

[Shri D. P. Yadav]

the Audited Accounts. [Placed in Library. See No. LT-6922/74]

(4) (i) A copy of the Annual Report of the Indian Institute of Technology, Kanpur, for the year 1971-72.

(ii) A copy of the Annual Report of the Indian Institute of Technology, Kanpur, for the year 1972-73.

(5) Two statements (Hindi and English versions) explaining the reasons for not laying simultaneously the Hindi versions of the Report mentioned at (4) above.

[Placed in Library. See No. LT-6923/74].

ORDER UNDER PAYMENT OF WAGES ACT

MR. SPEAKER: Shri K. V. Raghunatha Reddy.

SHRI S. M. BANERJEE (Kanpur): Sir, I rise on a point of order.

MR. SPEAKER: On what?

SHRI S. M. BANERJEE: Sir, on the business before the House, I gave notice of a privilege motion under Rule 222. I am sorry, I gave it on the 6th May. You must have opened it today. It was given before 10 O'clock.

MR. SPEAKER: I saw it.

SHRI S. M. BANERJEE: This is a matter of extreme public importance, because the strike is taking place tomorrow. My privilege motion is against the Government for publishing a gazette extraordinary and exempting the Railway administration from the operation of Section 5 of the Payment of Wages Act. I would appeal to the sense of impartiality and justice, when both the Houses are

in Session what was the necessity for issuing a gazette extra-ordinary for excluding the Railway Board from the obligation of Payment of Wages Act. Even today that copy of the gazette extraordinary has not been laid on the Table of the House. Is this the way in which this House should be treated? May I request you to allow the privilege motion?

MR. SPEAKER: Whether good or bad this does not come under rules for privilege motion.

SHRI SEZHIAN (Kumbakonam): Does not propriety demand that it should be laid on the Table of the House? (Interruptions).

SHRI S. M. BANERJEE: Sir, I have not finished. Kindly hear me for half a minute. Please have patience. I have been saying from 12 O'clock.—(Interruptions).

MR. SPEAKER: But that does not solve the problem. By this temperamental exhibition, no problem can be solved.

SHRI S. M. BANERJEE: It is not a question of temperament. People are dying. 5,000 people have been arrested, and more people are likely to be killed. That is why we are much concerned about the matter.

SHRI HARI KISHORE SINGH (Puri): What is the point of order?

SHRI S. M. BANERJEE: So, I request you to allow this privilege motion.

SHRI HARI KISHORE SINGH: May I know what is his point of order? May I know why the procedure of this House is being disturbed like this? He cannot take the time of the House like this. This is going on from 11 O'clock. (Interruptions).

SHRI S. M. BANERJEE: The question is one of privilege. I request you to admit the question of privilege. The Home Minister is not

here; that is what he said. Now, let this matter be taken up. I have nothing against the labour Minister, but then—(Interruptions).

MR. SPEAKER: He asked for half a minute. But then he is speaking all the time.

SHRI HARI KISHORE SINGH: What is the point of order? I want to know.

श्री मधु लिमये : (बाका) : अध्यक्ष महोदय, आप मेरी बात भी सुन लीजिये, मैंने भी नोटिस दिया है।

अध्यक्ष महोदय : आप अपोजीशन में, आप का बड़ा मत्कार है, बड़ी इज्जत है, लेकिन हर काम के लिए तरीका है, जिस ढंग से हर काम होना चाहिए। यह बड़ी मलत बात है, जिस ढंग से यह हो रहा है, इस से आप को तकलीफ होनी चाहिए।

श्री मधु लिमये: आप एक मिनट मेरी बात सुन लीजिये।

अध्यक्ष महोदय : पहले जॉ मेम्बर बोल रहे हैं, उन की बात सुन लेने दीजिये।

श्री मधु लिमये: बाधा मिन्ट ही मेरी बात सुन लीजिये।

MR. SPEAKER: I have listened to the points.

SHRI JYOTIRMOY BOSU (Diamond Harbour) rose—

MR. SPEAKER: Now he is also rising. I permitted the other hon. Member's request that he should be given half a minute. I allowed him. Now he is getting up.

SHRI INDRAJIT GUPTA (Alipore): Sir, you may or may not take it up as a matter of privilege. But the question is that an important policy decision has been announced through a Gazette Extraordinary when the House is in session. Do you not think that it is an impropriety on the part of the Government to issue it. This is a matter which has to come before the House. They have issued a Gazette Extraordinary completely exempting the railways from the operation of the Payment of Wages Act.

MR. SPEAKER: When I am reminded of propriety, then it does not come as a matter of privilege.

Now, Shri Jyotirmoy Bosu has again got up. How many times are you getting up? When everybody is speaking, on every occasion, you force yourself upon me and them also. Now, why don't you allow me to listen to others? This is not a House which is to be always under the monopoly of one Member.

Do not take the House so lightly. This is your House; this is your Parliament; these are your rules. If you do anything in excitement; it does not take us anywhere.

श्री मधु लिमये : अध्यक्ष महोदय, आप ने कई दफा हम लोगों को ऐसे प्रश्न उठाने की अनुमति दी है कि जब संसद का मूल चलना हो और इस तरह के महत्वपूर्ण ऐलान बहाल किये जायें तो हम लोग उम मामले को यहां उठा सकें हैं। इस मामले को आप प्रिविलेज के अन्दर उठाने नहीं देना चाहते हैं, आप कहते हैं कि प्रिविलेज नहीं बनता है, लेकिन यह अनौचित्य का मवाल है, इम्प्रोप्राइटि का सवाल है, 17 लाख रेल मजदूरों को, जो बेतन उन्होंने कमाया, उस को न देने की छट दी जा रही है। इस का मतलब है कि 17 लाख रेल मजदूरों को आप भूखा मार कर दबाना

[श्री वल्लु लिम्बे]

चाहते हैं। क्या आप मंत्री महोदय को आदेश नहीं देंगे—रघूनाथ रेड्डी जहाँ यहाँ बैठे हुए हैं वे अपने आप को बड़ा प्रगतिशील बनते हैं, लेकिन इस तरह के नोटिफिकेशन निकालते हैं, उन के अन्दर इतनी लज्जा भी नहीं है, इतनी शरम भी नहीं है। आप मंत्री महोदय को आदेश दीजिये कि वे इस के बारे में वक्तव्य दें और नोटिफिकेशन सभा पटल पर आना चाहिए। मंत्री महोदय को रुभा से माफी मागनी चाहिए, रेल-मजदूरों के साथ जो अन्याय उन्होंने किया है उस के लिए उन को पश्चाताप हो रहा है—इसके बारे में उन का वक्तव्य आना चाहिए।

SHRI INDRAJIT GUPTA: You make some observation. (Interruptions).

MR. SPEAKER: Please sit down.

SHRI INDRAJIT GUPTA: They will all sit down if you are going to make some observation or you are going to ask somebody from the Government to say something. Neither thing is happening. They go on standing.

MR. SPEAKER: Mr Raghunatha Reddy, I have made observations a number of times in this House that when you do anything, which is connected with matters of policy or matters of current importance....

SHRI VIKRAM MAHAJAN (Kangra): It is purely an executive action.

MR. SPEAKER: I will have to ask you, Mr. Mahajan, also to sit down Mr Reddy, when you issued a notification, it should have been placed on the Table of the House at the earliest that is today. But, it is not in the Order Paper. I have got it just now. This is not the proper way of doing

it. After all, when you issued it day before yesterday, I should have got it at the earliest so that I would have been in the know of what is going on. Suddenly, something crops up and something comes to me at the last hour. Now, he has sent an intimation requesting that he may be allowed to lay it on the Table of the House.

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Let him apology. Then, the House will allow him. It is a matter of propriety.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): Sir, with great respect to you and the hon. Members, I may be permitted to state....

MR. SPEAKER You kindly lay it on the Table.

SHRI RAGHUNATHA REDDY: I thought, when you called my name, I had already placed it on the Table of the House. Now, I am informed by your Office that I am permitted to place it on the Table of the House.

SHRI INDRAJIT GUPTA: Two days ago, it has appeared in the newspapers.

MR. SPEAKER: I am sorry, Mr Raghunatha Reddy, this is your intimation, on which the Office has written Received at 12 Noon.

श्री वल्लु लिम्बे: वे बड़े इन्फोर्मेड हैं। हम लोग 10 बजे नोटिस दे रहे हैं और ये 12 बजे नोटिस दे रहे हैं। क्या बात है।

अध्यक्ष महोदय : आप शान्त रहिए।

As you know, since 11 O'clock I am sitting here, and this came to me just now. The office has put it up to me just now, and I have allowed you to lay it on the Table. You better lay it on the Table of the House.

SHRI JYOTIRMOY BOSU: Sir, why are you permitting him to lay it?

MR. SPEAKER: If he lays it on the Table later, you ask why there is delay. If he wants to lay it now, you take objection to that.

बी बिल बिहारी बाजपेयी : इनको बिलकुल होना चाहिए । कहना चाहिए गलती हो गई है ।

MR. SPEAKER: I must say that this notification is dated 4th May, 5th and 6th were holidays.

SHRI JYOTIRMOY BOSU: How did it go to the press two days ago?

SHRI INDRAJIT GUPTA: Is it proper? Before laying it on the Table of the House, it was sent to the press.

MR. SPEAKER: Mr. Raghunatha Reddy, their objection is that it was released to the press before it was laid before the House.

SHRI RAGHUNATHA REDDY: I may be permitted to say a few words

SHRI ATAL BIHARI VAJPAYEE: We had a sitting on the 4th. It could have been laid on the Table on that day

MR. SPEAKER: We had decided not to transact any other business except the Finance Bill on that day.

SHRI JYOTIRMOY BOSU: What is the necessity for this? Why did the Government take this extraordinary step?

Sir, on a point of order. May I ask the Government through your good offices, what is the necessity for this at this juncture?

MR. SPEAKER: There is no point of order. It is only a question of laying it on the Table.

SHRI RAGHUNATHA REDDY: Under section 5(3) of the Payment of Wages Act, this order has been issued. It could be done only in the

evening of 4th, at which time the House was not sitting. 5th and 6th were holidays. At the earliest available opportunity I have come to you for your kind permission to place it on the Table of the House. It is an executive order under section 5(3). The merits of the matter can be debated; one may or may not agree with it. But the question remains that it could be laid on the Table only today....(Interruptions).

SHRI JYOTIRMOY BOSU: Sir, how did it appear in the press.....

MR. SPEAKER: This hon. Member is always standing. What is this? He cannot monopolise the time of the House.

SHRI RAGHUNATHA REDDY: This order under section 5(3) does not mean that the railways do not pay the wages. Only, due to some circumstances, due to the threatened strike, the railways perhaps might not be in a position to pay; it is only an enabling measure so that the penalty provisions might not be invoked. That is all... (Interruptions) In case something happens, they are not entitled to any... (Interruptions) It could not be laid on the Table earlier because 5th and 6th were holidays. Sir, I have approached you at the earliest available opportunity to give me permission to lay it on the Table, and I hope hon. Members would not object to it....(Interruptions).

MR. SPEAKER: May I request hon. Members not to waste any more time on this?

SHRI RAGHUNATHA REDDY: I beg to lay on the Table a copy of Order dated the 4th May, 1974, issued under Sub-section (3) of Section 5 of the Payment of Wages Act, 1936, exempting the person responsible for payment of wages to persons employed upon any Railway from the operation of section 5 of the aforesaid Act. [Placed in Library. See No. LT-6924/74].

SHRI SEZHIYAN: I am afraid this should not be taken as a precedent. He says, it was issued on 4th evening and that 5th and 6th were holidays. Then, even when the House is in session, they can take a decision on Friday evening and say, Saturday and Sunday are holidays; so, the Government may take this as a precedent and take important decisions only on Friday evening. This should not be taken as a precedent.

MR. SPEAKER: You cannot be hard and fast about it. Many things may be done on a day when they want it.

12.45 hrs.

ARREST AND RELEASE OF MEMBERS

MR. SPEAKER: I have to inform the House that I have received the following telegram dated the 3rd May, 1974, from the Officer-in-charge, Ranaghat Police Station:—

"Shrimati Bibha Ghosh Goswami, Member, Lok Sabha, was arrested in connection with C/W law violation movement on the 3rd May, 1974, at Ranaghat Court Compound."

MR. SPEAKER: I have also to inform the House that I have received the following telegram dated the 5th May, 1974, from the Inspector of Police, Police Station Ganeshpeth, Nagpur:—

"I have the honour to inform you that I have found it my duty to arrest Shri Ram Hedao, Member, Lok Sabha, in connection with crime No. 91/74, under Sections 147, 148, 149, 323, 336, 337, 341 and 352, Indian Penal Code, of Police Station Ganeshpeth, for assaulting Field Marshal Manekshaw, on the 28th February, 1974, while inaugurating Shahid Smarak at Cotton

Market Chowk between 17.00 hours to 18.00 hours and for committing other offences stated above. Shri Ram Hedao is, accordingly arrested at Nagpur in Balidan Karyalaya, Chitnis Park, Nagpur, at 11.00 hours, on the 5th May, 1974, and is released on Personal Bond for Rs. 500 immediately. The case against him is being put up in the Court shortly."

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order, Sir. This is about the arrest of Shrimati Bibha Ghosh Goswami.

Rule 229 clearly states:

"When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest....

—Has he done so?—

....detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule." What is the Third Schedule? May I read it out?

MR. SPEAKER: This is only a telegram. It is always followed by a letter normally.

SHRI JYOTIRMOY BOSU: This is the Third Schedule. The Third Schedule has not been complied with. I maintain that this is a clear case of breach of privilege. It is for you to take a decision on this.

MR. SPEAKER: I shall see to it.