

SHRI SAMAR GUHA: He said that in the course of his reply to the point raised by Shri Dinen Bhattacharyya he would deal with it and reply to my question. He categorically said it.

MR. SPEAKER: I will ask him to do it, if he has said it. I will see the proceedings. If it is there, I will ask him.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I wrote to you....

MR. SPEAKER: You write about so many things.

SHRI JYOTIRMOY BOSU: This is about item 19 on today's agenda. This item should not have come on the agenda because yesterday the hon. Deputy-Speaker who was in the Chair had clearly ruled....

MR. SPEAKER: I have not yet come to that. Shri Pranab Kumar Mukherjee.

#### DEMANDS FOR EXCESS GRANTS (GENERAL), 1972-73

##### STATEMENT

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI PRANAB KUMAR MUKHERJEE): I beg to present a statement showing Demands for Excess Grants in respect of the Budget (General), for 1972-73.

13.06 hrs.

#### MAINTENANCE OF INTERNAL SECURITY (AMENDMENT) BILL— Contd.

MR. SPEAKER: The House will take up further consideration of the following motion moved by Shri K. Brahmananda Reddy on the 7th May, 1975, namely:—

"That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971".

Shri K. Brahmananda Reddy was on his legs.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I want to make a submission. I have written to you earlier.

I am surprised to see this item No. 19 put in the list of business today because yesterday it was sufficiently cleared by the Chair that the Bill suffered from a number of disabilities and unless the Bill was rectified, it could not be introduced.

MR. SPEAKER: Let him complete his speech.

SHRI JYOTIRMOY BOSU: The same Bill cannot come in the list of business unless it is redrafted. I want to quote what the Chair had said. Earlier Shri K. Brahmananda Reddy had said:

"If you think that this section needs a re-wording, if you so want as to convey the intention of the Bill, I will have no objection".

Shri Brahmananda Reddy again said:

"I have no objection. After all, the intention is that in the north-eastern region, there is insurgent activity and there is likelihood of its continuance and you must give sufficient opportunity to the security forces to apprehend those insurgent activities."

Then the Deputy-Speaker said:

"I think we must be thankful to the Home Minister for being very straightforward and very generous. We must appreciate it. He has stated and accepted that perhaps this particular clause should be re-drafted to make the intention clear".

MR. SPEAKER: I will just let you know. After the Home Minister replies, if any points arise, certainly you will be given a chance to put them. But how can you know what he is going to say?

SHRI JYOTIRMOY BOSU: The Deputy-Speaker had already given a ruling and no re-drafted Bill has been circulated. The Bill as it stands nullified. I want to read out what the Chair had observed. The Chair further said:

"If that is the intention, I think we must appreciate this gesture."

"Therefore the consequence of it is that perhaps we must postpone consideration of this Bill until it is re-drafted."

Then Shri Brahmananda Reddy said:

"This is only introduction. The Bill will come later."

Then Shri K. Lakkappa said:

"How can we postpone it?"

Then an Hon. Member said: "Why not?"

After that Shri K. Brahmananda Reddy said:

"This is only introduction. The Bill will come later, in the next session. Then if it becomes necessary, certainly.... (Interruptions)."

Then Mr. Deputy-Speaker said:

"Just a minute. Order please. Now, the point is that, we are expected to do things with the utmost

responsibility. If the members have a doubt, if the House has a doubt, and in this case, even Government also seems to have some doubt—otherwise they would not volunteer to say this."

Then Mr. Deputy-Speaker further said:

"It seems there is something in it. Then I think in all responsibility, even the introduction is an important stage. If they would respond, I would appeal to them. There is no hurry about it. They can come again. When you have some doubt, why not come with a fresh Bill? (Interruptions)."

So, now everything becomes infructuous. (Interruptions)

MR. SPEAKER: Mr. Jyotirmoy Bosu, please sit down. I have seen the last observations of Mr. Deputy-Speaker. It reads like this.

"I think, it is very good. I am thankful to Mr. Raghu Ramaiah for that. I fully uphold what he said that the Minister is in the midst of his reply and that he has not completed his reply. Then, whatever I had said by way of intervention was to pose certain questions to him and there has been no ruling on this matter."

This is what the Deputy-Speaker has observed.

SHRI JYOTIRMOY BOSU: No, sir.

MR. SPEAKER: I have read out the concluding remarks of the Deputy-Speaker. (Interruptions).

MR. SPEAKER: The question has become quite complicated.

SHRI JYOTIRMOY BOSU: You please read the proceedings.

MR. SPEAKER: I have read it completely. Kindly sit down. Mr. Home Minister, when you intervened—and I have read it—you said that you were willing to go in for re-drafting and secondly there were so many observations made. I make one thing clear that the Speaker is not responsible for drafting the Bills. They are received and presented here. The drafting is done there. So, over other matters, the Bill, whatever be the position, has to be put to the House. There is no option for the Speaker. But in between you said that you were willing to go into paraphrasing and all that.

SHRI DINEN BHATTACHARYYA (Serampore): Re-drafting and not paraphrasing.

MR. SPEAKER: Then I have found so much of complications. I have gone through the proceedings and certain other points were also raised especially by Mr. Chatterji and some others.

So, it is very difficult to combine them together and then get through all that rigmarole that has come to be built around this.

SHRI INDRAJIT GUPTA (Alipore): There is no rigmarole.

MR. SPEAKER: Rigmarole, observation, suggestion and objection and so much is there. I slept quite late at night after I finished it. Now, I feel that if you are willing and if you are just to introduce it and if you are not to pass it, what is the hurry about it. No point of order. Let me hear the Minister. I have seen that the Nagaland Budget is waiting Mr. Saxhiyan raised that point last time. There is no time left for that also. Then there are some other bills also. Like the Untouchability Bill.

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): I was trying to tell the House yesterday that lot of criticism

had been made due to mis-conception of the scope of the Bill. (Interruptions)

MR. SPEAKER: Just two minutes. You have said so many things.

SHRI K. BRAHMANANDA REDDY: Then, several hon. Members also raised some queries, raised some doubts. On that the Deputy-Speaker made some formulations and in formulating he gave us an impression that he had also some reservation.... (Interruptions) about any particular word and he also emphasized in clause 15A (1) with regard to the word 'and' also. Then, I said: "Let us understand the scope of the Bill. It is limited in scope and if there is any word which has got to be changed to convey the intention in the Bill, certainly we have no objection" It does not mean that I have any doubt in my mind. So far as our Department is concerned, we have no doubt about it. Phraseology used here.... (Interruptions). ....no, no absolutely not.

Therefore, Sir, when the hon. Deputy Speaker also felt about certain words, I said: "Certainly it is for introduction and at any stage we can amend a word or two to convey the intention of the Bill. There is no objection." Our intention is that it is limited in the scope, that it relates to the North-Eastern Region and it relates to prejudicial act. If a prejudicial act is attempted to be committed or abetted....

MR. SPEAKER: Then it should have been made clear in the beginning.

SHRI K. BRAHMANANDA REDDY: It is absolutely clear; there is no doubt about it. Only the hon. Members must have the patience to listen for a while. (Interruptions)

SHRI JYOTIRMOY BOSU: There is no truth in that.... (Interruptions).

**SHRI INDRAJIT GUPTA:** Sir, will you kindly clarify one thing? Yesterday after we had raised all our various points, points of objections including points of orders and other points and so on, at a certain stage the Deputy-Speaker said that he wanted to hear the Minister on those points. I want to ask you why it was that after the hon. Minister had covered only one point, the Deputy-Speaker did not permit him to proceed any further. Why? Please look at page 28,514 of the proceedings. The Deputy-Speaker was asked by us—will you not hear him on the other points also, will you not hear him regarding the memorandum on delegated legislation, will you not hear him on the question of financial memorandum? Then the Deputy-Speaker said:

"All that becomes infructuous. If this is accepted, that the wording has not been quite happy, then everything else becomes academic."

He did not allow him to proceed with his reply. If he says the Bill needs to be re-drafted, that is sufficient in the opinion of the Deputy-Speaker not to permit the Minister to proceed further. He said: this should now be taken back because you cannot press it, in any case; you cannot pass it in this session. The Minister had admitted that he only wanted to introduce it....(Interruptions).

**SHRI R. S. PANDEY (Rajnandgaon):** Sir, I shall be grateful if you will permit me to point out certain remedies. Since this Bill....(Interruptions): I am trying to suggest a solution.

**SHRI INDRAJIT GUPTA:** When the Speaker calls you, you can speak; not now.

**MR. SPEAKER:** Mr. Indrajit Gupta, after seeing all these things, may I invite your attention to his last observation?

**SHRI INDRAJIT GUPTA:** Why should you go to his last observation? (Interruptions)

**SHRI JYOTIRMOY BOSU,** Sir, kindly see pages 28513, 28514, 28518 and 28519 of yesterday's proceedings (Interruptions)

**SHRI INDRAJIT GUPTA:** Sir, you have just now been pleased to observe that no time will be left for passing the Nagaland budget, and the Untouchability Bill. And yet, when everybody is agreed, including the Government side, that there may be need to redraft certain portions of the Bill.

**SHRI K. BRAHMANANDA REDDY:** No. Sir, I wish to make a submission. My submission is this. I wanted to explain the various points....(Interruptions). I have also said in this connection that if the Bill requires redrafting....(Interruptions)

**SHRI JYOTIRMOY BOSU:** Sir, on a point of order....(Interruptions)

**SHRI K. BRAHMANANDA REDDY:** In view of the fact that you have expressed a wish, namely, that this motion is only for introduction and that the Bill will have to come in the next session, I have no objection if you say that the Bill can come in the next session.

**MR. SPEAKER:** If that is the position, if you are willing then why taking up of all this time?

I will make it very clear that I have not approved of the way the Members approached the will of the House, not because of any pressures, but have noted that there is a strong feeling of disapproving what was done yesterday. I strongly disapprove of it. That could have been done by speeches, that could have been done in a better manner.

Whether it was because there was no proper re-drafting or wording or proper intention being conveyed, somehow this has gone on record,

[Mr. Speaker]

which you say now that you did not say. You say now that you never said that it should be re-drafted. I read "re-paraphrasing" in the proceedings. That was the word used.

This Bill is not to be passed in this session, it cannot go through in this session, because we have only tomorrow left, and I do not want to take any risk about the Nagaland Bill, because I saw the earlier observation of Mr. Sezhiyan when the other Bills came, and I studied the matter with the Secretary-General this morning as to what the position would be if this Bill does not come up today. The Government always finds out various ways of doing things, but why unnecessarily take the risk?

If you are not going to have it passed, if it is just introduction, why all this trouble?

SHRI INDRAJIT GUPTA: Yesterday he could have said he had no objection. The whole of yesterday was wasted.

MR. SPEAKER: The hon. Minister will go through all these debates and try to see that if it is not clear, it is made more clear. There is no harm in re-drafting.

There is a motion for its postponement.

SHRI SHYAMNANDAN MISHRA (Begusarai): It has to be withdrawn. What is the question of postponement?

MR. SPEAKER: The question:

"That further debate on the motion That leave be granted to introduce a Bill further to amend the Maintenance of Internal Security Act, 1971" moved by Shri K. Brahmananda Reddy, be adjourned."

The motion was adopted

अधिसूचना जारी है कि सत्र रद्द है।

(Interruptions)

SHRI C. M. STEPHEN (Muvattupuzha): The motion cannot be withdrawn. (Interruptions)

MR. SPEAKER: I thank you Mr. Minister, that you have removed this headache.

13.30 hrs.

The Lok Sabha adjourned for Lunch till thirty minutes past Fourteen of the Clock.

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

[MR. DEPUTY SPEAKER in the Chair]

श्री मधु लियवे (बका) प्रापका जो पहले रुकिये था उसी के अनुसार हुआ। इनलिये प्रापका बचाई।

SHRI S. M. BANERJEE (Kampur): Sir I would like to say something; I will be brief. Tomorrow, as you know, the Parliament is going to adjourn. So, I would request the hon. Ministers to make a statement regarding two things.

One thing is that the hon. Finance Minister should make a statement tomorrow regarding the five instalments of dearness allowance.

Secondly, there are two mills—the Swadeshi Textile Mills which is employing more than 11,000, and JK Rayons, which are closed for the last one and a half months. I understand the Chief Minister has not been able to do anything in the matter because of the local bickerings. So, the Centre should intervene in the matter. I want the Union Labour Minister to make a statement and to see that the Swadeshi Cotton Mills and JK Rayons are opened by the State Government. We want the Minister to...

MR. DEPUTY-SPEAKER: Order please; you have made your point.

Now, Bills to be introduced. There are two Bills to be introduced by the Law Minister, and two Members, Shri S. M. Banerjee and Shri Limaye have given their notices to oppose. I see that the Bills are very similar.

श्री मधु लिमये : हम दो बार नहीं बोलेगे ।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Can I take up both together?

MR. DEPUTY-SPEAKER: No, you can't. I am referring to those who oppose that they can make only one speech for both the motions.

14.37 hrs.

# SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT BILL\*

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I beg to move for leave to introduce a Bill further to amend the Supreme Court Judges (Conditions of Service) Act, 1958.

SHRI S. M. BANERJEE (Kanpur): Mr. Deputy Speaker, Sir, normally speaking, I would not have opposed this Bill because I know that the Judges of the Supreme Court and the High Court are also hard-pressed, and they cannot go outside for the betterment of their wages. We want that the Supreme Court and High Court Judges should be given proper salaries or adequate wages. (Interruptions).

What is going on there?

श्री मधु लिमये (बांका) : कांग्रेसों मेंबर चुनाय प्रचार कर रहे हैं ।

MR. DEPUTY-SPEAKER: They can do it in the Lobby or they can do it in the Central Hall. Let us get on which our business. There is too much noise.

SHRI S. M. BANERJEE: If you see the Statement of Objects and Reasons, it says that:

"Since the passing of the Supreme Court Judges (Conditions of Service) Act, 1958, there has been no material modification of the conditions of service of Supreme Court Judges. There has been a persistent demand for the improvement of the conditions of service of the Judges of the Supreme Court. Having considered all aspects of the matter, it is proposed to allow them certain ancillary benefits.

At present, there is no provision for the grant of family pension in the case of Supreme Court Judges who are governed by Part I of the First Schedule to the Act. It is proposed to extend to them the facility of family pension on the same lines as are applicable to Class I Officers of the Central Civil Services.

It is also said here:

"In the case of Class I officers of the higher grades they have to contribute Rs. 5,000 from their gratuity if they opt to be governed by family pension rules...."

It is also proposed to give to every judge of the Supreme Court and of the High Courts an allowance at the rate of Rs. 300 per mensem for the Ministers to make a statement re-benefits are proposed to be given, retrospectively, from 1st October, 1974....

\*Published in Gazette of India, Extraordinary, Part II, section 2 dated 8-5-75.