

ger, South Eastern Railway accompanied by Heads of the Departments and the Additional Commissioner of Railway Safety also proceeded to the site.

*Ex-gre-tia* payment has been arranged for the injured.

The Additional Commissioner of Railway Safety, Calcutta will hold a statutory inquiry into the accident at Bhubaneswar on 2nd December, 1971.

### Re. SITUATION ON BORDER

SHRI SAMAR GUHA (Contai) : Sir, I want to draw your attention to one thing. For the last four days, a series of fightings are going on inside the Indian territory and it is reported that over 50 tanks were employed by the Pakistani army inside the Indian territory...

MR. SPEAKER : You should first get my permission.

SHRI SAMAR GUHA : Parliament, when it is in session, has a right to have some report from the Defence Minister. We are very glad to have reports about Mukti Bahini from radio or from newspapers. It is reported that over 50 tanks were employed by the Pakistani army inside Indian territory and for the last four days this confrontation is going on. When the House is in session, we have the right to know about it...

MR. SPEAKER : First you must get my permission. I have not permitted you to speak.

SHRI SAMAR GUHA : Is it not the right of this House or the obligation of the Government to keep this House informed ?

MR. SPEAKER : You should have waited for my permission.

SHRI SAMAR GUHA : I have drawn your notice many times that it is the duty of the Government to keep this House in-

formed about these things happening. Our territory is being violated and inside our territory more than 50 Pakistani tanks...

MR. SPEAKER : You are speaking without my permission.

SHRI SAMAR GUHA : The Government should come with a statement about it.

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

MR. SPEAKER : On what ?

SHRI S. M. BANERJEE : On this.

MR. SPEAKER : I had not permitted him. He was speaking without my permission. There cannot be a point of order on that.

SHRI S. M. BANERJEE : I am asking for your permission.

MR. SPEAKER : I am not giving. There is nothing before the House.

SHRI S. M. BANERJEE : Shri Samar Guha said about Pakistani tanks inside our territory and the fighting going on... (*Interruption*). We are beating them everywhere. They will be thrown out. Why worry about it ? (*Interruptions*).

MR. SPEAKER : Order, order. I have not allowed it.

SHRI ATAL BIHARI VAJPAYEE (Gwalior) : I request the Defence Minister, through you, to make a statement on the latest situation. You can ask him to make a statement.

SHRI P. K. DEO (Kalahandi) : It is a very serious matter. The Minister should make a statement... (*Interruptions*)

MR. SPEAKER : Order, please.

यह अच्छा मजाक है रोज कुछ न कुछ होता रहता है। एक बैठता है तो दूसरा खड़ा हो जाता है। हर वक्त आप सवार रहते हैं।

श्री सटल बिहारी बाजपेयी : सब एक साथ खड़े हों, इससे अच्छा है कि एक एक कर के खड़े हों।

अध्यक्ष महोदय : आप भी उनके साथ शामिल हो जाते हैं।

We will take up...

SHRI SAMAR GUHA : What about my request, Sir ? Will you please ask the Government to make a statement ?

MR. SPEAKER : I will resist this if you go on like this. I am not prepared to listen to you.

SHRI SAMAR GUHA : I will have to make you listen. People are being killed by the Pakistani tanks. I have to make you hear because you are here to hear us...\*

MR. SPEAKER : Nothing of what the hon. Member says will go on record.

Everyday a scene is being created in this House. What is this ?

Now we will take up this Bill after lunch.

We meet after lunch at 2.15.

13.13 hrs.

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

*The Lok Sabha Reassembled after Lunch at Sixteen minutes past fourteen of the Clock.*

[MR. SPEAKER in the Chair]

## CONSTITUTION (TWENTY FIFTH AMENDMENT) BILL

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. GOKHALE) : Mr. Speaker, Sir, I rise to move :

"That the Bill further to amend the Constitution of India, be taken into consideration."

Sir, in the last session of Parliament the Constitution (Twenty-fourth) Amendment was passed with an overwhelming majority. It has now become a part of our Constitution. The famous judgment in Golaknath case has therefore gone out of the field. Having asserted the supremacy of Parliament, it is now open to amend any provision of the Constitution and the decks are now cleared for the passage of the Constitution (Twenty-fifth Amendment) Bill.

The present amendment seeks to amend Article 31 and to add a new Article, Article 31-C. The proposed amendment substitutes the word 'amount' for 'compensation'. This amount may be fixed by law or may be determined in accordance with such principles and given in such manner as may be specified in law. The proposed amendment also provides that no such law shall be called in question in any court on the ground that the amount so fixed or determined is not adequate and that the whole or any part of the amount is given otherwise than in cash.

The proposed amendment is necessitated by the judgment of the Supreme Court in what is now known as the Bank Nationalisation case. After the Fourth Amendment was passed by Parliament, there have been many judicial somersaults on the interpretation of the Fourth Amendment, but in the last case, the Bank Nationalisation case, the continued use of the word 'compensation' led to the interpretation that the money equivalent of the property acquired must be

\* Not recorded.