955. I may say at this stage that even in England, there is a Committee of Parliament which is discussing this question and they have not been able to come to any definite conclusion. I do not say that we should copy England and keep such Acts in force for all time to come. In fact, I may say that the Government have drafted and prepared a Bill, a comprehensive measure, which they wanted to introduce. In the meantime, as the House knows, just as there is a Parliamentary Committee in England, our

*Introduced and moved with the recommendation of the President.

Speaker appointed a Parliamentary Committee consisting of Members from both the Houses to consider the question of office of profit. They recommended to us and a copy of the Bill was sent to that Committee. They suggested that they would also try to explore all possible avenues for producing a correct legislation regarding this matter. They also suggested that this Bill may be passed extending the period. The present provision in clause 4 is for an extension for one year during which time, probably the report of that Committee will be ready. We will take that report also into consideration and bring forward a suitable measure. I know that from time to time we have been extending the time on two previous occasions. As I said, under the peculiar circumstances, when another Parliamentary Committee consisting of Members of both the Houses is seized of the matter, Government thought it fit to wait till that report comes and then carry out the recommendations of that Committee. That was the reason why we did not hurry the Bill which we wanted to bring. It is from that point of view that this short Bill has been brought forward to prevent disqualification occurring in respect of those offices which are mentioned in section 4 of the present Act. The Bill itself is very simple, and it provides that the words '31st December 1955' shall be substituted and shall be deemed always to have been substituted in section 4 of the present Act. Instead of 1954, we want 1955. That is the only change proposed, in view of the circumstances under which Government have not been able to bring forward a comprehensive Bill. I think there would not be any objection on that score, because when Parliament itself, and Members of both Houses, are seized of the matter, it is but fit and proper that we should wait till the report of that Committee comes. If it is found necessary in the light of that report to include certain other offices also in the Act, we shall certainly include them in the comprehensive Bill that we shall bring forward,

which may be, I think, before the end of the year. I hope that the report of that Committee also will come very early, and we will also be able to bring forward that measure without any loss of time, because it is not desirable that the matter should be kept pending.

3 P.M.

I hope this non-controversial Bill will be passed without any discussion.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, be taken into consideration."

Shri Ramachandra Reddi (Nellore): I would like to enquire what is the progress that has been achieved by this Committee so far, and also whether the State Governments have been consulted in this matter, and if so, to what extent they have got any objections to a measure like this.

Shri Pataskar: As regards the progress of that Committee, I do not know. But I have appealed to them to submit their report as early as possible, and I hope they will be able to submit their report within two or three months. Of course, it is not for me to say how long that Committee will take. But I hope and trust that as the matter has been kept pending so long, they will submit their report early.

As regards consultations with States, I think we are enacting this measure only for Parliament and Part C States Legislatures. With respect to the other State Legislatures, I think legislation has to be enacted by the States themselves. So, that question does not arise.

Shri Ramachandra Reddi: I am only pointing this out that there are certain statutory provisions in the State Acts, under which members may be appointed from the Legislature to certain bodies. Is their disqualification also going to be prevented under this Act? That has to be investigated into and a conclusion arrived at.

Shri Pataskar: The point that has been raised by the hon. Member will be duly taken into account.

Shri Dhulekar (Jhansi Distt.—South): I rise to support this Bill, as a member of the Committee that was appointed to investigate into several matters affecting the definition of the term 'office of profit'. In India, the analogy of the process of legislation or the process of adaptation that is prevalent in England does not apply to us. In England, however, the history was different. After a struggle for several hundred years, the House of Commons had found that the King was always trying to encroach upon the rights of the Members of the House of Commons, and the Members of the House of Commons also were struggling against the King with a view to getting as much power as possible. In the hands of the King of England, there were powers of patronage. Sometimes, he created peers, and sometimes he conferred upon the Members of the House of Commons certain privileges, by appointing them to certain posts. So, this struggle began between the King and the Members of the House of Commons, and it was found necessary that the King should not encroach upon the powers of the House of Commons. Therefore, some conventions grew up there.

One of the results of this process was that although the post itself did not carry any remuneration or any high emoluments, still the House of Commons was very anxious to guard against the evil by saying that in cases where a Member of Parliament was given a post which did not even carry any emoluments, still if that Member could exercise a power with regard to the appointment of people to high posts, or with regard to giving any trade concessions, or exercise any other power in such a manner that the authority of the House of Commons was in any way encroached upon, then that post was a post of profit. In our country, we find that the thing has to be decided once and for all now.

When the Committee began its deliberations, it was said that the position as narrated by me with regard to the struggle between the King and the people is not there in our country. But still, in our case, it is very clear that our democracy should be guarded against the evil of conferment of posts of profit in the form of privileges given to Members, by appointing them to certain important committees or boards, where they could carry some influence. So, on the one side, there is the danger that if the term 'office of profit' is defined in such a manner that any post or any membership or chairmanship of any board or committee is conferred upon a Member of Parliament, as a result of which he may become very powerful in the land, is an office of profit, then it will encroach upon the rights of the democratic people. But on the other hand, we find that there is another aspect also that we have got. There are so many plans coming under the Planning Commission, right from panchayats up to the bigger plans, where it is necessary that Members of Parliament should take part. So, if Members of Parliament are to be associated with the constructive activities that are going on throughout the country at this time, it will not be possible to exclude all the Members of Parliament from being appointed to certain posts, where although they are very influential and very great, it is necessary that they should be appointed. Therefore, it was found that we should not make a schedule of the offices of profit hurriedly, but we should advise Government that they should bring in a temporary measure extending the period of prevention of disqualification by one year. Meanwhile, the Committee may submit their report in a better manner, and after considering that, a proper legislation may be brought forward.

With these words, I support the Bill.

Mr. Chairman: Before I call upon any hon. Member, I would only say that considering the business that the

Legislatures) Second
Amendment Bill

House has to transact before it adjourns, we have to look to the time that we have got in our hands. We have to transact a lot of business before we disperse. Considering the fact that this is only an extending Bill, and when the comprehensive Bill is brought forward, all these questions may be gone into fully again, it is for hon. Members to consider that they should try to be as brief as possible.

Shri R. K. Chaudhuri (Gauhati): I will not take much time at all. Certainly we welcome this extension which has been asked for by this Bill. But I wanted to make a few suggestions, now that the Committee have not concluded their sittings. So far as disqualification, as it exists now, is concerned, we are going too far. There are certain things which are still doubtful. For instance, if a Member of Parliament becomes a director of any private concern which gets some sort of indirect advantage from the Government, even then that Member is supposed to be disqualified. I think that we ought to have a clear-cut decision on this matter, whether the office of a director of a private company which gets some sort of advantage from the Government, say, by way of subsidy or by aid, or anything of that kind, should be held as an office of profit. As far as I know, so long as the directors only get their allowance or the director's fees, there should not be any disqualification, but the question arises with regard to those institutions or concerns which get help from the Government—whether a Member of Parliament who is a director of that concern would be disqualified or not. This may perhaps be looked into.

Since the number of people who actually devote themselves to public work is limited, we should not be guilty of any prudery which seems to be in the air now. For instance, my hon. friend, Shri Dhulekar, was speaking about conditions as obtaining in England. It is all right. They are doing very good. They are trying to

have disqualification at every stage. But I ask, when the King of England confers a title, a knighthood or peerage, is it not a sort of favour shown to the Member of Parliament? Is not the Member of Parliament hoping for it; there is room to hope that he may get a title. He may be raised to peerage. He may be knighted just as Winston Churchill was knighted at the fag end of his life. He has been knighted; that is a sort of temptation which is always before the Members of the British Parliament. We have no such temptation here. At the same time, we must remove the disqualification as far as possible, to the extent that we may have a fair amount of time so that we may devote ourselves to such work which, although may be indirectly connected with the Government, does not actually give much benefit or profit. So we ought to be taking care about this. So far as this Bill is concerned, we welcome the extension of the period.

पंडित ठाकुर दास भार्गव (गुड़गांव): जनाब चेंबरमैन साहब, आपके सामने यह मसला पेश है। उस कमेटी के चेंबरमैन की हैसियत से जिसको कि स्पीकर साहब ने एपाइंट किया है मैं अदब से अर्ज करना चाहता हूँ कि हमारे सामने जो मसला है वह निहायत दृक्क है।

अभी चौधरी साहब ने फरमाया कि प्राइवेट फर्म के डाइरेक्टरों को क्या मिलता है और उनको किस तरह से इनफ्लूएस किया जाता है। इसी तरह से हमारे पास बहुत सी कमेटीयों की लिस्ट आई है और हमको देखना होगा कि हर कमेटी में होने से किसको क्या फायदा मिल सकता है। हमारे सामने जो उसूल हैं वह यह हैं कि हम नहीं चाहते कि पार्लियामेंट का कोई भी मेम्बर ऐसा हो कि जो गवर्नमेंट से किसी उम्मीद में अपनी राय को इनफ्लूएस हो जाने दें। हमारे मिनिस्टर्स की तादाद रोज बढ़ती जाती है। हमारी यह कौशिश होगी कि मेम्बरों पर गवर्नमेंट का डाइरेक्ट इनफ्लूएस न पड़ने पाये। पिछले दिनों में ने जो वनस्परी का बिल पेश किया था उसमें पापुलर वाइस रखने वालों

[पीठल ठाकुर दास भार्गव]

की तादाद ४६ थी और गवर्नमेंट की तरफ से ५२ मंत्री खड़े हो गये थे। अगर उन मंत्रियों को जो खड़े हुए थे अपनी राय देने का हक होता तो ऐसा कभी नहीं होता, बल्कि मेरे बिल के फेवर में ५२ या उससे ज्यादा मंत्री होते और ४६ खिलाफ होते। मैं अर्ज करना चाहता हूँ कि कायदा यह है कि गवर्नमेंट के हाथ में कोई ऐसी चीज न रहे जिससे कि किसी मंत्री का इंडिपेंडेंस मार हो जाय। लेकिन साथ साथ हमारी मुसीबत यह है कि इस हाउस में ऐसे गिनें चुनें आदमी पब्लिक लाइफ से आते हैं कि जिनकी तादाद दश में थोड़ी होती है और जिनके बगैर हमारे काम अच्छी तरह से नहीं हो सकते हैं। इसीलिये हमको ऐसा तरीका अख्तियार करना होगा कि उन आदमियों से हम काम भी ले सकें और उनके इंडिपेंडेंस पर भी गवर्नमेंट का कोई असर न पड़े। मुझे उम्मीद है कि हाउस के सारे मंत्री इस काम में हमारी मदद करेंगे। इस कमेटी में कुछ मंत्री काम कर रहे हैं, लेकिन मैं उस कमेटी के चेंबरमैन की हिसयत से बकाया मंत्री से अर्ज करता हूँ कि वे वहाँ तशरीफ लायें और हमारी मदद करें ताकि हम अपने मूलक के लिये एक अच्छा कायदा बना सकें। मैं विलायत के उस्ताओं का कायल नहीं हूँ। मैं तो इस बात का कायल हूँ कि जो चीज हमारे दश के वास्ते मुनासिब हो उसको हम रख सकें। हमें उम्मीद है कि हम एक साल के अन्दर पूरी कोशिश से ऐसा एक फार्मुला आपके सामने रख सकेंगे जिससे कि मंत्री को पूरी तसल्ली हो जायगी और गवर्नमेंट जो बिल लायेंगी वह इस कमेटी के सिफारिश के मुताबिक लायेंगी। इसीलिये मैं इस बिल को जोर के साथ सपोर्ट करता हूँ और उम्मीद करता हूँ कि जो अर्ज आपने दिया है उसमें यह कमेटी अपना काम पूरा कर सकेगी।

पीठल सी० एन० मास्कीव (रायसन): जनाब चेंबरमैन साहब, मेरा इस मसले पर बोलने का इरादा नहीं था। लेकिन मेरे दोस्त पीठल ठाकुर

दास भार्गव ने जो कुछ कहा मैं उसका जवाब देना चाहता हूँ। उन्होंने कहा कि वनस्पति बिल पर जो राय दी गयी उसमें ५२ मंत्रियों ने गवर्नमेंट की तरफ से राय दी, और ऐसा उन्होंने गवर्नमेंट के इनप्लूएंस की वजह से किया। मैं ऐसा नहीं समझता कि पार्लियामेंट के मंत्री इस तरह से गवर्नमेंट के असर में आ जायेंगे। हम इस बिल को इसीलिये लायें हैं ताकि पब्लिक के दिमाग में यह बात न आ सके कि मंत्री पार्लियामेंट किसी तरह से नाजायज फायदा उठा रहे हैं। लेकिन यह नहीं होना चाहिये कि मंत्री पार्लियामेंट के लिये आप कहें कि अगर उसको कहीं पर रख लिया गया है तो उसकी वजह से वह अपनी आत्म को बेच देगा और गलत राय दे देगा।

मैं इस बिल का सपोर्ट करता हूँ।

Shri Pataskar: I can assure hon. Members that it is in deference to the wishes of the Parliamentary Committee that we have stayed our hands and we have brought forward this amendment to extend it. Any recommendations which will be made by that Committee of both Houses will receive due consideration from Government. Government are also desirous that in this matter we should try to have the best traditions and conventions that we can have, and I think with this assurance this motion will be passed.

Mr. Chairman: The question is:

"That the Bill further to amend the Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of Section 4,

Act I of 1954)

Mr. Chairman: We shall now take the Bill clause by clause.

There is an amendment to clause 2, by **Shri Tushar Chatterjee.**

Shri Pataskar: I think he will withdraw it.

Shri Tushar Chatterjea (Serampore): I beg to move:

In page 1, line 9, for "31st day of December, 1955" substitute "30th day of June, 1955".

I have moved this amendment that in place of 31st day of December, 1955, it should be 30th day of June 1955, that is, I want to make the extension only for six months. My reason is this. First of all, it was extended upto 31st March 1954. Then another extension was made up to 31st December 1954. Now a third extension is sought to be made. For this further extension the reason given is: that the Committee have not as yet been able to decide as to what are the offices of profit. Now, I do not understand why a thing like determining offices of profit requires consideration for a long period of a year and a half. I think it is a very simple thing. If the Committee are really very serious about it, then within six months they can decide what are offices of profit. So I do not see any reason why an extension of more than six months should be given. I want that the matter should be finalised as early as possible; otherwise, people will remain in suspense. I think a six months' extension is sufficient.

Mr. Chairman: Amendment moved:

In page 1, line 9, for "31st day of December, 1955" substitute "30th day of June, 1955".

Shri Pataskar: I would appeal to the hon. Member not to press this. As I said in the beginning, we had drafted a Bill and it was ready. As a matter of fact, it will now depend upon what time the Parliamentary Committee of both Houses will take to submit their report. I can assure the hon. Member that as soon as those recommendations are received, Government will take early steps to bring forward a comprehensive measure with respect to this. I think the hon. Member may withdraw his amendment.

Mr. Chairman: The question is:

In page 1, line 9, for "31st day of December, 1955" substitute "30th day of June, 1955".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

Shri Pataskar: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

TEA (AMENDMENT) BILL

The Minister of Commerce (Shri Karmarkar): I beg to move:

"That the Bill to amend the Tea Act, 1953, as passed by the Rajya Sabha, be taken into consideration."

Sir, on this Bill I might have contented myself with simply referring to what has been stated in the objects and reasons, but courtesy does require, it seems, that I should make a few observations.

As hon. Members would have observed from the statement of objects and reasons, this Bill is of a non-controversial nature designed merely to remove disqualification arising out of membership of a statutory body which Members of this House may incur on being appointed as such. Sir, section 4(3) of the Tea Act, 1953, provides for the representation of Members of Parliament on the Tea Board established under section 4(1) of the said Act. It is also possible that among the members of the Tea Board appointed by

[Shri Karmarkar]

Central Government, some may be Members of Parliament. The Prevention of Disqualification (Parliament and Part C States Legislatures) Act, 1953, Act I of 1954, removes the disqualification only temporarily, until 31st day of December, 1954. Even by the Bill that has just now been passed this exemption is only for one year. Therefore, since it is necessary that Members of Parliament should be appointed as members of the Tea Board for successful working, it is necessary to remove the disqualification permanently and with that object in view it is proposed to make this amendment in the Bill. A similar provision has also been made in the Coffee and Rubber Bills recently passed by both the Houses of Parliament.

I have two small amendments to move which I shall do later on.

Mr. Chairman: Motion moved:

"That the Bill to amend the Tea Act, 1953, as passed by the Rajya Sabha, be taken into consideration."

Shri A. M. Thomas (Ernakulam): Sir, I want to speak a word to bring home to the attention of the Government one point. Of course, this provision is made to enable Members of Parliament to serve in the respective Boards but the Government does not take care to see that before the inauguration of the Board and before the general meeting when the various sub-committees are elected, the Members that we elect take their seats in these various Boards. Government commit such a long delay that only after the election to these important sub-committees are over that the Members of this House or of the Rajya Sabha take their seats in these Boards. I hope that the Government will see that such a state of things as has happened in the case of the Coir Board and even of the Tea Board is not repeated.

Shri N. M. Lingam (Coimbatore): Sir, I also want to say a word. It is one year since the Tea Board was constituted. The Tea Act provides for the

appointment of Members of Parliament on the Board, and, Government, I submit, need not have waited for the passing of this amendment to elect two Members of the Parliament to serve on the Tea Board. Under the Prevention of Disqualification Act, under which the temporary protection given to Members is extended by one year, Members of Parliament could have been elected already to serve on the Tea Board. I do not know why Government did not do it so far. But, it is better late than never, and I hope before the Session is prorogued, the Government will see that representatives of the Parliament are enabled to serve on the Tea Board. Sir, I support the Bill.

Shri Karmarkar: Sir, I have taken due note of the suggestions of both the hon. Members and I think I need not dilate on that point. My Ministry will consider the suggestions in due course.

Mr. Chairman: The question is:

"That the Bill to amend the Tea Act, 1953, as passed by the Rajya Sabha, be taken into consideration."

The motion was adopted.

Clauses 1 and 2

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

[MR. DEPUTY-SPEAKER in the Chair]
Amendments made:

In the Long Title, before "to amend" insert "further"; and

In page 1, line 3, for "(Amendment)" substitute "(Second Amendment)".

—[Shri Karmarkar]

Mr. Deputy-Speaker: I shall now put clause 1, as amended, the Title, as amended and the Enacting Formula.

The question is:

"That clause 1, as amended, the Title, as amended, and the Enacting Formula stand part of the Bill.

The motion was adopted.

Clause 1, as amended, the Title, as amended and the Enacting Formula were added to the Bill.

Shri Karmarkar: I beg to move:

"That the Bill, as amended, be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

UNIVERSITY GRANTS COMMISSION BILL

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): I beg to move:

"That the Bill to make provision for the co-ordination and determination of standards in Universities and for that purpose, to establish a University Grants Commission, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely, Shri N. V. Gadgil, Shri V. B. Gandhi, Shri Jethalal Hari Krishna Joshi, Shri R. V. Dhulekar, Shri Birbal Singh, Shri Algu Rai Shastri, Shri Syamandan Sahaya, Shri T. S. Avinashilingam Chettiar, Shri S. Sinha, Shri T. N. Vishwanath Reddy, Shri A. M. Thomas, Shri N. Rachiah, Shri Dewan Chand Sharma, Giani Gurmukh Singh Musafir, Shri Radhelal Vyas, Shri Mulla Teherali Mulla Abdullahai, Shri Krishnacharya Joshi, Pandit Lingaraj Mishra, Dr. Manmohan Das, Shri Rameshwar Sahu, Shri Jaipal Singh, Shri H. N.

Mukerjee, Shri K. M. Vallatharas, Shri B. Ramachandra Reddy, H. H. Maharaja Rejendra Narayan Singh Deo, Shri B. H. Khardekar, Prof. Meghnad Saha, Shri Sivamurthi Swami, Shri P. N. Rajabhoj and the Mover, and 15 members from the Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 30th day of April, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to the Rajya Sabha that the Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by the Rajya Sabha to the Joint Committee."

Mr. Deputy-Speaker: He wants to continue or shall I put it to the House immediately?

Dr. M. M. Das: I will continue next day.

Shri R. K. Chaudhuri (Gauhati): On a point of information, Sir, I want to know why instead of 49 members as usual only 45 members have been selected for this Committee? In all Committees we always have 49 members.

Mr. Deputy-Speaker: There is no question of 'usual' here. Now, we will go to the next item.

RESOLUTION RE: REMOVAL OF SPEAKER

Mr. Deputy-Speaker: The House will now take up the Resolution.

Shri Jawaharlal Nehru: Sir, may I make a submission to the House? You

[Shri Jawaharlal Nehru]

were pleased to allot two hours for this discussion.

Mr. Deputy-Speaker: Yes, from 3-30 P.M. to 5-30 P.M.

Shri Jawaharlal Nehru: Normally you do adopt some kind of proportion, but I should like to submit that in this particular case, more time should be allowed to the Opposition than to the Government Benches. We do not wish to take too much time and I hope that hon. Members on this side will not take too much time of the House in their speeches. Naturally, we will have to say something which we will do. But, I would submit for your consideration that the Opposition should have more time.

Shri M. S. Gurupadaswamy (My-sore): I have already given you a list of names.

Mr. Deputy-Speaker: I will try to regulate the debate accordingly Shri V. Missir may move the resolution, formally.

श्री वी० मिश्र : उपाध्यक्ष महोदय, अध्यक्ष महोदय के सम्बन्ध में जो प्रस्ताव लाया गया है, मैं उसको मूव करता हूँ :

“कि यह सभा, स्थगन प्रस्तावों पर सहमति देने, प्रश्नों को अस्वीकार करने, आदि के बारे में सभा के अध्यक्ष के आचरण पर विचार करने पर यह समझती है कि उन्होंने सभा के सभी बगों का विश्वास प्राप्त करने के लिये आवश्यक निष्पक्ष रवैया बनाये रखना बंद कर दिया है; कि अपने पक्षपातपूर्ण रवैयों के कारण वह सभा के सदस्यों के अधिकारों का ध्यान नहीं रखते हैं और इन अधिकारों का हनन करने वाली घोषणाएँ और निर्णय देते हैं; कि वह सभी विवादग्रस्त मामलों में संसद के दूसरे सदस्यों द्वारा दी गयी सूचना के मुकाबले में सरकारी प्रवक्ता की बात का खुला समर्थन करते हैं; कि इन सब कार्यों से इस सभा का कार्य उचित रूप से संचालन करने के लिये और जनता की शिकायतों को अच्छी तरह प्रकट करने के लिये

खतरा पैदा हो गया है, और, इसीलिये, सभा संकल्प करती है कि उनको उनके पद से हटा दिया जाये।”

Mr. Deputy-Speaker: Resolution moved:

“कि यह सभा, स्थगन प्रस्तावों पर सहमति प्रश्नों को अस्वीकार करने, आदि के बारे में सभा के अध्यक्ष के आचरण पर विचार करने पर यह समझती है कि उन्होंने सभा के सभी बगों का विश्वास प्राप्त करने के लिये आवश्यक निष्पक्ष रवैया बनाये रखना बंद कर दिया है; कि अपने पक्षपातपूर्ण रवैयों के कारण वह सभा के सदस्यों के अधिकारों का ध्यान नहीं रखते हैं और इन अधिकारों का हनन करने वाली घोषणाएँ और निर्णय देते हैं; कि वह सभी विवादग्रस्त मामलों में संसद के दूसरे सदस्यों द्वारा दी गयी सूचना के मुकाबले में सरकारी प्रवक्ता की बात का खुला समर्थन करते हैं; कि इन सब कार्यों से इस सभा का कार्य उचित रूप से संचालन करने के लिये और जनता की शिकायतों को अच्छी तरह प्रकट करने के लिये खतरा पैदा हो गया है, और, इसीलिये, सभा संकल्प करती है कि उनको उनके पद से हटा दिया जाये।”

Shri S. S. More: Mr. Deputy-Speaker, I am rising today with pain and anguish in my heart. I am trying to do my duty which is both unpleasant but necessary. Now, we are an infant democracy and what is the main, fundamental conception of democracy? We are trying to develop our democracy after the pattern of England. According to that pattern, no democracy is complete without a party in power and a party in Opposition. If I can use a metaphor with your permission, the type of democracy which we are trying to develop has two legs, one leg is of the party in power and the other leg is of the party or parties in Opposition. One leg might be going forward for some time but the other leg too, as an alternative, goes forward and then only the humanity or democracy advances. What have we done to meet

the jeers and ironical laughter of the party in power? What have we done? Are we not a responsible lot of persons? We do command, on our side, though so small, some *ex-Presidents* of the Congress, some *ex-General Secretaries* of the Congress, some doughty fighters in the cause of freedom who still carry on their faces the scars of the freedom battle. We have some *ex-Judges* of High Court. We are a responsible lot of persons, and ordinarily, among the responsible persons, the sense of responsibility cannot be computed in an arithmetical expression or arithmetical formula, because if we proceed to measure the sense of responsibility by a counting of heads, I think only folly will be declared as the most responsible. We are struggling in our own way. People have sent us, their representatives, by electing us to the floor of this House, so that we are also expected to discharge some responsibility to them and therefore, we are humbly, though against very heavy odds, trying to fight for our own cause.

It has been said that this is an improper move on the part of the Opposition. I do accept what the Leader of the House says because, in spite of the fact that he is at present the Leader of the ruling party my memory, which frequently goes to the past, cannot forget that he was the leader of the national movement, who inspired young people to more and more exploits. Therefore, I am not prepared to take whatever he says with rancour. But on this question, when we are meeting to discuss a very important point, very important from the point of view of our democracy let us go ahead without exhibiting any temper. A man who loses his temper loses everything that is precious in life. At least, let not posterity judge us by saying that we lost our temper on crucial occasions. Controls have gone, but the control of our tempers, of our passions, is an eternal thing, and then only humanity can advance.

I have the greatest regard for the Chair. As a student of a constitu-

tional literature and past history, I cannot forget that the Speaker has to discharge a certain function. What is his function? Not doing something which is against parliamentary traditions, because, here, we are trying to lay durable foundations for our future democracy and these durable foundations can be laid only if, on occasions, we look to other nations which have their own experience and which can serve as a sort of beaconlight to all of us. What is the history of England? We are very prone to quote English precedents. The precedents of the House of Commons have developed by waddings through oceans of blood and conflict, till they reached the present conditions. There was a King who was fighting against democracy and he was made to walk to the scaffold. There was another King who was prepared to trample on the toes of democratic principles and so he was made to leave the country. That is the past tradition of parliamentary democracy. Even this institution of Speakership—I am saying that in an abstract method—had its ups and downs. I know that in the history of parliamentary democracy, at the outset, the Speaker was a stooge of the monarch, trying to plead his cause with the fighting Members of the House of Commons. He was looked upon with distrust, and a convention has developed that, when Parliament proceeds to discuss Supply, and discuss the grievances before Supply, the Speaker, who is the stooge of the King, is shut out from the deliberations of the House, and the Chairman of the Ways and Means steps into the Chair. That tradition is there. After that, the monarch was subdued. He was rightly vanquished by the House of Commons and the King became figurehead. But what happened? Party politics developed. The monarch disappeared, but another dictatorship came on the scene—the dictatorship of the majority,—and from being the stooge of the monarch, the Speakership entered another phase where the Speaker was treated as the stooge of the party in power. It was Speaker Onslow, in the eighteenth century, who set up that tradition of

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discarding all the trappings of the party and placed the Speaker in an impartial role and assuring the minority who are on the Opposition side: "Here is a man who will fight for your rights; fight for you without any sense of loyalty to his party." My submission is that we will have to take all these considerations in to account before we decide how our Speaker should develop. Unless we look to those precedents, unless we enter into the spirit of the development of the House of Commons, and their beautiful traditions, it will not be possible for us to lay enduring foundations for posterity. Mechanically quoting Hansard here and quoting another precedent there will not give you the right spirit. Therefore, I would say that we all of us have to approach this problem from this high level. It is not a question of partisanship. Unfortunately, today, we are here on the side of the Opposition, but does that mean, and does any Member from that side, say, "This Opposition will be an everlasting Opposition"? No. Even the Leader of the House, who has a better sense of democracy than most of his followers will be frank enough to admit....(Interruptions).

I assume that the Leader of the House has a following not only in this House but even outside.

Several Hon. Members: Yes, yes.

Mr. Deputy-Speaker: We are speaking about the Speaker and not about any other leader.

Shri S. S. More: I accept correction from you, Sir. I know my limitations. My submission is that the real question is, 'Has the Speaker assumed that impartiality, has the Speaker that measure of impartiality which shall inspire confidence in the Opposition Members?' When a vote of censure is tabled against Government, defeating it by a majority is one thing. There, the Government comes out triumphantly; it is supposed to be victory of the party in power. But, when a motion for the removal of a

particular Speaker, howsoever respectable, is moved by a large section of the Members of the Opposition, simply defeating it by a large majority will not be enough, because you have to see that confidence is developed not only in the Opposition Members but in the world outside. I need not repeat the truism that justice has to be done but justice must also appear to be done.

The impartiality of the Speaker, I would say the Chair, must be beyond any question. It must be beyond any doubt by anybody else and even the slightest breath of suspicion and distrust is quite enough to soil the mirror of his reputation. So, it is not a question of party supporting one man or another party opposing another man. I would request this House not to take this issue on a party basis. There are responsible Members. Simply because they have chosen to disagree with the party in power, they do not cease to be responsible individuals whose opinions need not be taken into account. All of us have to come together. The Leader of the House has treated us on many occasions as though we were a motley crowd. I do concede. But, we are also trying, in emulation of his great efforts, to develop unity out of diversity and what we have done today is to make our Christmas present to the great Leader of the party in power. We, all of us, with different ideologies, red, blue black and white,—of all these colours—have come together. It cannot be so unless we have some definite grievance. That grievance may be due to misunderstanding, that grievance may be due to some other factors but you must recognise the fact that the grievance is there. The malady may not be serious but in every case you must take note of the malady and apply some quick cure. It is no use diagnosing what was the root cause which brought about this malady. We feel, with all the sense of responsibility, that the Speaker, unfortunately, is not doing what we expected him to do.

Some Hon. Members: That is obvious.

Shri S. S. More: I do welcome this laughter. That shows their idea about democracy (*Interruption*). Now, what is the function of the party in Opposition? It is a corrective to the party in power. I might not accept what Mahatmaji said about other matters, but Mahatmaji was very insistent in saying that whenever he saw in anything in this country autocracy rule—he might be in the minority of one—he must fight with his soul in its majestic array. We might be very few, but we are fighting, according to us, autocracy (*Interruption*). The germs of autocracy are very insidious in creeping in. They do not immediately reveal their existence. They develop into some serious trouble and the Opposition is playing the role of a sort of a germicide, killing the germs or suppressing them in whatever plane they may be spreading.

The Speaker was pleased to say that he is the custodian of the Constitution. I will challenge that statement with all my regard for him. When a written constitution is placed on the statute-book, it is not a single individual that can be the custodian. In a country with a written Constitution, the real job of interpreting that constitution and seeing that no single provision of the Constitution is violated or transgressed is the supreme function of the highest tribunal in the country and no single man can say that he is the custodian. What is the function of the Speaker? As it has been developed in England, the function of the Speaker is to maintain order, to regulate the proceedings. He is the interpreting authority so far as the rights of both the sections of the House are concerned. He has no legislative authority. But, unfortunately, in this House—interpreting wrongly according to us—the Speaker has himself become the legislative authority and his interpretation has become the law in this House.

I would refer you to article 105 of the Constitution. That says that the rights, privileges and immunities of both Houses and the members of the Committees thereof shall be the rights, privileges and immunities which are prevalent in the Commons. Now, the right to speak and the right to formulate our rules is our right but that right is ignored for a good many reasons in that interpretation of the Constitution. Let us come to article 98.

Mr. Deputy-Speaker: That is not one of the charges. The hon. Member will confine himself to partiality regarding question and the admission of adjournment motions.

Shri S. S. More: In view of the shortage of time, I will accept what you say.

My submission is that as far as this chargesheet is concerned, I was referring to article 98. It is the business of Parliament to pass certain laws regulating the Parliament Secretariat. It has not been done but I will leave that matter there without further developing it.

Then, we have in this motion said that adjournment motions are disallowed. That is the first item of our resolution, and, I would say, an important item. What is the function of an adjournment motion in the Parliamentary procedure.

Shri Algu Rai Shastri (Azamgarh Distt.—East cum Ballia Distt.—West): Should it always be admitted?

Shri S. S. More: My friend is asking me, should it always be admitted. I would not allow myself to be disturbed but I would say, what is the function of an adjournment motion. The party in power is there. So many things happen. The parties in Opposition are there to pin down or attract as violently and vehemently as possible the attention of the Government to certain ills or certain acts of misadministration. England is comparatively a small country, but in such a vast country as this, the party in power may be here but the lower

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tiers of administration are trained in the British tradition. They are not trained to be friends of the country. So, whenever something wrong happens, it is our function and responsibility to the constituencies which we represent, to bring that wrong before this House and see that Government's attention is properly attracted. It may be said that while we have any grievance, we can come here and have a half-an-hour discussion or a two-hour discussion and that we have been provided all the valves for letting out steam. But the half-an-hour discussion has no purpose and the two-hour discussion has another purpose; but an adjournment motion in the scheme of parliamentary democracy has a particular function to discharge and that function is that it carries along with it is a sort of censure of the Government. It is our right, I say, under article, 105. If members of the House of Commons can censure, then I also have the same right to censure Government and table an adjournment motion and see that Government's attention is properly drawn.....

Shri Dabhi (Kaira North): Sir, on a point of order. You definitely ruled that the definite charges should be stated on the floor of the House. Not a word has been said about that.

Mr. Deputy-Speaker: I have asked him to confine himself to adjournment motions and to questions; if he is not able to give any specific charges, certainly the hon. Members can say that there is no specific charge.

Shri S. S. More: I am trying in a lawyer's manner....

Shri Algu Rai Shastri: But, You are failing miserably.

Shri S. S. More:to propound the principle of law and illustrate it. We say that we have every right under Chapter X of our Rules to table adjournment motions. Are we doing something wrong? It is contended by many that we are indiscriminately tabling adjournment motions and that these adjournment motions are only supposed to serve the purpose of ventilating some grievance here or

some grievance there. I would bring to your notice that during.....

Mr. Deputy-Speaker: I shall be very strict regarding time. We have fixed only two hours.

Shri S. S. More: My submission is that it is our right to move adjournment motion. The consent is supposed to be there. Even under the old Rules, precedents were there. You were a Member of the Central Legislature in 1935. I am only taking one particular year. The Congress moved as many as 34 adjournment motions. What was the purpose? There was no lighting of railways; somebody was prevented by a local Government from travelling, and such matters; but unfortunately, the restriction of time prevents me from giving instances.

I would say that in this House we have up till now moved about 89 adjournment motions, and out of the 89 adjournment motions, two were not pressed and one was only allowed—and my friend, Dr. Lanka Sundaram, was the fortunate Member of the House who could secure the consent—and barring these three, 86 adjournment motions have been disallowed. Why? The Speaker refused to give his consent. I would say that this consent affair cannot be used for stifling adjournment motions. Take, for instance, the Standing Order of the House of Commons, No. 9. It says that the Speaker is to be convinced that a particular motion is urgent, specific and of public importance, and the moment he is convinced, the adjournment motion is placed before the House. This was the procedure which was followed during the last Assemblies under which the Congress was functioning, but I would not go into these details. Take, for instance, the last thing that has broken the camel's back. As Opposition Members, we have been suffering for the last two years with the patience of Job, but at the same time we did not complain. The last thing that broke our back, our power of endurance, is the motion which was presented by my friend,

Shri Gurupadaswamy. The Government's version was accepted. According to the House of Commons' procedure, even the mover of the adjournment motion is permitted to have his say, but here only Government is permitted to have an extensive say and then the Opposition is told, "No, no, you are an interested party." Even Dr. Katju will admit that the version he got from Manipur was a version based on the views of the administrative officers there, who might be the police. As against that, the version we got was from an hon. Member of this House. And what is the equation. Are the police under the control of the party in power above in prestige compared to Members belonging to the Opposition. Does the police get better privileges? Not only that. We are also raising points of order. Point of order is a fundamental right under the British system and it is also a right conceded to us under article 105. What is the point in saying before he has developed his point of order, "Well, there is no point of order."? This is judging too hastily. The attitude of a judge who sits in the Chair ought to be the attitude of the Supreme Court Judge who would be giving a patient hearing to all the Parties concerned and then come to his own conclusion without any bias. I would say that there are Constitutions where a Judge of the High Court is supposed to be in the Chair of the Legislature when debate goes on. We must develop a tradition by which the Speaker, whosoever he may be, and whatsoever Party he may belong to, will shed all Party leanings the moment he sits in that sacred Chair. We all know about what is said of Vikram's Throne, and sort of attitude must be there. Fortunately, Vithal-bhai Patel and many great Speakers have been contributed by the national movement. I would say that as far as we are concerned, consent was given in the case of only one adjournment motion out of 89 and I would not go into the reason; points of order ignored, suppressed, not allowed to be raised. The last thing that I would

like to mention before I resume my seat is the tone in which we are addressed. We are responsible Members, sufficiently senior in our life; we have left our schools far behind. But I feel on many occasions that we are treated like 'a pack of urchins', to use that expression and tried to be controlled by a long rod. I would say that the milk of human kindness must be flowing there, and the human touch will pacify the Opposition Members more effectively than the sharp edge of a smarting tongue.

I would say that these are our feelings, and I specially make an appeal to the Leader of the House that it is for him to take notice of all these facts. I know that he has a permanent interest in developing democracy, but democracy cannot be developed by developing a sort of partisan spirit—a fanatical partisan spirit—which is not proper according to the fundamental concepts of democracy, as far as Speakership is concerned in Western countries. That is all what I would say. I support this Resolution.

Mr. Deputy-Speaker: Shri Gopalan wants that after one or two speakers on this side have spoken, he might be called upon to speak, but they should know what the charges are. Therefore, I would call Shri Gopalan to speak.

Shri A. K. Gopalan: My friend has given some points, especially about adjournment motions, and how they were treated. Parliament is a forum where the people's grievances are to be focussed, and it is for that reason that we have been elected by the people, and it is for that reason that we have come here. We have to bring forward the grievances of the people in some form or another before Parliament. There had been about 85 adjournment motions given by the Opposition and I do not know whether any Member opposite can say that any one of those adjournment motions was such that it did not concern either the life or the suffering of the people of this country. As far as the admission of the adjournment motions is concerned, that is another question,

[Shri A. K. Gopalan]
but what I point out is that there was not one instance, but many instances, about adjournment motions where we have to believe that the Chair, which should be impartial, had been partial.

Shri Algu Rai Shastri: Give us one or two instances.

Shri A. K. Gopalan: I would say that the Chair, on several occasions, had stated that he was a party man. It was also quoted—that is my memory. Not only that, it was quoted in papers wherein it was said in an editorial—

"On his election as Speaker, Mr. Mavalankar differing from predecessors declared himself still a party-man and during the Speakers' conference what engrossed him was Congress-nomination in the next election as a party-man." :4

On his election as Speaker, he declared himself to be still a party man. The name of the paper is *The Deccan Herald*. The Speaker has said, "I am still a Congressman and am a party man."

Shri M. D. Joshi (Ratnagiri South): On a point of information. Is that a charge?

Shri Punnoose: Just listen; he is developing the charge.

Shri A. K. Gopalan: If they are patient enough to hear, I am giving the charges. If there is no charge, let them reply, "There is no charge levelled and we have nothing to reply."

The first charge is this. According to parliamentary procedure, what we understand is that the Speaker does not belong to any Party, he is a non-Party man, he must surely be one who is not attached to any Party or any such thing in Parliament. He must be a man belonging to no Party. If he says, "I am a Party man", that shows that when a Party man is in the Chair, he will support his Party. A party man will have at least sympathy towards his Party. That is why I said that he must not be a

party man.

The next point that I want to say is....

Mr. Deputy-Speaker: On this particular point, there can be differences of opinion as to what the rule in India ought to be about the Speaker. We have not yet developed a convention that the Speaker ought not to contest a seat, what are the limitations, and so on and so forth. On that particular subject, if you found him to be a party man because he said so some two years ago when he was elected, you have tabled a motion two years later. Possibly there might be some justification, but am I to go into that matter now?

Shri A. K. Gopalan: I have only begun, and if you take one sentence out of it, how can I speak? You must hear me and then say whether there is any reason for this adjournment motion. If you take only the first sentence and say "Is this a reason for the adjournment motion?" certainly I cannot answer. I do not want to make it the main point. Whatever the practice might be in other countries, we will have to decide the practice that is going to obtain here in future. But the parliamentary practice in other countries is that the Speaker is not a party-man. That is all that I wanted to say. I only wished to bring to the notice of this House that an editorial had been written by a paper that party-man should not be in the Chair.

4 P.M.

The first point that has been made in the Resolution is regarding adjournment motions. My hon. friend Shri Gurupadaswamy had tabled an adjournment motion on the information supplied by a Member of Parliament who was not able to be present in the House and who had suffered. When that motion was tabled the Home Minister gave his version. Shri Gurupadaswamy got up and said that a Member of Parliament who was there on the spot and who was the sufferer had written to him and he wanted to give his version. To that the Speaker

said: "You are an interested party. I will not hear. Whatever the other side says is correct and I will take it at it." Not only that, there are two or three other instances, which I shall presently point out. The Speaker hears only one side and does not hear the other, as interested parties. I say that both the parties are interested. It is true that we are an interested party. We are a party that is interested in the welfare of the people; we are a party that is interested to take up the problems of the people, their urgent and important problems, and bring them before Parliament. We are a party that is interested in bringing before Parliament the grievances of the people when they write to us.

In the same way I shall presently show that the Home Minister is also an interested party and how he is an interested party. There was an adjournment motion tabled by me on the Kurnool firing. When I tabled the adjournment motion there was no reply from the Home Ministry. The next day a statement was made by the Home Minister; but I was not allowed to say anything. After the statement of the Home Minister I was asked by the Speaker as to whether I had to say anything about its urgency or political importance. The Home Minister only read a statement that was sent to him by the officers in Kurnool. If after that I had been given an opportunity, I would have been able to point out in what respects his statement was not correct. The Home Minister's statement said that the communists were taking out a procession through a road where some Congressmen were living. They abused them and then began stone-throwing. The communists who were going in procession got up on house-tops and then began to throw stones. When the communists were going in a procession, how could they throw stones from house-tops? He said from the house-tops they were throwing stones and going in a procession. They could not have got up on house-tops because they were going in a procession and people were standing there

outside. There was a clash between the two parties and those men who were living in the houses began to throw stones. How can the processionists throw stones from house-tops? They cannot get up the houses, because the other party was there to stop them. In actual fact, even the policemen did not fire on the processionists. The policemen only fired in the air and it was the landlords that fired. The version given by the Home Minister was that the Police fired on them.

Shri A. M. Thomas (Ernakulam): On a point of order: this incident which is now being expatiated upon by the hon. Member took place after the tabling of the Resolution under discussion. Can subsequent events be taken notice of?

Shri A. K. Gopalan: The motion I tabled was on the basis of information I got from a Member of Parliament, a Member of the Rajya Sabha, who visited that place.

Mr. Deputy-Speaker: The point of order that has been raised by the hon. Member is whether an event which took place subsequent to the tabling of the Resolution can be invoked for the purpose of laying a charge, or substantiating a previous charge.

The Minister of Defence Organisation (Shri Tyagi): Retrospective effect!

Mr. Deputy-Speaker: When was the adjournment motion tabled. I believe the Resolution was tabled on the 4th. When was the adjournment motion on firing in Kurnool tabled—before or after the 4th?

Shri A. K. Gopalan: Before the 4th, I presume; I do not exactly remember. We are speaking of the adjournment motions.

Mr. Deputy-Speaker: True, of course.

Shri Punnoose: May I point out that a Resolution becomes one only after it has been admitted.

Mr. Deputy-Speaker: The hon. Member is expected to refer only to adjournment motions or questions before this Resolution was tabled. Any reference to either questions

[Mr. Deputy-Speaker]

or adjournment motions tabled after Mr. Deputy-Speaker: If the that for the purpose of supporting charges are to be specific, they must this Resolution is not in order. Therefer to an incident which must have hon. Member must have a number arisen before notice of the Resolu- of other matters: he can refer to them. tion is sent.

Shri A. K. Gopalan: It is not said anywhere that the adjournment motions or questions should be before this Resolution was tabled. It is not a question of whether the adjournment motions related to a previous period or a later period. What is done with the adjournment motions is the question, I do not know when the adjournment motion came up. But so far as this Resolution is concerned, it is being discussed only today.

Mr. Deputy-Speaker: That is my definite ruling—hon. Members who have practised in a court of law must be aware of it.

Acharya Kripalani: May I make a submission? Even after we have expressed our resentment, if the Speaker behaves like that, we are entitled to say that even after we have expressed our resentment, he continues to behave like that.

Mr. Deputy-Speaker: I am here only to regulate the proceedings. I am not going into the substance of the charges. As to whether it is right or wrong, it is for the House to decide. The only point, so far as procedure is concerned, is that any person against whom any charges are made, can be expected to answer only those matters which must have arisen before those charges were made, whenever it might be taken up. Therefore, this cannot have retrospective effect. It is not as if hon. Members saying: "If you behave within these fourteen days, we will withdraw this Resolution." It is not as if it is a test, or period of probation. Therefore, I am not going to allow it: it is not in order.

Acharya Kripalani: This is not a criminal court. It is a question of the general conduct of a person who occupies the Chair, that is all. If you do not allow, it is all right.

Shri S. S. More: May I bring to your notice Article 94 of the Constitution. Your ruling is likely to amend and affect that particular Article.

Mr. Deputy-Speaker: I had already ruled having regard to these things. I referred to the other rule. If the hon. Member would refer to article 94, it does not contain any provision for a debate or something like that for removal. I should have straightaway put the question to the vote of the House. But, on the other hand, we referred to the other article also and read it along with this. The Speaker is entitled to take part in the proceedings; the other article contemplates proceedings and a resolution. I already ruled that the resolution must be specific; specific charges must be given. That is my first impression. I said to hon. Members that on that technical ground, I did not want refuse admission to this Resolution. I, therefore, allowed the hon. Members to come forward with specific charges. The only point for consideration is whether any particular incidents could be referred to which happened after this Resolution has been tabled. That will put the person against whom the charge is made in a very difficult position because he could not anticipate all these. Purely as a matter of procedure it is not allowed. Hon. Members ought not to refer to these matters and base their conclusions upon that.

Shri A. K. Gopalan: I do not refer to that matter. I go to the adjournment motion that was tabled and in which a Member of Parliament was involved. It was not taken up. It was stated that we could not take any information that had come from that hon. Member of the House and

we had to take what the hon. Home Minister said to be correct. Today that hon. Member is here and if you look at his head you will see little scars as a result of beating. But on that day, only the Home Minister was allowed to make that statement but on the other side the hon. Member, Shri Gurupadaswamy, who had to say something and who wanted to say it based on the report that was received by him from an hon. Member of Parliament could not and was not allowed to say it. If that hon. Member had been here, certainly the version of the Home Minister would not have gone. The Speaker said that we are interested parties. Is not the Home Minister an interested party?

The Home Minister is an interested party in that affair. He wants to shield the officers who were responsible. He wants to show to the people nothing has happened whereas something has happened and a Member of Parliament was beaten and put inside the jail. He is present here today. People outside look at the adjournment motion and the statement given by the Minister. At one stage he did not even want to use the word 'lathi'. He said 'big, long, bamboo stick'. That is what he said. They have got a ruling majority in the House. Here, we are only in a minority. (Interruptions.) I do not want to go into details about that. We have got the majority votes position. If the votes are looked into, we represent more people than the ruling party represents. (Interruptions.) If you want to know that, only 44.5 per cent. had voted for Congressmen. (Interruptions.) That is why I said that I am not going into details. Let us even suppose that we are in a minority.

Mr. Deputy-Speaker: I agree that even if one hon. Member is not treated impartially, he may have a grievance and many hon. Members may support him. But he need not go into the general position of parties. We are concerned as to what is the kind of partiality.

Shri A. K. Gopalan: It is a question in this House where the majority party is ruling, the minority party should be allowed to say something, particularly when a Member of Parliament is involved and when an adjournment motion is moved relating to a Member of Parliament. His version should be shown to the Parliament. An hon. Member has written something to another hon. Member. On the basis of that information or report from that hon. Member, a Member here says: "Allow me to say certain things; what has been said by the Home Minister is not a fact; that is not what has happened; I have obtained some information from an hon. Member." But, he is not allowed to say anything. The hon. Member who was involved was not present here on that day and because he had not said anything the opinion of the people would be that the other statement would be correct. They would think that the police did not do anything or that there was no lathi charge.

Mr. Deputy-Speaker: His time is up.

Shri A. K. Gopalan: Sir, I should be allowed the time that had been taken for the points of order; the time taken for that type of interruption should be excluded.

Mr. Deputy-Speaker: I have excluded that time also.

Shri A. K. Gopalan: As far as adjournment motions are concerned, we have said even before that they are not allowed. Even if the adjournment motions are not allowed or are ruled out, the Chair must hear what the Government has to say and also hear what the man who has moved it has to say. It is only after hearing both sides that the Chair can rule out an adjournment motion. But here the ruling party alone is heard and the other parties are not even allowed to express what they have got to say. The discussion here on such matters to the people certain things especially when it is concern-

[Shri A. K. Gopalan]

ed with a Member of Parliament. When it is brought before the Parliament and an hon. Member says that this is what an hon. Member had written, it is not a matter of interest of parties.

Mr. Deputy-Speaker: Two hours had been allotted; I allowed 25 minutes to Shri More; I have already allowed 20 minutes to Shri Gopalan.

Shri A. K. Gopalan: About 57 minutes were taken on points of Order, Sir.

Mr. Deputy-Speaker: It comes within that time. Even then, hon. Member has taken nearly fifteen minutes. There are two more names given by Shri Gurupadaswamy; then there are some other Members here and the hon. Leader of the House and any other hon. Member of Parliament in the Congress Party or otherwise. There are then the other groups; they might speak. Shri Frank Anthony also had written to me that he would like to speak.

Sardar Hukam Singh (Kapurthala-Bhatinda): There are a few hon. Members who are in the Opposition but who do not agree with their friends; they should also be given chances.

Shri A. K. Gopalan: As far as questions are concerned, I would point out two things. Question No. 548 was disallowed but no reason was given; it was an important question. Other questions about certain Government undertakings like the Hindustan Aircraft Factory and questions concerning the telephone industries, D.V.C., Industrial Finance Corporation and other things were asked; those questions were disallowed on the ground that they relate to autonomous bodies. There are other questions which I need not point out.

Mr. Deputy-Speaker: I shall now call Acharya Kripalani.

Acharya Kripalani: You said you would call the other Members.

Mr. Deputy-Speaker: What is it that they have to say? These hon. Members who have got a grievance had tabled the Resolution against the Speaker himself; they must say to the other people what their point is. The hon. Leader of the House had already said that they could take sufficient time; then they should wind up by referring to such points which they might answer, if at all. They are the persons who are asking for the removal of the Speaker and so they should speak.

Dr. N. B. Khare: Such a one is myself, Sir.

Mr. Deputy-Speaker: I am not calling Dr. Khare now.

Sardar Hukam Singh: Sir, I agree with my other friends that it is a serious matter that we have got before us for discussion. It is unfortunate that such a motion should be before us on the Order Paper and put down for discussion. I certainly felt pained when I found it. My position is also embarrassing because I am sitting with my friends and am siding with them. When this thing came, I found that there was some struggle in my mind and I decided to follow the dictates of my conscience which I honestly feel. I was not a Member of any legislature before 1948. So this is my first experience. I came here in April 1948 and I have worked only with one Speaker, and that is Mr. Mavalankar. So I cannot make any comparisons and I plead if other persons might have greater experience with other Speakers I have not got that.

But in spite of it, from whatever little experience I have got in these six years, I can say that I have never found an opportunity where I could allege that something has been done, a decision given or some question disallowed or an adjournment motion rejected, simply on this account where I should draw this inference that the Speaker was acting in a partisan spirit.

From what I find from the resolution it is "That this House, having taken into consideration the conduct of the Speaker of the House as regards"—there are two points mentioned—"giving his consent to adjournment motions, disallowing questions"—etc. is already ruled out—"feels that he has ceased to maintain an impartial attitude necessary to command the confidence of all sections of the House". So our discussion is limited, whether he has acted in a partisan spirit and therefore has lost the confidence which this House had in the Speaker.

Reference was made by Mr. Gopalrao that as soon as he was elected he made a declaration that he was a party man, that he belonged to the Congress creed. Honestly, I should say that I felt offended then, because I thought that was not an advisable statement, and others in the country also felt like that; because that gave us an impression that he was conscious of that party affiliation, and he conveyed that impression to other people as well. But that is not relevant now. The hon. Members who have tabled this Resolution have to substantiate whether subsequent to that, in his dealings with Members, in conducting the affairs of this House, he has behaved in a manner which may be called a partisan manner, whether his conduct was ever that of a man who would not be impartial in the conduct of the business of the House.

And whatever has been said so far—I have had the advantage of listening to those grievances that the hon. Members had—so far reference has only been made that questions have been disallowed. I can claim that I am one of those Members—at least one of those, if not the one Member—who can say that the largest number of questions in my case are disallowed.

Shri Nambiar: That is a clear proof.

Sardar Hukam Singh: Yes, but I have no grouse against him. Simply

because my questions have been disallowed, should I therefore say that the Speaker is partial? Is that a ground for my coming forward and saying so (An Hon. Member: Not at all). For the smooth functioning of democracy the final authority has to be entrusted to some person whose word should be final. Unless that were there, how can we function harmoniously here? And from the reasons whenever they have been given—and sometimes they have not been given—but if it is said that a part or the whole of it was covered by another question, can I say it is party inspired? It was once remarked by the Speaker that sometimes he finds that the same Member sends the same questions again, not that other Members do, but the same Member sends the same question again. In that case he has certainly to exercise his discretion and see that the work is not duplicated or multiplied unnecessarily. Do we want or shall we be satisfied if all these questions that are tabled are here—and we have a list here of two hundred or three hundred every day—would it advance us any further? The sixty minutes that we have got at our disposal will only be sufficient for twenty, thirty or forty and that much number we have already got. If they were not scrutinised and some of them thrown out, which were unnecessary or whose answers have already been given, certainly it would not be possible for this House to function and it would be unnecessary waste of money and time. Therefore, so far as the questions are concerned nothing has been said so far in any one of these instances. Because I would have expected some questions to be brought before the House as instances where they were perfectly in order and they were not allowed. Even there it has not only to be proved that some question was disallowed; it has also to be proved that it was disallowed on account of the partisan spirit of the Speaker. Simply saying that a large number of them have been disallowed is not sufficient for our purpose.

[Sardar Hukam Singh]

Then there were adjournment motions. Really, so many have been disallowed. We are told there were eighty-nine, and eighty-six were disallowed. Then illustration is brought from England where it is a unitary government. Here law and order is for the States to see. And the Speaker has, when it comes up that such and such a thing happened, there was firing etc., the Speaker has to say that it is a State subject, he cannot interfere. Our Constitution is such that we have to draw that discrimination. We have heard our colleagues and they have discussed the adjournment motions rather than the no confidence motion. They ought to have restricted themselves and given some instances that in refusing consent to those adjournment motions the Speaker did not act impartially. But nothing was said. It was said that there were firings and so on.

Shri A. K. Gopalan: If I had time I would have given.

Shri S. S. More: You have asked us to illustrate our point. Whenever we give instances some Member....

Mr. Deputy-Speaker: It is another matter. Any hon. Member will interpret it in any manner.

Sardar Hukam Singh: My friend Mr. Gopalan has said that he would have given other instances if he had had an opportunity to do it. But then if some other Members advanced those arguments and gave those instances it would be for other friends to answer them. What I can see is that what has been said in reply so far takes us no further. I believe I am right when I say that in regard to the adjournment motions the same thing, firing etc., was said. That was not the point wanted here. What was wanted was something to show that the Speaker acted in a manner that could warrant an inference that he was not acting in an impartial manner, that he was acting in a partisan spirit. I fail to understand.

Another reference was made so far as the rules were concerned.

Shri N. Sreekantan Nair: What about Mr. Rishang Keishing?

Sardar Hukam Singh: The only thing that has been brought out about adjournment motions is that there was one instance where an hon. Member of this House had informed another hon. Member here, and he moved the adjournment motion. But the Speaker believed the Home Minister's information which was received from the police and did not allow the hon. Member here to press it.

Shrimati Renu Chakravartty (Basirhat): "I believe the Home Minister rather than you", that is what he said.

Sardar Hukam Singh: He did not allow the Member here to speak and to substantiate that there was some truth in it. I recollect that occasion. The Speaker did say that the Government has greater sources of information and primarily he would believe that. Suppose it was correct—and I would believe the hon. Member of this House that he had that grievance and actually he had been here—suppose it was so. Suppose it is a lapse. Suppose it is a mistake. And I concede that. Would that alone be sufficient to say that a no confidence motion be tabled and passed because of that one instance? Would it be sufficient? Simply because we can show that in one instance the decision given was wrong, does that suffice to table a motion saying that the Speaker was partisan in that case?

Shri Aigu Rai Shastri: No.

Sardar Hukam Singh: I do not think that that conclusion is warranted or justified. The Speaker, after all, is also a human being. I do not attribute infallibility to him. He must have made mistakes, he has made mistakes; I admit that. But, does that mean that simply his making mistakes should be the basis for drawing this conclusion that he is a partisan? This is what I am pressing.

Shri Nambiar: Out of partisanship.

Sardar Hukam Singh: Unless it is shown that that mistake is out of partisanship. Nobody has said that he is incompetent. Nobody has said that he is not talented. I fail to understand whether we can get a better man than the present Speaker. I have that conviction and belief and therefore I say that without fear.

Shri Algu Rai Shastri: From experience also we see.

Sardar Hukam Singh: If opinions differ, if they say that the judgment ought to have been on this side or that, that is not good enough to warrant the conclusion that that was done out of partisanship.

Because I have no other data to which I could answer, I conclude.

Shri Frank Anthony (Nominated—Anglo-Indians): I am speaking on behalf of the Independent Parliamentary group, which is, I think, the third largest group in the opposition. The Members of this group gave their very anxious consideration to this Resolution and they decided that they could not rise to support by way of making submission and they decided further that, if the matter is pressed to a division, they would vote against it as a mark of their continuing confidence in the Speaker. I hope my friends on this side won't misunderstand us.

We are, as a group, not prepared to blindly endorse or acclaim everything that may fall from the Chair. As a matter of fact, we ventured to address the Speaker and while reiterating our confidence in him, we thought we should express the view frankly that on some occasions, perhaps, he had been unduly harsh and perhaps a little peremptory. As my hon. friend Sardar Hukam Singh pointed out, we felt that in a House full of heterogeneous elements, it is impossible to prescribe a rigid or dogmatic procedure which could be uniformly applied to every Member in the House. We also felt that if, on

occasions, the Speaker had been peremptory or unduly harsh, he had been impartial in his harshness. Perhaps he had been comparatively more harsh to the Congress Party than to the opposition. Perhaps, the Members of the Congress Party have deserved that harshness. But, there is no question of partisanship.

We pointed out in our letter to the Speaker the two matters that have been referred to by Shri S. S. More and Shri A. K. Gopalan. But, we felt that perhaps the rules were at fault and it has led to the abridging of what we consider to be vital rights of the Members in this House. I have, as a fairly senior Member in this House, always sought, where privileges of the Members are concerned, to impress on my colleagues that in this matter of privileges, we must always be on common ground, that there is no room, where the privileges are concerned, for any kind of uncritical partisan or Party attitude to come in, and that if the rights and privileges of any Member of this House, whatever his Party or whatever his political complexion, are encroached upon, the whole House led by the Leader of this House must feel aggrieved.

I think there has been a considerable confusion of issues in respect of this resolution. Certain signatories to this Resolution are aggrieved in respect of adjournment motions and points of order. They are aggrieved against the Speaker. But, my submission is that it is not the Speaker who is to blame. It is all of us in this House who are to blame. It is the rules that are defective. If the rules are defective, it is because we have abdicated not only our right, but we have shirked our duty. We are nearing the end of the life of this Parliament; yet we have not sought as a House to frame our own rules of procedure. I for one feel very strongly that the rules with regard to these two matters, points of order and adjournment motions are completely unsatisfactory. You may remember, Sir, that I had fought you on this issue

[Shri Frank Anthony]

of the right of a Member to formulate a point of order. I may mention in passing that with your ebullient good humour, to fight you is not always an unpleasant thing. I have always felt that it must be a basic concept, a pre-requisite to the proper functioning of Parliamentary democracy that every Member of this House must have an unqualified right to rise at any time to a point of order and to formulate that point of order. That was a right which was given to us even under the rules of the former Central Legislative Assembly: that is, to rise at any time to a point of order. That right continued even in this House until 1952. Then, a new rule has come into being. But, we have not done anything to qualify or protest against that rule. That rule now gives discretion to the Speaker not to allow a Member to formulate a point of order. If the rule is defective and the Speaker acts in accordance with that defective rule, we cannot blame the Speaker.

Shri S. S. More: Who framed the rules?

Some Hon. Members: The Rules Committee.

Shri S. S. More: No.

Shri Frank Anthony: My submission is, I am addressing all the Members of the House. I say that to the Members of the Congress Party and to other Members on this side. They have not only the right, but a duty—it is an inescapable duty—to see that our rules are properly framed. There is no point in having a defective rule and then, because the Speaker acts under that rule, blaming him. I say, it should be an inalienable right of every Member of this House to rise to and formulate a point of order. There is a very real reason behind this right. This is a right which was accorded to the former Central Legislative Assembly. This is a right which is

available in the British House of Commons. Because it could act as a salutary check against the Chair acting in a capricious or arbitrary manner. If the Chair can make a Member, who seeks to rise on a point of order, resume his seat without hearing his point of order, I say that would, and that does, amount to a serious violation of what I regard as an absolutely basic right of the Members of this House.

My hon. friends have also canvassed this question of adjournment motions. The point is this. Not only now, but before, under the old rules applicable to the Central Legislative Assembly, the President and now the Speaker have always been vested with discretion either to allow or not to allow an adjournment motion. Even under the old rules, the President was not bound to read out an adjournment motion. My grievance is not about the proper exercise of the rights of the Speaker. My grievance is against the rule. My friends' grievance is also against the rule. I say that the right to move an adjournment motion is a very valuable right. I am not convinced with the argument that we have got other rights, and other safety valves. If we have a rule permitting an adjournment motion, then all the consequential rights which appertain to that right must flow from that right. I say this. It is for the House to frame adequate and satisfactory rules with regard to adjournment motions. I would say to my friends on the other side, if you want,—and I say that we should want it—in respect of adjournment motions also, there should be a convention. Although the old rule in the Central Legislative Assembly was there that the President need not read adjournment motions, some convention was established and the President acted on that convention. Practically every adjournment motion was read in the House. Even if it was a frivolous adjournment motion obviously an irrelevant adjournment

motion; he read it to the House. And I say that that is a right which we should insist on. We have never had it, but it is a right which we should insist on,—and then all my hon. friends' grievances would be given a complete quietus—that any adjournment motion should be read, because it is not sufficient to say that somebody can dispose of it in his Chamber. That may be a method which recommended itself to my Communist friends for disposing of a mass of men behind closed doors. But I say that it is a privilege of mine to move an adjournment motion. It is a privilege to present my motion to the House. I say that it is a greater privilege of this House to know what my adjournment motion is, because my adjournment motion may be so patently admissible that the Speaker, whoever he is, would not dare to rule it out capriciously or arbitrarily. It is the privilege of the House to know what my adjournment motion is, so that if necessary the conscience of the House would be appropriately outraged and it would act as a brake on the Speaker exercising his rights capriciously or arbitrarily.

My submission is that if they are aggrieved, then they should see that these rules are properly amended, and rules according to their light are established. I have an appeal to make. I feel that this is a very grave charge, and as a lawyer, I have seen, quite frankly, no substance in a grave charge of this character being levelled against a person of the eminence of the Speaker. It is an extreme step, and I would make an earnest appeal to my friends on this side, not only not to press this Resolution, but to withdraw it, because I feel that if it is pressed, then the atmosphere in this House may be completely and perhaps irrevocably vitiated. Whatever we may say or profess, if this Resolution is pressed to a division, there will be constantly an undercurrent of tension. I feel that if it is pressed, what will happen inevitably will be that what the Members are seeking

will not happen, viz. that the Speaker must occupy and attain an absolutely impartial role; they will make it impossible for him to do so. If this is pressed, inevitably, the Members on this side who press it will drive the Speaker and compel him into adopting a partisan and a pro-party role.

Shri Algu Rai Shastri: No, no. He would not do it.

Pandit Thakur Das Bhargava: Our Speaker is above malice. He will always behave rightly.

Shri Frank Anthony: I agree. I am not saying that he will do it. But if people carry a motion of this kind to its logical conclusion, then inevitably, they place the Speaker in an invidious position.

May I end on this note on behalf of my Group that whatever little imperfections there may have been—to me, these are imperfections, and we have said that the Speaker perhaps on occasions had been unduly harsh, but certainly—they do not justify an extreme step of this character? On the other hand, in basic matters, we have felt, and I agree with Sardar Hukam Singh, that the Speaker has shown very exemplary independence on occasions. My friends would perhaps be the first to rule out any change in the Speaker, because I think privately he will admit that on many occasions—not only on this occasion, I think, but on several occasions we have said this he has played a signal role in introducing many conventions which we have not had before, conventions calculated to foster parliamentary democracy. For instance, in the Committee on Assurances—over and over again, my friend has been on committees with me—the Speaker has acted as a brake on executive intolerance, on the impatience of the Minister of Parliamentary Affairs, and as a definite brake on Government's trying to act in an arbitrary or highhanded manner.

I oppose the Resolution.

Dr. N. B. Khare: Although there was heat in the House this morning on account of the hon. Leader of the House's aggressive manner, voice and expression in exhorting the House to maintain a standard of behaviour, I will not import any heat in my speech. I will utter every word in an icy cold manner in conformity with the prevailing atmospheric temperature.

On the 15th instant, I rose up to ask about the fate of my adjournment motion about the foreign influence on churches in India.

Pandit Thakur Das Bhargava: This reference offends against the same rule which the Chair has been applying up till now. This happened after the Resolution was given notice of.

Dr. N. B. Khare: You are wrong. It was not so.

Till that moment, I had given no cause for any offence. Yet, the Speaker said—I am quoting from the proceedings of that day—....

Mr. Deputy-Speaker: What date is that?

Dr. N. B. Khare: 15th of December.

Mr. Deputy-Speaker: I have already said with respect to another matter to which Shri A. K. Gopalan was referring, that incidents that took place after the tabling of this Resolution ought not to be referred to. The hon. Member must have many other things before, which he can refer to now.

Shri Punnoose: If we have complaints about his conduct, after the tabling of this Resolution, then should we bring in another Resolution?

Dr. N. B. Khare: In Madhya Pradesh, in the working of the Ministry, the same thing happened. The Speaker said on the 15th instant, I ignore the hon. Member, I ignore his presence. It is very painful to hear such remarks about oneself. Clothed in temporary authority, backed by a brute and unthinking majority, he

dared to utter these words. This is not only intolerance, but the height of arrogance.

Mr. Deputy-Speaker: The hon. Member is not impeaching the Members here.

Dr. N. B. Khare: I am not impeaching the Members. I am only saying that they are backing him.

Mr. Deputy-Speaker: The hon. Member should use respectful language with respect to the other Members of the House.

An Hon. Member: The hon. Member Dr. N. B. Khare is reading his speech.

Dr. N. B. Khare: No, no, I am not reading. I am only referring to the notes, and I am doing it deliberately because no untoward words should escape my tongue.

It amounts to mental murder of a Member, albeit effected non-violently, and it is an insult to the electorate that sent him here. But in the language of Jesus Christ, I would say, Father, forgive him for he knows not what he is doing, being blinded by authority.

He may take any decisions he likes, about the adjournment motions in his Chamber, but I hold that it is my right to hear the decisions on the floor of the House. No one can compel me to go to his Chamber for that purpose.

About questions, I believe that they are dealt with in the most arbitrary manner. Here are about two dozen death warrants of my poor dry dead questions. Not one was admitted in this Session; though they dealt with important matters like education, history, home matters, burning of Hindu temples and so on, not one was allowed. My right of putting questions has been curtailed in this arbitrary manner. I protest strongly against this.

Mr. Deputy-Speaker: Order, order. I take very serious exception to the hon. Member's behaviour in this manner in the House. This Resolu-

tion must be treated more seriously by the hon. Member who is one of the sponsors of it. Now, charges have been levelled against one of the highest dignitaries of the State. And when we are entering into those charges, is this the manner in which an order of the Speaker, whatever it might be, is to be torn into pieces here?

Dr. N. B. Khare: I am sorry for it. But I shall proceed further.

These are more than about two dozen 'death warrants'. I am sure no question was allowed to be put by me because that question, I believe, would have brought out some unpleasant facts about the Government. Therefore, they were disallowed to accommodate the Government. That is my charge, and I sit down.

Pandit Thakur Das Bhargava: I have listened to this debate....

Shri S. C. Samanta (Tamluk): On a point of privilege, Sir. So many Members of the Opposition have tabled this Resolution, but up till now we have not heard what all they have to say. I would therefore request you to allow the Members who have tabled the Resolution at least the leaders of the parties, to speak first so that we may hear what they have to say.

Mr. Deputy-Speaker: The hon. Member, evidently, has not been following the proceedings. On behalf of those persons, Shri More spoke. They gave me four names, Shri S. S. More first, Shri A. K. Gopalan next, then Acharya Kripalani. I asked Acharya Kripalani to speak, but he said he wanted to hear others and therefore, I thought he waived his right. Then they had given the name of Dr. N. B. Khare. These are the four names given. Then I gave opportunity to two other hon. Members from the Opposition—Sardar Hukum Singh and Shri Frank Anthony....

Shri Nambar: They are not on the Opposition.

Mr. Deputy-Speaker: They are leaders of groups. It is not that I should call Members from one group alone. I have to regulate the debate. I have got here in writing from Shri Gurupadaswamy saying: Speakers on the Resolution of non-confidence—Shri More, Shri Gopalan, Acharya Kripalani and Dr. Khare. I have called upon all these Members and Dr. N. B. Khare is just on his legs.

Dr. N. B. Khare: I am satisfied.

Acharya Kripalani: May I explain that I did not speak when you called upon me to speak because I found that you had circumscribed the scope of the Resolution. The scope of the Resolution was not like that. The scope of the Resolution was wider.

Mr. Deputy-Speaker: That is all right.

Acharya Kripalani: You do not expect me to go into the details of what the Speaker did at this time or at that time. I can talk about the general attitude which, you say, we are not entitled to talk. I can talk about the general attitude, the whole tone in which the proceedings were conducted, and that is relevant to the question. Therefore, if you give me an opportunity afterwards, I will speak.

Mr. Deputy-Speaker: I have already ruled that a general denunciation, unless there are particular instances referred to, as have been referred to and alleged on the one side, cannot be allowed. I have called upon Pandit Thakur Das Bhargava and in due course I will request the hon. Leader of the House if he wants to speak. I have already given a ruling that on matters such as this a general denunciation is not allowed.

Shri M. S. Gurupadaswamy: May I make a submission?

Shri Sarangadhar Das (Dhenkanal—West Cuttack): May I speak?

Mr. Deputy-Speaker: I gave my ruling at 11 O'clock in the morning that I am not going to allow it.

Shri Sarangadhar Das: I am one of the signatories to the Resolution. If you will allow me, I will cite a specific instance.

Mr. Deputy-Speaker: On behalf of the signatories, four names have been given. I have called all the four hon. Members.

Shri N. Sreekantan Nair: There are others who voted, but who have not signed the Resolution.

Mr. Deputy-Speaker: I am not prepared to call them. I am entitled to regulate the debate. I cannot allow every single hon. Member who has signed the Resolution to speak. On behalf of the sponsors, Shri Gurupadaswamy sent me four names. I have called all of them. (*Interruptions*).

Shri Nand Lal Sharma (Sikar): No other people are going to be given a chance?

Mr. Deputy-Speaker: No, no. (*Interruptions*). The proceedings cannot be disturbed like this. I have given ample opportunities to hon. Members. I have called every one of them.

Shri Nand Lal Sharma: What about unattached people who are not signatories?

Mr. Deputy-Speaker: If there is time, they will be called.

Pandit Thakur Das Bhargava: Sir, I have listened with great patience to the speeches of my hon. friends who had to say anything against the hon. Speaker of this House. I am extremely sorry to say that I expected that they would bring some accusations before this House....

Shri Syamnandan Sahaya (Muzaffarpur Central): Why should he be sorry?

Pandit Thakur Das Bhargava: because the House would then be able to deal with them. I am sorry at the fact that these gentlemen, for whom so much has been said by Shri More, former Judges of High

Courts and leaders and Presidents of Congress and all that, could so flippantly and so lightly bring a motion of this sort in this House. I am sorry for that.

Shri Algu Rai Shastri: Exactly.

Pandit Thakur Das Bhargava: I knew there would be no valid accusations and no instances. I was perfectly sure about it, and I am even now more perfectly sure about it. I will read out to the House what happened on the 3rd December. If it is only to be judged by what happened here then, then I can say with absolute certainty that the behaviour of the Speaker was perfectly consistent not only with rules but with impartiality.

Shri S. S. More: That is your reaction.

Pandit Thakur Das Bhargava: Kindly hear me. I have heard you. At the same time, I maintain that the attitude of some Members who on that occasion took part in the debates on 3rd December was extremely wrong. I will just quote from what happened on that day and the position as it was then. Now, a motion was brought in this House by Shri M. S. Gurupadaswamy in respect of certain 'satyagrahis', as he called them, and the motion read like this:

"The situation arising out of mass *satyagraha* movement in Manipur demanding the restoration of the State Assembly and the dissolution of the nominated Advisory Council; and the subsequent terror, repression and assault on peaceful *satyagrahis* on the 18th November 1954 and further action involving the arrest of Mr. Rishang Keishing, M.P. and Mr. Somrendra Singh, former Minister for Jails, and thus causing a grave infringement on fundamental rights and liberties of the people".

These are the words of the adjournment motion. Now, as soon as it

was placed before the House, the hon. Speaker asked the Minister of Home Affairs and States to say what he had to say. Dr. Katju told the House that the language used was 'picturesque' and further that 'there have been no terrors, no repressions, no assaults'. Then he suggested to the Speaker that a short notice question might be allowed. And what did the Speaker say? He said; no.

"I think the hon. Member who has tabled this motion is likely to feel that a short notice question might bar the further consideration of the adjournment motion"

So he did not accept the hon. the Home Minister's suggestion, though he had made it in absolutely good faith, as has been proved by what was said subsequently. All the same, the Speaker held that if he allowed a short notice question, then the Member would lose his right to move the adjournment motion. Is this partiality or impartiality?

Shri Aigu Rai Shastri: Impartiality. (Interruptions).

Pandit Thakur Das Bhargava: I have gone through every word of what happened on that day. Do not be impatient.

Then again, the Speaker asked the hon. Minister when he would be able to make a statement. The Minister said that there is a great distance between Manipur and Delhi and, therefore, he would require some time. He said:

"You may be pleased to give two days because communications with Manipur are not always easy".

Then again, Shri Gurupadaswamy rose up and said:

"I have received telegrams stating certain facts".

I may just submit here, before I go to the other aspect of the question, that so far as these adjournment motions are concerned, the rule is

that they are sent to the Secretary, to the Chair and to the Minister concerned, and after that unless the Speaker gives his consent, no motion can be allowed. This is our rule. This is not the rule here alone, as Shri Frank Anthony pointed out. According to the House of Commons practice, this is their general rule, and it is for very good reasons that this general rule has been in existence for a very large number of years.

Then again, Shri Gurupadaswamy made a statement; it is entirely wrong to suggest that he was not allowed to make a statement; he did make a statement, more than a statement, I should say. He said this:

"I have received telegrams stating certain facts. I want the Minister to ascertain those facts also and then make a statement".

And what was the statement that he wanted to make?

"The fact is that Mr. Rishang Keishing was beaten and dragged and thrown into a ditch with head bleeding and he was arrested later on. Of course, we came to know that he was arrested subsequently. We want to know whether it is a fact".

This was the statement made. Now, to say that he was not allowed to make a statement is not correct.

Shri S. S. More: Was it a statement or only giving some facts?

Pandit Thakur Das Bhargava: Kindly hear me. This is not the way to interrupt. I would like interruptions on any other occasion hundred per cent. interruptions, but on this occasion, I would beg of him not to interrupt.

5 P.M.

Then again, after that, Shri Gurupadaswamy said that he would not be present in the House on the 25th.

"I will not be here because I have to go to Nagpur. That is my personal difficulty. It will be better if it is taken up on the

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24th. This is my personal difficulty. I am going on the 25th to attend my Party convention. After all, it is not relevant here. I just request the hon. Home Minister to make his statement the day after tomorrow so that we may...."

To this Dr. Katju nodded dissent. Then the Speaker said: "He nods his head. He says it is impossible. There is another alternative also." Then Shri Amjad Ali intervened and after that the Speaker said: "Two days means exclusive today." Shri Gurupadaswamy then asked: "At least, can I entrust it to somebody else?" The Speaker replied: "In case the hon. Member is not likely to be here on the 25th, we will take up the matter two days after, when he returns. That is the better course." Is this partiality or impartiality. (Interruption.) You keep yourselves patient, I will read further.

Then on the next occasion when this matter came up before the House the hon. Minister for Home Affairs and States made a statement. I will not take the time of the House in reading that statement, it is a long statement.

An Hon. Member: Why? That is the important thing.

Pandit Thakur Das Bhargava: If the House agrees to stay for 5 hours I will read every word of it.

Mr. Deputy-Speaker: The hon. Member may go on.

Pandit Thakur Das Bhargava: I will not read the statement. The House can read it. In this statement, I shall say briefly, the hon. Minister for Home Affairs and States stated that Shri Rishang Keishang was never arrested. The House knows that under rule 257 if an arrest of a Member of Parliament is made, then the Member arrested or the Officer in charge should send information to this House. So far no information has come to this House

and never in any statement has it been said that Shri Rishang Keishang was arrested. It has never been said so far. Therefore, I am submitting on the main facts as stated in the Adjournment Motion. All these facts were proved to be wrong when the Speaker got the facts from Dr. Katju. In his statement he stated that there was no *Satyagraha* at all. He stated there were no terrorists; nothing of the kind. After that he gave the entire thing as happened on 18th November and then he stated that there was no lathi charge also. It was on the 25th.

Shri Rishang Keishang (Outer Manipur—Reserved—Sch. Tribes): Just now the hon. Member was quoting what Dr. Katju stated. I say, that statement was wrong, because I am myself present here now.

Mr. Deputy-Speaker: We are not going into that matter now. We are not taking evidence as to whether that statement is correct or not correct. The only point is about the position of the Chair. (Interruption). Order, order. Both hon. Members may kindly sit down. We are not going into the question whether the statement is true or false. The only question is: what is the position so far as the Speaker is concerned? What is he to do and if he has done anything, is he in the wrong? That is the only point.

Pandit Thakur Das Bhargava: In this statement it is said that the hon. Member was never arrested, and further

Some Hon. Members: He was arrested.

Pandit Thakur Das Bhargava: Sir, what are we discussing? Are we discussing in respect of Shri Rishang Keishang or partiality of the Speaker? Those Members who are interrupting do not know what is the issue. The issue is not whether Shri Rishang Keishang was arrested or not. If he was arrested.....

Shri S. S. More: The point that we are making was not accepted by Government.

Mr. Deputy-Speaker: Hon. Members may know that we are not now deciding as to whether this version is right or that version is right. The question is what is that the Speaker has to do in the circumstances. Where, in the ordinary course he may admit or reject a motion, if even in the ordinary course he has done so, there may be differences of opinion regarding the correctness or otherwise and whether that is on account of partiality. That is the only point here. Therefore, we are not going into the exact question as to whether Shri Rishang Keishing was arrested or not arrested and whether one version is true or not.

Pandit Thakur Das Bhargava: If it is true that Shri Rishang Keishing was arrested then I have got my full sympathies for him and I am one with him in seeing that whatever has been done wrongly is righted. The whole Government is bound to assist him. We will not allow this thing to be done. At the same time I beg to submit here, that is not the point. I maintain that even if he was arrested and the official version was different, the Speaker had only one course to adopt and it would not have been within his right to adopt of contrary course. I will give all the rulings before the House as to what the Speaker should have done and what he should not have done.

Mr. Deputy-Speaker: I am to call the leader of the House next, therefore, hon. Member may be brief.

Pandit Thakur Das Bhargava: Now, Sir what happened was this. On the other day when the hon. Home Minister read out that statement, Shri Gurupadaswamy stood up and said: "May I make a submission?" The Speaker asked: "Have you got any personal knowledge?" to which he replied: "I have none". He said: "I have received telegrams." Then the

Speaker said:

"I do not think I need go by the telegrams which the hon. Member may have received. Here is authentic official information which is certainly more reliable, and I do not think I need give my consent to this adjournment motion."

Shri S. S. More: Is not that partiality?

Pandit Thakur Das Bhargava: If Mr. More calls this statement of fact by the hon. Speaker as partiality, then he has to undergo some operation of his brain.

Shri S. S. More: He is my surgeon.

Pandit Thakur Das Bhargava: I am giving him something worse. There are three authorities on this point and I am quoting those authorities before the House. A Speaker is himself bound hand and foot by the precedents of the House.

Shri S. S. More: What are those precedents?

Pandit Thakur Das Bhargava: Have patience; I will tell you. The Speaker cannot always make precedents himself. First of all he has to follow the past precedents and then for the future he makes precedents. There are three precedents of this House in which the present hon. Speaker and other hon. Speakers previously have held that the official authentic version is the last word on the point. If Dr. Katju made a statement to this House, which according to Shri Rishang Keishing was not right, then the House had another course. They could certainly table a no-confidence motion against the Minister that he is not giving the right facts. So far as the Chair is concerned, the Chair is bound hand and foot to accept the authentic official version and no other version. (Interruption). I am quoting the ruling made in 1940 on pages 684 and 685 of the debates. In that case some Patwaris from U.P. came to hear the speech of our leader in 1940 and they were dismissed.

An Hon. Member: 1935.

Pandit Thakur Das Bhargava: Then Shri Mohanlalji brought in a motion saying that those persons were dismissed on that account. The Speaker referred the matter to the Government and the Government stated that it was not on that account they were dismissed but because they neglected their duties. This was accepted as an authentic official version and on that basis the adjournment motion was not allowed. (*Interruption*). I am not yielding, Sir. On another occasion in 1943, there was a question of *Idgahra* which came before the previous Speaker—not Shri Mavalankar. In that case the complaint was that the Government troops had occupied some *Idgahra*. Then the authentic official information was that it was not true. A telegram was produced and all kinds of pressure put on Sir Abdur Rahim but he said that he was bound by the official version and he cannot go beyond that. Similarly, in 1950 in our own House a matter was brought before the House that on the borders of Pakistan there was some collection of troops. The Government was asked to give a reply and the Government gave a reply. Then our own Speaker held that that was the authentic official information and he cannot go beyond that. Then, for the interest of lawyer Members I would refer them to section 153 of the Evidence Act which says that no person can be contradicted on his reply to questions asked for shaking his credit. Subsequently case of perjury may be made against him but he cannot be contradicted. That is only by way of an analogy.

I am very sorry I am taking the time which I wish to be taken by the Leader of the House. But, with your permission I will read out the further proceedings.

After the Speaker said: "I do not think I need give my consent to the adjournment motion", that is the time when all proceedings should have stopped. According to me, when an order is pronounced by the Speaker "I do not give my consent", that is

the end of the motion. But, what happened? Shri Gurupadaswamy said: "This official report is not authentic. It is prejudiced and one-sided." Those who take things like this and say that the Government version is prejudiced and one-sided, they have yet to mend themselves.

Shri S. S. More: We are emulating you.

Pandit Thakur Das Bhargava: Again, the Speaker said: "The only point that I have in my mind is that I do not wish to allow the hon. Member to use the floor of this House for spreading information which may have no basis at all. Here is the official report which is certainly far more reliable than any telegrams or any letters received." Some people may think that whatever they say is correct. But the floor of this House cannot be utilised for this purpose. It is entirely wrong to utilise this House like this. It is obviously for propaganda purposes.

Shri M. S. Gurupadaswamy: On a point of order. I want to know whether the hon. Member has a right to say that my party is interested in making propaganda and in making use of this House for that purpose.

Mr. Deputy-Speaker: Some hon. Members from the Opposition side have tabled this motion. Is it not open to the other side to say that this is all for the purpose of propaganda and that there is no substance in it? I do not think there is any point of order.

Pandit Thakur Das Bhargava: Then the Speaker said that "it is wrong to use the floor of the House for purposes of giving the reports which are merely," etc. etc. Then, several hon. Members rose. They do not behave in this House in the way in which ordinarily Members should behave. Supposing it is a matter between myself and the Chair, if the Chair gives a ruling, I should or should not accept it. But every time when the Speaker rises to give a ruling, groups of Members rise up as if they are always op-

posed to the Speaker or should always oppose him. Is it right? We must have full confidence in the Speaker and then the Speaker will behave towards us quite justly. Then Shri Asoka Mehta rose and said, "May I point out one thing?". The Speaker said: "I am not going to give my consent to this adjournment / motion". Well, this was the second time when the ruling was given. Then Shri Asoka Mehta said that "one of our colleagues, who is a Member of this House, is involved in it" and asked whether he could be permitted to point it out to the Speaker. The Speaker stated: "It is a question of weighing evidence and giving *prima facie* weight to facts coming. I give *prima facie* more weight to this. I do not give much weight to reports coming from interested quarters". Nowhere in the entire proceedings is it said that Shri Rishang Keishing was an eye-witness. It was not said at all. Then, further on, Shri Asoka Mehta said, "He is a Member of this House". The Speaker observed that it did not make much difference. He was quite right in saying so. In matters of this kind, I maintain that when the official version is there, the statement of one Member here is not sufficient to destroy the effect of the official version. Then, Shri Gurupadaswamy said that Government also are interested. Then the Speaker said that "it is their business to maintain law and order". Then Shri More said—I want to refer to what he said, because he just said in the House today that the Speaker was the pivot of the democratic institution and he quoted the House of Commons—or rather, he put this question vociferously: "Is this democracy?" So such gentlemen behave and say that the Speaker is there to hear what these gentlemen may have to say and not to control the House. This is an intolerable situation. If they behave like that, we should never allow such persons to speak in this manner. To this insult and impertinence, Mr. Speaker said: "It may be anything. I do not want to hear anything more on this point". He never said that the question was in-

sulting or bad. Look, at his coolness, look at his calm judgment, look at his spirit of toleration. Then, Shri Raghavachari said: "May I make a submission"? Twice, the consent was not given. The matter was closed. Yet, Shri Raghavachari asked: "May I make a submission"? Mr. Speaker said that the Member can have a discussion with the Speaker in the Chamber. Shri Frank Anthony ridiculed the idea of Chamber. Many of the Members do not know that the Chamber is part of this House. It is not a private Chamber. I can show from the Rules that it is so. Then Shri Raghavachari said: "It is not for private talk". Is this the manner in which Mr. Speaker should be spoken to? Does the Member imagine that the Speaker wanted to enter into some contract, or private contract, with him? Then the Speaker said: "I am proceeding to the next business". Then again, Shri Gurupadaswamy raised a point of order. What is this point of order? I may just point out here what Mr. Attlee has said about such a point of order. He said that this is usually the practice when a man does not get a hearing from the House or the Speaker, and only then he says, "A point of order". Again, Shri Gurupadaswamy said: "On a point of order". The Speaker said: "No points of order now". He added: "There is no point of order. He can discuss the matter with me in the Chamber". After the ruling was given that there was no point of order, no point of order could again be raised on the same matter. In the *Rules of Procedure and Conduct of Business*, it is said in rule 376 that a point of order shall arise only in respect of the interpretation or enforcement of the rules. It can arise in respect of a matter before the House 'at the moment.' When a ruling had been given, and the next business was called, what was the point of order in respect of matters which were closed? I can quote from the House of Commons, from Campion and Jennings, that in a matter like this, when one matter has been closed, no point of order could be raised in respect of

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that matter and no point of order can be discussed in this House. That is the law. Please see page 60 of the book by Jennings. When the Speaker gives a ruling, the point of order cannot be discussed or criticised in the House. This is the present law. My friend, Shri More, was quoting the practice in the House of Commons. Let him please study it first.

Shri S. S. More: You are quoting.

Pandit Thakur Das Bhargava: You started with the quotations. Proceeding further, the Speaker said: "He can discuss the matter with me in the Chamber". Shri Raghavachari said that "this kind of treatment is not justifiable". Is it the way in which the Members should behave? Again Shri N. C. Chatterjee—that learned ex-High Court Judge—rose up and asked: "Can you rule out the point of order"? Is this the way in which any Member of this House should behave? He asks: "Can you rule out the point of order"? The Speaker replied: "There is no point of order. It is no use insisting upon that thing, because there is no point of order". I say there was no point of order.

Mr. Deputy-Speaker: The hon. Member has quoted enough.

Pandit Thakur Das Bhargava: I shall read only one more point. For the third time, the Speaker said: "I am not prepared to give consent to this motion." then rose Shri A. K. Gopalan to say "You must hear the point of order". As soon as the Speaker replied to this, Shri More rose and asked: "May I know under what rule?" Instead of knowing the rules and allowing the Chair to proceed, they ask him: "Under what rule?"

Shri S. S. More: What is wrong?

Pandit Thakur Das Bhargava: I have got the printed copy of the debates. It is quite easy to refer to it.

Mr. Deputy-Speaker: The hon. Member may resume his seat.

Shri Jawaharlal Nehru: Mr. Deputy-Speaker, this, as several hon. Members have observed, is a serious

matter. It is true that to a large extent, the hon. Member, one of the signatories who sits opposite, Dr. Khare, tried as usual, to reduce it to the level of a farce. But it is not a farcical matter because there is some element of tragedy in this. It is as well that this House realises what we are talking about and what we might decide. As a matter of fact, whatever we may decide—the decision is clear enough—sometimes things are done which cannot be undone. If you break a precious porcelain vase you cannot put it together. When something has been done, it unfortunately cannot be undone.

I should like to address the House, if I may, in my capacity and the high privilege of being the Leader of this House and not as a leader of the majority party. So far as this majority party is concerned, I should like to tell them that not one of them is bound by any whip or any direction; let them vote as they like. It is not a party matter. It is a matter for this House, for each individual, to consider, regardless of party affiliations. Therefore, let us try to think of it not as a party issue but as Members of this House, because this matter affects the hon. Speaker, of course, but it affects the high dignity of this House as Parliament, it affects the first citizen of this country, that is, the Speaker of this House. It is a serious matter when the honour of Parliament is concerned. What is said about the Speaker, what is done about the Speaker comes back on each one of us who claim to be Members of this hon. House. I wish Members to realise this because I have felt sad and very sad—over since this matter came up before the House. We have known the Speaker for many years and we have seen him function and it is possible that some of us may not have exactly the same opinion about him as others have; it is possible. It has so happened that some of us have not particularly liked a decision of his or a ruling of his; some of us, may be on that side of the House or on this. It is one thing not to like

a ruling or to disagree with it or even to feel, if I may say so, slightly irritated about something that has happened. These things happen. But, it is completely a different thing to challenge the *bona fides* of the very person in whose keeping is the honour of this House. When we challenge his *bona fides* we betray before our countrymen and indeed before the world that we are little men and that is the seriousness of the situation. It is for you to decide because we are displaying to the world and to our country that we are little, quarrelsome men who indulge in frivolity, who indulge in accusation without thinking what that means and without thinking what the consequences of it might be.

You, Sir, said a little while ago that you will not permit general denunciations. If I may say so, with all respect, it was the only thing to say and to do. It is amazing that in regard to the head of this House, the Speaker of this House, any individual should indulge in any idle talk or general denunciation because he does not like his face, he does not like his tone or does not like anything which he says. It must be specific, pointedly and deliberately something that is so obvious that nobody can ignore it. Here, what have we seen this afternoon? The hon. Member who first got up and spoke about this motion—not the proposer—but Mr. More in his soft and gentle voice, which often contains many bitter things, went on and told us of what happened to the head of a King in England in the 17th century. He told us of the practice of the British House of Commons 200 years ago and all that. I listened with amazement. Here was a serious matter, here we are in the middle of the 20th century, in the Republic of India; and, we are told about what happened in the middle ages or some other time in England. It is true that we follow, to a considerable extent, the practices of the British Parliament. But it is also true that even the practices of the British Parliament are not governed today by what happened in the 17th century there. But,

apart from that, we are not concerned with what happened in the British Parliament. We are concerned with the honour of our Parliament, we are concerned with the honour of the person who holds up the dignity and the prestige of this Parliament. I do not say that it is not possible at all to raise a motion against the Speaker. Of course, the Constitution has provided it. Nobody challenges the right of the Opposition or any Member of the House to put forward this motion. I do not deny that right since it has been given by the Constitution. The point is not the legal right but the propriety, the desirability of doing it.

And, in this matter, it might have been possible, perhaps, that the Speaker might have erred. I do not think he has erred in this matter. I think he has been 100 per cent. right. He has been right. I challenge anybody to tell me here or elsewhere in what particular way he has been wrong in this particular matter. I say, if I have your permission to say so, that any Member presiding or sitting here as the Speaker would have done exactly the same thing. I say there are Members on the Panel of Chairmen, if any of them had been here, I do submit, to this hon. House, that they would have had to decide the same way. It was not whether the question was not one of fact. You cannot convert this House into a forum where evidence is led, as the Speaker said; it cannot be done. This House is meant, either by a motion of adjournment or by questions, to bring certain facts to the notice of this House and through this House to the country at large. That is all that can be done. Then they can be proceeded against and they can be pursued in other ways. There is a question. The question is asked and the answer is given. It may be, of course, probably that the answer is wrong; it may be deliberately wrong or it may be by mistake. Whatever it is, it ends there. You cannot argue it out.

So also, in the matter of an adjournment motion, it is inevitable—and I think Mr. Gopalan recognised it—that the Speaker's ultimate decision has to

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prevail. The objection was that he gave his decision without giving an opportunity to the other party to say something. Now, that is a matter with which Pandit Thakur Das Bhargava has dealt with, I think, very adequately. But, if I may say so, on the first occasion that this was raised, the Member who raised the matter had his say—Number One say—, and then the Home Minister, on behalf of the Government, was asked for his version of the facts. He gave his version of the facts. There the matter normally ends, because the rest is argument. It may be carried on in some other way. But, at that moment, it cannot be carried on. Each Member can challenge the fact given by Government at the proper time and take such steps as he feels. But, at that moment, it cannot be done. The Speaker has to go to something else.

Mr. Anthony talked about the Rules etc. May be the Rules are good or bad. I do not know. We are not discussing the Rules here. We are considering the position as it is today in accordance with the Rules. But when Mr. Anthony or any other Member went on to talk about the Rules suppressing something or the practice or convention growing up, or the Speaker being hard and harsh about motions of adjournment and questions, I pinched myself and wondered whether I was hearing right and what is all this about. May I ask you to get particulars about every Parliament in the world, wherever it may be, in the North or South, in the East or the West and try to get a list of adjournment motions, the numbers that are moved, the number of questions that are put there? I think it will be useful if we knew. So far as the House of Commons is concerned—I have no figures with me, but I have an idea...

Pandit Thakur Das Bhargava: I have got all the figures with me. I can quote the figures if you order me.

Shri Jawaharlal Nehru: I do not want that; he may do it later; but, it

is once or twice a year. We have it three times a day. Just conceive of it. So also about questions. Nobody can possibly say that we lack questions. In fact, we cannot deal with all of them. Can you imagine the enormous amount of time and money that is spent in gathering facts for answering twenty or thirty thousand questions? The whole apparatus of Government is functioning like that. Daily telegrams are going all over the country to get facts. Now, hon. Members—some of them—say that they are suppressed and Dr. Khare's questions are disallowed.

Dr. N. B. Khare: All of them.

Shri Jawaharlal Nehru: So, just look at this picture. A motion for adjournment—as Mr. Anthony said and I entirely agree with him—is a valued and precious right. But, every valued and precious right can be so misused as to become a nuisance, and lose all its value. You debase it if you use it in that way. Here is a special thing which has importance because it is used only on a special occasion, for a special purpose and when it is thus used, it attracts the attention of the country. What is it today? There are three motions of adjournment a day; that would not attract the attention of anybody.

An Hon. Member: Eighty-nine in three years.

Shri S. S. More: The Congress Party tabled far more adjournment motions in the past.

Pandit Thakur Das Bhargava: Against a foreign Government.

Shri S. S. More: We are doing it against an autocratic party in power.

Shri Jawaharlal Nehru: So far as the rules are concerned, I am not going into them. I do submit that it does not matter who the Speaker is, he has to function in the manner, if he is to function impartially, that our Speaker functions.

I listened to a number of speeches delivered from the opposite side and

I want to say no harsh word, but I was amazed at this extraordinary exhibition from the other side....

An Hon. Member: Of what?

Shri Jawaharlal Nehru: It was an exhibition of incompetence, frivolity and lack of substance. It is astounding.

Pandit Thakur Das Bhargava: Lightheartedness.

Shri Jawaharlal Nehru: It is said again and again and Shri More rolls over history—the seventeenth and eighteenth century....

Shri S. S. More: Only glimpses of world history.

Shri Jawaharlal Nehru: I suggest to the hon. Member to read that well-known book carefully. Some other hon. Member, Acharya Kripalani, said that he was speaking only on questions of general denunciations or general invectives, not on any particular matter. Is this the way to deal with anybody, the humblest of persons, much less the Speaker of the Lok Sabha of the Indian Republic?

Acharya Kripalani: I did not say 'general denunciations', but I said 'general attitude'.

Mr. Deputy-Speaker: That is not a charge here.

Shri Jawaharlal Nehru: I take it that Acharya Kripalani stated that the general attitude was bad, was unfair, was partisan, was all that, otherwise he would not have signed that document.

Acharya Kripalani: Quite right.

Shri Jawaharlal Nehru: I would beg of hon. Members sitting opposite, those who have signed it and those who in duty bound have supported it, to read that thing which they have signed. It is a vicious thing they have signed. I doubt whether the persons have read it before they signed it. If they had read it, they would have hesitated a hundred times before they signed that document.

Shri S. S. More: Are we Ministers here to sign without reading?

Shri Jawaharlal Nehru: I wish to make an exception in favour of the Communist Party, because I do not expect any sense of responsibility from them, but I do expect, even according to their own proclamations elsewhere, that they do not believe in democracy or a democratic set-up.

Shri Sadhan Gupta (Calcutta South-East): Absolutely false.

Shri Jawaharlal Nehru: Do you then believe in democracy?

Shri A. K. Gopalan: We have come here to get the democracy from you. You said we have no faith in democracy. We have come here because democracy is in your pocket and we understood that democracy is to be shared.... (Interruptions).

Shri Jawaharlal Nehru: I hope Shri Gopalan will repeat that every morning so that gradually it might have some effect on his thinking and action.

I would submit to this House that a motion of this character being brought up in the House is an extraordinary procedure, which could only be justified under extremely grave circumstances. It is a very serious matter. I have no details with me about other places, but elsewhere, so far as I know it is a very serious and very very rare thing.

Pandit Thakur Das Bhargava: During the last 130 years in the House of Commons, such a motion has not been tabled even once.

Shri Jawaharlal Nehru: At any time! And yet seeing the manner in which this has been brought forward and the wording used here, I say it is a gross abuse of one's intelligence and to ask anybody in this House to support this is to consider that man utterly lacking in intelligence.

Mr. Deputy-Speaker: Has Shri Missir got anything to say?

Shri Missir nodded dissent.

Shri Sarangadhar Das: May I say a few words?

Mr. Deputy-Speaker: We have exceeded the time.

Shri S. S. More: May I bring to your notice one fact, namely, that the time fixed was up to six?

Mr. Deputy-Speaker: It was 3-30 to 5-30 P.M. We started two or three minutes late....

Shri Punnoose: Even when the time was fixed, we said that it was insufficient. Will you please look into the number of speeches delivered?

Mr. Deputy-Speaker: Nothing more can be said. There is no good creating an impression that any discussion, well-meant or intended, was hushed. He has seen that all these hon. Members who have put in their signatures are moving together. Their spokesman, Shri Gurupadaswamy, was coming to me for this purpose and asked me twice or thrice and ultimately submitted his list. Shri Gopalan's name is here and I called him. Therefore, Shri Gurupadaswamy represents the Communist Party; likewise he represents Acharya Kripalani's Party, he also represents Shri More's Party. There is no need for saying again and

again and enough opportunity has been given. The question is:

"That this House, having taken into consideration the conduct of the Speaker of the House as regards giving his consent to adjournment motions, disallowing questions, etc., feels that he has ceased to maintain an impartial attitude necessary to command the confidence of all sections of the House; that in his partisan attitude he disregards the rights of members of the House and makes pronouncements and gives rulings calculated to affect and undermine such rights; that he openly espouses the version of the official spokesman on all controversial matters as against information supplied by other Members of Parliament, that all these acts constitute a serious danger to the proper functioning of this House and ventilating effectively the felt grievances of the people, and, therefore, resolves that he be removed from his office."

The motion was negatived.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 20th December, 1954.