

अध्यक्ष महोदय : सवाल यह है कि हाई कोर्ट में रिप्रेजेंटेशन किया जाए या नहीं ।

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, कई दफा हमारी राय_ देश हित के बारे में प्रधान मंत्री की राय से अलग जाएगी । इसलिये यदि हमारे प्रति आप संयम दिखाते हैं तो अच्छा ही रहता है । एक बात और है कि मैं किसी के खिलाफ आरोप नहीं लगा रहा हूँ ।

अध्यक्ष महोदय : पिटीशन में क्या है यह बात हमारे सामने नहीं है । हमारे सामने यह बात है कि हम कोर्ट में रिप्रेजेंटेशन करें या न करें । इसमें आपकी क्या राय है ?

डा० राम मनोहर लोहिया : मेरी राय यह है कि इस में आपको बिल्कुल गैरजानिबदार हो जाना चाहिए और जो असली चीजें हैं उनका फसला होना चाहिए इसमें आप अपने को बिल्कुल मत मिलाइए ।

Shri Raghunath Singh (Varanasi): It is already incorporated in the Constitution under article 122. May I read it? Is officer or Member of Parliament in whom the powers are vested by or under this Constitution for regulatimg....

अध्यक्ष महोदय : यह तो हर एक आदमी जानता है कि रघुनाथ सिंह जी । इसके पढ़ने से क्या फायदा ?

श्री रघुनाथ सिंह : नहीं जाना चाहिए ।

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): I have followed what has generally been said in this House. I would like to say that I share the feelings expressed in the House by the hon. Members. In the internal working or proceedings of this House, this House is completely sovereign and I do not think that you, as the Speaker, should submit to any court or to any summons which are served

on you. In so far as the Government is concerned, of course we would like to examine the legal implications further immediately. But we will on behalf of the Government watch the proceedings and I think therefore the matter should end there. If there is anything else we can consider it later on.

श्री मधु लिमये : मेरा एक प्वाइंट आफ ऑर्डर है ।

अध्यक्ष महोदय । यह बात खत्म हो गयी ।

Shri Priya Gupta (Ketihr): Sir, On a point of order.

श्री मधु लिमये : मेरी बात सुनिए ।

Mr. Speaker: I have the direction from the House that this House and the Speaker would not be represented there.

श्री मधु लिमये : मेरी बात सुन लीजिए ।

अध्यक्ष महोदय : नहीं ।

श्री मधु लिमये । तो ठीक है, मत सुनिए ।

BUSINESS OF THE HOUSE

The Minister of Communications and Parliamentary Affairs (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government Business in this House for 10th and 11th May, 1965, will consist of:—

- (1) Consideration of any item of Government Business carried over from today's Order Paper.
- (2) Consideration and passing of:

The Representation of the People (Amendment) Bill, 1965.

[Shri Satya Narayan Sinha]

The Seeds Bill, 1964, as passed by Rajya Sabha.

Time permitting the House will also take up for consideration and passing the following Bills which have already been passed by the Rajya Sabha and are pending in this House:—

The Press and Registration of Books (Amendment) Bill, 1965.

The Employees Provident Funds (Amendment) Bill, 1965.

Shrimati Renu Chakravartty (Barackpore): Sir, I want to ask the Minister of Parliamentary Affairs about the Bonus Bill, which we were promised earlier at least be introduced. I want to know whether Government would stick to that decision and at least introduce the Bill?

Shri Hari Vishnu Kamath (Hoshangabad): Mr. Speaker, last Friday, I raised an issue which the Minister of Parliamentary Affairs promised to consider. Let me have his attention.

Mr. Speaker: I will remind him. He will be very brief.

Shri Hari Vishnu Kamath: You will, I think, have it looked into. That was that the Defence of India Act that we had adopted in the wake of the Chinese invasion needs to be amended in the light of the Pakistani invasion, and Pakistan also should come within the ambit, within the Defence of India Act and the rules thereunder. I do not know whether he got legal advice in the matter, and if he has, we would like to know whether the Government proposes to introduce that Bill.

Mr. Speaker: Has he studied and does he think that this is confined only to the inimical Chinese persons?

Shri Hari Vishnu Kamath: Yes, Sir. China is, I think, mentioned there.

The second point is that last Friday we also raised the issue of a short session or special session being

summoned, if necessary. I would like to submit briefly that the events and developments of the last few days have, instead of clarifying the situation which is already confused and confusing the war situation tended to obfuscate it; the House and the nation are naturally concerned with the matter. Particularly, the Prime Minister himself said the other day that the Government had proceeded in stark ignorance of the Indo-Pakistan agreement of 1960. That is the reason why . . .

Mr. Speaker: All these arguments should not be brought in. I requested him to be brief on this question, namely, which Bills should be brought.

Shri Hari Vishnu Kamath: I am much briefer than usual. I wanted to give the background in half a minute. I would, therefore, like to know whether the Government, if it functions in the manner that it has functioned the Minister of External Affairs did not put the agreement before the Prime Minister nor did the officer concerned.

Mr. Speaker: Order, order. This is not the occasion for comments.

Shri Hari Vishnu Kamath: Therefore, it is all the more necessary that Parliament should continue in session. That is the first point.

Then, the next point is this. After the Colombo proposals, in January, 1963, a special session was called, advisedly, by the then Prime Minister, Shri Jawaharlal Nehru, and a short session of Parliament was held. Now, before the House, before the country, there are what are known as the Harold Wilson or London proposals. Before the Government takes a decision, the House must be taken into confidence. Therefore, before any decision is taken on these proposals, the House must meet and must have a special session, to consider the proposals.

श्री प्रकाशचौर शास्त्री (बिजनौर) : मैं आप के द्वारा संसद्-कार्य मंत्री जी से पूछना चाहता हूँ कि वे संसद् में अगर कोई आश्वासन दें तो उस की कोई कीमत होती है या नहीं ? संसद् के पिछले अधिवेशन में अभी जब यह विवाद छिड़ा था उत्तर प्रदेश विधान सभा और हाई कोर्ट के सम्बन्ध में तो संसद्-कार्य मंत्री ने यह कहा था—आप को स्मरण में होगा कि इस सम्बन्ध में विधान सभाओं के अध्यक्षों का एक सम्मेलन होने वाला है और उस के बाद हम निर्णय करेंगे। हालांकि उस समय आपने ही कहा था कि उनका निर्णय तो लगभग स्पष्ट है। वह सम्मेलन हुआ और उसका निर्णय भी पता लग गया है। अब जब यह वर्तमान अधिवेशन चालू हुआ तो इसी अधिवेशन में संसद्-कार्य मंत्री ने यह कहा कि हम उस चर्चा को निश्चित रूप से लेंगे। प्राइवेट मैम्बरस बिजनौर कमिटी ने भी सर्वप्रथम इस प्रस्ताव को रक्खा है जिससे वह इस अधिवेशन में चर्चा का विषय बन जाय। जब एक प्रश्न उठ गया है और उठने के बाद तरह तरह की शाखाएं, प्रशाखाएं उसकी फूट रही हैं तब सरकार इस प्रकार अपने दायित्व से क्यों बचती है ? मैं यह चाहता हूँ कि सरकार को इस प्रश्न पर प्रतिपक्ष निर्णय कोई अग्रथ्य ले लेना चाहिए वरना और कठिनाइयों में यह सरकार फंस जायेगी।

अध्यक्ष महोदय : इस समय सिर्फ बिजनौर के बारे में कहा जाय और एक, एक मिनट में कहा जाय।

श्री हुकम चन्द कछवाय (देवास) : अभी पिछले शुक्रवार को बोनस कमिटी की रिपोर्ट के बारे में मंत्री महोदय से हम ने पूछा था लेकिन अभी तक वह आया नहीं है। पिछले डेढ़ वर्ष से यह मवाल उठता आ रहा है।

अध्यक्ष महोदय : उन्हीं सम्बन्धित मंत्री से यह मामला उठाया है और वह

बतलायेंगे कि इस सेशन में उस पर बहस करने के लिए समय नहीं है। यह सवाल पहले भी उठ चुका है इसलिए उस को दुबारा दुहराने से क्या फायदा है ?

श्री हुकम चन्द कछवाय : हमको बोनस बिल लाने का आश्वासन दिया गया था लेकिन उस को अभी तक पूरा नहीं किया गया है।

अध्यक्ष महोदय : अब इसका जवाब तो एक ही होगा और वह पहले दिया जा चुका है। उसी सवाल को दुहराने से क्या हासिल है ?

Shri S. M. Banerjee (Kanpur): I have three points. First, I wish to support Shri Kamath's suggestion . . .

Mr. Speaker: No support is required. I am requesting again and again that Members should be . . .

Shri S. M. Banerjee: I want that this session should be extended.

Mr. Speaker: He has said it now. These are all subjects on which votes are not taken. What is his other point?

Shri S. M. Banerjee: My second point is this. I know that we could not have a discussion on the question of dearness allowance in respect of the statement made by the hon. Finance Minister on the same day, and I and Shri Na h Pai and some other hon. Members wanted to put certain questions and get a clarification as to why the Government have to an extent differed from the recommendations of the Das Commission. In the absence of a discussion, I would request the Finance Minister, through you, that he should make a statement to clarify it by the 11th instant.

My third point is this. You know I have also demanded a discussion on the retrenchment which is taking place in the defence installations. In the absence of a discussion, let there

[Shri S. M. Banerjee]

be a statement *suo motu* made by the Defence Minister before this session ends.

श्री जगदेव सिंह सिद्धान्ती (मज्जर) : मौजूदा अधिवेशन की समाप्ति से पूर्व रन श्रीफ कच्छ की जो समस्या है उस पर बहस हो जानी चाहिए ताकि सरकार यहां हमारे हाउस का पूरा विश्वास प्राप्त कर सके ।

श्री जशपाल सिंह (कैराना) : बारबार यह बात कही जाती है कि पाकिस्तान की वजह से और इस जंगो जदल की वजह से पार्लियामेंट बुलाई जाय लेकिन पार्लियामेंट इस मामले में क्या करेगी ? इस मामले को तो मिलिटरी के जनरलों के हाथ में तय करने को सौंप दिया जाय । पार्लियामेंट इस में क्या करेगी ? अब पार्लियामेंट के मंत्रियों को तो यह भी पता नहीं है कि राइफल दायें कंधे पर रखी जाती है या बायें ? पार्लियामेंट को बुलाने की कोई जरूरत नहीं है बल्कि सरकार को टिट फोर टैट वाली पालिसी अमल में लानी चाहिए और पार्लियामेंट के बुलाने पर जो रुपा खर्च आयेगा उसे उधर मिलिटरी के ऊपर खर्च किया जाय ताकि दुश्मनों के बह दांत खट्टे कर सके ।

Shri Priya Gupta (Katihar): Before this session closes, I desire to have a statement made by the Home Minister as to how long it will take for the decision of the President of India in connection with the age of superannuation of Justice J. P. Mitra of the Calcutta High Court and Justice Rati Kanta Chaudhuri of the Patna High Court, in view of the decision of the Supreme Court of India; whereas Justice J. P. Mitra has been discontinued, Justice Chaudhuri is continuing. Then, on the recent judgment given by Justice R. K. Chaudhuri of the Patna High Court in the case, Non-gazetted Staff of the

Bihar Government versus the Chief Minister of Bihar, an anomaly has arisen whether it is illegal or *ultra vires*, because Justice Chaudhuri has been allowed to continue beyond the age of superannuation, since he is already 62 years of age. I want a clarification.

Mr. Speaker: All this cannot be taken up now. The scope is being widened by the hon. Member. The Minister has just announced the business that would be taken up next week.

Shri Priya Gupta: It should be included in the business.

Mr. Speaker: During two days, what can be done?

डा० राम मनोहर लोहिया (फर्रुखाबाद) : अनाज की मिकदार और चीजों के दाम के बारे में आप भी कई बार बहस जरूरी समझ चुके हैं इसलिए यह बहस इस सत्र के खत्म होने तक हो जानी चाहिए ।

Shri Shivaji Rao S. Deshmukh (Parbhani): Myself and Shri D. S. Patil have given notice for a half-hour discussion on the present situation in Vidarbha regarding the tribal welfare in that part of the country. In Vidarbha, there are two sets of tribals; one set of tribals in the scheduled areas, and the same set of tribals in the non-scheduled areas are being denied the same concession, and certain facilities which are due to them for the last so many years. This distinction had been promised to be removed by our late Prime Minister, and the Government so far has not done anything in that direction, and the situation is such that there is a hunger-strike going on and other difficulties are faced.

Mr. Speaker: Order, order. Such grievances ought not to be brought in now. How can that be possible?

Shri Shivaji Rao S. Deshmukh: The Government should find time to have a half-an-hour discussion on that matter.

Shri Ranga: You were good enough to set apart one hour on the last day for questions to be put to the Government on the subjects chosen by the Members. May I request you to reserve this time for the Prime Minister to say something and for the Members to offer their comments, or whatever it is, in regard to the Kutch problem so that we need not have to go through what we have done today?

Secondly, as soon as the Prime Minister returns after his tour, he may consider the advisability of calling the House for a short session if need be, to take the House into his confidence in regard to the national and international matters.

Shri Satya Narayan Sinha: I do as Prof. Ranga's suggestion about the one hour is concerned, how it should be devoted is for you, Sir, to decide.

Mr. Speaker: I might just intervene. I have not had a very happy experience last time. Prof. Ranga's party objected at that time by saying that it was a waste of time then. It was said so at that time. Rather I felt distressed at that moment. I thought some people had benefited by those answers. I have gained some experience in that, and therefore, there would be no one-hour this time.

Shri Satya Narayan Sinha: So far as the Bonus Bill is concerned, I am really sorry that in spite of best efforts, it was not possible, and the Labour Minister is sitting behind me and I asked him today...

Shri Dinen Bhattacharya (Serampore): Let him make a statement. What is the difficulty in bringing the Bill?

श्री हुकम चन्द कच्छवाय अध्यक्ष महोदय, पिछले तीन, चार सेशन से यह मामला चल रहा है।

Shri Satya Narayan Sinha: Within two days, no purpose will be served

Shri Dinen Bhattacharya: You gave an assurance and the Labour Minister also gave an assurance about it. What is the difficulty in bringing that Bill? Let us see what is there.

Shri Satya Narayan Sinha: I do not deny that. I have been saying that there was some chance, some hope of bringing it but I do not want to say it now. There is definitely no chance of introduction of that Bill in this session.

Shrimati Renu Chakravartty: He has been promising from the very beginning, right from February, March, April—and now we are in May—that he would bring in the Bill. In his speech also he said so. It is very unfair. How can we believe the Government after this? (Interruption).

Mr. Speaker: Order, order. This is a legitimate grievance. The Government ought first to weigh the things and see whether it is possible to bring it and then make statements.

Shri Satya Narayan Sinha: I plead guilty to the charge.

Shri Hari Vishnu Kamath: He is a promising Minister.

श्री हुकम चन्द कच्छवाय : पिछले डेढ़ साल से यह मामला लटकता चला आ रहा है। पिछले तीन, चार सेशन से इसे लटकाते चले आ रहे हैं लेकिन अभी तक इसे हाउस में पेश नहीं किया गया है।

अध्यक्ष महोदय : वह तो ठीक है लेकिन उन्होंने भी अपनी मजबूरी बतला

[अध्यक्ष महोदय]

दी है कि इस सेशन में उसे लाना संभव नहीं है ।

श्री हुकम चन्द कछवाय : लॉग बाहर हमसे सवाल करते हैं कि तुम ग्रंथर जाकर क्या करते हो उनको मैं क्या जवाब दूँ ?

अध्यक्ष महोदय : अगर टेपरेकार्डर का प्रबन्ध कर सके तो उन्हें सुना दें कि यहां आप उसके लिए कितना कुछ कह रहे हैं ?

श्री हुकम चन्द कछवाय : वह हमारा गला पकड़ते हैं ।

अध्यक्ष महोदय : आप कहें कि हम वहां पर जाकर स्पीकर का गला पकड़ते हैं ।

Shri N. Sreekantan Nair (Quilon): It is being understood in labour circles that the Cabinet has become more and more anti-labour. That is the only thing I want to point out.

Shri Satya Narayan Sinha: So far as DIR is concerned, my friend, Mr. Kamath, raised this point last time also. I am told that there is no mention of the word "China" there. Anyway, we shall examine it and if it is necessary that the Act should be amended, it will be amended. But so far as our information goes, there is no such necessity of amending it and it will be quite applicable to this emergency created by the Pakistan invasion also.

Shri Priya Gupta: In West Bengal, Muslims in the transferred areas of Bihar are still under detention under the DIR for the last one year. We want a final decision about their case. They should be released.

Shrimati Renu Chakravartty: This is very objectionable statement. They are making statements in Parliament saying that the whole minority community from West Bengal should be

transferred. Are we a secular State or what?

Shri Priya Gupta: I did not say they should be transferred. They should be released from detention under DIR. They have been under detention for a year.

श्रीमती रेणु चक्रवर्ती ने सुना नहीं है ।

अध्यक्ष महोदय : भानुवर्ष सदस्य इस तरह बोलते हैं कि कोई नहीं सुन सकता है । मैं लीडरों आफ दूप्स से दरखास्त करूंगा कि वे अपने मेम्बरों पर कुछ रेस्ट्रिक्ट और कंट्रोल एम्प्लाइज करें । एक एक मेम्बर के साथ डील करना मेरे लिए बड़ा मुश्किल है ।

श्री प्रिय गुप्त मैं तो मुबह मे खामोश बैठे हूँ ।

Shri Hari Vishnu Kamath: I would submit in all earnestness and humility, Sir, that so far as the regulation of business and conduct of the business here is concerned, I think it would be not wholly right to saddle the group leaders with complete responsibility for the behaviour of their colleagues.

Mr. Speaker: All right; I will be at liberty to treat them as individuals. (Interruptions).

Shri Hari Vishnu Kamath: May I point out that it has very often happened that though the leader of the Congress Party is here in the House. I have seen many Congress members also disturbing the proceedings in the same manner. The same rule applies to them also and what is sauce for the goose is sauce for the gander as well. There should be no double standard; the same standard applies to all. If the leader of the Congress Party cannot control the members of his party, how can the leaders of other parties control their

members on each and every occasion? We try to control our colleagues as far as possible. But sometimes, as it happens, the House is so excited that it is up to you—you are the supreme custodian of everything here—to do what you deem fit and proper.

Shri C. K. Bhattacharyya (Raiganj): The last statement made by Mr. Kamath should not go unchallenged. Up till this day not one member of the Congress Party has obstructed the proceedings in the manner that those on Mr. Kamath's side do.

श्री कश्चन पटनायक (सम्बलपुर) :

प्रायः एक कक्षय विवक्षित गद्य था ।

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath: I will point out next time.

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): I merely wanted to say that what Mr. Kamath said is not entirely correct. Of course, sometimes, there may be occasions when something is said from the opposition side and some members of our party might also get somewhat upset or excited. But by and large, we have maintained complete discipline and we have shown the utmost respect to the Chair.

Dr. M. S. Aney (Nagpur): I beg to differ from what the Prime Minister has said. On many occasions I have found that the quorum bell is ringing here but they refuse to come out of the Central Hall. It is a disrespect to the Constitution.

Shri Satya Narayan Sinha: About the two motions regarding dearness allowance and the Defence Minister making some statement, none of these two has been admitted as a no-day-yet-named motion. Even if they were admitted, as you know, Sir, we are running against time and there are only two days more. Anyhow, the question does not arise, because I am told neither of these two has been admitted as a no-day-

yet-named motion. So far as I am concerned, the question does not arise.

About the emergency session, I made it clear last Friday also and I repeat it today that if there would be any such emergency or necessity for calling a session or taking the House into confidence, certainly Government would summon the House. Government would not like to do anything behind the back of the Parliament. I cannot say exactly what will happen, but if the situation demands, if there is necessity, certainly the House will be called at short notice. But nothing can be promised now. I hope that that emergency may not arise. But if it will arise, we will have the session.

श्री प्रकाशबीर शास्त्री : अध्यक्ष महोदय, मैं ने एक महत्वपूर्ण विषय पर कुछ कहा है । मंत्री महोदय ने उस का जवाब नहीं दिया है ।

श्री सत्य नारायण सिंह : जहां तक शास्त्री जी के सवाल का सम्बन्ध है, यह बिल्कुल सही है कि हम ने वादा किया था, लेकिन उन को पता है कि पिछली दफा मैंने हाउस में भी इस बारे में निवेदन किया था । हम हाउस में इस सवाल पर डिस्कशन करने जा रहे थे, लेकिन इलाहाबाद हाई कोर्ट का जजमेंट आ गया । मैं कहना नहीं चाहता था, क्योंकि प्राय से खानगी में बात हुई थी, लेकिन इस बारे में प्राय में भी बात हुई थी । यह सोचा गया कि इस वक्त मामले को उठाने से कोई फायदा नहीं होगा ।

श्री प्रकाशबीर शास्त्री : उसी का नतीजा यह है कि एक नया केंस प्राय के सिर पर आ गया ।

श्री सत्य नारायण सिंह : जो भी नतीजा हो । हम इस बात पर बहस करने के लिए तैयार हैं । प्राय जानते हैं कि इस सम्बन्ध में एक मीटिंग की गई थी ।

[श्री सत्य नारायण सिंह]

लेकिन इसी बीच में इलाहाबाद हाई कोर्ट का फैसला आ गया और यह समझा गया कि वह बिल्कुल हमारे शक में है और जब तक कोई नई घटना न हो जाये,...

श्री प्रकाशबीर शास्त्री : वह तो हो गई ।

श्री सत्य नारायण सिंह : इस बारे में आप से भी राय की गई थी और यह माँचा गया कि इस वक्त इस को न उठाया जाय । इस सेशन के बाकी दो दिनों में तो इस पर बहस हो सकती है । लेकिन अगर इस पर विचार करना है, तो अगले सेशन में इस के लिए समय निकाल सकते हैं ।

श्री प्रकाशबीर शास्त्री मराठ

इतना आश्वासन तो दे कि जब यह अधिवेशन समाप्त हो जायगा तब वह इस बारे में अपना मन बताने लगेगी और उस के बाद अगले अधिवेशन में इस प्रश्न को ले लिया जायगा । इस बात को दराया न जाए । जब एक अध्याय खल ही गया है, तो उस का निर्णय हो ही जाना चाहिए ।

श्री किशन पटनायक : दामों के बारे में पटनाय एडमिट हो गया है ।

श्री जगदेव सिंह सिद्धान्ती कच्छ
के बारे में नहीं बताया है ।

13.38 hrs.

STATEMENT REGARDING WITHDRAWAL OF INDIAN DIPLOMATIC MISSION FROM SOUTH RHODESIA

The Deputy Minister in the Ministry of External Affairs (Shri Dinesh Singh): Government of India have been greatly concerned at the politi-

cal developments taking place in Southern Rhodesia. The series of measures taken by the minority settlers' Government in Salisbury, especially the elections ordered for today the 7th May, indicate its determination to take positive steps towards the declaration of independence unilaterally on the basis of the existing constitution and without the consent of the people of the country through recognised democratic processes. Any semblance of 'constitutionality' sought to be given by the process of conducting a spurious election would be completely unacceptable.

2. Government of India have repeatedly made it known that Southern Rhodesia should gain independence without delay on the basis of the establishment of a duly constituted democratic government, elected on the principle of 'one man one vote'. We consider that the status of Southern Rhodesia as a non-self-governing territory, which has been affirmed in the United Nations General Assembly Resolution 1747 of 28th June, 1962, remains unchanged.

3. It is a matter of great concern that despite opposition from the majority population of Southern Rhodesia and expressions of disapproval by the international community in the United Nations, in the Organisation of African Unity, in the Second Conference of Non-Aligned Nations and other forums, the minority Government in Salisbury persists in the achievement of its illegal objectives.

4. To demonstrate our strong disapproval and as a mark of solidarity with the people of Southern Rhodesia struggling for the vindication of their rights and in conformity with enlightened world opinion, Government of India have decided to withdraw their Mission in Salisbury as from to-day. The British Government have been informed of our decision and our Representative must have left Salisbury to-day.