

शिक्षा मंत्री (श्री मु० क० चागला):  
(क) और (ख). राष्ट्रीय भौतिक प्रयोग-  
शाला द्वारा किए गए कार्य से कोई निश्चित  
निष्कर्ष निकालना अभी संभव नहीं है क्योंकि  
कार्य अभी प्रयोगात्मक स्तर पर है, दिल्ली,  
आगरा तथा जयपुर क्षेत्रों में अब तक 90  
परीक्षण किए जा चुके हैं; जिन में से 50  
के गुण सकारात्मक हैं।

**Electro-Chemical Research Institute,  
Karalkudi**

966. { श्री Arunachalam:  
श्री Paramasivan:  
श्री M. P. Swamy:

Will the Minister of Education be  
pleased to state:

(a) whether there is any proposal  
to shift the Central Electro-Chemical  
Research Institute from Karaikudi to  
Madras; and

(b) if so, the reasons therefor?

The Minister of Education (Shri M.  
C. Chagla): (a) The Third Reviewing  
Committee of the Council of Scien-  
tific & Industrial Research has re-  
commended that the Central Electro-  
Chemical Research Institute should  
be transferred from its present isolat-  
ed location to Madras.

(b) The Reviewing Committee has  
felt that the present location of the  
Institute is unsatisfactory from the  
point of view of developing effective  
contacts with Industry.

**Teachers of Aided Schools of Kerala**

967. Shri A. K. Gopalan: Will the  
Minister of Education be pleased to  
state:

(a) whether Government's atten-  
tion has been drawn to the fact that  
the teachers of aided schools of  
Kerala are preparing for a strike to  
redress their grievances;

(b) if so, the action, if any, taken  
by Government to avert the situation;  
and

(c) the nature of demands received  
from the teachers and the action  
taken thereon?

The Minister of Education (Shri  
M. C. Chagla): (a) to (c). Teachers  
of aided schools have demanded  
parity with Government school  
teachers for the grant of House Rent  
Allowance. State Government has  
since stated that the teachers of  
aided schools are generally satisfied  
with the recent benefits extended to  
them.

**Flag of J. & K. State**

968. Shri Yashpal Singh: Will the  
Minister of Home Affairs be pleased  
to state:

(a) whether it is a fact that  
Jammu and Kashmir Government  
have still a separate flag;

(b) if so, whether it is permissible  
for a State within the Union of India  
to have that; and

(c) the action proposed to be taken  
in the matter?

The Minister of State in the Minis-  
try of Home Affairs (Shri Hathi):  
(a) Yes, Sir,

(b) There is a provision in the  
Constitution of the State of Jammu  
and Kashmir for a separate State  
flag. No other State has such a pro-  
vision.

(c) Does not arise.

12.04 hrs.

**CALLING ATTENTION TO MATTER  
OF URGENT PUBLIC IMPORTANCE**

**FURTHER DETENTION OF LEFT COMMU-  
NIST LEADERS**

Shri S. M. Banerjee (Kanpur): I  
call the attention of the Minister of  
Home Affairs to the following matter  
of urgent public importance and I  
request that he may make a statement  
thereon:—

The reported issue of new deten-  
tion orders by the Government of

[Shri S. M. Banerjee]

India to further detain the left communist leaders including some who have been elected to the Kerala Legislative Assembly.

**The Minister of Home Affairs (Shri Nanda):** Sir, orders of detention made by the Government of Kerala on the 29th December, 1964, under rule 30(1)(b) of the Defence of India Rules, 1962, in respect of 141 persons were cancelled by the President under sub-rule (10) of rule 30A of the said Rules in exercise of his powers and functions under the Proclamation issued by him in respect of Kerala under article 356 of the Constitution. Simultaneously, fresh orders of detention were passed by the Central Government under rule 30(1)(b) of the Defence of India Rules and served on these 141 persons. The original orders of detention passed by the Government of Kerala on the 29th December, 1964, as aforesaid, had to be reviewed under rule 30A(9) of the Defence of India Rules before the expiry of six months. As all the powers and functions of the Government of Kerala now vest in the President by virtue of the Proclamation dated the 10th September, 1964 issued by him under Article 356 of the Constitution and as the Proclamation is going to expire on the 30th March, 1965, it was thought necessary to revoke the original orders of detention of the Government of Kerala and for the Central Government to pass fresh orders for the detention of the said 141 persons with a view to preventing the said persons from acting in a manner prejudicial to the Defence of India, Civil Defence, Public Safety and Public Order. Instead of leaving it to the Government of Kerala to review the said orders before the expiry of six months, the Central Government preferred to take the course of revoking the said orders and passing fresh orders of detention as mentioned above.

**Shri S. M. Banerjee:** After this election and the crushing defeat of the ruling party in the hands of the Left

Communists and other opposition parties, is it a fact that these orders have been issued by the Centre deliberately to see that no opposition party or parties are able to form a Government and if so, does it not amount to rape of democracy in this country?

**Shri Nanda:** No, Sir; Government of India has its responsibilities apart from elections and their outcome. It has discharged that responsibility.

**Shri Daji (Indore):** Does the Home Minister remember his statement in Kerala that he was giving a chance to the electors and the electors having taken that chance and having opted to elect that party in larger numbers than the Congress, does not the Home Minister feel that now it is his duty to honour the verdict of the electors and give them a chance to form a Government if they want and to resume functioning of Government?

**Shri Nanda:** All this is not very relevant.

**Some hon. Members:** Why not?

**Mr. Speaker:** Calmly the questions might be put and the answers may be given.

**Shri Nanda:** It is very well-known now what the verdict is. The verdict is that instead of 44 per cent, or so, they have got about 26 per cent of votes. (*Interruptions*).

**Shri Daji:** Count the votes in the 74 constituencies which they contested. You cannot count the votes in constituencies where they did not contest. It is all jugglery.

**Shri Nanda:** I will explain the aspect regarding the constituencies. But as I said, the relevance is not there. There will be an appropriate occasion for me to explain all that. The verdict is not that. Moreover, it may take time for the electors to understand all the malignancy and mischief that can arise from the acti-

vities of the kind which we have stopped. (*Interruptions*).

**Mr. Speaker:** Order, order. Here we are only dealing with the calling attention. Members shall have another opportunity to discuss it.

**Shri Dinen Bhattacharya** (Serampore): On a point of order, Sir.

**Mr. Speaker:** Which is the rule?

**Shri Dinen Bhattacharya:** Under rule 232 I raise a point of order.

**Mr. Speaker:** Let me first see the rule. Did he mention Rule 232?

**Shri Dinen Bhattacharya:** I am referring to Rule 222 which relates to the question of privilege. He has just now stated that. . .

**Mr. Speaker:** Order, order. A question of privilege cannot be raised as a point of order.

**Shri Dinen Bhattacharya:** Why not?

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

**Shri Dinen Bhattacharya:** He has mentioned in his statement that they are apprehending some mischief from the persons who are detained.

**Mr. Speaker:** Order, order. Will he resume his seat?

**Shri Dinen Bhattacharya:** One Shri Gopalan is there. He is not in the House. Shri Gopalan must be given a chance to come here and explain his conduct.

**Mr. Speaker:** Order, order. If he will not resume his seat he will have to go out.

**Shri Dinen Bhattacharya:** I am ready to go out. This thing cannot be tolerated.

**Mr. Speaker:** Then, Shri Dinen Bhattacharya is named and asked go out.

**Shri Dinen Bhattacharya:** I am thankful to you, Sir. Instead of giving justice to us you are saying. . .

**Mr. Speaker:** He need not thank me.

*Shri Dinen Bhattacharya then left the House.*

**Shrimati Renu Chakravartty** (Barrackpore): When the Communist Marxist Party was a legal party to contest the elections in Kerala and in spite of the propaganda of Government that they are a security risk they have received the vote of confidence of the electorate, why will not the Government permit in the first instance, the elected representatives to be released forthwith so that the largest single group in Kerala may be called upon to form a government? Any refusal to do so will lay the Government open to the charge that they are trying to reduce the single majority group into a minority in the interest of the Congress.

**Shri Nanda:** I have only to reiterate that when we took that decision it had nothing to do with any elections. Therefore, the result of the election and all that has no bearing on our duty in this matter. (*Interruption*).

**Shrimati Renu Chakravartty:** My point is that it will lay the Congress Party open to the charge that they are reducing a majority to a minority. Whatever might have been the reasons for the Government to have given that order prior to the elections, now that the elections are over and the electorate has returned them, may I know why they are not permitted to form the government?

**Mr. Speaker:** He has given the answer.

**Shri Nanda:** Some of those persons who were detained were members of an Assembly. Therefore, if being members of an Assembly we thought it was essential for us to take that step it does not seem to be less essential now.

**Shri H. N. Mukerjee** (Calcutta Central): Sir, is it open to the Minister not to reply to a very specific question? He may say that it is not in the public interest or something like that.

**Mr. Speaker:** He has given the answer.

**Shri H. N. Mukerjee:** The question very specifically related to the reduction of a party, returned to the House in a majority position, to a minority group. He might say, we do it because we wish to do it. Let him say so.

**Mr. Speaker:** He does not say that.

**Shri Mohammad Elias (Howrah):** Sir, just now the hon. Minister said that the Kerala electorate has given the verdict to keep these Left Communists inside the prison. He should have been ashamed to say such things.

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

**Shri Mohammad Elias:** The Kerala electorate has given a clear verdict against the orders of the Home Minister. In view of this I would like to know whether he is prepared to resign from the Cabinet and stand from any place in Kerala or Bengal to contest a parliamentary seat? Let him stand from a place where the largest number of political prisoners are kept under detention without trial. Then only we will be able to know whether his statement of allegations is correct or not.

**Mr. Speaker:** Order, order. This is not a question.

**Shri Mohammad Elias:** I want a clear answer from the Home Minister. The whole country....

**Mr. Speaker:** Order order. He must put this question.

**Shri Mohammad Elias:** I am coming to the question, Sir; let me finish.

**Mr. Speaker:** Order, order. He cannot finish in this manner. He continues in spite of my asking him to put the question. This is not a question. I would not allow questions to be put in this manner.

**Shri Mohammad Elias:** Every Member needs a little preamble before

putting his question just to clarify or explain the position; otherwise he will not be able to understand because he has gone mad. He holds the responsible position as Home Minister. He acts like a mad man.....  
(Interruptions).

**Mr. Speaker:** Would he withdraw those words? (Interruptions). Order, order. Would he withdraw those words?

**Shri Mohammad Elias:** Is it unparliamentary?

**Mr. Speaker:** He should withdraw those words or withdraw himself.

**Shri Mohammad Elias:** Is it unparliamentary?

**Mr. Speaker:** Either he should withdraw those words or himself.

**Shri Mohammad Elias:** I withdraw those words.... (Interruptions).

**Shri Ranga (Chittoor):** Why are Members so much agitated? I understood Shri Elias to refer to the order issued by the Home Minister as mad. Why should exception be taken to that?

**Mr. Speaker:** That is a new interpretation that is being put. I am very sorry that leaders of groups stand up and put interpretations....

**Shri Ranga:** Sir, you must also help us. Why do you not have some patience? Here is a member.....  
(Interruptions).

**Mr. Speaker:** Order, order. I would request hon. Members on both sides to maintain order. Now, would Shri Elias withdraw those words? Otherwise, he should withdraw himself.

**Shri Mohammad Elias:** Is it an unparliamentary term? Now, because you are asking me to withdraw it. I bow to your decision and I am very much thankful to you.

**Mr. Speaker:** Order order.

**Shri Mohammad Elias:** I would submit there should be a little dis-

cussion about this, whether it is unparliamentary or not.

**Mr. Speaker:** Now he continues in the same strain. I have told him either to withdraw those words unconditionally or to withdraw himself from the House.

**Shri Mohammad Elias:** I withdraw those words. Now please allow me to ask my question.

**Mr. Speaker:** If he puts it in a proper manner, I will allow him; otherwise not. I would not allow the same question to be repeated. If he has something new to ask, he should put it in the proper form.

**Shri Mohammad Elias:** I was just voicing the feelings of the people of Kerala and whole of the Nation.

**Mr. Speaker:** That need not be mentioned.

**Shri Ranga:** Now do you want me to say something?

**Mr. Speaker:** If he wants, he might do so.

**Shri Ranga:** I sat down because you were standing. What I wanted to submit was, as you yourself know from your experience, some of us are not able to express ourselves quite so easily. Therefore, some of us take a little more time. So, I only wanted to appeal to you that instead of yourself becoming impatient and getting up and saying "Order, order" which makes the Member more excited and makes it more difficult for him to ask the question, you and the House should show more latitude to those members who are not able to express themselves fluently and well. Let them be able to say whatever they want to say.

**Mr. Speaker:** I would not leave this matter even to the ruling party; I would leave it to the Opposition parties. Let them decide whether the correct position was that he was not able to express himself adequately, that there was impatience on my part and that I had unnecessarily

interfered. Now, when members stand up and say that the Home Minister has gone mad and the Leader of the Swatantra Party stands up and begins to support him I am really surprised.

**Some hon. Members:** Shame, shame... (*Interruptions*).

**Shri Daji:** Why should they behave like this to a group leader? So, it is not the Members of the Opposition that should be ashamed. Sir, you must ask them to keep quiet... (*Interruptions*).

**Shri Mohammad Elias:** Sir, is it not unparliamentary for them to shout like this? Is it their House?

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

**Shri S. M. Banerjee:** They have gone mad—mad, mad with power; power-drunken people.

**Shri N. Sreekantan Nair (Quilon):** Sir, I rise on a point of order.

**Mr. Speaker:** Which is the rule that he wants to quote?

**Shri N. Sreekantan Nair:** I am raising a point of order.

**Mr. Speaker:** Under what rule?

**Shri N. Sreekantan Nair:** I suppose a point of order can be raised.

**Mr. Speaker:** No, it cannot be raised. Now he might resume his seat.

**Shri H. N. Mukerjee:** Do we take it that when a point of order is raised and no specific rule can be quoted at that particular moment, it is barred automatically in every single case? Since this is a developing organisation and ours is a changing society, things might crop up and the whole idea of Directions from the Speaker emanates from the fact that the Rules always do not cover every single aspect of the matter. Therefore every time we raise a point of order... (*Interruption*).

**Shri Shinkre (Marmagoa):** Specially by those hon. Members who seldom indulge in this practice.

**Shri H. N. Mukerjee:** This is a matter to which very careful thought has to be given calmly and not in this atmosphere. On conceivable occasions it would be permissible for Members to raise points of order without immediate specification of a particular Rule of Procedure which is likely to be infringed. If that is not done, it is quite impossible to function in this changing society.... (*Interruption*).

**Shrimati Renu Chakravartty:** May I make a submission? It is true that all the party leaders—I am afraid, Shri Mukerjee asked me to attend that meeting—we did agree to this that we would specify the rule and if that is to be changed, again a meeting has to be called. But I would like to submit to you—that is what Professor Ranga said—that I am not a very good exponent of English and I do feel that people who do not know English very well and cannot wield it very flexibly might well say that the Home Minister has gone mad. A person who is able to wield it flexibly might say, "The Home Minister has run amok"; but a person who cannot do it will say, "He has gone mad".... (*Interruption*). I will, therefore, ask you whether a particular word and all its synonyms will be considered unparliamentary or will the synonyms be termed parliamentary and that particular word as unparliamentary. I will request you to consider this point of view and consider also whether we should be permitted to use our mother tongue so that we can use our own language flexibly and be within parliamentary bounds.

**Mr. Speaker:** If the hon. lady Member uses her mother tongue and calls me mad, I would not understand it. What shall I do under those circumstances?

**Shrimati Renu Chakravartty:** Simultaneous interpretation is there for you.

**Mr. Speaker:** About Shri Hiren Mukerjee's point, he will recollect that the other day Swami Rameshwaranand stood up and I asked him to quote the rule under which he

wanted to raise the point of order. He sat down quietly. Then, another hon. Member stood up—I do not know who he was; I do not recollect that—and I did not ask him to quote the rule. Swami Rameshwaranand blamed me for partiality that I had asked one hon. Member to quote the rule and the other I did not. So, I was charged with that.

**Shri Hem Barua (Gauhati):** The charge was levelled against you on linguistic grounds.

**Mr. Speaker:** It is not possible for me to distinguish between one hon. Member and another. Either hon. Members must submit to the decision that they have taken themselves here—it was taken in the House and it was Shri Hiren Mukerjee who suggested that a meeting of the Leaders of Groups might be convened so that, I should be permitted to say so, frivolous points of order might be ruled out....

**Shri N. Sreekantan Nair:** Unless I am permitted to make it out, how do you know that my point of order is frivolous?

**Shri Raghunath Singh (Varanasi):** It is not for you.

**Shri N. Sreekantan Nair:** That is a reflection on me which I do not deserve.

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

**Shri N. Sreekantan Nair:** Now he is referring to my point of order.

**Shri Raghunath Singh:** No, not to you.

**Mr. Speaker:** Really, if I could understand all the languages....

**Shri N. Sreekantan Nair:** This is English. I am speaking in English, the King's English.

**Shri Hari Vishnu Kamath (Hoshangabad):** Queen's English.

**Mr. Speaker:** I am telling the hon. Member that it was not to his point of order or to him that I referred. He just flares up and attacks me. He

should have the patience at least to understand me. I was only referring to Shri Mukerjee's suggestion that he made the other day that we might meet together. I was referring to that and the hon. Member just gets up and says that.

**Shri N. Sreekantan Nair:** You should have asked me what my point of order was and if it was frivolous, you could have disallowed it.

**Mr. Speaker:** Once this decision has been taken, I would not ask them to formulate it.

**Shri S. M. Banerjee:** During the Question Hour this should not be implemented. That is my suggestion about it... (Interruption).

**Shri N. Sreekantan Nair:** The hon. Minister made a very serious statement which I wanted to correct. I wanted to point out that... (Interruption).

**Mr. Speaker:** This excitement would not take us anywhere.

**Shri H. N. Mukerjee:** Sir, we are all against the idea of raising points of order which are unnecessarily being raised. Normally, we are ready to quote a particular rule which is liable to be infringed and then say that a point of order has risen. But my submission was that there may be no rules in a changing society which are completely unchangeable and all that. Therefore, I say that there may occasionally be such instances where, without referring to a particular rule, points of order could be raised. That is the discretion which you, Sir, in the Chair are expected to exercise. If there is an agreement among certain leaders—I was not present at that meeting—that does not mean that that agreement crystallises into something which cannot be changed and which can never be changed. The discretion always vests in the Chair. If you choose to hear 'X' and not 'Y', it is your authority—it is the Chair's authority—which nobody can question.

**Shri S. M. Banerjee:** May I make a submission?

**Shri Kapur Singh (Ludhiana):** Sir, I beg to be permitted to put in a word in support of what my friend, Mr. Mukerjee, has said. With regard to what you have said about quoting the rule on every occasion when one wants to raise a point of order, I would submit that there is a shade of difference between the literal hard rule and its particular application in a concrete case. If you expect every Member on each occasion to be ready with the rule on his finger tips which is applicable to the point which he wants to raise, that would be almost an impossible requirement. I would say that this should not be insisted upon in every case, and that, your discretion should remain free to decide as to in which particular case you would make that requirement on a particular Member and in which particular case you would not do so.

श्री के० दे० मालवीय (बस्ते) :  
 अध्यक्ष महोदय, मैं यह जानना चाहता हूँ कि अगर मुझे या मेरे किसी साथी को पगलाहट या गुस्सा आ जाये और कुछ लोग "शर्म, शर्म" कहने लगें, तो उन को बुरा क्यों लगता है। उन को बुरा नहीं लगना चाहिए।

**Shri Vidya Charan Shukla (Mahasamund):** May I submit for your consideration that the whole House has been held to the will of the Member who has been raising various points of order here and there from the bench opposite. This point that you have mentioned is very good and, I think, it will stop Members from making wrong and frivolous points of order. If a Member does not know the rule under which he is raising the point of order, then he need not raise that point of order. The rule under which he is raising the point of order must be known to the Member before he can raise it. This is ought to be incorporated in the Directions or in the Rules. Then, it will serve to stop Members from raising useless and frivolous points of orders. That is my submission.

**The Minister of Law and Social Security (Shri A. K. Sen):** Mr. Speaker, Sir, I personally think, with due respect to what he has stated, that there is a good deal of force in the submission made by Mr. Mukerjee. I take your ruling as not to mean that in every instance the hon. Member who raises a point of order has to support his point by citing a particular rule because you have such a large residuary field covered by the residuary rule itself. Normally, your rule should be that the Member should be ready with specific rules to support his point of order. But conceivably, there may be many points of order which are not covered by specific rules and in fairness, I think, your ruling does not rule that out. That is my own reading of your ruling that you do not intend to rule out the application of a large area which is not covered by specific rules.

**Some hon. Members** rose—

**Mr. Speaker:** There is no need of further discussion. In view of the opinion given by the Law Minister, I would think rather that I would not insist on any rule being quoted in any case.

**An hon. Member:** No, no.

**Shri Daji:** It should be by your discretion.

**Mr. Speaker:** If that is the view of the Government spokesman, I do not suffer.... (Interruptions) **Shri Nath Pai.**

**Shri Ranga** rose—

**An hon. Member:** You should be guided by rules.

**Shri Raghunath Singh:** We can disagree with that.

**Shri A. P. Jain (Tunkur):** It is a very extraordinary statement that the Law Minister has made.

**Shri Nath Pai (Rajapur):** You have just now said that in view of the fact that the Law Minister has made certain observations regarding your ear-

lier ruling, you feel it necessary to scuttle the ruling at which you had arrived, so far as I know, in consultation with the spokesmen of all parties, I want to make a submission that I did personally feel all the while that it might be necessary perhaps to make slight marginal elasticity available to us because it will not be always possible perhaps to quote chapter and verse when so large is the body of rules. But none the less, I am really a little baffled. And this is my present point of order. How does any observation of the Law Minister, distinguished as he is and a scholar as he is which I really concede, make you think that you should go over a ruling which you had reached in consultation with all of us. I do plead with you two things. I am prepared to listen to Shri A. K. Sen, the Law Minister; and what he has said today was quite a change from what he had to say the other day on some other matter, when he defended an indefensible case. Today he gave us elementary commonsense, while the other day in regard to what Shri Daji had said, he indulged in elementary nonsense.

**Shri Hari Vishnu Kamath:** That was in regard to the CBI report.

**Shri Nath Pai:** But I would plead with you that the decision needs a slight modification and that should be arrived at by you in accordance with the procedure which you have well laid, namely that of consultation and not because Shri A. K. Sen pontificates on any given rule.

**Mr. Speaker:** I might answer this straightway. This was being objected to by the Members on one side of the House....

**Shri Ranga:** We would like it to be reconsidered.

**Mr. Speaker:** It was being objected to by the Members on one side of the House, and the spokesman of the Government also says that that should not be adhered to. What is the re-

medy left for me? As regards what Shri A. K. Sen said, when a member of Government speaks or when one Minister speaks, he speaks on behalf of Government, and I heard more than one Member from the Opposition also say that this should not be enforced. If I enforce it in certain circumstances and do not enforce it in others, I am open to the charge of discrimination. How shall I select those Members? Therefore, there is nothing else left for me in those circumstances.

**Shri Bhagwat Jha Azad** (Bhagalpur): The law Minister did not speak on our behalf. Let the hon. Leader of the House speak on our behalf.

**The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri)**: From what the Law Minister has said, I have got the impression that he felt that it was left to your discretion to decide whether you will ask for the rule being quoted. However, I do not want to elaborate it further. What I feel is this that this decision was taken in consultation with the leaders of the Opposition. If there is any desire for any change in this decision, then the same process has to be adopted for that purpose; that is, if any change has to be made, there should be further consultation. But so long as that is not done, I think that it is entirely in your discretion to decide or to give any ruling as you think best.

**Mr. Speaker**: My difficulty is being overlooked. If I ask for the quotation of a rule in the case of one Member but do not insist on that in the case of another, I would be open to a charge of discrimination or partiality. How shall I be able to select and say that one Member should quote the rule and others should not quote it?

**Shri A. P. Jain**: The other day you were good enough to read out the rules which would apply to points of order, and those rules were accepted unanimously by this House..

**Shri S. M. Banerjee**: No, no.

**Shri A. P. Jain**: Yes, yes.

**Shri Raghunath Singh**: By implication, yes; there was no objection to that.

**Shri A. P. Jain**: You read out the rules.

**Mr. Speaker**: Shri Banerjee did not accept it.

**Shri A. P. Jain**: He may not have.

**Shri Bhagwat Jha Azad**: But he did not object to it.

**Shri A. P. Jain**: You read out the rules. Though you did not take a formal vote, when the Government did not raise any objection, it is tacit acceptance of the rules. That is my contention. When these rules were framed, the representative of Government was also on the Committee. I am simply surprised that the Law Minister should all at once get up and raise an objection about a rule which has been tacitly accepted by the House.

Even on the merits of the case, what is, after all, a point of order? It is a breach of a rule. Unless I have breach of a rule in mind, how can I possibly raise a point of order? Even on merits, I think the procedure laid down was correct.

Then again, you are placed in a very invidious position of applying the rule in one case and not applying it in another.

Therefore, I submit that things should not be stated here in a rather light manner. It is always open to the House, it is open to the Committee, to reconsider the matter. But it should be done after greater consideration and with greater seriousness.

**Shri Shinkre**: My submission is that the Law Minister has put it very sensibly. Suppose tomorrow a Member raises a point of order. Asked to quote the rule, he says '65'. You say afterwards that it is not under 65 but under some other rule. On that ground, you will rule out the point of order. But will you allow the proceedings to be conducted in a disorderly manner, because the point of

[Shri Shinkre]

order raised is not within the rule quoted?

**Shrimati Renu Chakravartty:** I would like to make one thing very clear. Some of us who did attend your meeting.—Prof. Mukerjee could not attend; therefore, I went—we did give our consent to this particular ruling. It is quite clear also that the other side and others do not agree. Therefore, I would request that you call a wider meeting and take a consensus so that we can come to some sort of a working decision.

I agree with the Leader of the House that we should also agree to negotiation, but if leaders who are present cannot carry the others with them, there is no point in saying again and again that we have agreed on a particular decision.

**Shri Hem Barua:** Even the Prime Minister does not agree with his Law Minister.

**Shri N. Sreekantan Nair:** We passed our examinations long ago. This should not be treated as a forum to test our memory.

**Mr. Speaker:** I do not think there would be consensus.

**Shri A. K. Sen:** I am very sorry I have not been able to make myself explicit. What I wanted to say would be quite clear if it is read out. I did not read your ruling as barring those points of order which would not be covered by this specific rule. I said there is a residuary area where no specific rule applied. In such a case, the hon. Member would certainly not be able to cite any specific rule. He may cite a precedent from English practice or from our own practice.

I only wanted to say that if the answer is read out again, it will be clear that I did not read your ruling as barring those points of order for which there was no specific rule to be cited.

**Mr. Speaker:** I think we should proceed. Shri Mohammad Elias might put a question.

**Shri Daji:** Before you proceed, I want to say one thing. This is about the shouting down by hundreds of Congress Members of Prof. Ranga. We shall not tolerate this treatment of leaders of our groups. We want a certain standard of behaviour, a certain norm, from the Opposition. But if this is the way the other side treats the leaders of our groups like Prof. Ranga and Prof. Mukerjee, howling them down when they rise to make their submissions,—you were also about to admonish them—we shall not tolerate it.

**Mr. Speaker:** You are blaming me. But you did not allow me to admonish them.

**Shri Daji:** I did not blame you.

**Mr. Speaker:** I stood up. I wanted to admonish them. But I was not allowed.

Now Shri Elias might put a question.

**Shri Mohammad Elias:** I am putting it. I am very much sorry that I was a little agitated. . . .

**Mr. Speaker:** Now he is all right? Or still he is. . . .?

**Shri Mohammad Elias:** I meant no disrespect to you. The issue is important, whether Parliament will be here and you will be able to preside over this august House or not. That is the main question. Will there be high-power dictatorship like Pakistan or will there be democracy here? . . .

**Mr. Speaker:** Shri Indrajit Gupta.

**Shri Mohammad Elias:** My question is. . . .

**Mr. Speaker:** Not now. I have called Shri Indrajit Gupta.

**Shri Mohammad Elias:** I am putting the question.

**Mr. Speaker:** No.

**Shri Mohammad Elias:** Please allow me one minute only.

**Mr. Speaker:** He will sit down.

**Shri Mohammad Elias:** It is a very very important question. I never behave in this manner.

**Mr. Speaker:** Shri Indrajit Gupta.

**Shri Indrajit Gupta** (Calcutta—South West): Before these latest detention orders were passed by the Central Government superseding the detention orders passed by the State Government, these people were allowed to stand for elections which means that the Government did not consider them to be disqualified under any of the clauses of art. 191 of the Constitution. If it is the view of Government that they are not disqualified under art. 191 from standing as candidates, how can Government now, by purely executive action, prevent them, after they have been elected, from performing their functions as members of the legislature? Why should they not be released?

**Shri Nanda:** This question faced us at the time when these friends put in their candidature. Then we had to consider whether we should allow them to stand or not. We felt we could not come in the way of their contesting, but that does not mean that they have to be released because they are elected, because before they were elected, they were still detained. If we can detain the person, who is elected, before he is elected, he can still be detained, even if he is elected.

**श्री बागड़ी (हिसार):** ये जो गिरफ्तार हुए हैं देश की रक्षा के कानून के अधीन हुए हैं। यह कानून जब देश के ऊपर आपत्ति आई थी उस समय लागू किया गया था। देश पर हमला हुआ था उस वक्त यह लागू किया गया था। इस वक्त देश के ऊपर कोई विपत्ति नहीं आई हुई है फिर भी गवर्नमेंट उनको गिरफ्तार किये हुए है। मजीद गिरफ्तारी की मियाद बढ़ा दी गई है। क्या सरकार

इस पर सोच विचार करके फैसला देगी कि जब फौरी तौर पर जंग का कोई खतरा नहीं है फिर भी देश की रक्षा के अधीन इनको—

**अध्यक्ष महोदय :** आप सवाल कीजिये ।

**श्री बागड़ी :** मैं सवाल कर रहा हूँ । देश की रक्षा के अधीन उनको नजरबन्द सरकार ने कर रखा है । देश के ऊपर कोई फौरी हमला नहीं है । क्या इस तरीके से जिस तरीके से उनको गिरफ्तार किया गया है उनका कैद उम्र कैद नहीं होगी ? कुछ भ्रंदाजा तो है नहीं कि कब तक उनको गिरफ्तार रखा जाएगा । हमला तो देश पर हो नहीं रहा है तो ऐसे हालात में क्या सरकार हंगामी हालत को खत्म करने जा रही है । क्या उनको उम्र भर कैद रखना है या और कोई तरीका है उनको छोड़ने का ?

**Mr. Speaker:** Only the last part of the question might be answered.

**श्री नन्दा :** इसी लिये रिब्यू की व्यवस्था है । हर छः महीने पर रिब्यू होती है और होती रहेगी । जैसी जैसी जरूरत होगी वैसा किया जायेगा ।

**श्री बागड़ी :** अध्यक्ष महोदय मेरी बात सुन लें ।

**अध्यक्ष महोदय :** नहीं, जवाब आ गया ।

**श्री बागड़ी :** मेरा पूरा सवाल इस प्रकार था .

**अध्यक्ष महोदय :** मैं अब और ज्यादा माननीय सदस्य को इजाजत नहीं दे सकता ।

**श्री बागड़ी :** आप की मर्जी है, मैं बैठ जाऊंगा ।

**Shri Warior** (Trichur): May I know whether the Government, after these elections, is convinced that the people at least are not convinced of the Gov-

[Shri Warior]

ernment's arguments or justification for detaining them, and whether the Government is at least prepared to put them before the court and prove their being a danger to the Government and the State?

**Shri Nanda:** We have detained them on the authority of the Defence of India Act, and the rules thereunder. It is a legal provision which was adopted by this House. Therefore, I am acting according to the Constitution and according to law passed by Parliament.

**Shri Vasudevan Nair** (Ambalappuzha): The new orders were served on the 5th of this month. May I know whether the Government was very definite that the Congress Party cannot form a Government in Kerala and whether there was a high level decision at Delhi that it is better for the Congress Party that President's rule should continue in Kerala, and if so, is the refusal to release the detenus in the interests of the ruling party and for President's rule to continue?

**Shri Nanda:** That they are dangerous I agree, but that it has anything to do with these other considerations I do not agree.

**Shri Dasaratha Deb** (Tripura East): The absolutely false, fabricated and malicious charges levelled against the Left Communists by Shri Nanda have been amply refuted by the voters of Kerala. In view of this verdict of the voters of Kerala, is it not the duty of the Government to allow this party, which has the largest majority in the legislature, to form the Ministry by releasing all these persons who have been elected to the Assembly recently?

**Mr. Speaker:** That is rather a suggestion.

**Shrimati Renu Chakravarty:** Let it be answered.

**Mr. Speaker:** Is it not the duty of the Government to release them? This is only a suggestion.

**Shri Daji:** How can they be held in detention? (*Interruptions*).

**Shri S. M. Banerjee:** Shri Nanda should become Speaker.

**Mr. Speaker:** If Shri Banerjee becomes the Prime Minister, Shri Nanda might become the Speaker.

**An hon. Member:** A good combination.

**Shri N. C. Chatterjee** (Burdwan): Has the Prime Minister received a representation from Shri Namboodripad complaining of constitutional impropriety, that he and also the members of his party elected recently have been denied all opportunities and all facilities for holding mutual consultations as to what should be done in regard to Ministry-making in Kerala, and if so, will they be afforded any facilities?

**Shri Nanda:** There is no denial of whatever facilities are due to them.

**Shri Vasudavan Nair:** The police officers are there.

श्री मौर्य (अलीगढ़) : जिन दिनों में केरल में चुनाव चल रहे थे गृह मंत्री श्री गुलजारीलाल नन्दा का कबन था कि वहाँ के नागरिक अपने कर्तव्य का पालन करें और गृह मंत्री या भारत सरकार अपने कर्तव्य का पालन करेगी। यह धमकी थी या क्या थी यह मैं नहीं कहना चाहता। लेकिन इस के बावजूद भी वहाँ पर बहुत बड़ी तादाद में लेफ्टिस्ट कम्युनिस्ट जीत कर आये। जैसे ही चुनाव के नतीजे सामने आये उस के बाद उन का डिटेन्शन आर्डर और बढ़ा दिया गया। मैं जानना चाहता हूँ कि क्या चुनावों के नतीजों और डिटेन्शन आर्डर का आपस में कोई सम्बन्ध है।

श्री नन्दा : मैं समझ नहीं पाया कि माननीय सदस्य क्या जानना चाहते हैं।

**Mr. Speaker:** Is there any relation between this renewed order and the return of the Communists in large numbers in Kerala elections?

**Shri Nanda:** No, Sir. That is not so.

**Shri H. N. Mukerjee:** In disgust at the attitude of the Government, which is quite disgraceful, we propose to leave the House.

(*Shri H. N. Mukerjee and some other hon. Members left the House.*)

**Shri Mohammad Elias:** Before going out, I wanted to know from Shri Nanda whether he would reconsider his decision and withdraw the detention orders which are still there. Or, will he accept our challenge to resign from the membership of this House.

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

**Shri Mohammad Elias:** I am challenging him to come to Bengal to contest the Parliamentary seat on this question.

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

**Shri Mohammad Elias:** I shall also resign from this House, and he should also resign.

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

**Shri Mohammad Elias:** And let there be a contest.

**Mr. Speaker:** Now he is flouting the authority of the Chair. Shri Mohammad Elias is persistently flouting the authority of the Chair. I propose that severe action should be taken against him. He is not listening to me.

**Shri A. K. Sen:** I would request the hon. Member to obey the Chair. If not, I would name him.

**Shri Hari Vishnu Kamath:** You cannot name him.

**Shri Mohammad Elias:** I wanted to know the decision of the Home Minister, what he will do, whether he will reconsider his decision or accept our challenge. Let him say.

**Shri A. K. Sen rose—**

**Mr. Speaker:** Now he need not say anything. Is Shri Elias going out?

**Shri Mohammad Elias:** Will you not allow me....

**Mr. Speaker:** I am asking him to go out.

**Shri Mohammad Elias:** Yes.

(*Shri Mohammad Elias then left the House.*)

श्री मोर्य : मेरे प्रश्न का पूरा उत्तर नहीं आया था। वह आधा ही रह गया था।

अध्यक्ष महोदय : अब मैं आगे इस को नहीं चला सकता

**Shri Nath Pai:** Arising out of the reply given by Shri Nanda, may I draw your attention to the fact that he stated that there was no question of intervention by the Ministers in regard to the Communists there. I have a telegram from Shri Namboodiripad, signed as Maboodri—that appears to be a telegraphic mistake—alleging:

“Preventing our Party's Emmel-lays Central Kerala State Committee Members holding consultations Ministry CWCP Kerala while every other Party allowed hold consultations”.

May I draw his attention....

**Mr. Speaker:** That might be brought in the form of a censure motion.

**Shri Nanda:** My information is there is no discrimination.

12.58 hrs.

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**The Minister of Cultural Affairs in the Ministry of Education (Shri Hajarnavis):** I beg to lay on the Table a copy each of the following