

THE
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PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

237

HOUSE OF THE PEOPLE

Thursday, 18th February, 1954.

The House met at Two of the Clock.

[MR. SPEAKER in the Chair.]

QUESTIONS AND ANSWERS

(See Part I)

3 P.M.

MOTION FOR ADJOURNMENT

FAILURE OF GOVERNMENT TO BRING IN
A MOTION TO DISCUSS CALCUTTA
SITUATION.

Mr. Speaker: I have received notice
of an adjournment motion:

"That the business of the House
be adjourned, to discuss a definite
matter of urgent public import-
ance, viz., that the Government
which is responsible to this
House has yesterday agreed in
the Council of States to a discus-
sion of the grave incidents in Cal-
cutta, while, though they were
aware of the feelings in this
House on this matter, they did
not take steps to bring in a motion
themselves for such a dis-
cussion."

I do not know what happened in
the other House.

Dr. Lanka Sundaram (Visakhapat-
nam): You would recall, Sir, that
yesterday a motion was given notice

713 P.S.D.

of in this House and you were pleased
to give your ruling. I am
not questioning that ruling. Just
about the same time, in the other
House, a similar motion was given
notice of by a number of Mem-
bers, and the Chairman was
pleased to say as follows. It was
sought to be raised by Mr. Sundaray-
ya. With your permission, Sir, and
with the permission of the House I
am quoting the ruling of the Chair.
The Chairman said:

"I have received notice from
you, from Mr. B. C. Ghose and
Mr. Dhage. Though Law and
Order and Education are State
and not Central subjects, in view
of the general feeling on the mat-
ter and in consultation with the
Leader of the House and Dr.
Katju....."

The Minister of Home Affairs and
States (Dr. Katju): The Leader of the
House is not Dr. Katju.

Dr. Lanka Sundaram: I think, Sir,
my hon. friend must have a second in-
strument. I said "the Leader of the
House and Dr. Katju."

The Chairman said:

"In view of the general opin-
ion on the matter and in consulta-
tion with the Leader of the House
and Dr. Katju, as a special case,
I allow a discussion to be raised
on this matter tomorrow at 6
p.m. The discussion will last an
hour."

Sir, I beg you to remember the
words 'in consultation with the Lead-
er of the House and Dr. Katju'.

[Dr. Lanka Sundaram]

Yesterday, Sir, my hon. friend Prof. Mukerjee, as will be clear from the record of proceedings of yesterday in this House, wanted a discussion on this matter. Sir, under Article 75(3), the Council of Ministers shall be collectively responsible to the House of the People, and that means to the House of the People. It is the duty of the Government, in view of the fact that different sections of this House are exercised about the grave incidents in Calcutta, to have agreed to a discussion or to have made a statement at least. Even under the present procedure, which your good self has enforced in this House for two years and more, whenever a motion of adjournment is given notice of, the Chair gives a chance to the mover, and a chance to the Government to state their respective viewpoints. Even that particular opportunity was not availed of by the Government yesterday, for example, by agreeing to make a statement, or making a statement then and there itself. I consider that this is a very grave matter. It is an affront to this House and I feel, Sir, that this motion, which I have given notice of, will be admitted by you.

Shri H. N. Mukerjee (Calcutta North-East): May I add one word, Sir? Yesterday, as you know, I brought forward that adjournment motion and there were several stages in the procedure which ensued. You, Sir, were pleased to rule it out of order and then I tried to make a submission in an effort to persuade you to change your mind, if I possibly could. I could not change your mind. What happened at that stage was that I wanted to make a statement because, representing Calcutta as I do, I thought I should say something in this House, at least to give expression to the kind of feeling which was uppermost in the minds of most of us. All that time, the Leader of the House as well as the Home Minister were present. None of them said a word. You were pleased to repeat your previous ruling that you

could not possibly allow me even to make a statement and that precipitated matters and brought out a different kind of atmosphere, in which we had to make a certain gesture, which I do not wish to recall. But, what I do wish to say is that the Prime Minister and the Home Minister were present here. The Home Minister's name is mentioned by the Chairman of the other House as the person whom he had consulted. The consultation, obviously, had taken place before the hour when we raised this matter by way of adjournment motion in this House. This House is the House to which alone the Council of Ministers is responsible and not the other House; but, in spite of that, we got complete silence from the other side. What happened was that you, Sir, in your discretion just ruled out the adjournment motion which I had brought forward. Now, the entire proceedings suggest a kind of cavalier attitude towards this House, which I particularly wish to resent. I wish also to say that this is a matter which really agitates the public mind so deeply that I hope that even at this late stage the Leader of the House and the Home Minister might put their heads together and give us an opportunity, perhaps at the same time as the other House, to have a discussion on this issue.

The Prime Minister and Minister of External Affairs and Defence (Shri Jawaharlal Nehru): Apart from the merits of this question, which you have to judge, Sir, the hon. Member seems to imply that there was some intrigue, that it was wrong on our part to have remained silent when he was discussing this matter and raising this question, and you were pleased to give your ruling, that there was some intrigue on our part which led to our giving one expression in the other House and another here by our silence. Well, my colleague will no doubt say that no occasion arose. I, on my part, was not even aware of what happened in the other House. In fact, I heard only last evening on the

subject—not an adjournment motion, but some kind of factual statement would be placed. I believe the Chairman—I speak subject to correction—suggested that some kind of statement should be made and my colleague agreed to it. Here the question did not arise at all. We had at no time, from a strictly legal or technical point of view, desired to keep anything from the House, even though technically that might be so.

You will remember, Sir, in regard to the Kumbh Mela affair we stated the facts. That should not be treated as a precedent; otherwise, we will be flooded with a string of matters of State concern. In this particular matter, I really do not understand how, if I may use the word with all respect, hon. Members who acted in a way which I thought was highly improper yesterday not merely in going out after your ruling, but in giving expression in loud voices...*(Interruption)*.

Mr. Speaker: Order, order.

Shri Jawaharlal Nehru: I am merely saying that it is rather extraordinary that after grave misbehaviour yesterday, against your dignity and the dignity of the House, they should come and tell us that I ought not to have remained silent but, perhaps, replied to them. Well, I preferred to remain silent, a silent witness of their misbehaviour.

Dr. Katju: Sir, my name has been mentioned. I should like to say that in the Rules of Procedure and Business of the other House there is a particular provision for a 'Motion for Papers'. Notice of that motion was given. I was asked whether I had any objection to that particular motion. I said, I had none. I had not read the Rules of Business and I was not even aware of that. But, there is a particular procedure for a 'Motion for Papers' on which any question can be raised and I was informed that the Chairman thought that it might be considered. I said, I have no objection and it was on that basis that

the 'Motion for Papers' was allowed to be debated today.

Now, you would be pleased to remember that this was a 'Motion for Adjournment', which is regulated by strict considerations. If I had been asked or the Leader of the House had been asked whether we had anything to say about it, probably, we would have mentioned the technical objection that had been raised by you. You, probably, made a suggestion to my hon. friend that he might put a short notice question and I would have answered that: there is nothing to shirk. What I know is really from the Calcutta papers. Yesterday in the *Amrita Bazar Patrika* there were four columns of statement on what actually happened there. Everybody knows it and there is no question of concealment or trying to do anything against the dignity of the House or anything like that. It is all public knowledge.

Shri Gadgil (Poona Central): May I ask one question?

Dr. Katju: At what stage was I to intervene? It was entirely a debate between the Speaker and my hon. friends. They were exceedingly excited and you were trying to pacify them.

Shri Gadgil: May I know whether the consent of the Minister concerned will regularise what is not regular according to the rules of procedure?

Dr. Lanka Sundaram: My motion is purely constitutional and procedural, and unfortunately my hon. friends who have so far spoken, brought in the question of the merits regarding the incidents in Calcutta, the incidents yesterday in this House and so on. I beg of you to see and remember the words of the Chairman of the other House, and I again request you kindly to note the wording of my motion. Knowing as they do the feelings of the House, they should have agreed to make a statement. As they had not done so and come forward with a statement. I beg leave to press my motion.

Shri H. N. Mukerjee: In the other House there is no provision for an adjournment motion. It is more as a substitute for an adjournment motion that papers are called for. I could have certainly given notice of a short notice question, but in order to expedite matters, the only device open to us so far is to give notice of an adjournment motion. I may not have the refinement of the Prime Minister who may have all the monopoly of it. I do not think I raised my voice till after the atmosphere in the House, for varied reasons, came to a sharp pitch. I am not going to be sorry for it, but what I do insist is that if in the other House there may be an agreement on the part of the Government to have a discussion and not merely a statement, I do not see why the Ministers concerned could not have taken this bit of initiative for a moment and said that they were going to make a statement to this House, that they were going to have a trunk telephone talk with Calcutta to find out the facts which could be vouchsafed to us. They did not have that much courtesy. Today we hear lectures about refinement, decorum and good behaviour from the Leader of the House, who sometimes forgets—every time he opens his lips on such occasions—that he is the Leader of the whole House and not only of his Party. I am tired of saying this, but I do resent the observation being made. More than that, what I do resent is the kind of treatment that is continuing to be meted out to this House and I do not understand why even at this stage the Leader of the House should not come forward and say that he is going to have the statement repeated in this House and a discussion to ensue.

Shri Jawaharlal Nehru: It is highly unbecoming of the hon. Member. May I ask for your ruling, Sir, whether he acted properly in walking out with the other Members yesterday, and the cries they raised? Yet he has the temerity to say what all he has said now.

Mr. Speaker: Let there be no room for excitement. We can dispassionately and coolly consider this, because the matter has a procedural importance apart from a constitutional importance. To the general question posed by Shri Gadgil I may say that, if a thing is out of order, illegal or unconstitutional, the consent of the entire body of Ministers is not going to validate it. I am very clear on that point.

The point here seems to be limited and the motion seems to me, even as stated by the sponsors—the sponsor is only one, but I take it that Shri Mukerjee is supporting it—is a very short one and it is not about the merits of what happened at Calcutta—and no discussion on that point—but the way in which the Government have treated this House in agreeing to a discussion there and keeping silent at the time of the adjournment motion here. That seems to be the short point, and from that point of view, the motion would rather sound as a motion of censure on the Government. Yesterday, while discussing the merits of the admissibility of the motion, I gave my ruling and I stated, if I remember rightly—I am quoting only from memory—that the mere use or help of the military will not bring the matter within the cognizance of this House. I said also that I presumed that the military was acting under the control and direction of the Bengal Government and the hon. Home Minister nodded assent to that as he does even now. So, it was clear that the adjournment motion could not be admissible. That is a matter of procedure for this House. I also said that discussion here would be interference with the autonomy of the States, but that is a different matter and I need not repeat it. The present motion is not based on that. I did suggest yesterday the procedure to use short notice question, and I also suggested that there are other ways of discussing it. Our rules are now more liberalised and a discussion could have been asked for, not by an adjournment motion but by request and consultation with the Min-

ister. I did not say so in so many words, but I think the rules provide that way. So, if it is possible and if the Government are agreeable, I should have no objection to a discussion of one hour under one or other of the rules, though I myself think that discussion here would practically be of no avail. I am therefore trying to suggest whether it is not possible for the Parties to agree and carry on the business of the House in a spirit of give and take.

Dr. Lanka Sundaram: May I make a submission, Sir? You have rightly pointed out that the purpose or the intention behind this motion is one of censure on the Government for the way they have acted in the other House and not here. As I said earlier, I never intended to raise the question of the incidents at Calcutta, or go into the merits of the case, or as to what happened there. I think, under the Rules of Procedure of this House, if I press my motion and if fifty of my colleagues support me, I am entitled to have a discussion on the adjournment motion. I want your ruling on that point, Sir.

Mr. Speaker: Do Government object to the motion?

Dr. Katju: I understood my hon. friend to say that he wants to discuss the point, namely, that I should have intervened yesterday and informed the House on the merits of the Calcutta incidents.

Mr. Speaker: To discuss generally on the conduct of the Government with reference to their behaviour with the House.

Dr. Katju: That is a matter for you to decide. We need not be censured for that. We were discussing the question of the admissibility of the adjournment motion yesterday and how could I intervene at that time?

Dr. Lanka Sundaram: The Government did not object to my motion and it is within your competence to admit

it. If they challenge my motion, then if fifty of my colleagues stand with me, the motion ought to be admitted. That is the only point that I submit for your final decision.

Shri Jawaharlal Nehru: It is entirely for you to decide, but I do confess that I do not see where the comparison comes in as between what happened here and what happened there. In that place the procedure is different and the suggestion there was made on the lines of your suggestion here—maybe slightly varied—and if you have been pleased to put that question to me, my answer would have been exactly the same at that time, although I did not know what was going to happen there. But if this point is going to be discussed, I suggest that the whole proceedings of yesterday be discussed. I am prepared to discuss it including all that happened here yesterday, the walk-outs, etc.

Shri S. S. More (Sholapur): Will it not be necessary, on a point of information, if the Leader of the House wants to discuss the conduct of some of the Members of the Opposition yesterday, he should table a separate motion for that?

Mr. Speaker: I feel myself rather in an uncomfortable and awkward position. Having failed to induce some agreed course, I think there is only one course open to me. In the meanwhile, I would like to know whether Government agree to the motion being taken up, or they object to it.

Dr. Katju: This motion, Sir? That is to say, to discuss the conduct of Government yesterday?

Shri Jawaharlal Nehru: I cannot really understand what is going to be discussed. I am prepared to discuss the conduct of Government and the Opposition yesterday, because it all hangs together: it cannot be separated. It is obvious. But if you are of the opinion that it should be discussed, we are prepared to abide by your wishes in this matter completely.

Shri Joachim Alva (Kanara): May I submit to you, Sir, that the conduct of Government yesterday is certainly not under fire. Whatever may have been the procedure adopted in the other House, the Ministers are not to be taken to task for that. But if the Opposition is very keen on what happened in Calcutta, that is entirely another issue. So, I beg of you to divide the two things completely.

Mr. Speaker: I think we have sufficiently discussed this.

Shri Jawaharlal Nehru: May I clarify a point, Sir?

My hon. colleague was not in the other House at all. A message was sent to him at half-past one to his house and he said that if the Chairman so desired he had no objection.

Mr. Speaker: May I then proceed on the assumption that Government have no objection to a discussion of this matter, whatever it is?

Dr. Katju: I have no objection whatsoever to discuss anything, if you so decide.

Mr. Speaker: Our Rules of Procedure say:

"If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places..."

If there is objection, I must ask them to rise in their places. If there is no objection I will say straightaway, all right, I fix the time.

Shri Radhelal Vyas (Ujjain): May I submit a point?

The conduct of the Government in the other House is being discussed here by this motion. My point of order is this. Yesterday when an adjournment motion was brought you were pleased to disallow it: there was no fault on the part of Government. Just now you gave a ruling, in reply to a question put by Shri Gadgil, that even the consent of the Ministers cannot

validate a thing which is not otherwise valid. Now, what transpired in this House was perfectly in order and the conduct of Government cannot be questioned, because the procedure adopted was correct. Can a motion which was disallowed yesterday be allowed to be discussed, because it has been allowed in the other House? I want your ruling on that point.

Mr. Speaker: I think there is a misapprehension on the part of the hon. Member who raised the point of order. The real point of this motion is that they complain that the Government behave one way in this House towards Members of this House and in a different way with the other part of Parliament. How far they are right or wrong in doing so, is another matter. Therefore, their contention is that Government deserve some kind of censure. That is how I interpret the motion.

So, I take it that Government have no objection: otherwise I have to ask them to stand.

Dr. Katju: I have no objection, Sir. But it is for you to decide whether you are not going to do something which will create a dangerous precedent, because it has nothing to do with the merits of the happenings in Calcutta.

Mr. Speaker: I do not want to compromise the position of the Chair.

Shri Jawaharlal Nehru: We accept this, Sir. Let us have a full discussion, if you are clear. But as my hon. colleague has pointed out, it is a completely pointless thing and a dangerous thing. But as I see that you are in some difficulty, we accept it and you may fix any time for it.

Mr. Speaker: Ordinarily an adjournment motion is to be taken at four; but this may be taken up at six o'clock.

Shri Jawaharlal Nehru: In that case my hon. colleague may not be here.

Mr. Speaker: In that case let us have the discussion from half-past four to half-past five.