

**SHRI NATH PAI :** He thinks that judicial knowledge is hereditary ? Let him not have that arrogance.

**SHRI VIKRAM CHAND MAHAJAN :** I have categorised him as an angel. But he does not want to take the compliment. At least let him have good grace to accept the compliment.

Another objection has been raised on the ground that there are three branches, namely the executive, the judiciary and the legislature.....

**MR. SPEAKER :** The hon. Member may continue his speech after lunch.

13 hrs.

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

*The Lok Sabha reassembled after Lunch at Four minutes past Fourteen of the Clock.*

[MR. DEPUTY-SPEAKER in the chair]

# RE. ALLEGED ARREST AND BEATING UP OF DEMONSTRATORS IN FRONT OF PARLIAMENT HOUSE.

**SHRI S. M. BENERJEE (Kanpur) :** I rise to a point of order. This is a very serious matter. I want that the debate on the particular motion before the House be adjourned to discuss a very serious matter.

As you are aware, unemployed youths, both men and women, have come from various parts of the country from 15 States. They wanted to knock at the door of this august House to highlight their hunger and starvation. A delegation met the Prime Minister yesterday when they handed over memorandum to her. She gave them a sympathetic hearing and has promised to do something, if there is anything in her hands.

The point is that they wanted to present a memorandum to the elected representatives of the people. As you know, the tradition in this House has been that people come outside and seek to meet us. You have been a number here since long and you yourself have addressed many such meetings.

In this way they wanted to meet us on this occasion also.

Now, what has happened. Immediately they came in, they have been arrested. I have nothing against the arrest, section 144 is in force. But the entire building has been converted into a concentration camp.

**SHRI VIKRAM CHAND MAHAJAN:** (Chamba) : For whom ?

**SHRI S. M. BANERJEE :** For the elected representatives of the people. What is this ? Can they not approach us ? Can they not knock at our door ? Under Sec. 144 they could have been just arrested. But they have been beaten up and manhandled. Our sisters were there. They have also been manhandled.

I wanted to table a call attention or adjournment motion. But because we are adjourning tomorrow, I would request you to kindly ask the Home Minister to make a statement on this very serious matter. After all, the rights and privileges of Members cannot be infringed in this manner. Can we not meet them ? Can they not meet us ? This is the Gandhi Centenary Year. We now dealing with a Bill deciding the succession to the President of this country.

**SHRI J. M. BISWAS (Bankura) :** I was personally present on the spot. Let me be heard. I saw people being beaten up.

**SHRI INDRAJIT GUPTA (Alipore) :** Under sec. 144 they were arrested but they cannot be beaten and manhandled, as they have been.

**SHRI BAL RAJ MADHOK (South Delhi) :** You know we are a sovereign elected Parliament. The people have a right to approach Parliament with their difficulties. The problem of unemployment has assumed very grave proportions. The other day, the Prime Minister was good enough to say that they are taking care of it in the Fourth Plan. But we also heard the hon. Labour Minister say this morning that they do not have any data as to whether there is unemployment or not.

Now lakhs of people are unemployed, particularly youngmen and women. They have come here. They have a right to be conc-

[Shri Balraj Madhok]

ned about it. When they want to come and place their grievances before us, they are not allowed to come near Parliament. Section 144 is imposed over the whole area. This is very bad.

This kind of blanket ban on any kind of meeting or demonstration in front of Parliament should go. I would appeal to Government to lift it. Government should make a statement as to what they propose to do about the situation.

SHRI H. N. MUKERJEE (Calcutta North East) : Could I point out that representatives of this very group of people, among whom so many have been arrested and beaten up, which is most reprehensible, met the Prime Minister yesterday ? She gave them a patient hearing. If that hearing is worth anything, it should certainly be followed up by some kind of sympathetic action, some kind of symbolic expression of the Government's desire to tackle this problem.

Are we to be reconciled to this position that Parliament House would be barricaded against everybody ? Are we to function in a democracy, about which so many superlatives are being wasted, if people cannot approach us and Section 144 is clamped down all over the place in the manner it has been down ? I am not reopening the matter, but apart from Sec. 144, this beating up business is going a little too much. It is happening over and over again and Members of Parliament have just to look on unable to do anything.

SHRI J. M. BISWAS : I was present on the spot. Let me be heard.

MR. DEPUTY-SPEAKER : Shri Kundu.

SHRI S. KUNDU : Sometime ago I had written to the Prime Minister to waive Sec. 144 from the precincts of Parliament House so that the delegation could come and meet the Prime Minister and us. I did not receive a reply. But I was told that the Central Government could not do anything ; it had been done by the Delhi authorities. It

is not so. I think it has been done by the local authorities with the consent of the Central Government.

The demonstrators are peaceful. Their declared purpose is peaceful and legitimate to present a petition to the Prime Minister and the House. But members taking part in this sort of demonstration have been man-handled. This is really shocking.

As you know, in this House, the problem of unemployment has been raised. These are hungry people. This is the Gandhi Centenary year. I remember what Gandhiji used to say about a hungry man. For a hungry man, all talk of culture, civilisation and so on is a mockery. Unless these young men and women are given some sort of employment, food, clothing and shelter, they will not understand the kind of nice speeches we make in this temple of democracy. It is in the interest of democracy that we see that something is done to satisfy their genuine urges and they are not roughly handled or manhandled by the police.

श्री क० ना० तिवारी (बेतिया) : डेमोक्रेसी में सब को हक हासिल है कि अपनी डिमांड्स को पेश करे। सैक्शन 144 यहां लगा हुआ है। उसके बावजूद भी अगर डेमंडेशन हुआ है और लाठी चार्ज किया गया है तो होम मिनिस्टर को वस्तुस्थिति को स्पष्ट करते हुए स्टेटमेंट देना चाहिये। अपनी प्रीवेंसिस के बारे में अगर वे कुछ कहना चाहते हैं तो उनको कहने का मौका मिलना चाहिये। उनके रिप्रिजेंटेटिव्स को मौका दिया जाना चाहिये कि उन्हें जो कहना है, गवर्नमेंट से या प्राइम मिनिस्टर से या होम मिनिस्टर से या पार्लियामेंट के मੈम्बरों से आकर कहें।

श्री शिव चन्द्र झा (मधुबनी) : उपाध्यक्ष महोदय, अगर आप को कहीं पर डंडा राज देखने की इच्छा हो, तो आप इस पार्लियामेंट हाउस के गेट के सामने डंडा राज का बिल्कुल नग्न रूप देख सकते थे। वहां पर पुलिस द्वारा विद्या-

यियों को बुरी तरह पीटा गया, उन पर इस तरह से धोड़ा-चार्ज किया गया, जिसका शब्दों में वर्णन नहीं किया जा सकता है। मैंने लाबी में श्री शुक्ल से कहा कि क्या यही जनतंत्र है कि नौजवानों को इतनी बुरी तरह से पीटा गया है। मुझे याद है कि जब 1942 में हम लोग पटना में सेक्रेटेरियट की तरफ जलूस निकाल कर जा रहे थे, तो गोलघर के सामने पुलिस के घुड़सवारों ने हम पर हमला किया। ठीक वही दृश्य आज पार्लियामेंट हाउस के सामने प्रस्तुत कर दिया गया—इस सरकार और यह मंत्री की नाक के नीचे। यह हमारे लिए शर्म की बात है। पार्लियामेंट के इर्द-गिर्द तो ऐसा वातावरण होना चाहिए कि सिपाही और कर्मचारी आदि सब जनतान्त्रिक भावना से काम करें, मानव की डिगनिटी, प्रतिष्ठा, का भ्रादर हो और हमारे मूल्यों की इज्जत हो। लेकिन अभी पार्लियामेंट हाउस के दरवाजे के सामने इन सब का खात्मा हुआ है। मैं मांग करता हूँ कि यह मंत्री, श्री चव्हाण, सदन में आकर इस बारे में वक्तव्य दें।

SHRI S. KANDAPPAN (Mettur) : What has happened in the vicinity of Parliament is unfortunate and I hold the Government entirely responsible for it. This is not a new phenomenon. For the past two weeks we have been seeing many persons wanting to represent to the Government. We had also heard that youngmen from Kerala who came here in deputation to see the Minister had been arrested. It is that kind of frustration that is at the back of these demonstrations. Even today during the question hour we found how the Minister in charge of Labour contributed to this kind of frustration. When we seek some clarification on the thinking of the Government about the Fourth Plan, instead of trying to assuage the fears of the unemployed in this country, they try to increase their fears. There is no concrete thinking or constructive suggestions from that side. Those things have led to this kind of unfortunate situation. I think it is very pertinent for us to demand that the Home Minister should make a statement right now.

SHRI HEM BARUA (Mangaldai) : Not only the Government but you, Mr. Deputy-Speaker, and the hon. Speaker are also responsible for allowing the Government to impose Section 144 here. You should advise them to withdraw it.

SHRI GANESH GHOSH (Calcutta South) : I had also been to that place and the mounted police were used to beat them up. This is absolutely shameful for this Government. There is Section 144 and we can understand people being arrested. But why are they beaten up? Is there any reason for that? This Government claims to be a civilised Government. I hope you would direct the Home Minister to explain the whole thing.....(Interruptions.)

MR. DEPUTY-SPEAKER : The Government have taken note of what has been said. The Minister of State is also here; he has taken note of it. He says that he has no information. (Interruptions).

Order, order. All the Members of the concerned about it. (Interruption).

SHRI J. M. BISWAS : The House House are should be adjourned.

SHRI S. M. BANERJEE : Sir, I am least interested in who is to become the President after the death of the President. I am more interested in the situation caused by the unemployment among the youth. I move for the adjournment of the House.

SHRI S. KANDAPPAN : Let the Minister make a statement.

SEVERAL HON. MEMBERS rose.—

MR. DEPUTY-SPEAKER : This is not fair.

SHRI S. M. BANERJEE : Please hear me for a minute.\*\* (Interruption).

MR. DEPUTY-SPEAKER : No more hearing. Nothing will go on record. Now, Some Members came in and agitated manner and reported to me that these are the facts.

\*\*Not recorded.

[Mr. Deputy-Speaker]

Whether they are correct or not, I do not know. I know Section 144 is there.

SHRI S. KANDAPPAN : There are many Members who have come from the spot.

MR. DEPUTY-SPEAKER : I am only saying that you have said what you have seen. (*Interruption*).

SHRI J. M. BISWAS : After their arrest, they have been beaten up. After having taken them into custody, they beat them. (*Interruption*).

SHRI A. DIPHA (Phulbani) : You say that what a Member of Parliament is saying is not correct ?

MR. DEPUTY-SPEAKER : Who has said that ? Nobody has said that.

श्री शिव चन्द्र झा : गृह मंत्री एक घंटे के अन्दर यहां पर स्टेटमेंट दें ।

SEVERAL HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER : No, no. This is not the way. I will stop it here. Mr. Jha, I had given you an opportunity.

श्री शिव चन्द्र झा : उपाध्यक्ष महोदय, आप समय निर्धारित कर दीजिये कि गृह मंत्री एक या दो घंटे के अन्दर यहां पर वक्तव्य दें ।

SHRI D. N. PADODIA (Jalore) : It is terribly annoying that while the mounted police has been used, the Minister chooses to sit silent. I therefore suggest that in your wisdom, if you can direct the Minister to make a positive statement at a fixed time say within one or two hours, that will be a fine solution.

MR. DEPUTY-SPEAKER : As I said earlier, the matter has been raised by several Members who have seen what has happened. Whether the facts are correct or not, I cannot say. But we know one thing that there is Section 144 in force roundabout. It there is violence, the Government is free to deal with it in the manner they like. But if a

peaceful demonstration is there, when people are coming to meet their own representatives in Parliament, it is a matter which must be taken into consideration by the Government. Because of the allegations that are made here,—the Minister of Parliamentary Affairs is here and the Minister of State in the Ministry of Home Affairs is also here—I would suggest that the Government can ascertain the facts on this particular aspect—

SHRI S. KANDAPPAN : Before 3.30.

MR. DEPUTY-SPEAKER : Let him take his time. (*Interruptions*) Take your own time. Something has been happening nearabout Parliament, and the representatives of the parties from this side are saying that this has happened, and nothing is stated on behalf of the Government. It is not good ; it is not proper. Therefore, I would like very much that the Government comes out with a factual statement at the earliest opportunity.

SHRI J. M. BISWAS : I want an assurance from the Minister through you that those who have been taken into custody will no more be assaulted.

MR. DEPUTY-SPEAKER : That is a hypothetical case.

SHRI J. M. BISWAS : At least 200 people were taken into custody. They must not be assaulted any more.

SHRI S. M. BANERJEE : Will the Minister make a statement or not ?

MR. DEPUTY-SPEAKER : Order, order. Shri Mahajan.

SHRI NATH PAI (Rajapur) : Sir, you have summed up the situation very well. It is not a demonstration that we are interested in; but the point is that the people were on their way to go to Parliament which is the highest forum for the citizens of this country, and they were trying to reach Parliament to make representations. You said that allegations were made. There is a difference between making an allegation and giving facts. We never made any allegations. It is alleged that force was used. In the light of this, I would request the Home Minister to say, "Since it has been alleged, I will

enquire and place the facts before the House". If what is alleged is true, it is a very serious and grave matter. It is contempt of the House if citizens coming to Parliament are prevented from reaching Parliament. There is hardly any use in having a Parliament in that case. May I request him to say that he will enquire and place the facts before the House.

**THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAGHU RAMAIAH) :** As my colleague has already stated, we have no prior information. None of us were eye-witnesses. But certain things have been stated. Naturally he will enquire into it, ascertain the facts and inform the House.

**SHRI S.M. BANERJEE :** When ? It must be done today.

**SHRI RAGHU RAMAIAH :** Facts must be ascertained first. He is a responsible Minister and you should leave it to him. You cannot put down a limit like 15 minutes or half an hour.

**MR. DEPUTY-SPEAKER :** Once the assurance has been given that after ascertaining the facts, a statement will be made, is it not enough ? I have already directed him to find out what really happened and whether the facts narrated here are correct. He will find out the facts and explain the position of the Government *vis-a-vis* the alleged high-handedness—that was the word used—of the police authorities.

**SHRI BAL RAJ MADHOK :** May we presume that the Minister of State for Home Affairs has gone dumb and he cannot stand up and say "I will enquire" ? Why should the Parliamentary Affairs Minister deputise for him ? This is an insult to the House.

**SHRI RAGHU RAMAIAH :** He has taken note of whatever has been said...

**SHRI S.M. BANERJEE :** He is more than a stenographer to merely take notes. (*Interruptions*). He is a Minister of State.

**SHRI RAGHU RAMAIAH :** Sir, you in your wisdom referred to me also and therefore, I have a right to say something,

**MR. DEPUTY-SPEAKER :** All the group leaders of the opposition parties have taken it up in a serious manner. It is a serious matter. May I take it that the Home Minister will be able to make a statement before we adjourn today ? (*Interruptions*).

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) :** It is completely useless to say things which hon. members opposite have said. Once you in your wisdom have directed the Government, there is no other way for the Government. Government will collect facts and make a statement.

**SOME HON. MEMBER :** When ?

**SHRI VIDYA CHARAN SHUKLA :** I cannot say by what time I will be able to collect sufficient facts and report to this House. I will try to do it as quickly as possible. But I cannot say whether it can be done today or it will have to be done tomorrow. (*Interruptions*).

**SHRI J.M. BISWAS :** It must be done today.

**MR. DEPUTY-SPEAKER :** He has given an assurance that he will collect the facts and make a statement as early as possible. I think hon. Members must be satisfied with that assurance (*Interruptions*).

**SHRI BAL RAJ MADHOK :** Let him make the statement before the House adjourns today.

**SHRI J.M. BISWAS :** If he cannot give this assurance he should quit office.

**SHRI H.N. MUKERJEE :** Sir, what is his difficulty in coming to the House today evening ? He has four hours' time today. At the next door things have happened. He can easily find out and place it before the House before the House adjourns today.

**MR. DEPUTY-SPEAKER :** As I have already said, if possible before we adjourn for the day he will make the statement. That must satisfy hon. Member, (*Interruptions*). I take it hon. Minister said that he

[Mr. Deputy Speaker]

will gather information and before we adjourn for the day he will make a statement before the House. Whatever information he can gather he will place before the House.

**SHRI R.D. BHANDARE** (Bombay Central) : Sir, I rise on a point of order. Shri Banerjee while referring to the Minister said that "he is more than a stenographer".

**SHRI S.M. BANERJEE** : I said "he is more than a stenographer". Every hon. Member including Shri Bhandare is more than a stenographer.

**SHRI R.D. BHANDARE** : So far as the record is concerned, that a Minister should be bound with a stenographer is something the record should not be burdened with.

**SHRI S.M. BANERJEE** : I rise on a point of personal explanation. I have all regard for Shri Shukla. What I said was, when the hon. Minister of Parliamentary Affairs said that he has taken note of it, we see the stenographers taking note of everything and that is why I said "the Minister is more than a stenographer". What did I say? What is unparliamentary in that?

**MR. DEPUTY-SPEAKER** : Let us proceed with the business now.

14.28 hrs.

#### THE PRESIDENT (DISCHARGE OF FUNCTIONS) BILL—Contd.

**MR. DEPUTY-SPEAKER** : Shri Mahajan may continue his speech.

**SHRI VIKRAM CHAND MAHAJAN** : Sir, I was submitting that there are three or four equally good alternatives for the appointment in the line of succession of those persons who can discharge the functions of the President. There is the Speaker of the Lok Sabha, there are the Governors and there is the Chief Justice. The position of the Home Minister is like that of a person who has three or four girl friends and he has to marry one of them. If he chooses one of them it is not an aspersion on the others. Similarly the Government of

India has chosen a particular line of succession, a particular line that Chief Justice or the Seniormost Judge would succeed or discharge the functions of the President until a new President is elected. It is not an aspersion on anybody else. It is not an aspersion on any other equally competent person.

Lastly, the present Bill has been introduced under article 70. The question is whether the present Bill is sufficient for the purpose or a constitutional amendment is necessary. Here I would like to read both articles 65 and 70 because that would clarify the position. Article 70 reads :

"Parliament may make such provision as it thinks fit for the discharge of the functions of the President in any contingency not provided for in this Chapter."

Article 65(1) says :

"In the event of the occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise, the Vice-President shall act as President until the date on which a new President elected in accordance with the provisions of this Chapter to fill such vacancy enters upon his office."

So, this provision says that the Vice-President shall act as the President. In what contingencies are death, resignation or removal. Article 65(2) is more important. It says :

"When the President is unable to discharge his functions owing to absence, illness or any other cause, the Vice-President shall discharge his functions until the date on which the President resumes his duties."

So, article 65(2) talks of discharging the functions of the President by the Vice-President on certain contingencies, the contingencies being absence, illness or any other cause.

The Constitution has created a distinction between article 65(1) and 65(2). While 65(1) deals with death, resignation or remo-