

[Shri B. R. Bhagat]

the hon. Member has mentioned for Orissa will certainly be looked into in this regard.

श्री रविराय : मंत्री महोदय का उत्तर बहुत ही असन्तोषजनक है। इसीलिए हम लोग वाक भाउट कर रहे हैं।

SHRI SURENDRANATH DWIVEDY : he has not said what the Prime Minister said about it (*Interruptions*). In protest, I walk out.

SHRI P. K. DEO : I am also withdrawing.

*Shri Rabi Ray, Shri Surendra Nath Dwivedi and Shri P. K. DEO then left the House.*

12.35 hrs.

RE : ADJOURNMENT MOTION

SHRI P. RAMAMURTI : (Madurai) : On the opening day of the House, I had given notice of an adjournment motion conforming to the rules of procedure. It is about the connivance of the Administration in West Bengal with the Naxalites and anti social elements in their murderous attacks on the workers of the CPI(M), as evidenced by the failure to provide any protection to Shrimati Parul Bose who was stabbed in Calcutta on 4-11-70, while at her job in a school despite prior information having been given to the Commissioner of police by Shri K. G. Bose and Shri Jyoti Basu, and the failure to provide any protection to the Mayor of Calcutta when he was attacked on 29-10-70 in Calcutta.

MR. SPEAKER : No, no. I explained it to him the other day in the Business Advisory Committee also.

SHRI P. RAMAMURTI : Let me at least argue my case. The Business Advisory Committee has nothing to do with adjournment motions. This is a question to be decided by you.

MR. SPEAKER : When he came to the Business Advisory Committee, I gave him the full background.

SHRI P. RAMAMURTI : I am now pressing it on the floor of the House. Please allow me to argue my case.

MR. SPEAKER : I promised that there would be some discussion on West Bengal.

SHRI P. RAMAMURTI : It is not a question of discussion. I brought to notice a specific case. It is not a general debate I am demanding.

MR. SPEAKER : The Resolution is there.

SHRI P. RAMAMURTI : I have seen it. I have raised a specific case on which Government's responsibility has to be pinpointed.

MR. SPEAKER : On the question of law and order in West Bengal, a discussion is coming.

SHRI P. RAMAMURTI : It is not a question of law and order; it is not a general question (*Interruptions*).

MR. SPEAKER : If you have made up your mind to shout, I cannot help.

SOME HON. MEMBERS : No, no.

SHRI P. RAMAMURTI : You have made up your mind (*Interruptions*.)

SHRI UMANATH (Pudukottai) : It is you who has made up his mind. On the first day itself, we gave notice of this. We have been waiting for three days. You have made up your mind not to allow it.

SHRI P. RAMAMURTI : You do not even allow me to speak.

MR. SPEAKER : No, no.

SHRI P. RAMAMURTI : You have to give me a hearing and then decide. That you are not prepared to do.

MR. SPEAKER : I explained to him yesterday.

SHRI P. RAMAMURTI : I just butted in to take Shri Jyotirmoy Basu, I did not then argue with you. I had hardly two minutes then.

MR. SPEAKER : I did not accept the adjournment motion.

SHRI UMANATH : How does the Business Advisory Committee come into the picture ? On the adjournment motion, you have to use your discretion. You cannot arbitrarily or on political grounds pass it on to the Business Advisory Committee.

श्री मधु लिमये (मुंबेर) : मेरी इतनी ही प्रार्थना है कि आप श्री राममूर्ति को सुन लीजिये और उसके बाद जो भी फैसला देना हो दीजिये।

MR. SPEAKER : Before I hear him, may I request him to listen to my point of view also ? After all, you are dealing with me in this House as Speaker, and I must explain to you the difficulty that I am facing.

The other day when this adjournment motion by Shri Ramamurti came, I invited his attention to the fact that there were two in his name. He withdrew one and retained the other, and after that, when Prof. Mukerjee got up, I asked the Home Minister and then agreed to a discussion on West Bengal.

When we met yesterday, I wanted to fix the time for the discussion in view of the promise given in this House that we would have a discussion on this. Then, in that meeting, another resolution was brought to my notice which is still pending and coming up in the House on the 20th. The resolution was not within my knowledge when this point was raised on the first day. The resolution by Shri Nath Pai read like this :

"This House regrets that there has been no improvement in the law and order situation in West Bengal even

after promulgation of President's Rule and expresses grave concern at the widespread unchecked violent activities throughout the State, thus endangering life, property, security and democracy in the country."

As this subject happened to be already pending and covering all aspects of the discussion that we wanted to have in the House, the procedural difficulty arose as to how two discussions on the same subject could be fixed. So, in the Business Advisory Committee we offered to Shri Jyotirmoy Basu and Shri Ramamurti that we could advance this resolution earlier and that if he had in his possession some factual information, he could add it to this resolution as an amendment, and this might cover both the things and we might avoid to the headache of crossing over the procedural difficulty. As this resolution was already there, I expressed my difficulty just before Shri Ramamurti started reading it, to explain the matter to him, but if he still wants to say something, it is alright, but the difficulty is still there. If you want, we can advance the date, or if you want to put it as an amendment to the resolution, that of course will be admitted. Of course, as an adjournment motion I had already ruled it out.

SHRI P. RAMAMURTI : After all, an adjournment motion is an adjournment motion under the Rules of Procedure.

MR. SPEAKER : We cannot admit an adjournment motion on a subject which is already there.

SHRI P. RAMAMURTI : I did not interrupt you at all. I expect you also to give me atleast a hearing.

The Chapter on adjournment motions, is entitled :

"Motion for Adjournment on a Matter of Public Importance",

and the relevant rules read as under :—

"Subject to the provisions of these rules, ...

[Shri P. Ramamurti]

"Notice of an adjournment motion shall be given before the commencement of the sitting on the day on which the motion is proposed to be made to each of the following : ...

"not more than one such motion shall be made at the same sitting ; ...

"the motion shall not anticipate a matter, which has been previously appointed for consideration."

I agree. Here I am not raising a general question of law and order in West Bengal. The resolution of Shri Nath Pai relates to the whole gamut of the question of law and order, in West Bengal, the violence that is taking place and various other things. I have raised a specific matter of importance and of recent occurrence. I could not raise it on the 5th because the House was not meeting on the 5th. This is a matter which occurred on the 4th. Three days before we got intimation that Mrs. Parul Bose was going to be attacked and no less a person than Jyoti Basu talked to the Commissioner of Police, gave him all this information and told him : if you are not going to give protection, we are prepared to protect ourselves ; we are strong enough. The day before the occurrence, the police go to the house of Mrs. Bose and tell her ; we are giving protection ; do not worry ; you keep quiet as otherwise there may be clashes. Despite all this, the next day, in the school where she is working, eighteen persons enter, hold her by the hair and stab her. Therefore, this involves a specific issue : the responsibility of the police and the administration in a matter about which information was given in advance. It is a question of connivance. They mislead us by saying : we are giving protection ; you do not do anything. How can this question be covered by a general discussion about law and order in Bengal ? They allow people to be murdered by saying : do not protect yourselves. This is a matter of recent occurrence ; it is a specific matter. Another resolution on the law and order situation in Bengal cannot be a substitute for this ; this cannot come in as amendment to that because it is a general question. I could have also brought in so many other things and said how people are being murdered right under the nose of the police and that the police are

conniving at these things. I did not do so ; I have confined myself to a specific issue. The argument that there was another resolution and that it was not brought to your notice does not at all arise because it deals with the general question. In the Business Advisory Committee we were certainly prepared to compromise if this resolution was allowed to be discussed under 184. Now Mr. Raghuramaiah does not want it under 184, but under 193. We are not prepared to accept it. We want to know the stand of the various parties when such thing are happening. Therefore, I want to point out to you it is only a question of obliging the Government. It is against this kind of thing. The rules provide for this ; it is a specific matter of public importance. Therefore, both things cannot go together. You have got to allow this. Otherwise you are stifling this House and you are stifling our right to bring such matters before the entire public of this country through the parliamentary forum. You cannot club these things together and say that these things are covered by that.

DR. RAM SUBHAG SINGH (Buxar) : In view of the fact that Mr. Basu wrote to the Police Commissioner and yet this was allowed to take place, I think it is important enough to be treated as an adjournment motion and I am therefore supporting it.

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAGHU RAMAIAH) : My name had been dragged into this. It is unfortunate what we talk privately in the Lobby is brought here publicly ; it does not matter ; there is nothing to be afraid of. I want to make it clear that when I discussed this matter with Mr. Ramamurti, I was not myself aware of the pending matter, of Mr. Nath Pai's resolution on the subject. That is why I had that discussion with him. But in the light of Shri Nath Pai's resolution I entirely agree with the Chair that the adjournment motion is barred.

SHRI UMANATH : If you were not aware of such things, you must resign.

SHRI BAL RAJ MADHOK (South Delhi) : I think a specific issue of great

importance had been raised by Shri Ramamurti. He says that Jyoti Basu wrote to the Police Commissioner and still protection was not given and she was stabbed in the school. It is different from a general discussion on law and order situation in Bengal. It is a fit case for an adjournment motion and I support it and request you to admit it.

SHRI H. N. MUKERJEE (Calcutta—North-East) : Having heard what Mr. Ramamurti has said here in the House, I also feel that a very specific case has been, with some details—right or wrong, placed before the House. Government should have its say in the matter which can afford an opportunity if there is a discussion. I personally would have preferred the other discussion, but I know that if this particular matter is to be discussed in detail, it does require a specific discussion. Without that, it will not be possible for us to get the kind of assurance from Government which is very necessary to have. From that point of view, even though normally I would have preferred the other thing which we had asked for, I feel that perhaps an Adjournment motion even on this ought to be allowed.

SHRI JYOTIRMOY BASU (Diamond Harbour) : Sir,...

MR. SPEAKER : Your leader has already spoken.

SHRI S. M. BANERJEE (Kanpur) : As a Member of the Business Advisory Committee, I said we want a discussion.

MR. SPEAKER : Why are you so worried about it ? The Adjournment Motion is in my discretion. Why are you worried about it ? Shri Samar Guha.

SHRI SAMAR GUHA (Contai) : Sir, my party has, in unequivocal terms, condemned the barbarous act committed on Mrs. Parul Bose, as I did in the case of the Ravindra Sarovar incident, though my friends at that time did not raise their voice, but we consider that an insult on our womenfolk is an insult on all the people of

the country. Therefore, we are supporting the Adjournment Motion.

I want to draw your attention to one thing. Yesterday you told us that the law and order situation in West Bengal could be discussed in this House prior to the meeting of the Consultative Committee that will be held on the 17th, but the resolution will be on the floor of the House and it will be discussed on the 20th. The Consultative Committee is meeting on the 17th. Therefore, we will be getting an opportunity on the floor of the House to discuss it today. The specific matter has been raised here, and although in this specific case we all condemn the barbarous and savage act committed on the lady teacher, the hands of those friends who are pressing for the motion are not clean. The hands of many other political parties are also not clean. The situation in West Bengal has come to such a pass that if you do not allow a discussion on this matter, I do not know what more important issue could be discussed in the House. Every day, the police has become to trigger-happy that half a dozen people are being killed by police firing. Curfews are being promulgated, and thousands of people are being harassed. Young men and students are being dragged out of their houses and butchered. If you do not allow a discussion on such a situation, I do not know what other subject merits the attention of this House. Therefore, I support this demand for an Adjournment Motion which will provide us an opportunity to discuss the whole thing in its proper perspective.

SHRI JYOTIRMOY BASU : Sir, here is a specific issue. *The Statesman* in its Delhi edition of this morning, at page 4, says...

MR. SPEAKER : That is a different matter.

SHRI JYOTIRMOY BASU : Sir, let me finish. After all, I have right to speak, and you have allowed me to speak, and I am on my legs.

MR. SPEAKER : I only held that Mr. Ramamurti's Adjournment Motion is on

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different facts, and you are bringing in something else.

**SHRI JYOTIRMOY BASU :** You have turned down the Adjournment Motion. Here, *The Statesman* says :

"The Additional Police Commissioner, Shri S. K. Chowdhury, told reporters," etc., etc.

Then, it says :

"In all 21 people were killed and seven injured in police firing during disturbances in Calcutta from October 30th to November 9th."

What more specific item do you want for an Adjournment Motion. If you do not wish to shut us down to please the Government, you should admit the Adjournment Motion right now.

**SHRI S. M. BANERJEE :** At the Business Advisory Committee meeting, you quoted a rule that if any motion is already pending before the House, an Adjournment Motion cannot be admitted. That is at present your difficulty.

**MR. SPEAKER :** That is my difficulty. That is the only difficulty. You know I promised and I agreed to a debate. But when this is brought to my notice I feel so helpless.

**SHRI S. M. BANERJEE :** I will show you how the difficulty can be resolved. This resolution of Mr. Nath Pai is a non-official resolution, which is all-embracing. It is not specific. This particular motion, though it is very narrow, concerns two or three cases. I criticise those who have done it. I condemn the brutal stabbing of Mrs. Parul Bose, when I know. She is the wife of Mr. K. G. Bose, who is a good friend of mine. Like that thousands of people have been killed in West Bengal including our party members. But we want to discuss what is happening in West Bengal nowadays, for which we want to place some responsibility on this Government also. This particular resolution was given three months before, when Parliament adjourned in September

and it was not discussed. Now it can be discussed on the 20th. But this adjournment motion relates to recent occurrences. There are many instances. For instance, on the 9th itself, a member knowing fully well that a starred question about American arms aid to Pakistan was on the list it was Starred Question No. 2 tabled a calling attention motion on the same subject which was admitted by you.

**MR. SPEAKER :** That was one single question.

**SHRI S. M. BANERJEE :** But this was anticipated. In the same manner, a discussion can take place on a specific motion either under rule 184 or any other rule. But since you have expressed your difficulty, the entire opposition—myself and Mr. Vajpayee were there in the Business Advisory Committee—left it to you to decide it in your wisdom. You should not count on the wisdom of the Treasury Bench or of Mr. Ramamurthi. It is your wisdom which will be paramount.

**MR. SPEAKER :** All of you felt so helpless to guide me in this matter and you said, "You take it up. We cannot give you any advice on it." That is all right.

**SHRI R. D. BHANDARE (Bombay Central) :** I quite appreciate the views expressed by Mr. Ramamurthi, because the political situation in West Bengal is exercising and agitating the minds not only of the members of this House but of the whole country. He has raised a specific question. My difficulty in supporting him is that specific question is a matter in the court and is *sub Judice*. So far as the West Bengal situation is concerned, we are prepared for a discussion today, tomorrow or any time. But so far as this specific matter is concerned, it is in the court and it is *sub Judice*.

**SHRI A. K. GOPALAN (Kasergod) :** No charge sheet has been framed till now. So, there is no question of *sub Judice*.

**SHRI UMANATH :** The technical difficulty is, when a subject is pending dis-

cussion in another form, an adjournment motion or any other motion on that subject cannot be allowed. I will cite some precedents. Mr. Prakash Vir Shastri brought a resolution under Rule 193. The subject was growing violence, Naxalites, etc. On that resolution also, West Bengal was being mainly discussed. If the technical difficulty to which you referred was there, Mr. Nath Pai's resolution, which is about West Bengal cannot be allowed because the other motion of Shri Prakash Vir Shastri was there. But it was allowed despite that. That did not stand in the way. So the West Bengal budget, President's Proclamation the whole gamut of law and order, they were all discussed in various forms during the last session. Therefore, my point is that you should be consistent and you should allow this.

13 hrs.

MR. SPEAKER : Here you are going too far. It is not a question of stifling the debate. I can assure the House that it was never in my mind. This is already too wide. The other one was quite an old resolution ; it was a No-Day-Yet-Named Motion and that was about violence and nothing else ; nothing in connection with Bengal. Here is a specific resolution by Shri Nath Pai concerning Bengal, covering so many things, endangering life, property, security and democracy. If it is only one single issue, or if you single out one issue, you cannot say that it is of general public importance, as is required by the rules. You have limited it to one single specific issue.

SHRI P. RAMAMURTI : That is what an adjournment motion means.

MR. SPEAKER : Then Shri Bhandare raised the question of *sub judice* which has added another headache.

SHRI UMANATH : You do not have the papers before you to decide whether it is *sub judice* or not. You cannot go by the mere statement of an hon. Member.

MR. SPEAKER : Does the hon. Minister know anything about it ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM NIWAS MIRDHA) : I will find out.

SHRI P. RAMAMURTI : Sir, you can accept this motion straightway.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : If this one is *sub judice*, there are other adjournment motions on West Bengal on specific issues which can be discussed.

MR. SPEAKER : There is no specific issue in the other resolution. All I can say is that I will examine this motion under 184. I will have to consider if that specific issue is *sub judice*.

SHRI UMANATH : Why not the adjournment motion ?

MR. SPEAKER : I have already rejected it.

SHRI UMANATH : If you want to take cognizance of *sub judice*, you must have papers before you and then decide it. But you do not have the papers and the government is not aware of the facts either. So, on the face of it, you have got to proceed on the basis that it is not *sub judice*.

MR. SPEAKER : I have rejected the adjournment motion on that day. But I agreed for a special discussion on West Bengal.

SHRI MORARJI DESAI (Surat) : One peculiar aspect of this case is lost sight of and it requires to be considered. Shri Jyotirmoy Basu says that not only have they informed the police but two days before the occurrence they had told them "we are able to defend and save ourselves" but the police said "you should not do anything like that we will protect." Then she was murderously attacked. This is a peculiar feature which we have to discuss.

MR. SPEAKER : On that day I had not accepted the adjournment motion and they said that they will put it under 184. So, I will have to find a way out.

SHRI KANWAR LAL GUPTA : We want an adjournment motion.

MR. SPEAKER : On that day I had not accepted it, I had only agreed to a discussion. Now about this old resolution, I will have to find some excuse how to get rid of that resolution.

We can fix some extra time for that specific matter.

SOME HON. MEMBERS : When ?

MR. SPEAKER : That is up to you. But there is no motion under rule 184.

SOME HON. MEMBERS : You can change it to rule 184.

MR. SPEAKER : On that day I rejected the adjournment motion and accepted a discussion of this matter. Later on this Resolution was brought to my notice. This has created a certain difficulty. This Resolution is rather very comprehensive, covering so many things, and there is nothing which cannot be discussed under it. But you seem to be very keen to discuss one specific issue

SHRI P. RAMAMURTI : If you want to have it tomorrow under rule 184, I am prepared to accept it.

MR. SPEAKER : I have to discuss it with the Minister.

SHRI UMANATH : Why ?

MR. SPEAKER : Time has to be found for that.

DR. RAM SUBHAG SINGH : The Minister is here.

SHRI RAGHU RAMAIAH : First of all, there is no Resolution before the House. Secondly, when the Resolution comes, it has to be examined and we will have to see whether it is *sub judice* or otherwise . . . . (*Interruption*)

SHRI UMANATH : That is the

Speaker's concern, not your concern. You want somehow to shut out the discussion. You want to liquidate your political opponents.

श्री मधु लिमये : (मुंबेर) भद्रयल महोदय, यह मामला सबजुडिस है—इसके बारे में इनको कोई जानकारी नहीं है और इस बिना पर ये इसको मुलतवी रखना चाहते हैं—ऐसा नहीं हो सकता है। अगर उनको निश्चित जानकारी हो तो अभी तत्काल कहें। हमारी जानकारी यह है कि यह सबजुडिस नहीं है, इसलिए आज ही 4 बजे से 184 के अन्तर्गत आप बहस करवा दीजिये।

MR. SPEAKER : I rejected the adjournment motion that day and thought that you would send some motion for discussion.

SHRI P. RAMAMURTI : Even if Somebody has been arrested and a case has been filed against somebody, we do not say anything against the person concerned. How does it become *sub judice* because we are not speaking about that case ? We are not discussing whether that man is guilty or not. We are not concerned with that; we are concerned with the failure of administration to give protection. How does it become *sub judice* ?

MR. SPEAKER : I must know what are the facts.

SHRI RANGA (Srikakulam) : Shri Morarji Desai has already convinced you that it is a specific problem of law and order concerning the police administration there, where notice had already been given, protection was sought, protection was offered and eventually there was no protection and the lady was done to death. I am glad that you were impressed with that point.

Then, there is the other point about its being *sub judice*. How has it arisen here ? It was not raised by the Law Minister or the Home Minister. The Home

Minister has no information as to on what grounds, by whom and against whom this question is said to have been brought before the court. We are informed by Shri Gopalan that the case has not been filed by anybody before the Judge. Now, the Minister of Parliamentary Affairs comes and says that we have got to examine in what manner and to what extent it becomes *sub judice*. This is an entirely untenable point. I have never known any Speaker at any time taking notice of this kind of a thing and then saying that it is *sub judic*. If, anyhow, you are pleased in your own way, because you are entitled to establish new precedents, and you give credit. . . . (Interruption)

MR. SPEAKER : It is not a new precedent. Any Member can object and say that it is *sub judice*.

SHRI RANGA : Nobody can, unless it is really *sub judice* and it is established. How can anybody take notice of anything being said by any Member? It has got to be established by the Home Minister. The Home Minister must make himself responsible for such a statement. If by any chance later on we find that it has not been established as a *sub judice* case, we can find fault with the Home Minister. But how can we find fault with Shri Bhandare? Shri Bhandare is only a Member of this House like you and me.

SHRI R. D. BHANDARE : Any Member can raise a question of *sub judice* on a point of order. You can rule it out but as a Member I have every right to raise the point of order about a *sub judice* matter. Two persons, I am told, have been arrested. It is a matter of attempt to murder and within 24 hours the first information must be sent to the magistrate.

SHRI A. K. GOPALAN : It is not murder; it is only an attack. She has not died till now.

SHRI RANGA : Shri Bhandare, like any other Member, can make that statement; certainly, there is nothing wrong. But I cannot find fault with him if by any

chance it proves to be an incorrect piece of information. If, however, the Home Minister were to make a statement like that, the House would be entitled to take him to task. That is way I say that it would not be proper for you and for us to take notice of it. But even supposing that it is *Sub Judice*, on very many occasions in the past your predecessors have ruled..... (Interruption)

SHRI. S. M. BANERJEE : In the Maharaja of Bastar case.

SHRI RANGA : You were not present then but I was present. Consult your own Secretariat if you wish to. Your predecessors had ruled on very many occasions an adjournment motion in order but with the advice that the discussion on the adjournment motion should not touch upon those specific points which were before the court.

SHRI H. N. MUKERJEE : It could have been ascertained overnight. There is a telephone link between Calcutta and Delhi.

SHRI RANGA : Fortunately or unfortunately it is not even before the court. We do not know on what points it is being brought before the court; possibly, they may become wiser. Therefore I request you to allow this as an adjournment motion.

SHRI KANWAR LAL GUPTA : Today,

MR. SPEAKER : I have already rejected it.

SHRI RANGA : I am surprised at this. It is open to the Chair to change its own ruling. I have known Speakers and Speakers; let me tell you, I am trying to respect your authority. If you had given a ruling yesterday, you are entitled to change it today. If you gave a ruling this morning, you may hesitate to change it. But you had given your ruling three days ago when you did not have all these facts which have been placed before you. In the light of these things it is open to you to change your ruling. If you still feel that the earlier ruling has some relevance to

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this, I do not question it; but you are entitled to change your ruling. What is more, I find that you have expressed your willingness on more than one occasion, even today, that you would like to find some way by which this question can be discussed.

When you are yourself willing to allow this question to be discussed, I don't see any reason why you should find it difficult to allow this adjournment Motion on this occasion.

**SHRI A. K. GOPALAN :** Adjournment Motion is directed against the Home Ministry, because, West Bengal is under president's rule. It is the responsibility of the Home Minister, that is the Prime Minister, who is also the Home Minister, to see that the lives of the people are protected. It is a specific issue. There is no question of *sub-judice* or anything of that kind. Adjournment Motion is a censure on the Government. This happened in spite of the fact that one previous day they were informed. It is not a small matter. They were informed one previous day that such and such people will be attacked and they must be protected. We asked give us protection. Then it was said, you must not take the law into your own hands. But what has happened? Stabbing took place. I cannot understand the logic of not allowing it, because this is essentially a censure against the Government and the other matters do not come in at this stage.

**SHRI BAL RAJ MADHOK :** We would have waited for Mr. Naib Pai's Resolution which is coming up on 20th but we cannot wait till then, because this is a matter of grave public importance. By postponing this discussion till next week, the purpose will be lost. So, I make this request : We should take this up at 4 o'clock today.

**SHRI SHRI CHAND GOYAL :** Mr. Bhandare has half-heartedly raised the plea of *sub-judice* ; Perhaps he has not gone through *May's parliamentary Practice* ; I have gone through it from the beginning to end. There is absolutely nothing in it which

prevents this sovereign body to discuss a matter even if it goes to court. The incident is only a case of stabbing. The point is that no chalan has been registered; unless a chalan is put up even if arrests are made, we are not at all prevented from discussing it. Sir, we have been discussing it so often in spite of the fact that the matter has gone to the court. I can cite half a dozen instances when in similar circumstances motions were debated here in period of 4 years. So, there is absolutely nothing which can bar our discussion of such a matter.

**SHRI P. RAMAMURTI :** If the Minister said that some police officers have been arrested and chargesheeted, that is something which we can understand ; but he has not said anything like that. I am not going into the merits of the case at all. If they are chargesheeted, then, it becomes a matter of *sub-judice*. It is not at all the case. This is a matter of urgent public importance. It must be discussed today itself. We do not want to postpone. It must be taken up today itself.

**SHRI KANWAR LAL GUPTA :** We want a censure motion. If you can allow any discussion under Rule 184, you can also allow discussion under this Adjournment Motion. The Home Minister does not say this is *sub-judice* ; it is for you to decide. It is open to you to decide.

श्री शिव चन्द्र झा (मधुवनी) : अध्यक्ष महोदय, दूसरे लोग भी बोलना चाहते हैं लेकिन आप उनकी तरफ कोई ध्यान नहीं देते हैं। मैं दो तीन दफा खड़ा हुआ हूँ लेकिन आपने इग्नोर किया है।... (व्यवधान) ...सबन घाज इसपर जोर दे रहा है तो आप बहस करवायें लेकिन मैं देख रहा हूँ कि जनरल प्रोसीजर कंसिस्टेंटली फालो नहीं किया जा रहा है। बहुत से उदाहरण हैं, मैं रोज की कार्यवाही के बारे में आप के सामने रख रहा हूँ जिसमें कि एक प्रोसीजर फालो नहीं हुआ है, कभी आप कुछ लागू करते हैं और कभी कुछ लागू करते हैं। बल्कि मैं तो कहूँगा कि आप बिम्स के मुताबिक

फैसला करते हैं। यह तरीका ठीक नहीं है जो आप प्रोसीजर के खिलाफ फैसला करते हैं।

मैं चाहूँगा कि तमाम प्रोसीज्योर पर बराय मेहरबानी गम्भीरतापूर्वक विचार करके कंसिस्टेंटली यहाँ पर उसे आप चलाने की कोशिस करें तभी यह हंगामा और शोरशराबा आदि दूर हो सकते हैं।

**अध्यक्ष महोदय :** चलिये अब तो आपका विल खुश हो गया होगा।

**SHRI SARDAR AMJAD ALI (Basirhat) :** In so far as the Rules of Procedure are concerned, it appears that there are certain differences between the ordinary motions and motions for adjournment. In these rules I find that motions for adjournment can only be raised with regard to a certain definite matter of urgent public importance.

**SHRI E. K. NAYANAR (Palghat) :** This is a definite matter.

**SHRI SARDAR AMJAD ALI :** Of course, my hon friend Shri P. Ramamurti has raised a matter definitely relating to a particular incident. Therefore, it is within the scope of these rules that an adjournment motion can be discussed in this house. But at the same time, I must draw your attention to rule 58 (vii) which says :—

“The motion shall not deal with any matter which is under adjudication by a court of law having jurisdiction in any part of India”.

**SHRI KANWAR LAL GUPTA :** It is not *sub-judice*. The Home Minister does not say so.

**SHRI SARDAR AMJAD ALI :** The same point has already been raised by my hon. friend Shri R. D. Bhandare, and on that point, the Home Minister can throw some light and tell us whether there is any case pending. According to *The Statesman* of yesterday, we find that two persons have been arrested already in connection with

that affairs. So, it has got to be ascertained whether there is any case pending or not. In case there is any case pending on that incident, on which we are going to have an adjournment motion, if we allow this adjournment motion, then it would be creating a precedent for the future. Therefore, let us know first of all whether there is any case pending before any court, and if no case is pending, then the adjournment motion can be discussed.

**MR. SPEAKER :** Yesterday, hon. Members had agreed in my Chamber that the discussion could be had even next week. But one thing is there that I did not accept the adjournment motion on that day, but accepted to have a discussion on this issue later on ; at that time, I did not know about this resolution. Now, the position is that this is a specific matter, and if hon. Members are not satisfied with that resolution, then in that case, if something comes to me in some form, I will consider it...

**SHRI P. RAMAMURTI :** No. We want the adjournment motion to be discussed. What is wrong about an adjournment motion ?

**SHRI UMANATH :** You can always review your decision. The other day, that is, on the very first day of this session, when we brought certain circumstances to your notice after you had rejected the adjournment motion, you went on record that you would reconsider the motion again. So, it does not prevent you from reconsidering and giving your decision on the adjournment motion.

**MR. SPEAKER :** They can bring it up under rule 184.

**SHRI P. RAMAMURTI :** What is wrong about an adjournment motion ? If there can be a motion under rule 184, what is wrong about an adjournment motion ?

**MR. SPEAKER :** Every day, something about some murder, or some crime in West Bengal is coming up. That is the reason advanced for having some general discussion on it...

SHRI P. RAMAMURTI : If there can be a discussion under rule 184, what is wrong about an adjournment motion? How is it wrong?

MR. SPEAKER : I have not accepted it...

SHRI KANWAR LAL GUPTA : If you are prepared to allow a discussion under rule 184, you can also allow a discussion on this adjournment motion.

MR. SPEAKER : I shall allow it if this is not *sub-judice*.

SHRI BAL RAJ MADHOK : You are trying to provide a plea for them. You have to decide the matter right now. You cannot allow time for them to advance that plea.

MR. SPEAKER : I shall allow a discussion under rule 184.

SHRI BAL RAJ MADHOK : It means that you are giving time for the police to submit a charge-sheet and thus shut us out. That is wrong.

श्री कंवर लाल गुप्त : अध्यक्ष महोदय, हम सरकार को इस मामले में सेंसर करना चाहते हैं तब आप उसे क्यों नहीं परमिट करते हैं? अगर आप आपने इसे ऐडमिट नहीं किया तो अभी टेलीफोन के ऊपर ही उधर बातचीत होकर यह मामला सबकुछ हो जायेगा। इसलिए मेरा पुनः आप से निवेदन है कि जब आप 184 के अन्तर इस पर आज डिस्कशन ऐलाऊ कर रहे हैं तो सेंसर मोशन क्यों नहीं ऐलाऊ करते?

MR. SPEAKER : He can come with a censure motion against Government.

SHRI A. K. GOPALAN : It is not *sub-judice* today; it may be tomorrow.

SHRI BAL RAJ MADHOK : We are perfectly within our rights to bring in an adjournment motion of a motion under rule 184. When we have chosen to bring it in

the form of an adjournment motion, it is for you to decide. It is a specific matter that has been pinpointed. You are also agreeable to have a discussion. Since it is an urgent matter, if you want to postpone it to next week it may lose the urgency, and Government may be provided with a plea.

MR. SPEAKER : He can come today with a motion under 184. I have not accepted the adjournment motion.

SHRI BAL RAJ MADHOK : You are an impartial person functioning from the Chair. You should not give the impression that you are favouring Government.

MR. SPEAKER : Do not put me in too much difficulty.

SHRI BAL RAJ MADHOK : In view of the dignity of the Chair, you should accept what we have given notice of already. Otherwise, people may have some doubt. In the interest of the dignity of the Chair, this should be accepted.

MR. SPEAKER : There is no question of doubt.

SHRI A. K. GOPALAN : You want to know whether it will be *sub-judice* tomorrow or whether it is so today.

MR. SPEAKER : Today.

SHRI A. K. GOPALAN : The Minister has given the answer that it is not *sub-judice*. You cannot know whether it will be *sub-judice* tomorrow.

SHRI RAM NIWAS MIRDHA : The matter came up in such a sudden way that I would not like to go on record without ascertaining the true facts.

SHRI UMANATH : You decide now on the basis of the facts here.

MR. SPEAKER : On the specific issue raised, I will allow a discussion at 4.30 this afternoon. But I request you not to put me in a difficult position, because after the deciding ruling out the adjournment motion,

you can only come under 184. That is all I can say.

SHRI P. RAMAMURTI : Today.

SHRI RAGHU RAMAIAH : What is the scope of the discussion ?

MR. SPEAKER : It will be confined only to the specific issue raised by Shri Ramamurti regarding the attack on Shrimati Bose. It will be on a motion to be moved by Shri Ramamurti.

SHRI RAGHU RAMAIAH : You have decided on the point whether it is *sub judice*?

MR. SPEAKER : You have not been able to me that it is *sub judice*. It has been pending before you since the last two days.

12.27 hrs.

#### PAPERS LAID ON THE TABLE

MINISTER'S (ALLOWANCES, MEDICAL TREATMENT AND OTHER PRIVILEGES) AMENDMENT RULES, ARMS (SECOND AMENDMENT) RULES, SUPREME COURT JUDGES (TRAVELLING ALLOWANCE) (AMENDMENT) RULES AND NOTIFICATIONS UNDER THE ALL-INDIA SERVICES ACT

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAM NIWAS MIRDHA) : I beg to lay on the Table :—

- (1) A copy of the Ministers' (Allowances, Medical Treatment and Other privileges) Amendment Rules, 1970 (Hindi and English versions) published in Notification No. G. S. R. 1266 in Gazette of India dated the 29th August, 1970, under sub-section (2) of section 11 of the Salaries and Allowances of

Ministers Act, 1952. [Placed in Library. See No. LT—4220/70.]

- (2) A copy of the Arms (Second Amendment) Rules, 1970 (Hindi and English versions) published in Notification No. G. S. R. 1689 in Gazette of India, dated the 26th September, 1970, under sub-section (3) of section 44 of the Arms Act, 1959. [Placed in Library. See No. LT—4221/70.]
- (3) A copy of the Supreme-Court Judges (Travelling Allowance) (Amendment) Rules, 1970 (Hindi and English versions) published in Notification No. G. S. R. 1960 in Gazette of India dated the 26th September, 1970, under sub-section (3) of section 24 the Supreme Court Judges (Conditions of Service) Act, 1958. [Placed in Library. See. No. LT—4222/70.]
- (4) A copy each of the following Notifications under sub-section (2) of section 3 of the All India Services Act, 1951 :—
  - (i) The Tenth Amendment of 1970 to the Indian Police Service (Pay) Rules, 1954 (Hindi and English versions) published in Notification No. G. S. R. 1207 in Gazette of India dated the 22nd August, 1970.
  - (ii) The Indian Police Service (Fixation of Cadre Strength) Sixth Amendment Regulations, 1970 (Hindi and English versions) published in Notification No. G. S. R. 1208 in Gazette of India dated the 22nd August, 1970.
  - (iii) The Indian Civil Service Provident Fund (Amendment) Rules, 1970 (Hindi and English versions) published in Notification No. G. S. R. 1231 in Gazette of India dated the 29th August, 1970.