

[Shri Bhagwat Jha Azad]

Book. It also seems that some of the provisions of the Act are likely to be held to offend some of the provisions of the Constitution.

Before proceeding further we also placed the matter before the 11th Session of the Industrial Committee on Plantations in October, 1964.

While proposing repeal of the Act we have made sure that the existing rights of the labour employed at present in regard to repatriation would be protected. Clause 3 of the Bill makes this provision. After repeal of the Act, any residual functions that may be left over will be entrusted to the Government of Assam.

Sir, I commend the Bill for the consideration of the House.

16.35 hrs.

RE. ALLEGED THREAT TO A MEMBER

SHRI SAMAR GUHA (Contai) : Sir, I have a point of submission, not exactly connected with the Bill but on something which seriously concerns me.

MR. CHAIRMAN: You cannot intervene in the midst of a debate. I am also worried about your health.

SHRI SAMAR GUHA: You will understand the seriousness of the thing as soon as I explain to you. Kindly permit me. Today in the morning I have been seriously threatened over the phone by a very responsible leader of the ruling Congress party. He is a member of the Working Committee of the Ruling Congress and is its spokesman in West Bengal; because of my statement that has been issued by the *Indian Express* today he has threatened me with dire consequences and I want to place it before you. This is the statement I issued to the paper.

"Now that the princes' case to the Supreme Court is over, it is proper that the people of West Bengal should be informed how the Government of India as well as the Government of West Bengal have wasted huge public moneys of the poor State in connection with the case. The Union, that is, the

Government of India have paid lawyers at the Centre, namely, the Attorney General and the Solicitor General and this case could have easily been argued by them and the advocates elected to the panel...."

SHRI RANDHIR SINGH (Rohtak): His first point is all right. But now he is reading from Press reports and attacking our party. So far as the threat to him is concerned, we are with him. But this is anti party propaganda. He cannot misuse this forum for that purpose....(Interruptions).

MR. CHAIRMAN: You did not write to me; nor did you raise this matter at 2 O' clock or even earlier, before the lunch.

SHRI SAMAR GUHA: He should not disturb me; I shall finish within two minutes.

MR. CHAIRMAN: Let him not read that out.....(Interruptions).

SHRI SAMAR GUHA: The person who threatened me ? Mr. Siddhartha Shankar Ray, Because the Governor of West Bengal.....

SHRI RANDHIR SINGH: He can write to the Speaker.

SHRI SAMAR GUHA: He has threatened me. Who knows what will happen in the evening.

SHRI RANDHIR SINGH: He is an M. L. A. He is not present here. How can he speak against him in this House.

I controvert it. I dispute it.

MR. CHAIRMAN: Mr. Guha, please conclude. I am asking you to conclude.

SHRI RANDHIR SINGH: The name he is mentioning, that person is not present here. He should have the right to be heard.

SHRI SAMAR GUHA: In the princes case, the Advocate-General of the State (Interruption) Sir, he should allow me to proceed.

SHRI RANDHIR SINGH: We do not agree. He has his own version.

Mr. Ray might have his own version.

SHRI SAMAR GUHA: Samar Guha knows.

SHRI RANDHIR SINGH: What about the other fellow? (*Interruption*).

MR. CHAIRMAN: I request you to conclude now. The question of threat to your life has already been taken note of by the Minister of State of Home Affairs. That is good enough now. Kindly conclude.

SHRI RANDHIR SINGH: You can certainly take note of it and we must give him protection against the threat to his life. But he cannot speak against our party in the way he did.

SHRI SAMAR GUHA: I know what I am speaking and for what. I have been threatened by a person, (*Interruption*) because I pointed out that the Governor of West Bengal is violating all legal procedure.

SHRI RANDHIR SINGH: He cannot speak against the Head of a State in his absence, (*Interruption*).

SHRI SAMAR GUHA: I am only stating the facts. I am only making a statement of facts.

SHRI RANDHIR SINGH: He is taking undue advantage of your leniency.

SHRI SAMAR GUHA: I said that the Advocate General of West Bengal, Shri Banamali Das was to represent the case, and the second person who would have acted as his Junior was the Solicitor-General. But the Governor of West Bengal struck down the name of the Solicitor-General and arbitrarily replaced the name with the name of Shri Siddharta Shankar Ray who drew 100 GMS, which means Rs. 1,600 a day for 19 days. Before the Governor removes the register, that register should be seized by the Government. I have got this information from Shri Amiyanath Bose who got it from Shri Snehansu Acharya, a former Advocate-General of the Government, who is a very good friend of Shri Dhawan.

My submission is two-folded. First, this threat has to be taken note of. The second is, the file where the Governor has struck off the name of the Solicitor-General and introduced the name of Shri Siddharta Shankar Ray should be immediately seized by the Government. The Governor has violated the rules; he has distributed political patronage to the ruling Congress, as has been done in the case of the Centre, where three advocates Mr. Garg, Mr. Ramamurti and Mr. Kumaramangalam, who are either fellow travellers of the Communist Party or their members have been included in the Central panel for defending the Government against the princes' case. (*Interruption*)

MR. CHAIRMAN: Please resume your seat. This is very improper.

SHRI SAMAR GUHA: I shall finish with one single sentence.

MR. CHAIRMAN: I have asked you to sit down a dozen times.

SHRI SAMAR GUHA: With one single sentence, I shall conclude.

MR. CHAIRMAN: Please resume your seat. I have already asked you a dozen times. (*Interruption*).

SHRI SAMAR GUHA: Let me finish with one single sentence. Please allow me to conclude. My submission is: one, this threat should be taken note of. Second, the file of the Governor should be immediately seized so that the file may not be removed.

SHRI RANDHIR SINGH: He cannot take political advantage out of it. He should of course be protected. He is our friend; we are with him. (*Interruption*)

श्री क. ना. तिवारी (वेतिया) : मेरा प्वाइंट आफ आर्डर है ।

श्री रणधीर सिंह : श्री समर गुहा मेरे बड़े अच्छे दोस्त हैं और मुझे उनके साथ पूरी हमदर्दी है । उन की जान बचाई जानी चाहिये । गवर्नमेंट को इस को नोट करना चाहिये । अगर उनको

[श्री रणधीर सिंह]

कोई खतरा है तो उसके लिये जो कुछ किया जाय हम उस के साथ है।

MR. CHAIRMAN : keep up the spirit.

श्री रणधीर सिंह : लेकिन जहाँ तक और बातों का सम्बन्ध है, वह उन को नहीं कहनी चाहिये। मैं उन के हाथ जोड़ता हूँ। गवर्नमेंट को उन की पूरी तरह से प्रोटेक्ट करना चाहिये लेकिन इस मामले में पोलिटिकल केपिटल नहीं बनना चाहिये।

श्री क. ना. तिवारी : मेरा प्वाइंट ऑफ ऑर्डर यह है कि अगर किसी को किसी के ऊपर कोई चार्ज लाना है तो उस को स्पीकर को लिख कर भज देना चाहिये।

दूसरे यह भी है कि हर वक्त, कोई मेम्बर कोई भी सब्जेक्ट उठा नहीं सकता विदाउट परमिशन आफ दि चेयर। कम से कम उस के बारे में लिख कर देना चाहिये। मेरा ख्याल है कि रिकार्ड देख लिया जाये और अगर कोई इस तरह की बात है कि जिस का प्रोटेक्शन फुल्ली हाउस में नहीं है उस के बारे में कुछ कहा गया है और गवर्नमेंट भी उस को प्रोटेक्शन नहीं दे सकती है तो उस को रिकार्ड से निकाल दिया जाये।

SHRIS. M. BANERJEE (Kanpur) : The statement made by Mr. Samar Guha, in spite of his ill health, is something revealing. If I heard him correctly, he said that a senior Congress member has threatened him on the phone. (Interruptions). Any member threatening another member is bad. I know Mr. Samar Guha, he is an ardent follower of Netaji and an ex-terrorist. Why should he be afraid of such threats? I know he will protect himself. Why should he seek the protection of this House? (Interruptions).

SHRI SAMAR GUHA : I know how to protect my self.

SHRI SAMAR GUHA : This has gone to the core, to the sense of existence, honour....(Interruptions)....

MR. CHAIRMAN : I would request him to resume his seat. Shri Tiwary has raised a point of order. He is very well aware, as also the House, that some hon. Members do rise certain important matters without prior notice in writing, especially after the question hour and immediately after the lunch recess. The matter raised affects the very safety of Shri Samar Guha and he is very much agitated about it. He is also not keeping good health. Therefore, he was permitted to make a few observations though it was not the proper time or occasion.

SHRI K. N. TIWARY : He has mentioned some names. At least they should not be on record.

MR. CHAIRMAN : Nothing requires to be expunged from the record.

16.51 hrs.

TEA DISTRICTS EMIGRANT LABOUR (REPEAL) BILL—Contd.

श्री फ. गो. सेन (पूर्णिया) : गवर्नमेंट ने जो यह बिल लाया है, इसका मैं स्वागत करता हूँ एक जमाना वह था जब हम लोग देखते थे कि हमारे बिहार से और उत्तर प्रदेश वंगरह से मजदूरों को बहका बहका कर और भुलावा दे कर चाय बागानों में ले जाया जाता था और वहाँ ले जाकर उनको रोक लिया जाता था। इस वजह से बीच में उनको प्रोटेक्शन देने के बारे में बिल आया था। तब उसकी जरूरत भी थी। लेकिन अब वह जरूरत नहीं रही है। इस वास्ते इस बिल का मैं स्वागत करता हूँ और आप जो उसको रिपील कर रहे हैं, वह ठीक ही कर रहे हैं।

जब शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स आर्डर बिल आया था उस समय मेम्बरों ने यह कहा था कि वहाँ जितने इमिग्रेंट्स जाते हैं, चाहे चाय बागानों का सवाल हो या कोई और हो, उन