

(iv) G.S.Rs. 1730 and 1731 published in Gazette of India dated the 19th July, 1969, together with an explanatory memorandum.

[Placed in Library. See No. LT 1491/69].

#### DEMANDS FOR EXCESS GRANTS (RAILWAYS). 1967-68.

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI R.L. CHATURVEDI): Sir, I beg to present a statement showing Demands for Excess Grants in respect of the Budget (Railways) for 1967-68.

#### MESSAGE FROM RAJYA SABHA

SECRETARY: Sir, I have report the following message received from the Secretary of Rajya Sabha :—

"In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 31st July, 1969, agreed without any amendment to the Unlawful Activities (Prevention) amendment Bill, 1969, which was passed by the Lok Sabha at its sitting held on the 23rd July, 1969."

#### ELECTION TO COMMITTEE

##### Central Council for Research in Indian Medicine and Homoeopathy

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI B.S. MUTHY): I beg to move the following :—

"That in pursuance of paragraph 1 (8) & (9) of the Ministry of Health, Family Planning, Works, Housing and Urban Development (Department of Health) Resolution No. F.1-3/68-AE, dated the 22nd May, 1969, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Central

Council for Research in Indian Medicine and Homoeopathy".

MR. DEPUTY-SPEAKER: The question is :—

"That in pursuance of paragraph 1 (8 & 9) of the Ministry of Health, Family Planning, Works, Housing and Urban Development (Department of Health) Resolution No. F.1-3/68-AE, dated the 22nd May, 1969, the members of Lok Sabha do proceed to elect in such manner as the Speaker may direct, two members from among themselves to serve as members of the Central Council for Research in Indian Medicine and Homoeopathy".

*The motion was adopted.*

13.27½ hrs.

#### Re. QUESTION OF PRIVILEGE

MR. DEPUTY-SPEAKER: The other day there was the question of privilege and I have kept it pending...*Interruption*. I am not repeating what I said on that day. I asked the Law Minister to say something about it.

SHRI N.K.P. SALVE (Betul): Would you give me a minute?

MR. DEPUTY-SPEAKER: I have got your note and I want to save the time of the House.

SHRI NATH PAI (Rajapur): We understand your difficulty and we appreciate that you want to do maximum business in the very little time at our disposal. But very often it happens that while the business is rushed through, the House is left in darkness as to what is happening. If he wants, let him take a minute.

SHRI N.K.P. SALVE: It is unfortunate that the matter of privilege should be kept in the air hanging for such a long time. The hon. Law Minister has informed me that the Delhi High Court has dismissed the suit *In limine*. So far so good. My privilege motion no doubt includes the question of privilege against the Delhi High Court but that is also against the plaintiffs who dragged us into a court of law. In the plaint they have made all sorts of allegations. In view of what the Delhi High Court has done

[Shri N. K. P. Salve]

should the House not want to take any action against the Judges. I have nothing to say. I think it is a very wise act on the part of the Judges of the Delhi High Court; they have averted what might have been a very ugly situation. It should be allowed to rest and on the other question the House should be allowed. (*Interruptions*)

MR. DEPUTY-SPEAKER : Let us hear the Law Minister. What you say is a separate question. There are two questions involved in the notice you have given. About the persons who have taken the matter to the court, that is a separate question. But has the Court entertained that petition? I shall ask the Law Minister to speak on that.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : On that day I said that the fact of issue of summons will not contribute breach of privilege because it was not a judicial process. As soon as this matter came to my notice the Government made arrangements to see that the Attorney General brought to the notice of the court that the matter was covered by article 105 (2). That was done and the Court dismissed the suit *in limine*.

SHRI NATH PAI : I have seen the notice. This matter does not concern an individual; it is the concern of the entire House.

I am sorry that the Law Minister has not very carefully given his mind to this notice. "The above notice was fixed in this court on 4th August, 1969." The letter says :

"I am directed to inform you that the same date has been cancelled and you need not put in appearance or file a written statement on the 4th of August, 1969."

What he is submitting is totally different. And the last sentence is the key sentence. It says :

"You will, however, be informed of the date for your appearance if necessary subsequently."

So, the matter has not been dismissed. (*Interruptions*).

MR. DEPUTY-SPEAKER : Order, Order. He has not read out the High Court order.

SHRI GOVINDA MENON : What I wish to submit is that today, at 10 O' clock, the Attorney-General pointed out to the court that under article 105 (2) no such suit can be entertained.

SHRI NATH PAI : Then this should have been known to the High Court *ab initio*.

SHRI GOVINDA MENON : The matter comes to the notice of the High Court only now, and therefore, the High Court dismissed or rejected the suit under Order 7 Rule 11 that is, *in limine*.

SHRI N. K. P. SALVE : They could have done it earlier.

SHRI GOVINDA MENON : Only when it comes to their notice they could do it. (*Interruption*)

MR. DEPUTY-SPEAKER : I do not close it now. Tomorrow, we will take it up; not today. For your information, I might point out this. He has not read the text of the order. (*Interruption*)

I shall give the Members an opportunity tomorrow.

I may point out one thing. They have said :

"We are of the opinion that the present suit is barred by the provision of article 105 (2) of the Constitution, and the plaint is rejected."

So far as this order is concerned, the matter ends; but there are other issues arising out of the privilege notice that he has given.

AN HON. MEMBER *rose*—

MR. DEPUTY-SPEAKER : Please resume your seat. I am not disposing of the other issues. I know Shri Madhu Limaye, Shri Nath Pai, Shri Salve and Shri Randhir Singh want to say something. But it is not today. I have kept it pending. We will take it up tomorrow. You write to me about it.

SHRI MADHU LIMAYE (Mongheyr) : Please put it on the Order Paper. (*Interruption*).

MR. DEPUTY-SPEAKER : It is not that it will be put on the Order Paper, you will have to write to me that you want to raise this point. (*Interruption*)

SHRI N.K.P. SALVE *rose*—

MR. DEPUTY-SPEAKER : Order, order. You are a lawyer. Particularly after this order certain other issues still remain. You write to me.

SHRI S.M. BANERJEE (Kanpur) : What about my privilege motion against the Swatantra ?

MR. DEPUTY-SPEAKER : Now, there are several privilege questions before me. I have hardly any time. I have not given my decisions. I have kept them pending. At the proper time they will be brought before the House.

Today is the last day for the Banking Companies Bill. What I suggest to both sides is that, if necessary, we may sit a little longer.

SHRI MADHU LIMAYE : No Guillotine, please.

MR. DEPUTY-SPEAKER : I am very reluctant, because these are matters which are very important. I want to give full opportunity. I appeal to you, to all the Members who have given amendments, or who would like to press their points, that they should be more selective, to the point, so that at the final stage, even if we sit a little longer, those Members who have not tabled amendments will also get some opportunity to make observations, but today, we will finish the third reading. (Interruption)

SHRI KANWAR LAL GUPTA (Delhi Sadar) : It is impossible, Sir. How is it possible ?

MR. DEPUTY-SPEAKER : Unless we finish, the House will not adjourn today. This is my ruling.

13.32 hrs.

*The Lok Sabha adjourned for Lunch till a Half Past Fourteen of the Clock*

*The Lok Sabha re-assembled after lunch at Thirty-seven minutes past Fourteen of the Clock*

[SHRI VASUDVAN NAIR in the Chair]

SHRI S. KUNDU : Mr. Chairman...

SHRI A.S. SAIGAL (Bilaspur) : I just want to make one observation, if you would permit me only for two minutes.

MR. CHAIRMAN : Order, please.

श्री रणधीर सिंह (रोहतक) : मध्य प्रदेश में फ्लड्स आने की वजह से करोड़ों का नुकसान हुआ है। हमें उन किसानों, देहात के रहने वालों और दूसरे लोगों से बड़ी हमदर्दी है। गवर्नमेंट इस सिलसिले में बातचीत करके यहां पर कोई स्टेटमेंट दे कि क्या नुकसान हुआ है।

SHRI A.S. SAIGAL : I also want to say the same things in regard to Madhya Pradesh floods have caused much loss of the cultivators. Madhya Pradesh has suffered a great loss. We want that the Government should make a statement on this.

MR. CHAIRMAN : Now, Shri P.C. Sethi.

SOME HON. MEMBERS rose — (Interruptions)

श्री वेवेन सेन (आसनसोल) : दो लाख जूट मिल कर्मचारियों की आज से हड़ताल शुरू हो गई है। इस सिलसिले में माननीय मंत्री, श्री भगत वेस्ट बंगाल गये हुए थे, उन्होंने वहाँ पर इसके सेटिलमेंट के सिलसिले में क्या बातचीत की, क्या नतीजा निकला, वह मालूम होना चाहिए।

MR CHAIRMAN : I have called Shri P. C. Sethi to move for leave to introduce his Bill. Other hon. Members may resume their seats. I shall see what they have to submit afterwards.

14 40 hrs.

#### CENTRAL EXCISES BILL\*

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI P.C. SETHI) : I beg to move for leave to introduce a Bill to consolidate and amend the law relating to Central duties of excise.

MR. CHAIRMAN : Motion moved :

"That leave be granted to introduce a Bill to consolidate and amend the law relating to Central duties of excise."

\*Published in Gazette of India Extraordinary, Part II, section 2, dated 4.8.69.