

Shri Frank Anthony (Nominated—Anglo-Indians): May I with great respect submit that we are in a considerable quandary. I do not know what sort of opinion the Leaders of Groups will arrive at, but assuming there is a consensus that we should be represented there, the matter will hardly rest at that, because, in my own case, quite frankly, I suffer from dichotomy; as a Member of this House, I am all in favour of the greatest amplitude of privileges, just as a member of the Bar is anxious that the rights of the Bar are maintained, the rights of the judiciary are maintained. I would not be in favour of canvassing our privileges to such an extent that we must send a person to the jail for any length of time. What is involved is the quantum and extent of our privilege (*Interruption*). It is not only whether we should be represented, but what attitude the counsel will take. After all, there is no doubt about it that each one will canvass his case to the maximum extent. The case on behalf of the legislature will be canvassed to the extent of asking for the maximum of privilege and the case on behalf of the judiciary will be canvassed for the maximum of exercise of power by the judiciary. As a member of the Bar I cannot merely canvass on behalf of the petitioner. How will this be resolved unless we have some kind of a discussion here?

Mr. Speaker: After consulting the leaders, I will refer it to the House. But I do not agree that there should be a discussion on the merits of the case.

Shri Hari Vishnu Kamath: Sir, I rise on a point of clarification. This, Sir, is an issue to which the history of Parliaments elsewhere or of the judiciary hardly affords a parallel. The original parties to the dispute are the U.P. Vidhan Sabha and the Allahabad High Court. Now, Sir, the Government is seized of the matter, in the sense that they have got the advise of the Attorney-General. The

Attorney-General has submitted his opinion to the President, and the President made a reference to the Supreme Court. Has Government made arrangements for the proper representation of the U.P. Vidhan Sabha, which is a party to the dispute, before the Supreme Court? I would like to know whether they have done so, or whether they are going to make proper arrangements for that?

Mr. Speaker: That is not my concern at this moment. After my meeting with the leaders of all parties I will refer the matter to the House.

12.18 hrs.

CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE

FLIGHT OF UNIDENTIFIED PLANE
OVER JAMMU

Shri Swell (Assam-Autonomous Districts): Sir, I call the attention of the Minister of Defence to the following matter of urgent public importance and I request that he may make a statement thereon:—

“The flight of an unidentified plane over Jammu on the 27th March, 1964.”

The Minister of Defence Production in the Ministry of Defence (Shri Raghuramaiah): Mr. Speaker, Sir, on the 27th March, 1964, at 10.15 hours, one jet aircraft was visually observed flying near Chhamb, 30 nautical miles west-north-west of Jammu: It flew at an approximate speed of 400 miles per hour and at a height of about 3,000 feet. The aircraft came from north-north-east direction and went towards the south-west direction. The aircraft penetrated 5 nautical miles into the Indian territory. It was also observed that Pakistan Forces on the other side of the ceasefire line had put up flags to help the aircraft to go to the Pakistan territory. Since there was no Indian aircraft flying in the vicinity at that time, and in view of the above

circumstances it appears that it was a Pakistan aircraft.

On the same day, at 10.20 hours, trails of one aircraft were observed about 10 miles west of Jammu, at a height of about 35,000 feet. The direction of the flight was from east to west. The penetration into the Indian territory was 2 to 3 nautical miles. The identity of this aircraft could not be established as it was flying at a great height. It was apparently a Pakistani aircraft as no Indian aircraft was flying in the vicinity at that time.

In accordance with the normal procedure, border violation complaint has been lodged with the United Nations Military Observer in Jammu and Kashmir.

Shri Swell: Sir, only yesterday the Minister of Defence in reply to one of our questions stated that the Government has no arrangements for the patrolling our air space over Tripura. Here is a case of a Pakistani plane flying with impunity over our western vulnerable sector. Will the House be right to deduce from this that Pakistan is superior to us in air power that we can only stand and gape at their planes?

Shri Raghuramaiah: I have already mentioned some of the facts. From that it is clearly seen that the penetration was only two or three miles in one case.

Shri Hem Barua (Gauhati): Why "only"?

Shri Raghuramaiah: I am mentioning the technical difficulties.

Shri Hari Vishnu Kamath: Even one inch is bad enough.

Shri Hem Barua: Sir, you are the custodian of the rights of this House. The Minister has used the word "only". It is an encouragement to Pakistan.

Shri Hari Vishnu Kamath (Hoshangabad): It minimises the whole thing.

Shri Raghuramaiah: I used the word "only" to qualify the distance; not the violation. . . (Interruptions). When the penetration is of that nature and the speed of the aircraft is of the range of 400 to 500 miles—and in one case at least it was at a high altitude—the House will appreciate that in such cases all that we could do is immediately to report the violation to the military observers.

Shri Nath Pai (Rajapur): We cannot appreciate that.

Mr. Speaker: Their complaint or grievance is, why should we emphasize the word "only". It is a serious matter, because it is a violation all right. Now, papers to be laid on the Table.

Shri Hari Vishnu Kamath: Sir, on a point of order. It looks as if the Defence Minister does not remember what the Prime Minister said some time ago, that we will not yield an inch to the enemy. He said that some time ago.

Mr. Speaker: Is that the point of order?

Shri Tyagi (Dehra Dun): Flying a few miles will take half a minute.

Shri Hem Barua: But he has said "a few nautical miles". So, he should say that. . . (Interruptions).

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath: How many miles make an inch? Let us know it.

Shri Swell: The Minister has evaded my question. My question was whether from all this, this House would be right to deduce that Pakistan is superior to us in air power.

Shri Raghuramaiah: I do not think from this incident it can be inferred that way.

Shri Nath Pai: This is not the only incident. It is an everyday occurrence. So, why does he say "from this incident"? (*Interruptions*).

Shri Hem Barua: Sir, it is an attempt to hoodwink the House to say "from this incident". This is not the only incident. . . . (*Interruptions*).

Mr. Speaker: Order, order. In spite of my calling again and again, hon. Members, I regret to say, do not resume their seats.

Shri Hem Barua: This reply of the Minister is insulting.

Mr. Speaker: That can be raised in many other manners, but not in this manner.

Shri Hem Barua: Our claim is that this is not the only incident.

The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru): I am getting up merely because hon. Members opposite referred to me and said "not an inch" or something.

Shri Ranga (Chittoor): He need not get up. He can reply sitting.

Shri Jawaharlal Nehru: I do not know how he considers an air flight, which apparently covers two or three miles of our territory, as an inch. That is only in ground attack, because the point is

Shri Hem Barua: There is no distinction like that between air and ground.

Shri Jawaharlal Nehru: Why not? Hon. Members opposite do not seem to understand how these flights take place.

Shri Hari Vishnu Kamath: You understand them very well? All right.

Shri Jawaharlal Nehru: I do. It is my misfortune that the hon. Mem-

bers' understanding is very limited in this matter.

Shri Hari Vishnu Kamath: You have learnt from us quite a lot.

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath: Sir, this is not the way to answer questions.

Mr. Speaker: What direction should I give?

Shri Hari Vishnu Kamath: "You do not understand, I understand", is this the way to answer questions in Parliament?

Mr. Speaker: Every party does it. Members from both sides say that so many times. So many members say that the Minister has not understood it or he does not try to understand it. Where is the harm?

Shri Hari Vishnu Kamath: But not in this way, Sir. We can also fling it, throw it at his face, if he wants. It is a double-edged weapon.

Shri Tyagi: We will not take it.

Shri Hari Vishnu Kamath: We will see. We will do it all right.

Shri Jawaharlal Nehru: The hon. Member has every right to throw it at my face, but at the appropriate time, not when I am speaking.

Shri Hari Vishnu Kamath: Our country is being invaded by Pakistan and China, but here

Shri Jawaharlal Nehru: When I am speaking, he should not interrupt me.

Shri Hari Vishnu Kamath: Sir, may I point out

Mr. Speaker: Order, order. Is this the manner in which we should proceed?

Shri Hari Vishnu Kamath: Sir, I do not understand this attitude

Shri Jawaharlal Nehru: Mr. Speaker, Sir... (*Interruptions*).

Shri Hari Vishnu Kamath: The Speaker is here to regulate the proceedings; it is not for him to say that.

Mr. Speaker: He should not throw this challenge to everybody. I am requesting the hon. Member again and again to resume his seat. Is this the way in which the proceedings of this House are to be conducted?

Shri Hari Vishnu Kamath: He is the leader of the House. He should behave

Mr. Speaker: When he is the leader, he has to be shown the respect that he deserves.

Shri Hari Vishnu Kamath: But he should not mislead.

Shri Jawaharlal Nehru: The hon. Member is needlessly getting excited. I do not know what he is excited about.

Shri Hari Vishnu Kamath: You were never excited about the Chinese invasion at all.

Shri Jawaharlal Nehru: He can contradict me. He can do whatever he likes, but at the appropriate time; not interrupting me in the middle of the sentence, not even hearing the whole sentence previously.

Shri Tyagi: Don't you know that he is a bachelor?

Shri Hari Vishnu Kamath: And he is a widower... (*Interruptions*).

Mr. Speaker: Order, order. When we are in the midst of such serious discussion, such remarks should not be made. Let us hear the Prime Minister. He should contain himself.

Shri Hari Vishnu Kamath: Sir, I was keeping quiet. Shri Tyagi interrupted.

Mr. Speaker: Will he please resume his seat?

Shri Hari Vishnu Kamath: I am sitting down. Let him interrupt. This is not the proper thing to do.

Shri Jawaharlal Nehru: A plane travelling at the rate of 400 to 500 miles is entering, supposed to enter our territory by 2 or 3 miles—I say supposed to enter—because it is not easy to determine whether it is violating; you can see a thing right on the top but it may be a visual error, whether it is this side or not; it is a doubtful thing....

Shri Hem Barua: After the Defence Minister has stated

Shri Jawaharlal Nehru: Mr. Speaker, may I finish my sentence?

Shri Hem Barua: After that statement by the Defence Minister, for the Prime Minister to say it is doubtful

Mr. Speaker: Order, order. Should he not be allowed to proceed. Members can differ from him but he must be allowed to speak.

Shri Jawaharlal Nehru: I should like hon. Members to calculate how long it takes for a plane travelling 400 miles an hour to come or travel two or three miles; how many seconds it takes. It is a matter of calculation. And it is exceedingly difficult in such cases to take any action then and there. You cannot do it unless you have planes all the time in the air; and then too, it is doubtful whether you will be able to assert they have come within our territory, because 2 or 3 miles, even 6 or 8 miles, you cannot be certain where the plane is, if you see it from the ground. So, there is no question of our air force being less powerful or weaker than Pakistan Air Force.

Shri Hari Vishnu Kamath: It is an illusion.

Shri Jawaharlal Nehru: The whole question is, in this particular case, it

[Shri Jawaharlal Nehru]

may very well be—we cannot say—slight error on their part—of course, in the air, there are no markings—of a few miles, or it may be deliberate. Two or three miles will be covered in a few seconds before going back.

Shri N. Sreekantan Nair (Quilon): Have you not got anti-aircraft guns?

Shri Jawaharlal Nehru: Anti-aircraft guns are not used on such occasions. They are not set there to be used just then and there. They are not spread out all over the face of the country. There are various installations in other places and to protect them anti-aircraft guns are set. Therefore, if I may say with all humility, there is nothing to get excited about here.

Shri Hem Barua: Sir, on a point of order.

Mr. Speaker: There is no point of order. Now, papers to be laid on the Table.

Shri Hem Barua: Sir, on a point of order. May I say . . .

Mr. Speaker: Order, order. I am not allowing it.

Shri Hem Barua: Here is a Defence Minister who has made a categorical statement that Pakistan aircraft has violated our territory. Now the Prime Minister says . . .

Mr. Speaker: Order, order. He should resume his seat.

12.28 hrs.

RE. CALLING ATTENTION NOTICE

श्री बूटा सिंह (मोगा): अध्यक्ष महोदय, राजघाट के सामने करीब ५० हरिजन भूखे मर रहे हैं कई दिन से उन की नौकरी का कोई इन्तजाम नहीं किया गया है. न उन के बारे में अखबारों में कुछ आ रहा है।

(Interruptions) मैंने कालिग अटेंशन भी दिया है उसका कोई (Interruptions)

अध्यक्ष महोदय : मैं यहां नहीं बतला सकता कि कालिग अटेंशन नोटिस का क्या हुआ ।

श्री बूटा सिंह : उन में बच्चे हैं, औरतें हैं, बूढ़े हैं। उन की हालत बहुत खराब है। उन के लिये डाक्टर का कोई इन्तजाम नहीं किया गया है। (Interruptions)

एक माननीय सदस्य : उन की डिमांड क्या है ।

अध्यक्ष महोदय : अब आप बैठ जायें ।

श्री बूटा सिंह : मंत्री उन की तरफ कोई ध्यान नहीं दे रहे हैं ।

PAPERS LAID ON THE TABLE

ARMED FORCES (SPECIAL POWERS) CONTINUANCE ORDINANCE.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I beg to lay on the Table a copy each of the following papers:

- (1) The Armed Forces (Special Powers) Continuance Ordinance, 1964 (No. 1 of 1964) Promulgated by the President on the 2nd April, 1964, under provisions of article 123(2)(a) of the Constitution.
- (2) Explanatory statement giving reasons for immediate legislation by the Armed Forces (Special Powers) Continuance ordinance, 1964, as required under rule 71(2) of the Rules of Procedure and Conduct of Business in Lok Sabha. [Placed in Library. See No. LT-2630/64].