

**Shri Bade** (Khargone): We may be given some time.

**Shri A. K. Sen:** *ad interim* order.

**Mr. Speaker:** If that is the desire, I shall have no objection. I thought there was nothing exceptional. Only some procedure has been simplified. But if it is the desire of the House that it should be taken up tomorrow, I shall have no objection.

**Mr. Speaker:** Yes, on a separate application that was made to it. Then the appeal has been dismissed. The effect of that dismissal is that any other order that was made by the court would also stand terminated. Whether the order of the High Court, staying the operation of their order of dismissal of the appeal till the 20th November, automatically revives the stay order also? I am doubtful.

12. 08 hrs.

RE: ELECTION OF SHRI G. BASU

**Shri A. K. Sen:** It is not a question of revival because that stay order would have come to an end unless the court stayed the operation of the order dismissing the appeal. It is not a question of revival of the order until the dismissal of the appeal because the order of dismissal remains stayed. Therefore, there is no dismissal.

**The Minister of Law (Shri A. K. Sen):** Sir, it will be recalled that the election of Shri Basu was set aside by the Election Tribunal. There was an appeal against that order to the High Court of Calcutta and the High Court by its order in the appeal itself dated 11th August, 1962 stayed the operation of the order setting aside the election to the extent of enabling him to attend Lok Sabha until the hearing of the appeal. That means it is an *ad interim* stay pending the hearing of the appeal. The appeal was dismissed on 27th September, 1962. After the dismissal of the appeal the original stay order would have automatically stood terminated. Thereupon, the counsel for Shri Basu applied to the court for stay of the operation of the order dismissing the appeal. It was accordingly stayed until the 20th November 1962, that is, 20th of November next. The effect of it is, therefore, as if the appeal has not been heard and, therefore, the original stay order continues until the 20th of November 1962 and he would be entitled to attend the Lok Sabha until the 20th November 1962 unless there is a further stay order from a higher court.

**Mr. Speaker:** The appeal has been dismissed. It has been disposed of and nothing remains of the appeal. Now it is only an application for leave to appeal to the Supreme Court.

**Shri A. K. Sen:** The dismissal would have taken effect if there was no order staying the order of dismissal.

**Mr. Speaker:** If the House agrees with that view, I have no objection. I will put it to the House.

**Shrimati Renu Chakravartty:** We are not able to understand the niceties of the law.

**Mr. Speaker:** Then the papers would be circulated so that hon. Members may be aware of the implications of this matter.

**Shri U. M. Trivedi:** I would like to have one clarification.

**Mr. Speaker:** We are circulating the papers. He might study them.

**Shri U. M. Trivedi:** While circulating the paper probably the hon. Minister will indicate only what he has stated before the House today. I

**Mr. Speaker:** I would like to have one point clarified. The appeal was filed before the High Court and a stay order was issued by that court that till the disposal of that appeal Shri Basu would be entitled to sit in the House. That was a separate order.

[Shri U. M. Trivedi.]

would like to know under what particular provisions of law, of the Representation of the People Act, such an order can be passed by the High Court and under what provision of that particular law such an order has been passed. That might kindly be indicated in the papers that may be circulated to us, because I do not know of any provision under which this order could have been made unless the order is passed by the Supreme Court.

**Mr. Speaker:** A copy of the order of the High Court would also be circulated along with other papers.

12.14 hrs.

#### PAPERS LAID ON THE TABLE

WHITE PAPER NO. VII CONTAINING NOTES, MEMORANDA AND LETTERS EXCHANGED BETWEEN THE GOVERNMENTS OF INDIA AND CHINA

**The Prime Minister and Minister of External Affairs, Defence and Atomic Energy (Shri Jawaharlal Nehru):** I beg to lay on the Table a copy each of the following papers:—

- (i) White Paper No. VII containing Notes, Memoranda and Letters exchanged between the Governments of India and China between July, 1962 to October, 1962.
- (ii) Letter dated the 24th October, 1962 from the Prime Minister of China to the Prime Minister of India.
- (iii) Letter dated the 27th October, 1962 from the Prime Minister of India to the Prime Minister of China.
- (iv) Message dated the 26/27th October, 1962 from the Prime Minister of India to Heads of Governments.
- (v) Letter dated the 27th October 1962 from the Prime Minister of India to President Gamel Abdel Nasser.

[Placed in Library. See No. LT-448/62.]

(vi) Statement dated the 31st October, 1962 of the Presidential Council of the U.A.R.

**Shri Tyagi (Dehra Dun):** Is it not the intention of the hon. Prime Minister to lay on the Table of the House a copy of the replies to his letter which he has received from the various Governments?

**Shri Hari Vishnu Kamath (Hoshanabad):** If at all.

**श्री र. मेड्वरानन्द (करनाल) :** प्रधान मंत्री जी ने जो कुछ कहा है, उस को हिन्दी में भी समझा दिया जाय ।

**अध्यक्ष महोदय :** उन्होंने श्रीर कुछ नहीं कहा सिवा उस के जो कि आर्डर पेपर पर लिखा हुआ है ।

**Shri Tyagi rose—**

**अध्यक्ष महोदय :** आपने सवाल किया है, अब यह प्राइम मिनिस्टर साहब के लिये है कि वह क्या जवाब देते हैं ।

**श्री जवाहरलाल नेहरू :** आम तौर से जो जवाब आय हैं वह अखबारों में छपे हैं, वह खुद पूरे या उनका खुलासा । और भी आते जाते रहते हैं । अगर वह सभी यहाँ रक्ख जायें तो शायद यहाँ के कागज बहुत बढ़ जायेंगे ।

**Shri Priya Gupta (Katihar):** On a point of order, Sir. The hon. Prime Minister has said that Members can take note of their publication in the newspapers but just a few minutes ago in reply to an hon. Member he said that he does not take cognisance of publicity by newspapers. I want to know which is correct.

**Shri Jawaharlal Nehru:** Both are correct. Anything sent to the newspapers by the Government and published is correct and anything said by unauthorised persons need not be correct.