

[Shri Vidya Charan Shukla]

consideration by the Joint Committee. The Bill had been circulated to the hon. Members. It is not my intention to go into great details. The purpose of the Bill is very well known and I hope that we shall be able to refer this matter to the Joint Committee without much of a discussion now and that when their report is presented to the House, we can discuss it here thoroughly so that it will be a proper instrument for the betterment of the administrative system.

MR. DEPUTY-SPEAKER : The motion for reference is before the House. It is difficult to discuss anything usefully in one hour. We can straightway refer it to the Joint Committee. We may get an opportunity later on to debate this Bill. So, with the permission of the House, shall I put it to the vote ? (*Interruptions*)

It is not possible. It is a very important thing. Such a perfunctory debate is of no use. You need a long time for this debate. I will put it to the vote. The question is :

"That the Bill to make provision for the appointment and functions of certain authorities for the investigation of administrative action taken by or on behalf of the Government or certain public authorities in certain cases and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely :—

Shri S. A. Agadi Shri K. Anbazhagan ; Shri Frank Anthony ; Shrimati Jyotsna Chanda ; H. H. Maharaja Pratap Keshari Deo ; Shri C. C. Desai ; Shri Shivajirao S. Deshmukh ; Shri Gangacharan Dixit ; Shri Samar Guha ; Shri Kanwar Lal Gupta ; Shri Hem Raj ; Shri Gunanand Thakur ; Dr. Karni Singh ; Shri Kinder Lal ; Shri Thandavan Kiruttinan ; Shri Amiya Kumar Kisku ; Shri Bhola Nath Master ; Shri V. Viswanatha Menon ; Shri M. B. Rana ; Shri G. S. Reddi ; Shrimati Uma Roy ; Shri Narayan Swaroop Sharma ; Shri Yogendra Sharma ; Shri Shashi Bhushan ; Shri Vidya Charan Shukla ; Shri Ramshekhar Prasad Singh ; Shri R. K. Sinha ; Shri

S. Supakar ; Shri Tenneti Viswanatham ; Shri Y. B. Chavan ; and
15 from Rajya Sabha ;

"that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee ;

"that the Committee shall make a report to this House by the first day of the next session ;

"that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make ; and

"that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee.

The motion was adopted.

MR. DEPUTY-SPEAKER : DR. V. K. R. V. Rao:—He is not present.

SHRI VIDYA CHARAN SHUKLA :
On behalf of Dr. V. K. R. V. RAO:—

श्री ब्रह्म विहारी बाबुपेयी (बलरामपुर) :
क्या उन्होंने अग्रदाइज किया है ? इस तरह से आप खड़े नहीं हो सकते हैं ।

MR. DEPUTY-SPEAKER : He is coming in a minute.

— — —

14.16 hrs.

ALLEGED LATHI CHARGE ON KUTCH
SATYAGRAHIS IN BHAVANAGAR
JAIL—*Contd.*

SHRI VIRENDRA KUMAR SHAH (Junagadh) : Sir, under rule 109, I move that the business be adjourned in order to discuss the atrocities committed by the police. Under rule 109, the adjournment can be moved. The atrocities have been committed in the Bhavanagar jail. There is a telegram. It says that Madhya Pradesh Kutch satyagrahis including three

MLAs were gagged in a narrow barrack, dragged, lathi-charged and tear-gassed inside the Bhavanagar jail. This is similar to what happened in the historic Calcutta Black Hole. This is a serious thing. Several responsible people from several parties have sent telegrams about it, and I request that the matter should be discussed here today.

श्री अटल बिहारी वाजपेयी (बलरामपुर) :
घिनकार है।

MR. DEPUTY-SPEAKER : It is a law and order question.

श्री मधु लिमये (मुंगेर) : हमारा एक प्रादमी मरा है उपाध्यक्ष महोदय।

MR. DEPUTY-SPEAKER : How are we concerned with this question? Take the Constitution in hand and explain.

श्री अटल बिहारी वाजपेयी : कच्छ का सत्याग्रह केन्द्रीय सरकार के खिलाफ चल रहा है। उस सत्याग्रह के अन्तर्गत गिरफ्तार किये गये सत्यग्रही जेल में डाले जायें, उनको टीयर-गैस का निशाना बनाया जाये तो सदन इस बारे में चुप नहीं रह सकता है। इसलिये प्राज इस सदन की बैठक स्थगित होनी चाहिये।

MR. DEPUTY-SPEAKER : The other day this matter was raised by Shri Gupta and others when certain things were said to have happened in Delhi. I readily conceded that it could be raised here. So far as Kutch is concerned, when it is alleged that the police have committed atrocities, committed some excesses, I want to know how this House is responsible. If you can point out to me any rule, I am ready.

श्री मधु लिमये : दिल्ली के ऊपर भी बयान नहीं प्राया था।

श्री अटल बिहारी वाजपेयी : भावनगर की जेल में जो कुछ हो रहा है, कल दिल्ली में भी उसकी प्रतिक्रिया हो सकती है। क्या आप समझते हैं कि जब यहां पर प्रतिक्रिया हो तभी

हम इसको उठायें। हम पहले से ही सरकार को सावधान करना चाहते हैं।

MR. DEPUTY-SPEAKER : It was within our jurisdiction.

SHRI R. K. AMIN (Dhandhuka) : The Kutch satyagraha is also related to the Central Government. (Interruption)

MR. DEPUTY-SPEAKER : The question is this. Those who are sponsoring this satyagraha have undertaken to defy the law and the ban that exists. But it does not justify this House today the Constitution. I want to know how this Parliament is concerned about it. Is it the very question of the Constitution being attracted? I want to know how it is attracted. One may say that the issue is related to the Centre; when the satyagraha is taking place there, when it is a law and order problem, it concerns the Gujarat State.

SHRI VIRENDRA KUMAR SHAH :
By the Centre they are being arrested.

MR. DEPUTY-SPEAKER : What proof is there?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : You are right when you say that this matter cannot be raised in this House. I agree that if such things have happened they are not good. We have no hand in such things. We do not want such things to occur. When the Gujarat Government is handling this matter, we have no sanction in our hands to do anything about this matter. I do not know what will be the use.

श्री मधु लिमये : दिल्ली के बारे में भी कोई बयान नहीं दिया गया था। बुधवारों के बारे में कोई बयान नहीं प्राया था।

SHRI VIDYA CHARAN SHUKLA :
If the Deputy-Speaker asks us to do it...

MR. DEPUTY-SPEAKER : I said that the Minister of State is here. He has listened to the allegations and if at the proper time he thinks it necessary, he may say. I have not directed him.

श्री मधु लिमये : एक जयन्तीलाल सौलंकी नाम के हमारे सदस्य की भुज में मृत्यु हो चुकी है। इसके आप गम्भीर मामला मानेंगे या नहीं ? किस हालत में उनकी मृत्यु हुई इसके लिये आप सरकार को आदेश दीजिये।

MR. DEPUTY-SPEAKER : It is most tragic.

What has happened in Bhuj is very tragic. But yesterday it was argued that the Centre should not encroach upon the right of the States.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : But the Centre has the overall residual responsibility for everything that is happening in the country.

MR. DEPUTY-SPEAKER : What about law and order ?

SHRI TENNETI VISWANATHAM : Law and order is a particular subject which is vested there. Yesterday we were talking about legislation which was in the exclusive State list. But the Centre has the overall residual power and responsibility. When so many hon. members are agitated, you cannot plead a constitutional bar.

MR. DEPUTY-SPEAKER : If we accept your interpretation, every day this House will have to debate some law and order situation in each State. Can we afford it ? We are engaged in big national issues.

श्री कंबर लाल गुप्त (दिल्ली सदर) : उपाध्यक्ष महोदय, मैं आप की यह बात मानता हूँ कि ला एंड आर्डर स्टेट सब्जेक्ट है लेकिन वह जो बैंकप्राउन्ड है उसको हम भुला नहीं सकते। यह केवल अगर वहीं की स्थिति की चीज होती और केवल वहीं का ला एंड आर्डर ब्रैक हुआ होता तो उससे हमें कोई मतलब नहीं था लेकिन वह चीज जिसकी कि वजह से लाठी-चाज हुआ जिसकी कि वजह से एक सत्याग्रही मारा गया, कई एम० एल० एज० ज़रूमी हुए और यहाँ की केन्द्रीय सरकार ने 350 वर्गमील जमीन पाकिस्तान को दी और यह भी तब

सदन की परिपाटी रही है जैसे कि भ्रान्ध के अन्दर हरिजनों को पीटा गया या धोरतों को नंगा करके सड़क पर निकाला गया या कहीं किसी जगह डाका पड़ गया तो वह चीज हम यहाँ डिस्कस करते रहे हैं। हांलाकि यह ला एंड आर्डर है लेकिन वू कि इसका सारे राष्ट्र के साथ सम्बन्ध है इसलिए आप उस पर डिस्कशन परमिट करते रहे हैं। मेरा निवेदन है कि आप यह मन्त्री से कहें कि वह इसके ऊपर बयान दें।

इस के अलावा दिल्ली का जो मामला है उस दिन आपने कहा था कि मंत्री महोदय यहाँ बैठे हुए सब सुने रहे हैं और वह हाउस को आवश्यक जानकारी मुलभ करेगे लेकिन अभी तक उन्होंने इस बारे में कोई बयान नहीं दिया जब तक आप मंत्री महोदय को बयान देने के लिए कहेंगे नहीं तब तक वह बयान देने वाले नहीं हैं। इस सदन की मर्यादा को बनाये रखना आप के हाथ में है और जब तक आप आदेश नहीं देंगे यह गूंगी सरकार कमी नहीं बोलेगी क्योंकि इस को चुप रहना सूट करता है। जाहिर है कि जो जो पाप उसने किये हैं वह उस पर हमेशा पर्दा डालने की कोशिश करती रहती है। मैं चाहता हूँ कि आप उन्हें बयान देने के लिए आदेश दें।

MR. DEPUTY-SPEAKER : So far as Delhi and happenings in Delhi are concerned, this House can take cognizance of it.

SHRI TENNETI VISWANATHAM : It is not a question of taking cognizance of happening in Delhi nor is it a question of taking over any power from the State list. Yesterday we were on the question of legislation where it was the responsibility of the State to pass a resolution and with the passing of such resolution, such and such law would come into effect. But here, in the present context of the security and integrity of the country, there are certain questions which are attracting all-India attention and therefore of the Central Parliament also. As Mr. Gupta pointed out, if we take that constitutional objection, the question about

the killing of a Harijan boy, Mr. Thimma Reddy's remarks, etc. could never have been discussed here. Nobody raised that objection because these are questions which are inherently vital to the development of the nation. Perhaps I may not agree about the merits of Kutch Satyagraha, but here is a question which is affecting the integrity of the nation. So many parties are agitated. In that context, there is an inherent connection between our overall responsibility and what is happening at Kutch.

MR. DEPUTY-SPEAKER : You are unfortunately treading on dangerous ground when you are propounding this doctrine. I do not want to name the character of the Government, but when certain issues about Bengal and Bihar were raised when the UF Government was there, quite a few members were rather circumspect in lending any support. On the contrary, they saw to it that nothing was said or done on the floor of the House.

In the changed context of the situation if I were to interpret the constitutional provision taking into consideration the overall responsibility of the Centre then we will enter into difficulties. I do recognise there is overall responsibility. Because it is in Gujarat I am not shutting it out. I am not looking to the character of the Government. I do recognise that Kutch issue is an all-India issue. A certain ban had been imposed by the State Government under Section 144. Those who defy that ban are satyagrahis (*Interruption*). But the local Government should not do any excesses. To that extent it is correct. If certain excesses are committed and the Centre's attention is attracted, then the proper procedure is to move the Chair to bring it forward in a different way and not in the way as the hon. Member has tried to do it. Would Shri Viswanatham agree with me or not?

SHRI TENNETI VISWANATHAM : You have put it in a positive language and in a language of finality. What else have I got to say?

MR. DEPUTY-SPEAKER : You are a lawyer and a constitutionalist. I am not right in interpreting it in the present juncture. If we lend our support to inter-

pretation of the Constitution to suit our purpose we will land ourselves in difficulties. I am trying to do it within limits. Certain atrocities have been committed. I am extremely sorry for it. Every hon. Member should feel sorry for it, because these satyagrahis are proceeding with a noble motive. But if proper notice is to be taken of that proper procedure should be followed. So far as Delhi is concerned, if Government on their own have not come forward with some sort of information it was for the Members concerned to seek information and I think the Home Minister would have readily given that.

SHRI KANWAR LAL GUPTA : I sent a Calling Attention Notice and also an Adjournment Motion but your office did not accept them. I raised the question here but that was also not accepted by the Minister. We seek your protection. What other remedies do you suggest?

MR. DEPUTY-SPEAKER : So far as information is concerned certainly you have every right to get actual information from the Government.

SHRI VIRENDRAKUMAR SHAH : Sir, if you are considering whether to give consent or not for my adjournment motion under rule 109, as has been rightly pointed out by you would you kindly ask the Minister to give the information. Please direct him to verify and give the information.

MR. DEPUTY-SPEAKER : If excesses are committed and Centre's authority is attracted, certainly Minister will come forward with a statement.

SHRI BAL RAJ MADHOK (South Delhi) : Sir, this is the last day of the session. Specific allegations were made the other day in the House about the misbehaviour of the police towards the satyagrahis. About the Delhi Union Territory also the Government has not come forward with any statement. Now, this report comes from Bhuj and Bhavnagar where satyagraha is going on in connection with a thing the responsibility for which directly rests on the Centre. Therefore, you may kindly direct the Minister to make a statement.

MR. DEPUTY-SPEAKER : So far as the alleged allegations about Delhi are concerned whatever the facts are in possession of Government they should be placed before the House because there is a demand for that. Beyond that I cannot say anything just now.

श्री कंवर लाल गुप्त : आपने दिल्ली के मामले में हमारी क्या सहायता की है यह मैं आप से पूछना चाहता हूँ ? हमें यह बतला दीजिये कि मन्त्री महोदय दिल्ली के बारे में कब बयान देंगे ? आज ही सेशन का आखिरी दिन है इसलिए आज ही उन्हें यह बयान दे देना चाहिए। अगर आज वह नहीं देते हैं तो क्या वह अपने घर में बैठ कर देंगे या अगले सेशन में देंगे। वह अगर चाहें तो आवश्यक जानकारी तत्काल इकट्ठा कर सकते हैं और एक घंटे में जवाब आ सकता है। आज शाम को चार, पांच बजे तक वह बयान दे सकते हैं।

MR. DEPUTY-SPEAKER : It is very difficult.

श्री कंवर लाल गुप्त : और क्या रास्ता हो सकता है ?

MR. DEPUTY-SPEAKER : I will say this much. Let the Home Minister consider it.

SHRI KANWAR LAL GUPTA : He will never consider it. You should instruct him.

MR. DEPUTY-SPEAKER : If it is possible to collect the information and then inform the House, he should try to do it.

SHRI KANWAR LAL GUPTA : What about Bhuj and Bhavnagar? The issue is the same.

MR. DEPUTY-SPEAKER : About Delhi I would say he could ascertain some facts. About Bhavnagar, Minister is not supposed to know what exactly happened.

14 31 hrs.

MOTION RE : FINAL REPORT OF THE
ROAD TRANSPORT TAXATION
ENQUIRY COMMITTEE

THE MINISTER OF TRANSPORT AND SHIPPING (DR. V. K. R. V. RAO): Mr. Deputy-Speaker, I must first begin by conveying through you to the House my regret for not having been present in the House when the motion standing in my name was called.

SHRI ATAL BIHARI VAJPAYEE (Balrampur) : But did he authorise the other Minister to move it ?

DR. V. K. R. V. RAO : In the government we function in such a way that every Minister is authorised to speak on behalf of every other Minister when the necessity arises.

SHRI S. KANDAPPAN (Mettur) : You are a real professor.

DR. V. K. R. V. RAO : I beg to move :

"That the Final Report of the Road Transport Taxation Enquiry Committee (November, 1967) laid on the Table of the House on the 13th December, 1967, be taken into consideration."

I do not want to make a long speech because we have only 1½ hours at our disposal instead of two hours.

MR. DEPUTY-SPEAKER : I am not certain about that.

DR. V. K. R. V. RAO : Even that is not certain. I am very anxious to get the opinion of members of this hon. House on the various important issues which have been raised by the Road Transport Taxation Enquiry Committee. I would like to say, in the first instance, that this is the last of the long series of reports that have been made regarding the subject of road transport, taxation on road transport, expansion of road transport and so on in this country.

The main points on which I should very much like the opinion of the members