

[SECRETARY]

Enacting Formula

1. That at page 1, line 1, for the word "Twentieth" the word "Twenty-first" be substituted.

Clause 1

2. That at page 1, line 4, for the figure "1969" the figure "1970" be substituted.

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House."

- (ii) "I am directed to inform the Lok Sabha that the Tea (Amendment) Bill, 1969, which was passed by the Lok Sabha at its sitting held on the 2nd December, 1969, has been passed by the Rajya Sabha at its sitting held on the 7th May, 1970, with the following amendments:—

Enacting Formula

1. That at page 1, line 1, for the word "Twentieth" the word "Twenty-first" be substituted.

Clause 1

2. That at page 1, line 3, for the figure "1969" the figure "1970" be substituted.

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House."

BILLS AS RETURNED BY RAJYA
SABHA WITH AMENDMENTS

SECRETARY : Sir, I beg to lay on the Table of the House the following Bills which have been returned by Rajya Sabha with amendments:—

- (1) The Central Silk Board (Amendment) Bill, 1969.
- (2) The Tea (Amendment) Bill, 1969.

13.10 hrs.

STATEMENT RE: COMMUNAL DISTURBANCES IN MAHARASHTRA

MR. SPEAKER : Now, the hon. Home Minister.

SHRI J. H. PATEL (Shimoga) : On a point of order.....

MR. SPEAKER : There cannot be any point of order now. There is nothing before the House now. The Home Minister is going to make a statement under item 7-A.

SHRI J. H. PATEL : My point of order is this.

MR. SPEAKER : I am not going to allow him. There is nothing on which he can raise a point of order.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : It is with a deep sense of sorrow that I have to report. ..

SHRI J. H. PATEL : My point of order is this. When the right of a Member or the privilege of a Member is affected, it must be brought to the notice of the Speaker and it must be brought before the House.....

MR. SPEAKER : If he had listened to me, he would not have risen. I said I am examining this. I have asked the Home Minister to make the statement and after getting it, I am examining it.

SHRI J. H. PATEL : Meanwhile, before he makes it, I would like to bring something to his notice which would facilitate his work.

MR. SPEAKER : He will please sit down.

श्री अटल बिहारी वाजपेयी (बलरामपुर) : अध्यक्ष महोदय, अब मुझे को एक व्यवस्था का प्रश्न उठाना है। गृह मंत्री महाराष्ट्र के उपद्रवों के सम्बन्ध में वक्तव्य देने जा रहे हैं। इस सम्बन्ध में स्थगन प्रस्ताव दिया गया है, जिसको शायद आप ने स्वीकार नहीं किया है, या आप विचार कर रहे हैं, पता नहीं क्या स्थिति है। लेकिन हम लोगों ने ध्यान आकर्षण सूचना भी दी है। वह कल उस का जवाब देंगे। अभी उन की ओर से एक वक्तव्य दिया जाने वाला है। क्या मैं यह समझूँ कि गृह मंत्री आज एक वक्तव्य देंगे और कल दूसरा देंगे ?

अध्यक्ष महोदय : मंत्री महोदय कल बयान दे दें ।

SHRI Y. B. CHAVAN : If you are pleased to admit any Calling Attention notice, I will reply to that also. But I thought it was my duty to make a statement immediately, having gone and visited the place myself. I can make any number of statements as the House wishes.

श्री अटल बिहारी वाजपेयी : मगर कल ऐसा न हो कि वह कहें कि हम ने कल वक्तव्य दे दिया है ?

MR. SPEAKER : I will explain it. The matter is so urgent and important and I think it is the duty of Government to come out with a statement immediately.

SHRI NATH PAI (Rajapur) : Then may I ask why you have not admitted our adjournment motion ?

SHRI SHEO NARAIN (Basti) : Yes, why have you not admitted the adjournment motion ? (*Interruptions*).

SHRI NATH PAI : When Shri Vajpayee raised his objection, you yourself stated and declared that the matter is of urgent public importance. If you are convinced that it is so, *prima facie* there is a case for admitting our adjournment motion.

MR. SPEAKER : Kindly do not go into that. Leave it to me. Why is he unnecessarily apprehensive ?

SHRI NATH PAI : Is it not a matter with which I am concerned ? I have every right to argue about admissibility.

MR. SPEAKER : Admissibility is, of course, before me. I am considering everything. All of you are very fond of hair-splitting—I am really very sorry to say that.

SHRI NATH PAI : There has been no hair-splitting. Raising a point of order or constitutional points. . . .

M SPEAKER : Does it mean I cannot make any observation ?

SHRI P. K. DEO (Kajabandi) : An adjournment motion is the most appropriate motion to discuss this.

M20LSS/70—9

MR. SPEAKER : This morning some members came to me and said the Home Minister must come out with a statement. Others have given notice of certain other motions which are before me. Really I do not deny it is an important matter. If some members think that at the first availability opportunity the Home Minister must make a statement, there is no harm. When any other motion comes, it will be replied to.

SHRI NATH PAI : Will you permit a discussion ?

SHRI RANGA (Srikakulam) : If you say that we need not bother about the book of rules, I am prepared to throw it away.

MR. SPEAKER : I have not seen that motion.

SHRI RANGA : Then what else are you supposed to be doing ? We are unable to understand. Will you kindly be patient with us and hear us ? If you are not going to have a discussion with us, with whom are you going to have ?

I agree with you when you say that we should be prepared to have any number of statements from the Home Minister, that it is a very important matter and therefore on this occasion you should be allowed by the House to ask him to make a statement. Quite right. You would also be justified in asking him to make a statement on your own initiative.

MR. SPEAKER : Not on my own. He wants to make a statement.

SHRI RANGA : You are not going to listen to us ? If you are tired, I am not going to trouble you. Your procedure is something extraordinary.

MR. SPEAKER : He wants to make a statement.

SHRI RANGA : You must be able to have some rules to go by. Here are the rules for admitting the motion. Our Members have given notice. You cannot take the trouble to listen to us ?

MR. SPEAKER : Why are you unnecessarily

SHRI RANGA : Why are you so impatient with us ?

MR. SPEAKER : Will you listen to me ? Why don't you listen ? I have not got the motion yet.

SHRI RANGA : You do not know what I wish to say. You do not want to take the trouble of listening to me.

MR. SPEAKER : If a Member like Mr. Ranga goes on like this . . .

SHRI NATH PAI : With due respect to you, I want to submit that when leaders of parties want to submit something, even if you feel that there is no substance, you should show the courtesy of listening to them. I was not allowed to complete my submission, Shri Hem Barua was not allowed, Shri Ranga was not allowed. What are we here for ? We do not stop the Minister from making a statement. At least you should have allowed us to complete our submissions.

MR. SPEAKER : I may again tell you that it was within half an hour before the sitting of the House that the Member personally saw me. The motion has not come to me yet. At that time very few minutes were left before I came to this House. I have not seen the motion.

SHRI NATH PAI : Our motion have reached you before 9-30.

MR. SPEAKER : If it comes to me, there is a regular rule.

श्री अटल बिहारी वाजपेयी : तब तो यह बहुत गम्भीर बात है। मोशन को 10 बजे लेने की कोई जरूरत ही नहीं है, अगर वह आप के सामने रक्खा नहीं जा सकता। उसको 10 बजे क्यों लिया जाता है ?

श्री राम सेबक यादव (बाराबंकी) : 10 बजे के पहले यह प्रस्ताव आ चुका है।

SHRI K. P. SINGH DEO (Dhenkanal) : The Lobby Assistant says you have disallowed the motion. Have you disallowed it without seeing it ?

MR. SPEAKER : I explained to the member that today there is already a calling attention motion, and I would look into it.

श्री रामसेबक यादव : काम रोको प्रस्ताव पहले में आता है, ध्यान आकर्षण बाद में। अगर आप काम रोको प्रस्ताव पर मंजूरी दे देते हैं तब इसका कोई प्रश्न नहीं उठता।

अध्यक्ष महोदय : उस को मैं देख रहा हूँ।

श्री अटल बिहारी वाजपेयी : आप देख रहे हैं ? लाबी असिस्टेंट ने कहा कि आप ने नामंजूर कर दिया है। आप कहते हैं कि आप देख रहे हैं। मेरी समझ में नहीं आता कि क्या हो रहा है।

MR. SPEAKER : The Member is sitting there. I told him that I would look into it.

श्री अटल बिहारी वाजपेयी : अब मेम्बर के पास सचिवालय का एक आदमी आया, जिस ने कहा कि मोशन रिजेक्ट कर दिया गया है, आप कह रहे हैं कि आप विचार करेंगे। यह क्या मजाक है ?

MR. SPEAKER : The calling attention was admitted.

SHRI NATH PAI : I was informed at 11 o'clock that you had disallowed my adjournment motion, and the Calling Attention had been admitted, that the ballot would take place at 1 o'clock. We have a right

श्री शशि भूषण (खारगोन) : यहां पटनायक साहब बीच में इशारे कर रहे हैं। विरोधियों की ओर वह येस येस कहकर बतला रहे हैं कि मोशन का रिजेक्शन हो गया है। आखिर वह क्यों इशारे कर रहे हैं ?

MR. SPEAKER : He has every right to advise me.

श्री शशि भूषण : वह आम तौर पर इस तरह से करते हैं। कम से कम दस मेम्बरों ने उन को देखा है। आप अपने अफसरों को थोड़ा कमांड कीजिये।

SHRI P. K. DEO : He must withdraw that remark. It should be expunged. Who is he to comment on Mr. Patnaik ?

MR. SPEAKER : It is very unfair on your part, Shri Shashi Bhushan.

SHRI NATH PAI : We are not supposed to take note of what your Secretaries do. It is your look out. How do you reject the notice ? You say that you have not

seen the adjournment motions.' The record either shows that either you had seen it or you had not seen it. There is confusion.

MR. SPEAKER : A number of call-attention notices—forty of them—came. Later on as Mr. Imam told me, an adjournment motion also came. I told him : we have received in the office a number of call attention motions and I think more Members will have a chance by balloting the call attention motion which we have already decided to admit. As for adjournment motion, since call attention motions are already there, how could it become admissible? That was the problem before me. But I say that I shall look into it again.

SHRI HEM BARUA (Mangaldai) : We are happy to hear that.

SHRI BAL RAJ MADHOK (South Delhi) : Let Mr. Chavan then reserve his statement to that stage.

MR. SPEAKER : If you do not like Mr. Chavan to make a statement now ?

SHRI BAL RAJ MADHOK : It is only when we consider that the matter is important that we give notice of adjournment motions. If you decide not to accept it, we should know why you cannot accept it. Simply because your lobby assistant comes here and says that it is not accepted, we are not satisfied.

SHRI NATH PAI : What is your final direction ? You are considering the motion.

MR. SPEAKER : I advise them that call—attention motion would be better.

SHRI NATH PAI : Not on this subject; we want a discussion.

SHRI P. K. DEO : Adjournment motion is a censure motion.....
(Interruptions).

SHRI HEM BARUA : There is utter confusion.

SHRI K. N. TIWARY (Bettiah) : On a point of order. A Minister wants to make a statement. Has he a right to make that statement or not?... (Interruptions). If that is not challenged, then let the Minister make that statement now ; you have asked the Home Minister to make a statement.

SHRI NATH PAI : Nobody from this side stopped the Home Minister from making a statement. We ask : what has happened to our motions? We submitted to you and you also agreed that that this was a matter of urgent public importance. What is the fate of our adjournment motion ?

MR. SPEAKER : There is adjournment motion and then there are call attention motions.....(Interruptions).

SHRI NATH PAI : Before you come to a decision, we should be allowed an opportunity to submit to you why on this occasion the adjournment motion should be admitted.

श्री अटल बिहारी वाजपेयी : जहां तक कालिग एटेंशन का सम्बन्ध है आप तो जानते ही हैं कि बैलट होता है और जो पांच नाम निकलते हैं, वे हो सकता है कि एक ही पार्टी के निकल आएँ। हम सरकार की अगर निन्दा करना चाहते हैं तो ऐसा कालिग एटेंशन से कैसे हो सकता है ?

श्री शशि भूषण : जब अहमदाबाद में दंगे हुए थे तब इन लोगों ने कहा था कि यह राज्य का मसला है, इसलिए यह काम रोको प्रस्ताव नहीं आ सकता। उस पर डिसकशन यहां हुआ था। चूंकि यह भी राज्य का मसला है, इस वास्ते इस पर एडजर्नमेन्ट मोशन नहीं आ सकता है। अहमदाबाद में जब दंगे हुए थे तो ये लोग कहते थे कि काम रोको प्रस्ताव नहीं आना चाहिये। अब कहते हैं कि आना चाहिये। मैं चाहता हूं कि महाराष्ट्र में दंगे पर भी उसी तरह से बहस जरूर होनी चाहिये। लेकिन ये साथी एक जगह तो एडजर्नमेन्ट मोशन चाहते हैं और दूसरी जगह बहस मांगते हैं। ये दो मुंह से बोलते हैं।

श्री अटल बिहारी वाजपेयी : मेरा निवेदन है कि यह केवल महाराष्ट्र का सवाल नहीं है, मारे देश का सवाल है। गृह मंत्रालय की विफलता का सवाल है। हम उस पर चर्चा करना चाहते हैं।

श्री शशि भूषण : देश का सवाल है तो आर० एस० एस० और शिव सेना को बैन किया जाए।

श्री अटल बिहारी वाजपेयी : शिव सेना के साथ तो चुनाव समझौता करते हैं तो क्या उसको बैन करेंगे ?

SHRI NATH PAI : We wanted a discussion on Ahmedabad and we want a discussion on what has happened in Maharashtra. We do not have double standards. I do not know what Mr. Shashi Bhushan is saying.

SHRI SHRI CHAND GOYAL (Chandigarh) : He knows nothing. Even then we wanted a discussion. He is misleading the House. (Interruptions)

MR. SPEAKER : There is no harm if he makes a statement now. Let him make a statement.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Mr. Speaker, Sir, it is with a deep sense of sorrow that I have to report the recent outbreak of communal disturbances in some places in Maharashtra. Bhiwandi and Jalgaon were badly affected. The trouble began at Bhiwandi on 7th May on the occasion of Shiv Jayanti procession. Curfew was clamped down at Bhiwandi on the midnight of the 7th but the trouble persisted till late in the afternoon of the 8th. The number of persons killed in Bhiwandi is 43 including six as a result of injuries sustained in police firing. The number of persons injured is 278. Damage to property is being assessed but the present estimate is that at least Rs. 50 lakhs worth of property has been destroyed. 706 persons have been arrested including 176 for specific offences. Disturbances broke out in Jalgaon, which had a good tradition of communal amity, when on 8th May the news about Bhiwandi disturbances reached. To control the situation, firing had to be resorted to. 34 persons were killed in the course of the disturbances; I am told that this number may increase. The confirmed report of the Government, officially, is 34. But I am afraid it may go up to even 41. This is subject to correction. 55 were injured including eight due to police firing. In all, 48 persons have been arrested, including 12

for specific offences. Over 200 houses and about 107 shops were burnt resulting in loss or damage to the tune of about Rs. 15 lakhs. There were also disturbances at Mahad in Colaba district on 8th May. Police resorted to firing and lathi charge. nine persons were injured including five in police firing. Property worth about Rs. 1 lakh had also been damaged.

A team of officers of the State CID have been deputed to expedite the investigation into the specific offences. The State Government have announced the appointment of a Commission consisting of a serving judge of the Bombay High Court to enquire into these incidents. These State Government have also taken steps for the speedy relief and rehabilitation of persons affected by the disturbances, and have sanctioned the scale of assistance similar to victims of natural calamity. Special staff has been also appointed to expedite dispersal of police and measures for rehabilitation.

Along with the Chief Minister, Maharashtra, I visited Bhiwandi and Jalgaon on the 8th and 9th to assess the situation in these towns. I cannot give adequate expression to my feelings of utter shock and shame at the disgraceful incidents which took place in these places.

SHRI HEM BARUA : The details mentioned in the Home Minister's statement are very gruesome. But, at the same time, your Government therein Bombay did not take any measures or steps to prevent this oncoming calamity. The Government knew about it. (Interruption)

MR. SPEAKER : No questions after the statement.

SHRI NATH PAI : But then are we not going to discuss it ?

MR. SPEAKER : Let it go to the Business Advisory Committee at 4 O'clock.

SHRI NATH PAI : We didn't hear.

MR. SPEAKER : I have certain doubts about the Adjournment Motions, and I was not very clear about them. Therefore I thought Call Attention would be all right, because in that case—

SEVERAL HON. MEMBERS rose—

MR. SPEAKER : I will explain it to you in the Business Advisory Committee. I shall place the difficulties at the Business Advisory Committee meeting.

SHRI S. M. BANERJEE : Sir, I rise to a point of order.

MR. SPEAKER : The House stands adjourned till 2-30.

13-29 hrs.

The Lok Sabha adjourned for Lunch Till Thirty minutes past Fourteen of the Clock.

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

[MR. DEPUTY SPEAKER in the Chair.]

MR. DEPUTY SPEAKER : Mr. Jaganatha Rao.

SHRI JYOTIRMOY BASU (Diamond Harbour) : Sir, I have given a calling attention notice on the reported re-shuffling of the West Bengal Administration by Mr. Chavan's emissaries who have gone to Calcutta. This is a very important thing. That calling attention has not been admitted. Will you please ask Mr. Chavan to make a statement whether this is true and what designs they have in mind about West Bengal ?

MR. DEPUTY SPEAKER : Mr. Jaganatha Rao.

COAL MINES (CONSERVATION AND SAFETY) AMENDMENT BILL*

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS (SHRI JAGANATH RAO) : I beg to move for leave to introduce a Bill further to amend the Coal Mines (Conservation and Safety) Act, 1952.

श्री शिव चन्द्र झा (मधुबनी) : उपाध्यक्ष महोदय, मैं इस विधेयक के इंट्रोडक्शन का विरोध करता हूँ, क्योंकि यह सविधान की धाराओं के खिलाफ है। यह बिल कोलमाइन्ज

(कनज़रवेशन एण्ड सेफ्टी) एक्ट, 1952 में संशोधन करने के लिए लाया गया है, लेकिन इस के द्वारा आरिजिनल एक्ट में जो कुछ जोड़ा जा रहा है, वह कांस्टीट्यूशन में दिये गये डायरेक्टिव प्रिंसीपल्स के खिलाफ है। आरिजिनल एक्ट के लांग टाइटल में कहा गया था : "....मेक फ़रदर प्राविजन फ़ार सेफ्टी इन कोलमाइन्ज"। इस बिल में "सेफ्टी इन" के बाद "एण्ड डेवलपमेंट आफ़" बढ़ा दिया गया है, जिस का अर्थ यह है कि सरकार कोलमाइन्ज के विकास के लिए भी कुछ कदम उठाने जा रही है।

इस वक्त कोलमाइन्ज मोटे तौर पर निजी सेक्टर में हैं। जिस रूप में यह बिल लाया गया है, उस का नतीजा यह होगा कि निजी हाथों में कानसेन्ट्रेशन आफ़ वेल्थ और कानसेन्ट्रेशन आफ़ मीन्ज आफ़ प्रोडक्शन बढ़ेगा, जबकि कांस्टीट्यूशन के आर्टिकल 39(बी०) और (सी०) में कहा गया है :

"(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;"

इस प्रकार सरकार डेवलपमेंट आफ़ कोलमाइन्ज के नाम पर निजी सेक्टर में वेल्थ और मीन्ज प्राडक्शन के कानसेन्ट्रेशन को बढ़ा रही है, जो हमारे डायरेक्टिव प्रिंसीपल्स के खिलाफ़ है।

इस लिए मैं इस विधेयक के इंट्रोडक्शन का पुरखोर विरोध करता हूँ।

SHRI JAGANATH RAO : This is not a constitutional objection to the introduction of the Bill. By this Bill I am not going to reverse the policy of the government. There are several coalmines in the country and what this amendment seeks to do is to include the word "development" in the Act. The Bill, as it originally stood,