

[Shri C. Subramaniam]

I do not think a case has been made out for an adjournment motion. That is my respectful submission.

Shri Bade (Khargone): He cannot say like that.

Mr. Speaker: In the statement facts would be stated, of course, but we will go into them afterwards. My difficulty is that I have first to indicate whether I agree to it or not. I only wanted to know whether Government says there has been no failure absolutely on the part of Government. That was all I wanted.

Shri C. Subramaniam: I am not prepared to say that there was no failure on the part of Government.

Mr. Speaker: Shri Mukerjee might ask for the leave of the House.

Shri H. N. Mukerjee (Calcutta Central): I beg to leave of the House to move my adjournment motion.

Mr. Speaker: Any objection? There is no objection. Leave of the House is granted. I will take that up at 4 O' Clock.

12.05 hrs.

RE: MOTIONS FOR ADJOURNMENT

(i) STUDENTS AGITATION IN ORISSA

Mr. Speaker: There is another adjournment motion about the students' agitation and all that has happened in Orissa. I had disallowed many notices but again this morning representations had been made to me by several Members of the Opposition that I should reconsider it. I would request Mr. Dwivedy to tell me how I can admit it—only the central responsibility, nothing more than that.

Shri Surendranath Dwivedy (Kendrapara): Sir, we are in the midst of an Emergency and there is breakdown of the administration completely in that State. There is no respect for authority neither has the authority any power to control the situation as a result of which Government had to come to the assistance of that State and there was no such situation on that occasion when assistance of troops

and the civil reserve police could be requisitioned. A *prima facie* case of corruption had been established against topmen in the administration and there are statement made by the Prime Minister in this House that when there is such a *prima facie* case the Ministers had to resign.

Mr. Speaker: He should confine himself to the specific point.

Shri Surendranath Dwivedy: It is a case in which the Central Government had already intervened and the Cabinet Secretary visited that State to make a report and even then they failed to take any steps to bring about normalcy. It is a responsibility of the Centre now. People feel that because of the inordinate delay and failure on the part of the Centre to take immediate steps this situation had arisen. The Centre is fully seized of the problem and on account of these factors the failure of the Central Government has been proved and now the Centre has to intervene.

Mr. Speaker: That would be a different thing, whether the Centre has sent somebody there to make an enquiry. He may quote the law or rule or any other authority.

Shri Surendranath Dwivedy: Troops were called for and the Army had been sent.

Mr. Speaker: But was the Army sent there at the request of the State Government to aid them to maintain law and order under the Criminal Procedure Code or...

Shri Surendranath Dwivedy: There must be justifiable reasons for sending the Army..

Shri Nath Pal (Rajapur): Sir, on a point of order. You have asked the rule or the authority. That becomes a point of order.

Mr. Speaker: I will call him but he should not intervene now in this matter.

Shri Nath Pal: You always give priority to a point of order when it is raised.

Mr. Speaker: I do, really. But if there is no point of order..

Shri Nath Pai: How do you know before I adumbrate it?

Mr. Speaker: The hon. Member has said that because I had asked the rule, a point of order arises.

Shri Nath Pai: I want to bring to your notice the rule which allows us to raise it.

Mr. Speaker: I will certainly hear him if he just allows me to proceed now, Prof. Ranga.

Shri Ranga (Chittor): Sir, it is not as if it has failed just once it has failed earlier the law and order situation there. There was some sort of a compromise and an agreement between the Government and the students. On that occasion also military had had to intervene on the request of the local Government. I am not quite sure whether the local Government has asked for intervention of the military under the Criminal Procedure Code as you suggested for restoration of law and order. If it is for restoration of law and order, a general question, then the Central Government comes into it more prominently and inescapably. It is not as if it is one local situation confined to Bhubhadeshwar alone. In the whole of the State in many places, these disturbances had taken place. The police had to use force and the reserve police had also and the military. A recrudescence has taken place now. Not only the whole of the State but the whole of the country is ago about this matter. The Prime Minister himself has made himself responsible for warning the country that similar situations are likely to arise in other States. Therefore he has appealed for the co-operation of the people, in other States, to see that similar things do not take place. What does all this be speak of? It means that there is anxiety on the part of the Government about the failure of that Government there and of their own helplessness.

You, Sir, asked us, how does the Central Government come in. If the Central Government does not consider itself responsible for what is happen-

ing now, there was no need for them to have sent there the officers of the Central Bureau of Investigation and then the Secretary to the Cabinet, and they themselves having sent, either in his official capacity as Minister or in the capacity as member of the Working Committee, one of their Ministers to go and make a study of the situation and submit a report to them. That report was considered by their Working Committee. I do not know whether the Cabinet has also considered it now.

All these questions will have to be thrashed out threadbare here on the floor of this House, and I request you to give us the opportunity give this House an opportunity, to discuss this matter, as otherwise, this law and order trouble is likely to prove contagious and spread to several others are as also all over India and develop into either Goonda Raj or military raj. We do not know what is going to happen in this country.

Shri H. N. Mukerjee (Calcutta Central): My submission is that this is a perfect case where you, as representing Parliament, should take judicial notice of what has actually happened in Orissa and allow us to have a discussion. It is a discussion which would partake of the nature of censure on the administration.....

Shri Vidya Charan Shukla (Mahasamund): On a point of order. Under rule 58.....

Mr. Speaker: I am now listening to Shri H. N. Mukerjee. (*Interruption*).

Shri Nambiar (Tiruchirapalli): When a submission is being made, why should the hon. Member there rise? (*Interruption*).

Mr. Speaker: Order, order. I will call him afterwards.

Shri H. N. Mukerjee: I do not know why the Government party is so jittery. I submit it is a very clear case where you should be pleased to uphold our demand for a discussion of this matter by way of an Adjournment Motion; the Adjournment Mo-

[Shri H. N. Mukerjee]

tion partakes of the nature of something like a censure on the administration of this country, and I am sure that there is a feeling all over the country that what has happened in Orissa and continues to happen does require the immediate attention of Parliament, because the Central Government is already in the picture and has participated in the egregious failure of administration at the Centre and in the State. I say so because not only has the Central Government assisted that State Government by lending its military force and the army reserve police which is perhaps under its jurisdiction but also there are reports from Orissa emanating from such a very reputable source as the Bar Association of the Cuttack High Court, whose representation points out that there is complete failure of the administration in that State. We see not only the Opposition in Orissa representing different parties sending memorials to Central Government regarding the complete failure of the administration which has stunk in the nostrils of the people of Orissa but also, at the same time, people who have nothing to do with political parties discover that life in Cuttack and Bhubaneswar and other places has become almost impossible. As Shri Ranga has pointed out, the Prime Minister has sent his Cabinet Secretary and report to him; that appears in the papers. We would not have known about it unless the papers reported it: the Prime Minister can find out information about it from the Central employee and on the basis of that report he is going to have some kind of cogitation. But we are being precluded from having a discussion of the matter about which the Central Government has already been compelled to take very serious notice.

Therefore as Members of Parliament we feel that we have a responsibility to the country, to the people, in Orissa as well as elsewhere, and I beg of you to permit us to have this Adjournment Motion.

Mr. Speaker: Shri Vidya Charan Shukla's point of order is that two Adjournment Motions cannot be taken in one and the same sitting. That is right; I know it. I know it cannot be discussed. (*Interruption*). It would not be taken, but I can consider whether I can put it off or I should reject it. That is what I am doing.

I cannot take up the second one for discussion. But I am only considering because I had rejected it whether there is a case for reconsideration over that.

Shri Vidya Charan Shukla: In case you cannot admit the second adjournment motion today, you might consider to hear the opposition leaders on the day when it is possible for you to admit it, rather than hearing it today when the Government are not ready. Even if you are convinced about the admissibility of the motion, you cannot admit it today. What is the point in taking it up today?

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): The wording of the rule is very clear. It says:

"Not more than one such motion shall be made at the same sitting."

Shri S. M. Banerjee rose—

Shri Vidya Charan Shukla: Let us have a decision on my point of order.

Shri S. M. Banerjee (Kanpur): I am opposing his point of order. The Minister of Parliamentary Affairs and my hon. friend, Shri Shukla, are taking shelter under a particular rule. This House is supreme and I can move for the suspension of that rule.

Mr. Speaker: There is no question of suspension before it is decided that the rule applies.

Shri Nath Pai: Sir, I shall be taking my stand on the admissibility on two things, one an established rule

and another a convention, a precedent, that is available to us. You were pleased to ask Mr. Dwivedy as to how this House is concerned with what is happening in Orissa. May I draw your attention to article 353 of the Constitution which says:

"While a Proclamation of Emergency is in operation, then—

(a) notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised."

I think Mr. Nanda will bear witness that there is an emergency . . .

Shri Nambiar: At least on paper.

Mr. Speaker: There is some force in the objection that has been taken by Mr. Shukla and the Minister of Parliamentary Affairs.

"Where for a particular day, notices of more than one adjournment motion on various subjects are received, the Speaker takes them up one by one in order of their receipt. If the Speaker gives his consent to one of them and the House grants leave, the outstanding motions are left over for inclusion in the agenda for the following day."

So, I will hear hon. Members tomorrow.

Shri Shivaji Rao S. Deshmukh (Parbhani): My point of order does not relate to the admissibility of the adjournment motion. It relates to a statement made by the hon. Member.

Mr. Speaker: If that statement is in connection with this notice and this notice is going to be taken up tomorrow, his objection could also be made at that time.

Shri Shivaji Rao S. Deshmukh: My point of order relates to a statement of fact made by the hon. Member which he is not entitled to make. That is why it has to be controverted on the floor of the House. The hon. Member has been pleased to remark that this House can take judicial notice of the law and order situation in the State of Orissa. Judicial notice is something which can only be taken note of by a court of law. Obviously, this is not a court of law. The maximum that this House can do is to take public note of what has happened in a particular State. Therefore, I beg of you to give your ruling (*Interruptions*).

Shri Dinen Bhattacharya (Serampore): Sir, I gave a Calling Attention Notice regarding the arrest of 26 Communist leaders of West Bengal. The arrests have been done with the consent of the Central Government. I do not know why that notice has not been admitted.

Mr. Speaker: If he has any objections he can come and discuss it with me.

Shri Dinen Bhattacharya: What is the remedy then?

Mr. Speaker: Under the Constitution the law and order situation in any State or the arrest of any person, be he a Communist or any other person, is the concern of the State.

Shri Dinen Bhattacharya: It was done with the consent of the Central Government.

Mr. Speaker: I am not concerned whether it was done with their consent or not. They could arrest them. That is all that I have to see. I cannot take it up here.

Shri Umanath (Pudukkottai): They were arrested under the Defence of India Rules.

Mr. Speaker: They have to be administered by the State and not by the Centre.

Shri Mohammad Elias (Howrah): We have tabled several adjournment motions . . .

Mr. Speaker: It would not be fair for hon. Members to go on like this.

Shri Mohammad Elias: We have been informed that your consent has been withheld. No reason has been given as to why it has been withheld.

Mr. Speaker: That "why" is not told here; that is my difficulty.

Shri Mohammad Elias: On silly grounds these arrests have been made. It has been stated that there was no reason at all for this arrest.

Mr. Speaker: The hon. Member will realise that I cannot discuss the reasons why they have been arrested, whether they were arrested on flimsy grounds or silly grounds and all that.

Shri S. M. Banerjee: Let the Centre deny it.

Shri Umanath: Our information is that it was done at the instance of the Central Government. Let them say that it was not at their instance that these arrests were made.

Shri H. N. Mukerjee: Sir, since this matter has been raised . . .

Mr. Speaker: Shall we proceed in this manner?

Shri H. N. Mukerjee: I want to know whether you are deferring this matter.

Shri Shivaji Rao S. Deshmukh: Sir, about my point of order . . .

Mr. Speaker: That matter is over.

Shri H. N. Mukerjee: Sir, since this matter has been mentioned—I did not mention it earlier—I just want an assurance that you would be pleased to consider . . .

Mr. Speaker: If it has been mentioned without my consent and illegally, should he then support it?

Shri H. N. Mukerjee: It is not a question of support or otherwise. I want to know whether you have made up your mind already or you are likely to consider it tomorrow?

Mr. Speaker: I have made up my mind already and I have given my decision.

Shri Hem Barua (Gauhati): I had tabled an adjournment motion about the invitation accorded to the Chinese Ambassador to attend the banquet given by the Indian Embassy in Cairo in honour of the Prime Minister.

Mr. Speaker: Shall I have to take every adjournment motion now and discuss it with the hon. Members? There are 40 or 50 notices that have been given. That would be almost impossible.

Shri Hem Barua: I only want to submit that I have not got any intimation from you so far about this adjournment motion.

Mr. Speaker: He might wait. I will give him the information. If I have not yet taken a decision that would also be communicated. If I have taken a decision he would be informed about it.

Shri Hem Barua: I sent the notice on 9th October.

Mr. Speaker: Then I must have taken a decision on that.

(ii) BYE-ELECTIONS TO LOK SABHA

डा० राम मनोहर लोहिया (फर्रुखाबाद) :
अध्यक्ष महोदय, मेरा स्वयं प्रस्ताव एक बुनियादी चीज के मामले में है। इस लोक सभा का काम तभी कोई मतलब रखता है जब प्लान और काम में कोई सम्बन्ध हो। यह मैं मानता हूँ कि जो आदमी सोचता है वह पूरी तरह कह नहीं पाता या जो कहता है