

[Shri Satya Narayan Sinha]

is happening. I have been trying to say something for the last five minutes but we cannot follow what is happening. We must understand what is going on and what one is saying about these matters.

श्री रामेश्वरानम्ब : वहां जान और माल की सुरक्षा नहीं है ।

श्री सत्य नारायण सिन्हा : प्राप बैठिये न, भाई ।

श्री जगदेब सिंह सिद्धात्री : प्राप पहले हमारो सुन नें, तभी तो प्राप कुछ कहेंगे ।

श्री सत्य नारायण सिन्हा : हम सुन चुके हैं प्रापकी बात को ।

श्री जगदेब सिंह सिद्धात्री : कहां सुन चुके हैं । प्राप कोई घन्नयांमी या परमात्मा नहीं हैं, अन्तर को बात जानने वाले कहां से बन गये, पहले हमारो बात सुनिये ।

श्री बागड़ी : पहले दिन भी ऐसा मशाल उठा था, उस दिन प्राप ने सब का मौका दिया और सब को बात सुनाया था, अगर प्राप हमारो बात नहीं सुनेंगे तो उनका बात कैसे सुनेंगे ।

Shri Satya Narayan Sinha: So far as this call attention notice is concerned we are all very shocked and grieved at what has happened. I think the government must make some statement and it will make some statement about what has happened tomorrow or at time fixed by you.... (Interruptions.) It will be today at 4.30 or 5.00 P.M.

श्री बागड़ी : मेरे लिये प्राप इजाजत नहीं दे रहे हैं । मैंने इस के लिये काम रोककर प्रस्ताव दिया है, मेरा बात को सुने बिना

प्राप ने यह कह दिया कि यह मामला प्रान्तीय सरकार का है । यह प्रान्तीय सरकार का मामला नहीं है । यह केन्द्रिय सरकार की जिम्मेदारी है । इस तरह से प्रादमियों को जलाना, यह कानून बात है ।

श्री रामेश्वरानम्ब : मैं यह निवेदन करना चाहता हूं कि पानोपन मेरा चुनाव क्षेत्र है ।

उपाध्यक्ष महोदय : इस के लिये गवर्नमेंट का स्टेटमेंट था रहा है ।

He is making a statement at 4.30 today. Please sit down now.

12.49 hrs.

ORISSA LEGISLATIVE ASSEMBLY
(EXTENSION OF DURATION)
BILL*

The Minister of State in the Ministry of Law (Shri C. R. Pattabhi Raman): Sir, I beg to move for leave to introduce a Bill to provide for the extension of the duration of the present Legislative Assembly of the State of Orissa.

Mr. Deputy-Speaker: Motion moved:

"That leave be granted to introduce a Bill to provide for the extension of the duration of the present Legislative Assembly of the State of Orissa."

Shri S. M. Banerjee (Kanpur): Sir, I rise to oppose this Bill even at the introduction stage. I would draw your attention to article 172(1) of the Constitution. Will you ask the House to become orderly?

Mr. Deputy-Speaker: Order, order. Let there be silence. He may proceed.

Shri S. M. Banerjee: How can I proceed if it is like this? Article 172(1) of the Constitution says:

"Every Legislative Assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly."

The emphasis is on the word "shall"—

Mr. Deputy-Speaker: Please read the proviso.

Shri S. M. Banerjee: Yes; I am coming to that. The proviso says:

"Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate."

I am told in the Statement of Objects and Reasons that the reason for this particular Bill extending the life of the State legislature of Orissa is the emergency, and some assurance was given by the Home Minister in this House that the general elections will synchronise with the elections there. I do not find any clause in the Constitution which sanctions that his particular election to the State legislature should be synchronised with the general election. This is not undemocratic. I rise to oppose this, and I feel that the election to the Orissa State Legislative Assembly, if the term expires in August, 1966, should be held after that. I say it only on the ground, namely, that the Government in Orissa is headed by the ruling party, the Congress Government, which does not command, and which no more commands, the confidence of the people, after the CBI report and what they have done after that. That is why I feel that this Bill is being

brought in this House against all democratic traditions, to justify the misdeeds of the Orissa Government. So, I oppose the introduction of this Bill, and I submit that this Bill should not be brought before the House.

Shri M. R. Masani (Rajkot) rose—

Mr. Deputy-Speaker: I can ask my one Member to oppose the Bill at this stage, and Shri Banerjee's letter had come earlier and so I have allowed him to speak.

Shri M. R. Masani: I am one of those who represent the major Opposition group in the House and so I want to say a few words.

Mr. Deputy-Speaker: I cannot allow another speech. I am very sorry.

Shri Ranga (Chittoor): I take exception to this.

Shri Hari Vishnu Kamath (Hoshangabad): Under the proviso to rule 72, you "may permit a full discussion thereon." That is what it says. "... the Speaker may permit a full discussion thereon."

Mr. Deputy-Speaker: Which is the rule?

Shri Hari Vishnu Kamath: Rule 72, proviso.

Shri Ranga: The chief Opposition group should be allowed to have its say, Sir. Never before has the Speaker done like this—not allowing them to speak.

Mr. Deputy-Speaker: The rule says:

"... the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:

Provided that where a motion is opposed on the ground that the

[Mr. Deputy-Speaker]

Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon."

The Bill does not do so.

Shri M. R. Masani: We are the official Opposition in Orissa and it is to stop a Swatantra Government from coming into existence that this Bill has been introduced. Surely you should give us three or four minutes to explain our objection.

Mr. Deputy-Speaker: The Bill is quite clear.

Shri M. R. Masani: It is not quite clear. (*Interruption*). Representing the Chief Opposition group, I may be permitted to say a few words.

Mr. Deputy-Speaker: You may take just two or three minutes.

Shri M. R. Masani: The Statement of Objects and Reasons gives no reason whatsoever for this Bill to be introduced. All it says is that on 10th December the Home Minister made a statement and in pursuance of that statement it is now proposed to extend the duration of the Assembly. Is that a reason, that Shri Nanda made a statement in December and therefore the Bill has to be introduced? That is no reason. Nor can it be the emergency. The cat is let out of the bag by the proviso which says that even if the emergency ends sometime this year, even then, the election should be postponed by six months after the emergency. In other words, by hook or by crook, the people of Orissa should be denied the right to cast their mandate, their vote, some time this year.

Why? Because the Congress Party in Orissa has lost the people's faith through the misbehaviour of the two Chief Ministers who had to be removed. By this Bill they are giving time to the people of Orissa to forget about their misdeeds. They are frightened that a Swatantra-led Government may come into existence this year in

Orissa, and set such a good example that next time at the General Elections next year, the whole country may move that way. We feel that the people of Orissa are being denied and being cheated of their rights, and we strongly oppose this Bill. We shall divide the homes on this issue to show the strength of our feelings.

Shri H. N. Mukerjee (Calcutta Central): May I say a few words on this question? (*Interruption*). This is a matter where your discretion should come into the picture, because we feel very strongly about this matter. I will tell you this. This is an instance of political pettiness and this is an instance of how the ruling party operates in order to make sure of its political position. I say this because nearly five years ago, when there was the question of the election in Orissa, some of us—my hon. friend Shri Surendranath Dwivedy is not here—he and I along with some others went and saw the late Prime Minister, Pandit Jawaharlal Nehru, and Orissa being a very poor State we were asking for a postponement of the election so that it could be held at the same time. At that point of time, merely because the Congress party has got the power of the purse to operate as it wishes—Pandit Nehru was polite to us when we were talking to him, but later the Congress leadership gave its decision—and Orissa being a poor State and the people of Orissa being poor, and the political party in opposition there was in disarray, at that particular point of time, advantage was taken by the Congress Government to put in power a Ministry which, as Shri Masani has said, sullied the fair name of this country in a manner which is disgraceful. And now they are trying to evade the election and if this election took place now in August, 1966, it would have been a pointer to the whole of the country, and it would have been the handwriting on the wall and the Congress party at the general elections would have been faced with a very difficult situation. In order to avoid that difficult situa-

tion, in order to practise its political pettiness and craftiness they are doing this kind of thing which goes against the grain of parliamentary democracy. Which is why, stretching the rule a bit, we are all trying to oppose the Bill, not only by casting our vote but also by expressing something which would be on record in the debates of this House.

Shri U. M. Trivedi (Mandsaur): May I make a submission?

Shri Hari Vishnu Kamath: Under rule 72, even in the rule,—not only in the proviso—the wording is “may”. The wording is not “shall”. So, the discretion is vested in you. Why don’t you exercise that discretion on this important occasion?

Mr. Deputy-Speaker: All right.

Shri U. M. Trivedi: The point which I wish to make is this. If a legislation of this type is attempted, there is always a limitation put upon the period of extension that is desired. It is not more than one month. There are reasons for this.

We have started doubting the *bona fides* for this legislation, and the *bona fides* are in dispute because the record of the two Chief Ministers who have been removed, one after the other, has not been a very happy one; not only not very happy but it is a record of those who have tried to misuse their power and have fallen into the temptation of making money while so employed. It was a very disgraceful act on their part to have done that, but then, just to hide that disgrace, you are making a law. After dissolution takes place in the month of August, 1966, why is an extension not being demanded only for a period of six months? When the general elections are coming, why an extension is being demanded beyond that period, is not given; the period is not specified.

Mr. Deputy-Speaker: It is going into the merits.

Shri U. M. Trivedi: Not merits. Specific reasons must be given. The period of extension must be specified, because the legislation brought forward here does not specify it. It does not mean that you should go to the extreme. If there are valid reasons, if the action is *bona fide*, the exact period must be mentioned—one month, two months or three months, to meet the situation. So, in the circumstances, all of us are of the opinion that this is a thing which is not proper, which is not fair on the part of the Government, to allow this Ministry which was part and parcel of those Ministers who had acted in a most disgraceful manner, to continue and to allow this Legislative Assembly to continue.

Shri Hari Vishnu Kamath: I shall be very brief, Sir. The emergency has to all intents and purposes become a cloak for covering or shielding or shrouding, I should say, a multitude of misdemeanours on the part of the Government. This legislation now is being brought forward under the proviso to article 172, which empowers Parliament to make a law to extend the duration of the Assembly when an emergency is in operation. Article 352 provides for the proclamation of emergency. The other day, I was sorry to hear the Prime Minister saying in Calcutta, apparently from ignorance of the Constitutional provisions, that the disturbances in Bengal would compel the Government to revise their attitude to revocation of the emergency.

Article 352 reads thus:

“If the President is satisfied that a grave emergency exists whereby the security of India or of any part of the territory thereof”—not the whole country—“is threatened by war or external aggression or internal disturbance . . .” etc.

13 hrs.

Unfortunately there are some disturbances in some parts of the country,

[Shri Hari Vishnu Kamath].

but not all over the country, certainly not in Orissa. Certainly can the Prime Minister or any minister on the Treasury Benches can lay their hands on their hearts, and say that Orissa is a disturbed State today within the meaning of this article? Therefore, I would plead with the House and the Law Minister,—will they recall that in Britain, from whose book of laws we have borrowed so much, may be to our profit and also at times to our disadvantage, in 1945 soon after their victory over Hitler, after the close of the European war, when the war in Japan was still in progress, within three weeks of the defeat of Germany, there was a general election,—but here the Congress Party is so frightened of the people, on whose support they depend, that they not merely do not want elections in Orissa, but on the question of bye-election too, this fantastic, preposterous, ridiculous answer was given to a question here: On 17th September, when Indo-Pakistan conflict was on, the Election Commission prohibited or banned bye-elections in September. The war has ended successfully; we have won the war and still there are no bye-elections even; they have been stopped. In 1963, within six months after the close of the military operations against China, after the tragic military debacle, there were by-elections in U.P. and Rajkot. But today in spite of the fact that we have won the war, there are no bye-elections. This is another pretext for perpetuating their dishonourable, dishonest rule in Orissa where the two Chief Ministers, Shri Biju Patnaik and Shri Biren Mitra were hounded out—I am sorry,—removed. As the Education Minister rightly said a year ago, on 15th March in this House, the two ministers were held unworthy of office and removed, as the CBI report placed on the Table of the House showed. That report is still under consideration. We had not had the grand finale yet; it is coming. So, it is not merely improper, but disgraceful for this government to postpone the elections to the Orissa Assembly. Let the people

be given an opportunity to give their verdict against that crowd of hypocrites and dishonest ministers.

श्री किशन पटनायक (सम्बलपुर): इस के पहले जितने तक दिये गये हैं उन का समर्थन करते हुए मैं इस बात को जोड़ना चाहता हूँ कि पांच सालों में उड़ीसा में तीन मुख्य मंत्रो हो चुके हैं और अब जो आखिरों वाले हैं उन को पछे हटा कर श्री पटनायक फिर में आ जाना चाहते हैं। आज इस का बहुत कोशिश चल रही है। मुख्य मंत्रों स्तर पर जहाँ इतने बदलाव हो रहे हैं उस का मतलब यहाँ है कि वहाँ के सरकार। दल में काफ़ा अस्थिरता या इनस्टेबिलिटी आ गई है। वहाँ की जनता की क्या राय है इस को भी आप जानते होंगे जिस प्रकार वहाँ पर गान्दोलन बगैरहा हुए। जिस किस्म का भूखमरो हो रही है वहाँ पर इन सब बातों को देखते हुए वहाँ की जनता की राय जल्द जाना जाय और इस सरकार को ही नहीं जल्दी असेम्बली को खत्म कर के नई असेम्बली चुनी जाये। मैं आप को इतना विश्वास दिला सकता हूँ कि अगर आप अभी नये निर्वाचन वहाँ करवायेंगे तो वहाँ की जनता राज्य सरकार को बिलकुल टांकरी में फँक देगा।

The Minister of Law (Shri G. S. Pathak): Sir, I do not see any valid legal objection to the introduction of this Bill.

Shri Hari Vishnu Kamath: What about ethical?

Shri G. S. Pathak: If there are any objections to the merits of the Bill, the proper stage would be when the Bill comes up for consideration.

Shri Hari Vishnu Kamath: Read rule 72. We can oppose it even now.

Being a new Minister, he does not know the rules unfortunately. Rajya Sabha rules he may know, but not Lok Sabha rules.

Shri G. S. Pathak: I am getting used to these discourteous remarks. I will read the rule also and show to him that it is absolutely essential that this Bill be introduced, leave be granted for its introduction and this Bill at a later stage be considered by the two Houses. The reasons are these:

Article 168 requires that there shall be a legislature in the State of Orissa. It states:

"For every State, there shall be a Legislature which shall consist of the Governor...." etc.

So, there cannot be any point of time when it could be said that there is no legislature. Legislature must exist.

Shri Hari Vishnu Kamath: Except in Kerala!

Shri G. S. Pathak: The opposition at the present moment is forgetting that under article 356 there may be no legislature and the President may assume the powers and may exercise the powers himself or through the Governor. The emergency with which we are concerned, which affects the entire country including Orissa, is emergency under article 352. Therefore, there must be a legislature there. The life of the present legislature is soon to expire. Therefore, it is essential that the legislature should be continued.

Shri Ram Sewak Yadav (Bara Banki): Why not have elections?

Shri G. S. Pathak: Article 172 is the article which would show that it is necessary that Parliament shall pass a law for the extension of the life of the legislature.

Shri Hari Vishnu Kamath: It says "may", not "shall". Don't misread and misquote the article.

Shri G. S. Pathak: Before I have read it, how can he say I am misquoting?

Shri Hari Vishnu Kamath: You said "shall"; don't say anything before reading. Read it.

Shri G. S. Pathak: Why not Mr. Kamath have a little patience? It is necessary that we should have this law, because otherwise how can you extend the life of the legislature?

Shri Hari Vishnu Kamath: Don't extend the life.

Shri G. S. Pathak: And, don't have legislature? The Constitution requires that there must be a legislature. (*Interruptions*).

Mr. Deputy-Speaker: We cannot go on like this, I would request hon. members to hear him in patience.

Shri Kapur Singh (Ludhiana): Please request the Minister not to misquote.

Shri G. S. Pathak: I am reading article 172 for the consideration of the House:

"Every Legislative Assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate."

Now, the Government knows and the Parliament knows that the operation of the life of the Orissa Assembly is

[Shri G. S. Pathak]

going to expire very soon. The Constitution requires that there must be a legislature always.

Shri Hari Vishnu Kamath: Hold elections.

Shri G. S. Pathak: Therefore, it is the duty of the Government to introduce legislation as a result of which the life of the Assembly may be extended.

Shri Priya Gupta (Katihar): By coramine injection.

Mr. Deputy-Speaker: Order, order. When the Minister does not yield, he stands up and goes on speaking.

Shri Sezhiyan (Perambalur): Sir, he has evaded the issue. The point raised by the Opposition is.... (Interruptions).

Mr. Deputy-Speaker: Order, order.

Shri G. S. Pathak: We are holding general elections at a later time.

An hon Member: Why?

Shri G. S. Pathak: But before that time arrives it is necessary for the Government to see that Parliament passes a law extending the life of the Assembly.

Shri Ranga: Is it permissible for a midwife to arrange abortion?

Division No. 7]

[13.19 hrs.

AYES

Achuthan, Shri
Anjanappa, Shri
Azad, Shri Bhagwat Jha
Bal Krishna Singh, Shri
Barua, Shri R.
Bhagat, Shri B. R.
Bhagavati, Shri
Bist, Shri J.B.S.
Boroah, Shri P. C.
Brajeshwar Prasad, Shri
Brij Basu Lal, Shri.

Chandak, Shri
Chaturvedi, Shri S. N.
Dalit Singh, Shri
Das, Shri B. K.
Das, Shri Sudhansu
Dinesh Singh, Shri
Gandhi, Shri V. B.
Hem Raj, Shri
Jadhav, Shri M. L.
Jena, Shri
Jyotsni, Shri J. P.

Kamble, Shri
Kapen, Shri
Khadilkar, Shri
Kindar Lal, Shri
Kotaki, Shri, Liladhar
Lakhan Das, Shri
Lakshnikanthamma, Shrimati
Lalit San, Shri.
Laskar, Shri N. R.
Malmoona Sultan, Shrimati
Mallick, Shri Rama Chandra

श्री मधु लिमये (मुंघेर): घाय मंत्री के नाते बोल रहे हैं या बकालत कर रहे हैं ?

Shri G. S. Pathak: In case the emergency is lifted, provision is made in article 172, which I have read, that the life of one year itself might be curtailed to six months. Therefore, the objections that are being raised, namely, that there might be other elections, there might be other provisions for elections, those objections do not relate to the legality or validity of the Bill. At this stage we are only concerned with this, that this Bill should be introduced or not. I submit, Sir, that there is no valid objection to the introduction of this Bill and I hope the House will allow this Bill to be introduced and leave will be granted.

Shri S. M. Banerjee: It may not be illegal, but it is immoral.

Shri Sezhiyan: He has not said why the elections cannot be held now.

Mr. Deputy-speaker: The question is:

"That leave be granted to introduce a Bill to provide for the extension of the duration of the present Legislative Assembly of the State of Orissa."

The Lok Sabha divided:

AYES—contd.

Manaan, Shri	Pratap Singh, Shri	Shaahi Ranjan, Shri
Maniyangadan, Shri	Rajdeo Singh, Shri	Shastri, Shri Ramchand
Maurya Din, Shri	Ramdhani Das, Shri	Sheo Narain, Shri
Matcharaju, Shri	Rane, Shri	Shree Narayan Das, Shri
Mehdi, Shri S. A.	Rao, Shri Jaganatha	Siddananappa, Shri
Mehrotra, Shri Braj Bihari	Rao, Shri Ramapathi	Sinha, Shrimati Ramdulari
Mehta, Shri Jashvant	Rao, Shri Ramchahwar	Sinha, Shri Satya Narayan
Mengi, Shri Gopal Datt	Rattan Lal, Shri	Sonavane, Shri
Menon, Shri Krishna	Ray, Shrimati Renuka	Soundaram Ramachandran,
Mohanty, Shri Gokulnanda	Sadhu Ram, Shri	Shrumati
Muthiah, Shri	Saha, Dr. S. K.	Swamy, Shri M. P.
Naskar, Shri P. S.	Saigal, Shri A. S.	Tantla, Shri Rameshwar
Niranjan Lal, Shri	Samanta, Shri S. C.	Tiwary, Shri K. N.
Pande, Shri K. N.	Sannani, Shri	Tiwary, Shri R. S.
Pandey, Shri Vishwa Nath	Sanji Rupji, Shri	Tula Ram, Shri
Panna Lal, Shri.	Saraf, Shri Sham Lal	Tyagi, Shri
Patel, Shri Chhotubhai	Sarma, Shri A. T.	Ukey, Shri
Patel, Shri Man Sinh P.	Setyabhama Devi, Shrimati	Upadhyaya, Shri Shiva Datt
Patil, Shri D. S.	Shah, Shri Manabendra.	Valvi, Shri
Patil, Shri J. S.	Shenkuntala Devi, Shrimati	Varma, Shri Ravindra
Pattabhai Raman, Shri C. R.	Sharma, Shri D. C.	Venkatasubbiah, Shri P.
		Vyas, Shri Radhela]
		Yadab, Shri N. P.

NOES

Alvares, Shri	Kamath, Shri Hari Vishnu.	Pattanyak, Shri Kishan
Badrudduja, Shri.	Kandappa, Shri S.	Ram Singh, Shri
Banerjee, Shri S. M.	Kapur Singh, Shri	Ramabadrn, Shri
Barua, Shri Hem	Kar, Shri Prabhat	Ranga, Shri
Bhecl, Shri P. H.	Kripalani, Shri J. B.	Sezhlyan, Shri
Chatterjee, Shri H. P.	Krishnapal Singh, Shri	Singhvi, Dr. L. M.
Dandekar, Shri N.	Limaye, Shri Madhu	Sivasankaran, Shri
Deo, Shri P. K.	Manoharan, Shri	Swamy, Shri Sivamurthi
Dheramalingsam, Shri	Masani, Shri M. R.	Trivedi, Shri U. M.
Gulshan, Shri	Miers, Dr. U.	Vishram Prasad, Shri
Gupta, Shri Kaahi Ram	Mukerjee, Shri H. N.	Yadav, Shri Ram Sewak
Gupta, Shri Priya.	Nair, Shri Vasudevan	Yashpal Singh, Shri.
Kakkar, Shri Gauri Shanker.	Nath Pal, Shri	

Mr. Deputy-Speaker: The result of the division is: Ayes—97; Noes—38.

The motion was adopted.

Shri C. R. Pattabhi Raman: Sir, I introduce the Bill.

The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jaganatha Rao): At three o'clock.

Mr. Deputy-Speaker: The Finance Minister will be called at 3.00 and till then this discussion will go on.

13.18 hrs.

GENERAL BUDGET—GENERAL DISCUSSION—Contd.

Mr. Deputy-Speaker: The House will now proceed with the discussion on the General Budget. May I know when the Minister will reply to the debate?

श्री बीरब्रह्म सिंह (महामू): उपाध्यक्ष महोदय, कल मैं कह रहा था कि हमारा देश धाज कल बढ़ा कठिनाइयों में से गुजर रहा है। हमारे देश के सामने बहुत सी प्राथमिक कठिनाइयाँ हैं, धनाज का समस्या है और विदेशी मुद्रा की कमी होने के कारण कई समस्याएँ पैदा हो गई हैं। और उसके साथ साथ विकास और रखा के लिए धन की आवश्यकता है। इसलिए हम पृष्ठ भूमि में ही हमें