

following communication, dated the 30th April, 1966, from the Superintendent, Central Jail, Vijayur:—

"I may report that Shri A. K. Gopalan, Member, Lok Sabha, who was detained in this Jail under the Defence of India Rules, has been released on the 27th April, 1966, since the detention order issued against him was cancelled by the Government of India."

**Shri Daji (Indore):** Again, the same question. The Member came and spoke here but the communication is slower than the Member.

**Mr. Speaker:** I will find out.

**Shri Hari Vishnu Kamath (Hoshangabad):** This is the second time.

**Mr. Speaker:** Can the Home Minister or the Minister of State tell me what is the reason for this?

**Shri Hari Vishnu Kamath:** This is a repetition.

**Mr. Speaker:** Mr. A. K. Gopalan was released on 27th. He has joined us and he has also made a speech. Only now we are getting this communication.

**Shri Hari Vishnu Kamath:** This is dated what?

**Mr. Speaker:** This is dated 30th April.

**Shri Hari Vishnu Kamath:** Why has it taken so long?

**Mr. Speaker:** It was after four days that the communication was despatched. That must be found out.

**The Minister of State in the Ministry of Home Affairs and Minister of Defence Supplies in the Ministry of Defence (Shri Hathi):** I shall look into it.

**Shri Hari Vishnu Kamath:** Will they make an enquiry?

**Mr. Speaker:** Yes.

**Shri Surendranath Dwivedy (Kendrapara):** The Minister of Communications should also look into it.

12.21 hrs.

#### PUBLIC ACCOUNTS COMMITTEE

##### FIFTY-THIRD REPORT

**Shri R. R. Morarka (Jhunjhunu):** I beg to present the Fifty-third Report of the Public Accounts Committee on Appropriation Accounts (Railways) 1963-64 and Audit Report (Railways), 1965.

12.21 hrs.

#### BUSINESS OF THE HOUSE

**The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha):** With your permission, Sir, I rise to announce that Government Business in this House for the week commencing 9th May, 1966 will consist of:—

- (1) Consideration of Government Business carried over from today's Order Paper.
- (2) Consideration and passing of the following Bills:—

The Produce Cess Bill, 1966.

The Orissa Legislative Assembly (Extension of Duration) Bill, 1966.

The Asian Development Bank Bill, 1966.

The Constitution (Nineteenth Amendment) Bill, 1966.

The Delhi Administration Bill, 1965 as reported by the Joint Committee.

- (3) Discussion to be raised by Shri Kishen Pattnayak and others on the famine conditions and starvation deaths in Orissa to be taken up at 2-30 P.M. on Wednesday, the 11th May, 1966.

- (4) Discussion on the statement made in the House by the Minister of Home Affairs on the 18th April, 1966 regarding the reorganisation of the present State of Punjab on a motion to be moved by Shri Prakash Vir Shastri and others at 3-30 P.M. on Thursday, the 12th May, 1966.

**Shri Hari Vishnu Kamath** (Hoshangabad): Sir, this, I believe is practically the last Friday—I do not know whether he will make a statement next Friday—as then there will be only two more days left in the week after that.

I would remind him that there is one matter to which I had drawn his attention and your attention also about the part-discussed Vigilance Commission's First Annual Report. I do not know whether he will find time for that. Many things will go to the next session. There are some important matters to which I referred last time and you were pleased to give your immediate reaction. In brief—I do not want to take much time of the House—I submit there are underground rumblings.....

**Mr. Speaker:** Very kindly give me a second.

I would request him not to raise this here because in this matter it does not improve the mutual relations of both the Houses. Let me discuss it again because I have also heard and I have seen the Vice President also. I will meet him again and then report to the House what finally can be decided. If we raise the thing here and in the other House there is the reaction and we continue to do that, there will be no end to it.

**Shri D. C. Sharma** (Gurdaspur): The most remarkable thing is that the Secretary of the Lok Sabha who was here for so many years is now running down the Lok Sabha there.

**Mr. Speaker:** He has not done that.

**Shri Hari Vishnu Kamath:** May I submit in all humility that the matter was discussed in *extenso* in the Rajya Sabha? I thought the matter was closed. The Leader of the Rajya Sabha was present here, but he has now resiled from the stand he had taken. He took a definite stand here, and he has resiled from it. That was not expected of him. It is not that we have no regard or love for the other House. May I submit an analogy—it may not be a complete analogy—just as God has made man and woman unequal and yet they have love and regard for each other, so the Constitution has made the Lok Sabha and the Rajya Sabha different and unequal in powers and functions. Yet we have love and regard for each other. Therefore, I would request you that this should not be made a prestige issue. Article 113 is quite clear.

**Mr. Speaker:** We have discussed that here many times. We need not go into that now.

**Shri Hari Vishnu Kamath:** Why should he resile? Let him explain why he resiled from that stand.

**Shri H. N. Mukerjee** (Calcutta Central): Unlike certain Members of the other House, whom I need not name, we are not interested in a recriminatory discussion in this House. But what disturbs us is that certain categorical imperatives in the Constitution about which there can be no conceivable difference of opinion are being noised about in the other House, and because the proceedings of Parliament are open to the gentlemen of the press to report, they have been noised about in the country. So, what completely beats me is that we have a Government where a certain party is dominant, which has a majority, an overwhelming majority in this House and that House, which nominates Members to

the other House in large numbers, and this Government is unable even to pursue the categorical imperatives of the Constitution and to at least cloak the enthusiasms which run to excess in the other House, which bring about a state of things which we do not welcome at all.

I do not want to discuss in this House, the relations between the two Houses, which have got to be cordial under the Constitution. But under the Constitution, this House has certain rights in relation to money Bills and similar things, which should be above and beyond all question.

Now, questions are being raised, and controversies are being put up, and you yourself are being put in an embarrassing position. I know that you, Sir, want to keep the dignified appearance of things intact, and you are being driven to the uttermost extremity by the formulation of certain demands which by no conceivable stretch of imagination can come within the ambit of constitutional intelligence and understanding. The Government, the principal party is there sitting mum and numb with whatever kind of feeling which has been chronic with them, and the result is this sort of thing. I am not discussing the Houses, but I am discussing the Government of the country. I am asking you: Are you getting an assurance from the leadership of the party in power, from the Leader of the House, for instance, from whomsoever is the representative of the party in the other place? Are you getting an assurance from them that they are not going to allow this kind of absolutely gratuitous controversy to sully the relations between our two Houses? We do not want to enter into a game, a slanging game with the other House; that is the last thing that we desire. But it is the failure of the Government party which is in a majority in both the Houses, to do anything decent in this regard on a purely constitutional matter, which I want to point out.

We are supposed to belong to a party which does not care for constitutional forms and dignities, but I find myself in the position of having to defend constitutional propriety which is being violated with impunity by my hon. friend over there.

This kind of thing is going on for too long, and you, Sir, have been exercising your patience for far too long, but there is a limit to patience and forbearance, and some sort of decent behaviour has got to come from the Government, not from the other House; the other House is a creature of the Government in very large part.....

**Some hon. Members:** No, no.

**Shri H. N. Mukerjee:** I am very sorry to have to say this....

**Mr. Speaker:** Order, order, in his over-excitement he should not say such things.

**Shri H. N. Mukerjee:** I do not mean any reflection on anybody. But I want an assurance from you that you are getting in the meantime,—because you are going to tell us something more about it, and more decisively later on—co-operation and assistance from Government in a manner which gives rise to a hope that without a slanging match being instituted between the two Houses, this matter would be settled in conformity with constitutional propriety.

**Shri Ranga (Chittoor):** May I make one suggestion? Some of us would like to offer our observations, after we hear the Leader of the other House, who also happens to be here and who is the Minister of Education.

**Shri Hari Vishnu Kamath:** Why has he shifted his ground?

**The Minister of Education (Shri M. C. Chagla):** May I say a word?

**Mr. Speaker:** I shall allow him afterwards.

**श्री मधु लिमये :** अध्यक्ष महोदय . . .

**अध्यक्ष महोदय :** आप इस पर जो कॉन्स्टीट्यूशन की धारा है

श्री मधु लिमये : मैं कॉन्स्टीट्यूशन की धारा पर नहीं बोल रहा हूँ। मैं सिर्फ इतना निवेदन करना चाहता हूँ कि राज्य सभा और लोक सभा का यह जो झगड़ा है, यह स्वामन्त्राह खड़ा हो गया है और यह इसनिये हुआ है कि राज्य सभा की मांगों और लोक सभा की मांगों के बारे में, आपके निर्णय के कारण संविधान की धारा 113 और हमारे जो नियम हैं, 208 से 210, उनके ऊपर इस सदन में पालन नहीं हो रहा है। मैं आप से श्रद्धा के साथ कहना चाहता हूँ कि आप इस पर पुनर्विचार कीजिये, राज्य सभा को इन मांगों पर विचार करने, पास करने, घटाने आदि का कोई अधिकार नहीं है। आप संविधान की इस धारा के अनुसार निर्णय कीजिये।

**Shri Hari Vishnu Kamath:** Let them amend article 113, if they want.

**Shri M. C. Chaglia:** I have great regard for my hon. friend, Shri Mukerjee, but sometimes he gets carried away with his indignation and gives expression to words which he will regret afterwards.

It is entirely wrong to say that that House, of which I have the privilege to be the Leader, is the creature of Government.

**Shri Ranga:** All right: he has amended it.

**Shri M. C. Chaglia:** I do not know why such things should be said.

As regards my hon. friend, Shri Kamath saying that I have resiled from the position I had taken up. I am not going to go into that. What matters is, what are the wishes of that House. That House—as I said, I am

the Leader of that House. But before that I am the servant of that House—has unanimously taken a particular view. The two principles . . .

**श्री मधु लिमये :** आपके सदन का अधिकार नहीं है।

**Shri M. C. Chaglia:** . . . . . that that House has enunciated are these: mutual understanding between this House and that House and good relations between the two Houses . . .

**Shri Hari Vishnu Kamath:** That we are all for.

**Shri M. C. Chaglia:** . . . and no friction between the two Houses, as far as possible, and the dignity of that House must be upheld as much as the dignity this House.

**श्री मधु लिमये :** डिगनिटी का सवाल नहीं है। संवैधानिक अधिकारों का है।

**Shri Hari Vishnu Kamath:** Uphold the Constitution. You have been a Chief Justice for some time.

**Shri M. C. Chaglia:** These are the two principles, and I have not the slightest doubt in my mind that we can come to an understanding and compromise which will enhance the dignity of this House and of that House. But if you allow speeches to be made like this, it will only embitter relations between the two Houses.

**Shri Hari Vishnu Kamath:** Wholly unworthy of a former Chief Justice.

Some hon. Members rose—

**Mr. Speaker:** Members might kindly resume their seats (*Interruptions*). This much of course I will say. I also support what has been said by Shri Mukerjee that when the Government is in a majority in both Houses, it should take some initiative to see that things are settled smoothly.

**Shri Tyagi (Dehra Dun):** Yes.

**Mr. Speaker:** If some Members here make some observations and I have to make any observations on that, then Members in the other place might react to that, and then again if we take up the matter here, this will go on endlessly. But this cannot be tolerated. There has to be a decision in this matter. It ought to be the duty of Government, when it commands a majority in both Houses, to sit together, just consult the Presiding Officers also and then come to a decision which might be acceptable to both Houses. That is what is required.

**Shri Hari Vishnu Kamath:** On a point of clarification . . .

**Shri A. P. Sharma:** This is the difficulty in having two Houses.

**Shri Hari Vishnu Kamath:** Abolish the other House?

श्री प्रकाशबीर शास्त्री (बिजनौर)

अपर हाउस को खत्म कर दो ।

**Shri Satya Narayan Sinha:** I agree with what you have said. As regards my hon. friend, Shri Mukerjee, as has been pointed out by my colleague, sometimes in indignation he gets carried away and says something which he regrets later on.

**Shri Hari Vishnu Kamath:** Not now.

**Shri Satya Narayan Sinha:** I would tell my hon. friend, Shri Mukerjee and others also opposite that it is not a question of parties . . .

**Shri Hari Vishnu Kamath:** That does not matter. It is a constitutional question, and rightly so.

**Shri Satya Narayan Sinha:** This matter was discussed amongst us and was submitted to you. You are also discussing this matter with the Chairman of that House. I hope some solution will be found. But if both of you fail to find one, then Government will certainly step in and do the right thing.

**Shri Hari Vishnu Kamath:** On a point of clarification. He has made a wrong statement. Let me refer to the proceedings of the House . . .

**Shri H. N. Mukerjee:** I did not want to make any observations. I have just received by courtesy of your secretariat details of the Charu Chandra Biswas incident in 1953. After studying this document, I find that on that occasion things very similar to what appears to be happening now did happen. But there was a settlement arrived at on the intervention of the Prime Minister, the Prime Minister at that time being Jawaharlal Nehru. It was settled after discussion. I do hope Government takes note of this. I am passing on this document to you for your information; perhaps on the lines of the settlement which was arrived at then, something could be done which would pour oil on troubled waters.

**Shri Hari Vishnu Kamath:** If I might put the record straight, here is the record of the Lok Sabha proceedings of the 22nd April. Here you made it quite clear that you had had talks with the Chairman and the Leader of the Rajya Sabha and then there was reached a categorical understanding between you on the one hand and the Chairman of the Rajya Sabha and Leader of that House on the other.

**Mr. Speaker:** I never said I had any understanding.

**Shri Hari Vishnu Kamath:** Agreement arrived at.

**Mr. Speaker:** No, no, I never said. He can read it. I said I had talks.

**Shri Hari Vishnu Kamath:** That you had talks with the Chairman.

**Mr. Speaker:** I had talk with the Chairman, not that I had arrived at an understanding.

**Shri Hari Vishnu Kamath:** It reads:

*"The Minister of Education (Shri M. C. Chagla):* The suggestion I made to you for your kind consideration and the consideration of the House was that if the

[Shri Hari Vishnu Kamath].

estimates of the Rajya Sabha have to be examined, they should be examined by a Joint Committee of the Lok Sabha and the Rajya Sabha."

From this he has resiled.

**Shri M. C. Chagla:** I have not, because I was only dealing with the Rajya Sabha. I did not say, as the Rajya Sabha wants, that if there is a joint committee, it should examine both the estimates.

**Shri Hari Vishnu Kamath:** You said it was a *via media*.

**Mr. Speaker:** I have followed him. What does he want?

**Shri D. C. Sharma:** I wanted to submit very respectfully that nothing should be said on the floor of the House which spoils our relations with the other House. Certain expressions have been used today which will surely show that there is not good relationship between this House and that House. But at the same time, I want to submit very respectfully that if the Leader of the other House makes a certain statement here and is not able to carry that statement out in the other House, I do not know what I can make of it.

You said that first of all there was a discussion between you and the Chairman of that House and then the two Leaders would meet. Suppose you do not agree and the Leaders do not agree, what is going to happen? I think we should evolve some kind of scheme by means of which this House, which is the custodian of the finances of this country, has the upper hand at least in this matter. I do not talk of an upper hand in any other matter, but I think we have to control the finances of the country, and therefore since this relates to the estimates of the Lok Sabha and the Rajya Sabha, I am sure that it is you who should—I am not trying to flatter you, because

it is no use—see to it that the estimates of the Lok Sabha and the Rajya Sabha are scrutinised by a committee which is constituted by you with proper consultation with the other party. If that is not done, I do not know what this democracy is coming to, what the Leaders of the Houses are doing . . .

**Mr. Speaker:** Order, order.

**Shri D. C. Sharma:** Therefore, I feel that this knot has got to be unravelled at the earliest opportunity, so that the constitutional . . .

**Mr. Speaker:** I agree with him. He will resume his seat.

**Shri Hari Vishnu Kamath:** You have agreed yourself. I want to read out.

**Mr. Speaker:** I know that. He should not continue.

श्री डी० शि० पाटिल (यवतमाल) :  
प्रध्यक्ष महोदय, . . .

**Mr. Speaker:** Nothing further.

श्री डी० शि० पाटिल : सदन के नेता ने जो स्टेटमेंट दिया है, उसके बारे में मैं कुछ बोझा सा पूछना चाहता हूँ .

प्रध्यक्ष महोदय : ठहर जाइये । एक चीज को खत्म होने दीजिये ।

At least I was misled. I had an impression that the Leader of the House was agreeing to this proposition that the Lok Sabha Committee would scrutinise its accounts and about the Rajya Sabha he had agreed to—I got the impression, he might not have had that in his mind . . .

**Shri Surendranath Dwivedy (Kendrapura):** The whole House got that impression.

**Mr. Speaker:** I got, the impression that the Leader of the other House

was agreeing to the accounts of Rajya Sabha, the estimates of the Rajya Sabha, being scrutinised by a joint committee, and I said that a way had been found which was agreeable to both sides. That was my remark. I never said that the Chairman had agreed or we had arrived at a settlement, but because the Leader was here, I requested him to give his impression, and what I understood at that moment was this, and probably others also understood like that, and that is how that mistake has crept in. If it is a mistake, it should be said so, because now the Minister has said that he was only talking about the Rajya Sabha and not about the Lok Sabha, but there was no dispute about the Lok Sabha. Therefore, that impression was created, and that has put me in a very wrong position, because the Chairman yesterday met me and we had a discussion, and he said he had never agreed. I said the Leader of the House was here, I only consulted him, and his words conveyed that impression, and I was obliged to make that observation that we had arrived at an understanding.

**Shri Hari Vishnu Kamath:** The Constitution is sovereign. The question is not personal. (Interruption).

**Shri M. C. Chagla:** The Chairman gave me clearly to understand that if there was to be a Joint Committee it should examine the estimates of both the Houses. Well, there are three possibilities: one is to adhere to the convention we have been following so far, and if I may say so with the greatest respect to you and to the House, it was a very good convention. The convention was that the estimates of each House should be left to the presiding officer of each House. The second suggestion was that the Lok Sabha should have its own Committee to look into the estimates and the Rajya Sabha should have its own Committee. The third suggestion was about the Joint Committee, and the Chairman gave me clearly to understand that if there was to be a Joint Committee, it should

certainly examine the estimates not only of the Rajya Sabha but also of the Lok Sabha.

**Some hon. Members:** No, no. (Interruption).

**Shri M. C. Chagla:** If I conveyed to you a wrong impression, I apologise to you and I apologise to the House. But I would like to make one suggestion: one way out of the difficulty is, you and the Chairman and the two Leaders of the Houses could meet and work out a fair solution, a fair compromise, which might be one that might be acceptable to both the Houses. Then it is for the Government to take any action. (Interruption).

**Mr. Speaker:** If a compromise can be arrived at, that would be good but the only factor that has to be kept in mind is that the spirit of the Constitution must be taken into account. (Interruption).

Order, order. That is the one thing which must be predominant; that the spirit of the Constitution is preserved. (Interruption).

**श्री जयू लिमये :** अब प्राप बतनाइये कि मर्फ कमेटी नियुक्त करने से संविधान की गिपरिट कैसे बच जाती है ।

**अध्यक्ष महोदय :** यह बहम की बात नहीं है ।

**श्री जयू लिमये :** इसी से मारा झगडा और झंझट खरम हो जायेगा ।

**अध्यक्ष महोदय :** झगडा खरम होगा या नहीं, हम फैसला कर चुके हैं और उम से हम हट नहीं सकने । कमेटी के सामने जाने के लिये हम तैयार नहीं है ।

**श्री जयू लिमये :** हम राज्य सभा—लोक सभा की मांगों पर बहम की मांग कर संविधान के खिलाफ क्या कर रहे है ।

**Shri Tyagi:** What is the practice in the United Kingdom?

**श्री बे० शि० पाटिल :** मदन के नेता ने जो कुछ कहा है उम के सम्बन्ध में मुझे दो बिलों के बारे में पूछना है। एक बिल तो सोशल वेलफेअर डिपार्टमेंट से सम्बन्धित है। आदिवासियों के सम्बन्ध में उस दिन श्री सेन ने आश्वामन दिया था कि यह बिल जल्दी लाया जायेगा। 20 तारीख को हाफ ऐन अवर डिस्कशन हुआ था। उम दिन भी डिपार्टमेंट के मिनिस्टर ने कहा कि यह बिल इसी सत्र में लाया जायेगा। पंडित जवाहरलाल नेहरू और श्री शास्त्री की ओर से भी आश्वामन दिया जाता रहा है कि आदिवासियों पर जो अन्याय हो रहा है उस को दूर करने के लिये बिल जल्द लाया जायेगा। मैं आप की माफत पूछना चाहता हूँ कि यह बिल स सत्र में लाया जायेगा या नहीं। मैं कहना चाहता हूँ कि उसे जरूर लाया जाना चाहिये। अगर नहीं लाया जायेगा तो इसका बहुत बुरा असर होगा।

दूसरी बात मैं पूछना चाहता हूँ फसल बीमा बिल के बारे में। सन् 1963 में राष्ट्रपति ने अपने भाषण में कहा था . . .

**अध्यक्ष महोदय :** अब तकरीर तो नहीं हो सकती।

**श्री बे० शि० पाटिल :** मैं यही जानना चाहता हूँ कि आदिवासियों के बारे में कास्टि-ट्यूशन प्रमेंडमेंट बिल और फसल बीमा बिल इस सत्र में लाया जायेगा या नहीं।

**अध्यक्ष महोदय :** बहुत अच्छा।

**Shri Ranga:** The people of the Food Corporation, about 20,000 of them, have served notice to an hunger-strike and they have actually started their hunger-strike two days ago. A calling attention notice was sent to you but you were pleased to disallow it. May I request you to ask the Ministers

concerned, either the Home Minister or the Food Minister, to make a statement as to how they propose to deal with this matter, either today or on Monday?

**श्री रघुनाथ सिंह (वाराणसी) :** मैं जानना चाहता हूँ कि बनारस हिन्दू यूनिवर्सिटी बिल जो है वह कब आयेगा। आप ने जो बिजिनेस रखा है उममें उमका कोई उल्लेख नहीं है।

**Shri Satya Narayan Sinha:** We have decided to sit till the 17th. So far as the time at our disposal is concerned, we have cut it to the bone. Whatever important things there are—there may be important things—it is impossible for us to take any other item in this session, if the House has to sit till the 17th, unless the House decides to sit till late hours.

**श्री रघुनाथ सिंह** बनारस हिन्दू यूनिवर्सिटी बिल तो छः महीने के अन्दर आना चाहिये।

**अध्यक्ष महोदय :** बस, अब और कोई चीज नहीं ली जा सकती।

12:43 hrs.

STATEMENT RE: DISCONTINUANCE  
OF BLANKING OFF OF ALARM  
CHAINS IN TRAINS

**The Minister of Railways (Shri S. K. Patil):** In the course of interpellations on the statement I made in the Lok Sabha on 26-4-1966 regarding fire in a coach of the Varanasi-Bombay Express near Ugrasenpur station of the Northern Railway on 25-4-1966, I had stated that a policy decision had now been taken that the blanking off of alarm chains must stop.

I might mention that as a result of a discussion in the Lok Sabha in 1961 on the subject of blanking off of alarm chains on trains, a review was made by the Railways and it was decided that blanking off should be restricted to the minimum number of