

RAJYA SABHA

Tuesday, the 14th May, 1974, the 24th
Vaisakha 1896 (Saka)

The House met at eleven of the clock,
Mr. Chairman in the Chair.

PAPERS LAID ON THE TABLE

I. Annual Report and Accounts (1972-73) of the Gujarat Agro-Industries Corporation Limited, Ahmedabad and related Papers

II. Annual Report and Accounts (1971-72) of the Tamilnadu Agro-Industries corporation limited, Madras and related Papers

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, on behalf of Shri
Annasaheb P. Shinde, I beg to lay on the
Table:

I. A copy (each in English and Hindi) of
the following papers, under sub-section (1) of
section 619A of the Companies Act, 1956:—

h Annual Report and Accounts of the
Gujarat Agro-Industries Corporation Limited,
Ahmedabad, for the year 1972-73, together
with the Auditor's Report on the Accounts.
[Placed in Library. See No. LT-7061/74]

(ii) Sixth Annual Report and Accounts of
the Tamilnadu Agro-Industries Corporation
Limited, Madras, for the year 1971-72,
together with the Auditor's Report on the
Accounts and the comments of the
Comptroller and Auditor General of India
thereon. [Placed in Library. See No. LT-
7062/74]

It. A statement (in English and Hindi)
giving reasons for the delay in laying the
Report mentioned at (ii) above on the Table.
[Placed in Library. See No. LT.-7062/74]

ANNOUNCEMENT RE PANNEL OF VICE-CHAIRMEN

MR. CHAIRMAN: I have to make an
announcement. I have to inform Members

12/Rajya Sabha/74—1

that I have nominated the following Members
to the Panel of Vice-Chairmen:

1. Shri Bipinpal Das
2. Shri Jagdish Prasad Mathur
3. Shrimati Purabi Mukhopadhyay
4. Shri Yogendra Sharma.

I have also made nominations to the other
committees. It will be notified in the bulletin
today.

THE CENTRAL AND OTHER SOCIETIES (REGULATION) BILL, 1974

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, with your permission, I
beg to move for leave to introduce a Bill to
provide for the incorporation, regulation and
winding up of Central Societies and declared
Central Societies and regulation of aided Union
territory societies and amalgamation of Central
societies or aided Union territory societies with
similar societies and for matters connected
therewith or incidental thereto.

The question was put and the motion was
adopted,

SHRI NITI RAJ SINGH CHAUDHURY:
Sir, I introduce the Bill.

PRESENTATION OF PETITION RE RECOGNITION OF UNQUALIFIED PRACTITIONERS OF MODERN SYSTEM OF MEDICINE

SHRI JAGAN NATH BHARDWAJ
(Himachal Pradesh): Sir, I beg to present a
petition signed by Dr. R.K. Bhardwaj, Presi-
dent, the Private Medical Practitioners' Asso-
ciation of India (Registered), Delhi, praying
for the recognition of unqualified practitioners
of modern system of medicine.

REFERENCE TO INCIDENCE OF SMALLPOX IN BIHAR

DR. RAMKRIPAL SINHA (Bihar): Mr.
Chairman, Sir, I would like to draw the atten-
tion of the Government towards the wide-
spread incidence of smallpox epidemic in
Bihar. It has already taken a toll of about
10,000 lives. We had the National Small-pox
Eradication Programme started in 1962. But
this National Smallpox Eradication Programme
needs reinvigoration. In 1950, there

RAJYA SABHA

Tuesday, the 14th May, 1974, the 24th
Vaisakha 1896 (Saka)

The House met at eleven of the clock,
Mr. Chairman in the Chair.

PAPERS LAID ON THE TABLE

I. Annual Report and Accounts (1972-73) of the Gujarat Agro-Industries Corporation Limited, Ahmedabad and related Papers

II. Annual Report and Accounts (1971-72) of the Tamilnadu Agro-Industries corporation limited, Madras and related Papers

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, on behalf of Shri
Annasaheb P. Shinde, I beg to lay on the
Table:

I. A copy (each in English and Hindi) of
the following papers, under sub-section (1) of
section 619A of the Companies Act, 1956:—

h Annual Report and Accounts of the
Gujarat Agro-Industries Corporation Limited,
Ahmedabad, for the year 1972-73, together
with the Auditor's Report on the Accounts.
[Placed in Library. See No. LT-7061/74]

(ii) Sixth Annual Report and Accounts of
the Tamilnadu Agro-Industries Corporation
Limited, Madras, for the year 1971-72,
together with the Auditor's Report on the
Accounts and the comments of the
Comptroller and Auditor General of India
thereon. [Placed in Library. See No. LT-
7062/74]

It. A statement (in English and Hindi)
giving reasons for the delay in laying the
Report mentioned at (ii) above on the Table.
[Placed in Library. See No. LT.-7062/74]

ANNOUNCEMENT RE PANNEL OF VICE-CHAIRMEN

MR. CHAIRMAN: I have to make an
announcement. I have to inform Members

12/Rajya Sabha/74—1

that I have nominated the following Members
to the Panel of Vice-Chairmen:

1. Shri Bipinpal Das
2. Shri Jagdish Prasad Mathur
3. Shrimati Purabi Mukhopadhyay
4. Shri Yogendra Sharma.

I have also made nominations to the other
committees. It will be notified in the bulletin
today.

THE CENTRAL AND OTHER SOCIETIES (REGULATION) BILL, 1974

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, with your permission, I
beg to move for leave to introduce a Bill to
provide for the incorporation, regulation and
winding up of Central Societies and declared
Central Societies and regulation of aided Union
territory societies and amalgamation of Central
societies or aided Union territory societies with
similar societies and for matters connected
therewith or incidental thereto.

The question was put and the motion was
adopted,

SHRI NITI RAJ SINGH CHAUDHURY:
Sir, I introduce the Bill.

PRESENTATION OF PETITION RE RECOGNITION OF UNQUALIFIED PRACTITIONERS OF MODERN SYSTEM OF MEDICINE

SHRI JAGAN NATH BHARDWAJ
(Himachal Pradesh): Sir, I beg to present a
petition signed by Dr. R.K. Bhardwaj, Presi-
dent, the Private Medical Practitioners' Asso-
ciation of India (Registered), Delhi, praying
for the recognition of unqualified practitioners
of modern system of medicine.

REFERENCE TO INCIDENCE OF SMALLPOX IN BIHAR

DR. RAMKRIPAL SINHA (Bihar): Mr.
Chairman, Sir, I would like to draw the atten-
tion of the Government towards the wide-
spread incidence of smallpox epidemic in
Bihar. It has already taken a toll of about
10,000 lives. We had the National Small-pox
Eradication Programme started in 1962. But
this National Smallpox Eradication Programme
needs reinvigoration. In 1950, there

RAJYA SABHA

Tuesday, the 14th May, 1974, the 24th
Vaisakha 1896 (Saka)

The House met at eleven of the clock,
Mr. Chairman in the Chair.

PAPERS LAID ON THE TABLE

I. Annual Report and Accounts (1972-73) of the Gujarat Agro-Industries Corporation Limited, Ahmedabad and related Papers

II. Annual Report and Accounts (1971-72) of the Tamilnadu Agro-Industries corporation limited, Madras and related Papers

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, on behalf of Shri
Annasaheb P. Shinde, I beg to lay on the
Table:

I. A copy (each in English and Hindi) of
the following papers, under sub-section (1) of
section 619A of the Companies Act, 1956:—

h Annual Report and Accounts of the
Gujarat Agro-Industries Corporation Limited,
Ahmedabad, for the year 1972-73, together
with the Auditor's Report on the Accounts.
[Placed in Library. See No. LT-7061/74]

(ii) Sixth Annual Report and Accounts of
the Tamilnadu Agro-Industries Corporation
Limited, Madras, for the year 1971-72,
together with the Auditor's Report on the
Accounts and the comments of the
Comptroller and Auditor General of India
thereon. [Placed in Library. See No. LT-
7062/74]

It. A statement (in English and Hindi)
giving reasons for the delay in laying the
Report mentioned at (ii) above on the Table.
[Placed in Library. See No. LT.-7062/74]

ANNOUNCEMENT RE PANNEL OF VICE-CHAIRMEN

MR. CHAIRMAN: I have to make an
announcement. I have to inform Members

12/Rajya Sabha/74—1

that I have nominated the following Members
to the Panel of Vice-Chairmen:

1. Shri Bipinpal Das
2. Shri Jagdish Prasad Mathur
3. Shrimati Purabi Mukhopadhyay
4. Shri Yogendra Sharma.

I have also made nominations to the other
committees. It will be notified in the bulletin
today.

THE CENTRAL AND OTHER SOCIETIES (REGULATION) BILL, 1974

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, with your permission, I
beg to move for leave to introduce a Bill to
provide for the incorporation, regulation and
winding up of Central Societies and declared
Central Societies and regulation of aided Union
territory societies and amalgamation of Central
societies or aided Union territory societies with
similar societies and for matters connected
therewith or incidental thereto.

The question was put and the motion was
adopted,

SHRI NITI RAJ SINGH CHAUDHURY:
Sir, I introduce the Bill.

PRESENTATION OF PETITION RE RECOGNITION OF UNQUALIFIED PRACTITIONERS OF MODERN SYSTEM OF MEDICINE

SHRI JAGAN NATH BHARDWAJ
(Himachal Pradesh): Sir, I beg to present a
petition signed by Dr. R.K. Bhardwaj, Presi-
dent, the Private Medical Practitioners' Asso-
ciation of India (Registered), Delhi, praying
for the recognition of unqualified practitioners
of modern system of medicine.

REFERENCE TO INCIDENCE OF SMALLPOX IN BIHAR

DR. RAMKRIPAL SINHA (Bihar): Mr.
Chairman, Sir, I would like to draw the atten-
tion of the Government towards the wide-
spread incidence of smallpox epidemic in
Bihar. It has already taken a toll of about
10,000 lives. We had the National Small-pox
Eradication Programme started in 1962. But
this National Smallpox Eradication Programme
needs reinvigoration. In 1950, there

RAJYA SABHA

Tuesday, the 14th May, 1974, the 24th
Vaisakha 1896 (Saka)

The House met at eleven of the clock,
Mr. Chairman in the Chair.

PAPERS LAID ON THE TABLE

I. Annual Report and Accounts (1972-73) of the Gujarat Agro-Industries Corporation Limited, Ahmedabad and related Papers

II. Annual Report and Accounts (1971-72) of the Tamilnadu Agro-Industries corporation limited, Madras and related Papers

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, on behalf of Shri
Annasaheb P. Shinde, I beg to lay on the
Table:

I. A copy (each in English and Hindi) of
the following papers, under sub-section (1) of
section 619A of the Companies Act, 1956:—

h Annual Report and Accounts of the
Gujarat Agro-Industries Corporation Limited,
Ahmedabad, for the year 1972-73, together
with the Auditor's Report on the Accounts.
[Placed in Library. See No. LT-7061/74]

(ii) Sixth Annual Report and Accounts of
the Tamilnadu Agro-Industries Corporation
Limited, Madras, for the year 1971-72,
together with the Auditor's Report on the
Accounts and the comments of the
Comptroller and Auditor General of India
thereon. [Placed in Library. See No. LT-
7062/74]

It. A statement (in English and Hindi)
giving reasons for the delay in laying the
Report mentioned at (ii) above on the Table.
[Placed in Library. See No. LT.-7062/74]

ANNOUNCEMENT RE PANNEL OF VICE-CHAIRMEN

MR. CHAIRMAN: I have to make an
announcement. I have to inform Members

12/Rajya Sabha/74—1

that I have nominated the following Members
to the Panel of Vice-Chairmen:

1. Shri Bipinpal Das
2. Shri Jagdish Prasad Mathur
3. Shrimati Purabi Mukhopadhyay
4. Shri Yogendra Sharma.

I have also made nominations to the other
committees. It will be notified in the bulletin
today.

THE CENTRAL AND OTHER SOCIETIES (REGULATION) BILL, 1974

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, with your permission, I
beg to move for leave to introduce a Bill to
provide for the incorporation, regulation and
winding up of Central Societies and declared
Central Societies and regulation of aided Union
territory societies and amalgamation of Central
societies or aided Union territory societies with
similar societies and for matters connected
therewith or incidental thereto.

The question was put and the motion was
adopted,

SHRI NITI RAJ SINGH CHAUDHURY:
Sir, I introduce the Bill.

PRESENTATION OF PETITION RE RECOGNITION OF UNQUALIFIED PRACTITIONERS OF MODERN SYSTEM OF MEDICINE

SHRI JAGAN NATH BHARDWAJ
(Himachal Pradesh): Sir, I beg to present a
petition signed by Dr. R.K. Bhardwaj, Presi-
dent, the Private Medical Practitioners' Asso-
ciation of India (Registered), Delhi, praying
for the recognition of unqualified practitioners
of modern system of medicine.

REFERENCE TO INCIDENCE OF SMALLPOX IN BIHAR

DR. RAMKRIPAL SINHA (Bihar): Mr.
Chairman, Sir, I would like to draw the atten-
tion of the Government towards the wide-
spread incidence of smallpox epidemic in
Bihar. It has already taken a toll of about
10,000 lives. We had the National Small-pox
Eradication Programme started in 1962. But
this National Smallpox Eradication Programme
needs reinvigoration. In 1950, there

RAJYA SABHA

Tuesday, the 14th May, 1974, the 24th
Vaisakha 1896 (Saka)

The House met at eleven of the clock,
Mr. Chairman in the Chair.

PAPERS LAID ON THE TABLE

I. Annual Report and Accounts (1972-73) of the Gujarat Agro-Industries Corporation Limited, Ahmedabad and related Papers

II. Annual Report and Accounts (1971-72) of the Tamilnadu Agro-Industries corporation limited, Madras and related Papers

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, on behalf of Shri
Annasaheb P. Shinde, I beg to lay on the
Table:

I. A copy (each in English and Hindi) of
the following papers, under sub-section (1) of
section 619A of the Companies Act, 1956:—

h Annual Report and Accounts of the
Gujarat Agro-Industries Corporation Limited,
Ahmedabad, for the year 1972-73, together
with the Auditor's Report on the Accounts.
[Placed in Library. See No. LT-7061/74]

(ii) Sixth Annual Report and Accounts of
the Tamilnadu Agro-Industries Corporation
Limited, Madras, for the year 1971-72,
together with the Auditor's Report on the
Accounts and the comments of the
Comptroller and Auditor General of India
thereon. [Placed in Library. See No. LT-
7062/74]

It. A statement (in English and Hindi)
giving reasons for the delay in laying the
Report mentioned at (ii) above on the Table.
[Placed in Library. See No. LT.-7062/74]

ANNOUNCEMENT RE PANNEL OF VICE-CHAIRMEN

MR. CHAIRMAN: I have to make an
announcement. I have to inform Members

12/Rajya Sabha/74—1

that I have nominated the following Members
to the Panel of Vice-Chairmen:

1. Shri Bipinpal Das
2. Shri Jagdish Prasad Mathur
3. Shrimati Purabi Mukhopadhyay
4. Shri Yogendra Sharma.

I have also made nominations to the other
committees. It will be notified in the bulletin
today.

THE CENTRAL AND OTHER SOCIETIES (REGULATION) BILL, 1974

THE MINISTER OF STATE IN THE
MINISTRY OF LAW, JUSTICE AND COM-
PANY AFFAIRS (SHRI NITI RAJ SINGH
CHAUDHURY): Sir, with your permission, I
beg to move for leave to introduce a Bill to
provide for the incorporation, regulation and
winding up of Central Societies and declared
Central Societies and regulation of aided Union
territory societies and amalgamation of Central
societies or aided Union territory societies with
similar societies and for matters connected
therewith or incidental thereto.

The question was put and the motion was
adopted,

SHRI NITI RAJ SINGH CHAUDHURY:
Sir, I introduce the Bill.

PRESENTATION OF PETITION RE RECOGNITION OF UNQUALIFIED PRACTITIONERS OF MODERN SYSTEM OF MEDICINE

SHRI JAGAN NATH BHARDWAJ
(Himachal Pradesh): Sir, I beg to present a
petition signed by Dr. R.K. Bhardwaj, Presi-
dent, the Private Medical Practitioners' Asso-
ciation of India (Registered), Delhi, praying
for the recognition of unqualified practitioners
of modern system of medicine.

REFERENCE TO INCIDENCE OF SMALLPOX IN BIHAR

DR. RAMKRIPAL SINHA (Bihar): Mr.
Chairman, Sir, I would like to draw the atten-
tion of the Government towards the wide-
spread incidence of smallpox epidemic in
Bihar. It has already taken a toll of about
10,000 lives. We had the National Small-pox
Eradication Programme started in 1962. But
this National Smallpox Eradication Programme
needs reinvigoration. In 1950, there

[Dr. Ramkripal Sinha]

were 1,57,000 cases and there were 41,000 deaths. In 1971, we had 15,000 cases and 2,800 deaths. After 1972, there is a rising trend in our country. In 1972, there were 27,400 cases of smallpox and 5,457 deaths. In 1973, there were 77,000 cases. Out of these cases, 14,000 persons died. But this year, only in Bihar, 10,000 persons have died during the last few months or two or three months because of this epidemic. The Government report says that they have 4 centres of smallpox vaccine in the country. They are in Hyderabad, in Tamil Nadu, in Patwada-nagar, Uttar Pradesh and Vaccine Institute in Belgaum, Karnataka. The report also says that the eastern zone of the country— Madhya Pradesh, Bihar, West Bengal and Uttar Pradesh are very much prone to this epidemic of smallpox.

And, Sir, I am very much surprised that in Bihar and West Bengal they have not set up any vaccine centre, particularly for pre-dried vaccines. My suggestion to the Government is that they should make a provision for setting up a pre-dried vaccine centre in Bihar because both Bihar and West Bengal suffer from this epidemic, and something must be urgently done to eradicate this epidemic which has a rising trend in the last two years. Then, Sir, a massive vaccination campaign must be taken out in Bihar because 10,000 deaths have occurred recently. And the main cause of this disease, particularly in Bihar, is the lack of pure drinking water in villages and slum areas. The Government have totally failed to provide drinking water in the slums of the urban areas and in the villages. Our people have to draw water from two to three miles away; it is dirty water and they are prone to this disease. Therefore, Sir, through you, I would like to draw the attention of the Government to these three things: They must set up a vaccine centre in Bihar where pre-dried vaccines can be produced, there must be a massive vaccination campaign, and there should be drinking water provision immediately if we want to contain this disease or epidemic from spreading to other States.

REFERENCE TO ALLEGED INDISCRIMINATE ARRESTS IN KISHANGANJ-SADAR BAZAR AREA OF DELHI

SHRI BHUPESH GUPTA (West Bengal):
Sir, you are aware that communal disturbances

took place in the Kishanganj-Sadar Bazar area on May 5. Now, Sir, the situation is rather bad. There is a complete sense of insecurity among the members of the minority community living in that area. 100 Muslims have been arrested most indiscriminately. And these include young boys between the ages of 14 and 18 and also old people in the age group of 65-70 and even older people. Sir, among the arrested are people who have suffered injuries—some of them have been arrested after they were discharged from the hospital. I have also information, and I verified it that in some cases the entire male members of the families have been arrested. I give you the example of the family of Hakim Khali-lur Rahman. All the male members of the family have been taken into custody. Sir, this is demoralizing the people there and creating a lot of apprehension and fear among them. There are 34 people who have been charged with murder. 32 of them belong to the minority community. Recently, the Police has been in search of one Abdul Rashid and his son Raunaq. What they have done is that they went to some village and arrested five female members of that family—sister of Abdul Rashid, wife of Abdul Rashid, daughter of Abdul Rashid, wife of Raunaq, and another female member of the family. They have been brought in. Such things are happening. Naturally, the minority community is very much exercised over it. They are not saying that the culprits should not be punished whether they are from the majority community or the minority community. But the arrests have taken place indiscriminately and are still going on. I understand that Mr. Pyara Singh, Station House Officer of Sadar Bazar Police Station and the Crime Branch are directly responsible for the arrests being made indiscriminately against these people. The homes are being raided. And it does seem that some officials are trying to make money by arresting the members of the minority community. And this is most objectionable. I am surprised that nothing is being done. Yet, Sir, I have information that the Home Minister was supplied with the names of at least four or five people of that area who have used rifles, and belonging to the majority community. These are goondas and not one of them has been arrested by the Government up to now. The names are with the Prime Minister and the Home Minister.

[Dr. Ramkripal Sinha]

were 1,57,000 cases and there were 41,000 deaths. In 1971, we had 15,000 cases and 2,800 deaths. After 1972, there is a rising trend in our country. In 1972, there were 27,400 cases of smallpox and 5,457 deaths. In 1973, there were 77,000 cases. Out of these cases, 14,000 persons died. But this year, only in Bihar, 10,000 persons have died during the last few months or two or three months because of this epidemic. The Government report says that they have 4 centres of smallpox vaccine in the country. They are in Hyderabad, in Tamil Nadu, in Patwada-nagar, Uttar Pradesh and Vaccine Institute in Belgaum, Karnataka. The report also says that the eastern zone of the country— Madhya Pradesh, Bihar, West Bengal and Uttar Pradesh are very much prone to this epidemic of smallpox.

And, Sir, I am very much surprised that in Bihar and West Bengal they have not set up any vaccine centre, particularly for pre-dried vaccines. My suggestion to the Government is that they should make a provision for setting up a pre-dried vaccine centre in Bihar because both Bihar and West Bengal suffer from this epidemic, and something must be urgently done to eradicate this epidemic which has a rising trend in the last two years. Then, Sir, a massive vaccination campaign must be taken out in Bihar because 10,000 deaths have occurred recently. And the main cause of this disease, particularly in Bihar, is the lack of pure drinking water in villages and slum areas. The Government have totally failed to provide drinking water in the slums of the urban areas and in the villages. Our people have to draw water from two to three miles away; it is dirty water and they are prone to this disease. Therefore, Sir, through you, I would like to draw the attention of the Government to these three things: They must set up a vaccine centre in Bihar where pre-dried vaccines can be produced, there must be a massive vaccination campaign, and there should be drinking water provision immediately if we want to contain this disease or epidemic from spreading to other States.

REFERENCE TO ALLEGED INDISCRIMINATE ARRESTS IN KISHANGANJ-SADAR BAZAR AREA OF DELHI

SHRI BHUPESH GUPTA (West Bengal):
Sir, you are aware that communal disturbances

took place in the Kishanganj-Sadar Bazar area on May 5. Now, Sir, the situation is rather bad. There is a complete sense of insecurity among the members of the minority community living in that area. 100 Muslims have been arrested most indiscriminately. And these include young boys between the ages of 14 and 18 and also old people in the age group of 65-70 and even older people. Sir, among the arrested are people who have suffered injuries—some of them have been arrested after they were discharged from the hospital. I have also information, and I verified it that in some cases the entire male members of the families have been arrested. I give you the example of the family of Hakim Khali-lur Rahman. All the male members of the family have been taken into custody. Sir, this is demoralizing the people there and creating a lot of apprehension and fear among them. There are 34 people who have been charged with murder. 32 of them belong to the minority community. Recently, the Police has been in search of one Abdul Rashid and his son Raunaq. What they have done is that they went to some village and arrested five female members of that family—sister of Abdul Rashid, wife of Abdul Rashid, daughter of Abdul Rashid, wife of Raunaq, and another female member of the family. They have been brought in. Such things are happening. Naturally, the minority community is very much exercised over it. They are not saying that the culprits should not be punished whether they are from the majority community or the minority community. But the arrests have taken place indiscriminately and are still going on. I understand that Mr. Pyara Singh, Station House Officer of Sadar Bazar Police Station and the Crime Branch are directly responsible for the arrests being made indiscriminately against these people. The homes are being raided. And it does seem that some officials are trying to make money by arresting the members of the minority community. And this is most objectionable. I am surprised that nothing is being done. Yet, Sir, I have information that the Home Minister was supplied with the names of at least four or five people of that area who have used rifles, and belonging to the majority community. These are goondas and not one of them has been arrested by the Government up to now. The names are with the Prime Minister and the Home Minister.

I should like to know, Sir, is this the way to tackle the communal situation.

Finally, Sir, before I sit down, my request to the Government—now the Minister is talking; I know it is always pleasant to talk to the ladies—will he kindly listen to me? May I ask the hon. lady Member not to cause diversion?

SHRI NIREN GHOSH (West Bengal): Is she causing diversion to you?

SHRI BHUPESH GUPTA: He is asking me if she is causing me diversion. But I find he has already been diverted. Please do not say more on the subject. Let me complete now.

Sir, I would suggest to the Government let them kindly read what I have stated earlier, I am not going to repeat it again—that let them release all those who have been arrested for mere violation of curfew—I underline the words mere violation of curfew—and who belong to the minority community. They have already been in custody for some time. As you know, I think, that for this minor offence they should not be kept any longer in custody. They should be released. They should also release all the boys between the ages of 14 and 15. Many of them are not guilty at all. They should be released. Similarly, all the people in the age group of 65 and 70 years should be released. Why should they be kept in detention? Sir, I myself saw a very old man belonging to the minority community being taken in a truck. I was myself surprised as to how he could participate in this riot towards the end of his life. Sir, the senior officers of that area, the Sadar Bazar area, should be transferred. All those officers whom I have mentioned and other responsible officers should be transferred. Otherwise, nothing can happen. Sir, the Srinagar meeting of the National Integration Council laid down that when communal disturbances take place all officers—such as I have named—should be transferred and they should not be kept there; specially those officers who do not command the confidence of the minority community. Sir, some persecution is going on by some communal-minded officers against the members of the minority community. I suggest, therefore, that they should be transferred immediately. Otherwise, there will be no security.

Sir, I have suggested earlier and I suggest again that some senior Executive Officer or some Judicial Officer should be asked to go into the cases and examine them and unless there is a prima facie case, all these people should be released; that is, all those people who have been victimised and arrested in this manner. Beating in the police lock-up and police custody should be stopped. Arrests should not be indiscriminate. Harassment of these people also must stop. I have shown you how they are trying to arrest the family members and commit reprisals against the members of a family, including women. Does it mean that Muslim women came for rioting? I should like to know. Let them say so. They went to the village to get these Muslim women arrested and they put them in custody because they could not arrest two or three of their people. I do not know whether they are guilty or not. Assuming that there are some charges against them, why should they go to the village and get these Muslim women and put them in jail or police custody? I cannot understand. These are serious matters. Local officers should be called to order. Sir, I think that all the demands that I have made are in consonance with the decisions taken at the Srinagar meeting of the National Integration Council, which was held in June 1968, and presided over by the Prime Minister. I can substantiate it. All that I am demanding is to implement the Resolution of the Srinagar meeting of the National Integration Council and I do hope that the matter will be brought to the notice of the Prime Minister and the Home Minister and necessary steps would be taken.

Sir, I demand the removal of Payara Singh, the Station House Officer of the Sadar Bazar Police Station and others who are responsible. I also demand an inquiry in the matter in which the Police is trying to wreak communal vengeance on members of the minority community. This is what is happening there. Some Members of Parliament have also told me that so many helpless people of the minority community are being arrested and a demand of money—of Rs. 500—is being made from them for which they are promised their release. Sir, is this the way to tackle the situation?

MR. CHAIRMAN: Now, you have said it. Please finish.

SHRI BHUPESH GUPTA: Sir, I do not wish to say more. But, I do hope that the matter will be taken up seriously by the Government and discussed at the appropriate level. A conference of the local officials including the Governor, if necessary, should be called and steps should be formulated by which this post-riot persecution is ended and communally poisoned officers who are taking advantage of the situation should be transferred.

You will be surprised, Sir, I believe only 10 to 12 members of the majority community have been arrested. I do not say guilty should not be arrested or punished. I stand by it. But in this case I found out innocent people, not young, and specially women were being arrested. Their family members are being prosecuted. I strongly protest against such hooligan behaviour on the part of the communally poisoned Delhi Police Administration.

श्री राजनारायण (उत्तर प्रदेश): भ्रान ए प्वाइंट आफ इन्फार्मेशन। जिस दिन इस दंगे की चर्चा हुई थी उस दिन घर मन्त्री ने यह कहा था कि जिन अधिकारियों को ट्रांसफर करने की बात आप कह रहे हैं उनके बारे में जांच करके हम व्यवस्था करेंगे, मगर आज यह सदन उठने जा रहा है और मैं आप की आज्ञा से सरकार से यह जानना चाहता हूँ कि...

श्री सभापति: मैंने आप को आज्ञा नहीं दी है।

श्री राजनारायण: प्वाइंट आफ इन्फार्मेशन के लिए आज्ञा की जरूरत नहीं होती।

श्री सभापति: लेकिन यह भी नहीं होता कि आप खड़े हो जाएं और डिस्टर्ब करने लगें।

श्री राजनारायण: मैं आप से यह जानना चाहता हूँ कि...

MR. CHAIRMAN: No please. I did not call you. You did not take permission.

श्री राजनारायण: आप क्या संसदीय प्रथा में प्वाइंट आफ इन्फार्मेशन को रखते ही नहीं क्या? आप बिल्कुल अजीबोगरीब काम कर रहे हैं।

श्री सभापति: अजीबोगरीब काम नहीं कर रहा हूँ। कायदा यह है कि आप खन्दर आ कर पहले इजाजत लें। इसकी जरूरत है।

श्री राजनारायण: श्रीमन्, मेरा प्वाइंट आफ आर्डर यह है कि...

MR. CHAIRMAN: You are disturbing the proceedings of the House.

श्री राजनारायण: मेरा प्वाइंट आफ आर्डर यह है कि जब प्रधान मन्त्री साहिबा ने अपनी अध्यक्षता में यहां पर नेशनल इंटीग्रेशन कमेटी की बैठक उस दिन शाम को बुलाई

जिस दिन कि सदन में हमारी चर्चा हुई। तो प्रधान मन्त्री जी जिस की अध्यक्षता कर रही हों और जिसमें यह निर्णय हो कि जहां कम्युनल रायट्स होंगे वहां के जिलाधीश को हटा दिया जायेगा, मैं जानना चाहता हूँ कि उसके बारे में क्या कार्यवाही हुई?

MR. CHAIRMAN: I am not permitting you to speak. Please sit down.

श्री राजनारायण: आप की परमीशन की क्या जरूरत है।

श्री सभापति: सब आकर परमीशन लेते हैं ऐसे मामलों के लिए।

श्री राजनारायण: आप क्लस को पढ़िये। सदन का कोई भी सदस्य नियमों के बारे में प्वाइंट आफ इन्फार्मेशन या प्वाइंट आफ आर्डर उठा सकता है। इसके लिये उसे आप के चेम्बर में आ कर इजाजत लेने की जरूरत नहीं है।

MR. CHAIRMAN: I overrule your point of order. (Interruptions)

श्री राजनारायण: क्लस आफ प्रोसीजर आप पढ़िए।

श्री सभापति: इस तरह की बात न बोलिये। यह कोई तरीका नहीं है।

श्री राजनारायण: क्या मैंने बुरी बात कही? हर माननीय सदस्य को मज पार्लियामेंटरी प्रेक्टिस को पढ़ने दिया जाए। मेज पार्लियामेंटरी प्रेक्टिस पढ़ेगा कोई नहीं, हल्ला मचायेगे सब—नहीं आता है, नहीं आता है।

MR. CHAIRMAN: This is no point of order, please. (Interruptions) Now please sit down. Do not take up the time. (Interruptions) Order please. Order. Yes, Mr. Niren Ghosh

REFERENCE TO ALLEGED IRREGULARITIES IN REGARD TO IMPEC

SHRI NIREN GHOSH (West Bengal): With your permission, Sir, I bring to the notice of the House as well as of the Government certain gross and scandalous irregularities on the part of the Information and Broadcasting Department. Shri A.M. Tariq, who was the active Member of this House, relinquished the Chairmanship of IMPEC. He wanted to fight the evil of smuggling by which our country loses annually a fortune in valuable foreign exchange and also he wanted to break the monopoly of the American companies for import of foreign films. But with the connivance of the Ministries and the S.T.C., problems have been created and he has relinquished the Chairmanship of IMPEC in disgust.

SHRI BHUPESH GUPTA: Sir, I do not wish to say more. But, I do hope that the matter will be taken up seriously by the Government and discussed at the appropriate level. A conference of the local officials including the Governor, if necessary, should be called and steps should be formulated by which this post-riot persecution is ended and communally poisoned officers who are taking advantage of the situation should be transferred.

You will be surprised, Sir, I believe only 10 to 12 members of the majority community have been arrested. I do not say guilty should not be arrested or punished. I stand by it. But in this case I found out innocent people, not young, and specially women were being arrested. Their family members are being prosecuted. I strongly protest against such hooligan behaviour on the part of the communally poisoned Delhi Police Administration.

श्री राजनारायण (उत्तर प्रदेश): भ्रान ए प्वाइंट आफ इन्फर्मेशन। जिस दिन इस दंगे की चर्चा हुई थी उस दिन घर मन्त्री ने यह कहा था कि जिन अधिकारियों को ट्रांसफर करने की बात आप कह रहे हैं उनके बारे में जांच करके हम व्यवस्था करेंगे, मगर आज यह सदन उठने जा रहा है और मैं आप की आज्ञा से सरकार से यह जानना चाहता हूँ कि...

श्री सभापति: मैंने आप को आज्ञा नहीं दी है।

श्री राजनारायण: प्वाइंट आफ इन्फर्मेशन के लिए आज्ञा की जरूरत नहीं होती।

श्री सभापति: लेकिन यह भी नहीं होता कि आप खड़े हो जाएं और डिस्टर्ब करने लगें।

श्री राजनारायण: मैं आप से यह जानना चाहता हूँ कि...

MR. CHAIRMAN: No please. I did not call you. You did not take permission.

श्री राजनारायण: आप क्या संसदीय प्रथा में प्वाइंट आफ इन्फर्मेशन को रखते ही नहीं क्या? आप बिल्कुल अजीबोगरीब काम कर रहे हैं।

श्री सभापति: अजीबोगरीब काम नहीं कर रहा हूँ। कायदा यह है कि आप अन्दर आ कर पहले इजाजत लें। इसकी जरूरत है।

श्री राजनारायण: श्रीमन्, मेरा प्वाइंट आफ आर्डर यह है कि...

MR. CHAIRMAN: You are disturbing the proceedings of the House.

श्री राजनारायण: मेरा प्वाइंट आफ आर्डर यह है कि जब प्रधान मन्त्री साहिबा ने अपनी अध्यक्षता में यहां पर नेशनल इंटीग्रेशन कमेटी की बैठक उस दिन शाम को बुलाई

जिस दिन कि सदन में हमारी चर्चा हुई। तो प्रधान मन्त्री जी जिस की अध्यक्षता कर रही हों और जिसमें यह निर्णय हो कि जहां कम्युनल रायट्स होंगे वहां के जिलाधीश को हटा दिया जायेगा, मैं जानना चाहता हूँ कि उसके बारे में क्या कार्यवाही हुई?

MR. CHAIRMAN: I am not permitting you to speak. Please sit down.

श्री राजनारायण: आप की परमीशन की क्या जरूरत है।

श्री सभापति: सब आकर परमीशन लेते हैं ऐसे मामलों के लिए।

श्री राजनारायण: आप रुकस को पढ़िये। सदन का कोई भी सदस्य नियमों के बारे में प्वाइंट आफ इन्फर्मेशन या प्वाइंट आफ आर्डर उठा सकता है। इसके लिये उसे आप के चेम्बर में आ कर इजाजत लेने की जरूरत नहीं है।

MR. CHAIRMAN: I overrule your point of order. (Interruptions)

श्री राजनारायण: रुकस आफ प्रोसीजर आप पढ़िए।

श्री सभापति: इस तरह की बात न बोलिये। यह कोई तरीका नहीं है।

श्री राजनारायण: क्या मैंने बुरी बात कही? हर माननीय सदस्य को मज पार्लियामेंटरी प्रेक्टिस को पढ़ने दिया जाए। मेज पार्लियामेंटरी प्रेक्टिस पढ़ेगा कोई नहीं, हल्ला मचायेगे सब—नहीं आता है, नहीं आता है।

MR. CHAIRMAN: This is no point of order, please. (Interruptions) Now please sit down. Do not take up the time. (Interruptions) Order please. Order. Yes, Mr. Niren Ghosh

REFERENCE TO ALLEGED IRREGULARITIES IN REGARD TO IMPEC

SHRI NIREN GHOSH (West Bengal): With your permission, Sir, I bring to the notice of the House as well as of the Government certain gross and scandalous irregularities on the part of the Information and Broadcasting Department. Shri A.M. Tariq, who was the active Member of this House, relinquished the Chairmanship of IMPEC. He wanted to fight the evil of smuggling by which our country loses annually a fortune in valuable foreign exchange and also he wanted to break the monopoly of the American companies for import of foreign films. But with the connivance of the Ministries and the S.T.C., problems have been created and he has relinquished the Chairmanship of IMPEC in disgust.

There is Metro deal for the negotiation on Metro Cinema in Bombay and Calcutta. This deal was to enter into with a foreign company at a very extremely low value. But these two cinemas have been sold—and it is on record that the Foreign Trade Minister—at that time L.N. Mishra—was interested in the theatres and so nothing was done to stop it.

Then a Japanese film A THOUSAND AND ONE NIGHTS was contracted to be imported only for Rs. 45,000. But some how or other, Shri I.K. Gujral scotched it. It would have brought a fortune of some 10 to 15 lakhs of rupees to India. Now, Shri I.K. Gujral has scotched it. He has not allowed it and he wants to transfer the entire control of film industry in the hands of Punjabis. This is the allegation of Tariq who was the Chairman and who has relinquished the charge.

As regards BOBBY, the negative of the film was allowed to be taken out of the country. Mr. Tariq brought it to the notice of the Prime Minister for investigation and nothing has been done so far in this respect.

Then in order to make IMPEC an effective body he wanted the noted film producers Mrinal Sen and Shorey to be on the Board of Directors. Since they did not hold shares in it he asked the STC—because they held a large number of shares, some 19,000 shares—to part with 50 shares to each of them so that they can become Directors of IMPEC and really make it an effective body. This too was not allowed to be done and these two highly reputed film producers after two months had to go out of the Board because they had not the necessary qualifications. They must own Rs. 5,000 worth of shares.

Last thing I would say. I have received the following telegram. This is a serious charge:

"After retiring Mr. Kooka was appointed paid Chairman Air India Charter Company subsidiary of Air India Stop Is being also appointed by Ministry of Information Government of India Chairman of IMPEC Stop This is not legal Stop He is not Government Director of IMPEC. Only a Government Director can be Chairman. Even his appointment is not clear whether he will be full time or part time or honorary Chairman of IMPEC.

His reputation in Air India was not up to the mark..." How can this gentleman who is already Chairman of another Government company be appointed to the Information and Broadcasting Ministry which is propagating against the strike? And there is the point that has been made in the Hindustan Times editorial that it would be an organ for only broadcasting ...

MR. CHAIRMAN: You never took permission to mention this.

SHRI NIREN GHOSH: This is a roaring scandal and I demand that the whole thing should be enquired into.

SHRI A.G. KULKARNI (Maharashtra): Totally false.

REFERENCE TO ADVERSE REFERENCE IN RELATION TO KASHMIR IN A PEKING OFFICIAL BANQUET

श्री रबी राय (उड़ीसा): चेयरमैन साहब, मैं एक बहुत महत्वपूर्ण सवाल की तरफ आप का ध्यान खींचना चाहता हूँ। सवाल यह है कि 12 तारीख की मध्य रात्रि में पीकिंग में चीन के प्रधान मंत्री ने भूटो साहब के सम्मान में भोज दिया था। उस भोज में चाऊ-एन-लाई तो नहीं आए क्योंकि उनको कुछ बुखार हो गया था लेकिन जो वाइस प्रीमियर चीन सरकार के हैं वह शामिल हुए। भूटो साहब के सम्मान में दिये गए भोज की समाप्ति पर उनके मुखारबिन्द से यह निकला कि कश्मीर जो कि हिन्दुस्तान का अविभाज्य अंग है, वहाँ के लोगों को सल्फ डिटरमिनेशन, आत्म निर्णय का अधिकार देना चाहिए।

चेयरमैन साहब, हिन्दुस्तान सरकार के चार्ज दी अफेयर के लक्ष्मण मेहरोत्रा हैं, उनकी तारीफ करना चाहता हूँ क्योंकि जब वह चीन सरकार के उप प्रधानमंत्री के उस भाषण को सुन रहे थे कि कश्मीर के लोगों को सल्फ डिटरमिनेशन का अधिकार देना चाहिए जब कि कश्मीर भारत का अविभाज्य अंग है तो इसके खिलाफ वह वहाँ से उठकर चले आए। मैं सदन की तरफ से आप की अनुमति से भारत सरकार के लक्ष्मण मेहरोत्रा जी को धन्यवाद देता हूँ। मैं आप से यह निवेदन भी करना चाहता हूँ कि सरकार की तरफ से इस बारे में अभी तक बयान नहीं है, वह तुरन्त दिलाया जाए।

मैं आप से यह कहना चाहता हूँ कि इस सदन में 5-6 दिन पहले भारत सरकार के विदेश मंत्री स्वर्ण सिंह साहब न हमारा श्रीर राजनारायण जी के एक सवाल का जवाब देते हुए इस सदन में अपना यह बयान दिया कि तिब्बत चीन का अंग है। मैं आप से कहना चाहता हूँ कि जिस समय चीन ने भारत पर हमला किया था सन् 1962 में तो आप को याद होगा, सारे हिन्दुस्तान की पार्लियामेंट में स्व० पंडित नेहरू की मौजूदगी में यह शपथ ली गई थी कि हम हिन्दुस्तान

There is Metro deal for the negotiation on Metro Cinema in Bombay and Calcutta. This deal was to enter into with a foreign company at a very extremely low value. But these two cinemas have been sold—and it is on record that the Foreign Trade Minister—at that time L.N. Mishra—was interested in the theatres and so nothing was done to stop it.

Then a Japanese film A THOUSAND AND ONE NIGHTS was contracted to be imported only for Rs. 45,000. But somehow or other, Shri I.K. Gujral scotched it. It would have brought a fortune of some 10 to 15 lakhs of rupees to India. Now, Shri I.K. Gujral has scotched it. He has not allowed it and he wants to transfer the entire control of film industry in the hands of Punjabis. This is the allegation of Tariq who was the Chairman and who has relinquished the charge.

As regards BOBBY, the negative of the film was allowed to be taken out of the country. Mr. Tariq brought it to the notice of the Prime Minister for investigation and nothing has been done so far in this respect.

Then in order to make IMPEC an effective body he wanted the noted film producers Mrinal Sen and Shorey to be on the Board of Directors. Since they did not hold shares in it he asked the STC—because they held a large number of shares, some 19,000 shares—to part with 50 shares to each of them so that they can become Directors of IMPEC and really make it an effective body. This too was not allowed to be done and these two highly reputed film producers after two months had to go out of the Board because they had not the necessary qualifications. They must own Rs. 5,000 worth of shares.

Last thing I would say. I have received the following telegram. This is a serious charge:

"After retiring Mr. Kooka was appointed paid Chairman Air India Charter Company subsidiary of Air India Stop Is being also appointed by Ministry of Information Government of India Chairman of IMPEC Stop This is not legal Stop He is not Government Director of IMPEC. Only a Government Director can be Chairman. Even his appointment is not clear whether he will be full time or part time or honorary Chairman of IMPEC.

His reputation in Air India was not up to the mark..." How can this gentleman who is already Chairman of another Government company be appointed to the Information and Broadcasting Ministry which is propagating against the strike? And there is the point that has been made in the Hindustan Times editorial that it would be an organ for only broadcasting ...

MR. CHAIRMAN: You never took permission to mention this.

SHRI NIREN GHOSH: This is a roaring scandal and I demand that the whole thing should be enquired into.

SHRI A.G. KULKARNI (Maharashtra): Totally false.

REFERENCE TO ADVERSE REFERENCE IN RELATION TO KASHMIR IN A PEKING OFFICIAL BANQUET

श्री रबी राय (उड़ीसा): चेयरमैन साहब, मैं एक बहुत महत्वपूर्ण सवाल की तरफ आप का ध्यान खींचना चाहता हूँ। सवाल यह है कि 12 तारीख की मध्य रात्रि में पीकिंग में चीन के प्रधान मंत्री ने भूटो साहब के सम्मान में भोज दिया था। उस भोज में चाऊ-एन-लाई तो नहीं आए क्योंकि उनको कुछ बुखार हो गया था लेकिन जो वाइस प्रीमियर चीन सरकार के हैं वह शामिल हुए। भूटो साहब के सम्मान में दिये गए भोज की समाप्ति पर उनके मुखारबिन्द से यह निकला कि कश्मीर जो कि हिन्दुस्तान का अविभाज्य अंग है, वहाँ के लोगों को सल्फ डिटरमिनेशन, आत्म निर्णय का अधिकार देना चाहिए।

चेयरमैन साहब, हिन्दुस्तान सरकार के चार्ज दी अफेयर के लवखण मेहरोत्रा हैं, उनकी तारीफ करना चाहता हूँ क्योंकि जब वह चीन सरकार के उप प्रधानमंत्री के उस भाषण को सुन रहे थे कि कश्मीर के लोगों को सल्फ डिटरमिनेशन का अधिकार देना चाहिए जब कि कश्मीर भारत का अविभाज्य अंग है तो इसके खिलाफ वह वहाँ से उठकर चले आए। मैं सदन की तरफ से आप की अनुमति से भारत सरकार के लवखण मेहरोत्रा जी को धन्यवाद देता हूँ। मैं आप से यह निवेदन भी करना चाहता हूँ कि सरकार की तरफ से इस बारे में अभी तक बयान नहीं है, वह तुरन्त दिलाया जाए।

मैं आप से यह कहना चाहता हूँ कि इस सदन में 5-6 दिन पहले भारत सरकार के विदेश मंत्री स्वर्ण सिंह साहब न हमारा श्रीर राजनारायण जी के एक सवाल का जवाब देते हुए इस सदन में अपना यह बयान दिया कि तिब्बत चीन का अंग है। मैं आप से कहना चाहता हूँ कि जिस समय चीन ने भारत पर हमला किया था सन् 1962 में तो आप को याद होगा, सारे हिन्दुस्तान की पार्लियामेंट में स्व० पंडित नेहरू की मौजूदगी में यह शपथ ली गई थी कि हम हिन्दुस्तान

[श्री रबी राय]

से जब तक चीनी हमलावरों को निकाल बाहर नहीं करेंगे तब तक हम विश्राम नहीं करेंगे। तो मैं कहना चाहता हूँ हम लोगों का, सारे राष्ट्र का, संकल्प है कि तिब्बत...

श्री सभापति: यह मौका नहीं है उसका जिक्र करने का।

श्री रबी राय: सभापति महोदय, इसका सम्बन्ध जगता है क्योंकि भारत सरकार की यह मान्यता हों गई है जो राष्ट्र के और राष्ट्रीय हित के खिलाफ है, अराष्ट्रीय है, कि तिब्बत चीन का अंग हो गया है। लेकिन दूसरी तरफ आप देख रहे हैं, चीन के नेता यह मानते हैं कि काश्मीर हिन्दुस्तान का अविभाज्य अंग नहीं है। मैं सदन के सम्मानित सदस्यों से कहना चाहता हूँ: कहाँ गया वह संकल्प? जब देश में भारत सरकार का इस तरह का अराष्ट्रीय चिन्तन है कि तिब्बत भारत का कोई सम्बन्ध नहीं रह गया है और चीन का अविभाज्य अंग हो गया है, उससे यह नतीजा निकलता है कि भारत सरकार का चीन के बारे में जो दृष्टिकोण है वह राष्ट्र-हित के खिलाफ है। इसलिए मैं कहना चाहता हूँ, जो लखन मेहरोत्रा वहाँ की बैंकट से बहिष्मन किये हैं, जो कि चाइनीज वाइस प्रामियर के कथन के खिलाफ मैं विरोध प्रकट कर रहे थे, इस घटना के बारे में भारत सरकार अभी तक इसलिए मौन है कि यह चीन को खुश करना चाहती है। इसलिए मैं आप के जरिए कहना चाहता हूँ कि भारत सरकार जो अभी तक—जैसा स्वर्ण सिंह साहब बोल चुके हैं कि तिब्बत चीन का अंग है—मैं कहना चाहता हूँ, भारत सरकार से मैं अभी भी अपील करना चाहता हूँ...

श्री सभापति: अब आप कई दफा कहेंगे एक ही बात को?

श्री रबी राय: कि तिब्बत को...

श्री सभापति: तिब्बत का यहाँ सवाल आता नहीं।

श्री रबी राय: और दूसरा, सरकार को चाहिए कि जो बातें चाइनीज वाइस प्रामियर ने श्री भुट्टो को खुश करने के लिए हमारे खिलाफ बोलीं, उसके प्रति विरोध प्रकट करें। मैं आप की दृष्टि में यह बात लाना चाहता हूँ...

श्री सभापति: आप कई दफा कह रहे हैं उसी के बारे में।

श्री रबी राय: सभापति महोदय, मैं इस मिलसिले में एक उद्धरण देना चाहता हूँ। श्री जे० डी० सिंह साहब साइनोलाजिस्ट हैं, उनका कहना है कि...

श्री महावीर प्रसाद शुक्ल (उत्तर प्रदेश): सभापति जी, प्वाइन्ट ऑफ आर्डर। मैं यह जानना चाहता हूँ, माननीय सदस्य ने एजेण्डा के बाहर की जो बात उठाई है क्या वह आप की आज्ञा से उठाई है या यूँ ही उठाई है?

श्री रबी राय: सभापति महोदय, ये तो सभापति नहीं है।

श्री सभापति: मेरी आज्ञा से इतनी बात उठाई है कि वहाँ के जो हमारे आफिसर थे वे उस वक्त बैंकट से बाहर चले गए क्योंकि काश्मीर के लिए सेल्फ डिटरमिनेशन का वहाँ जिक्र हुआ था। इतनी बात मेरी आज्ञा से उठाई गई है मगर ये तिब्बत के साथ जो इसको लगा रहे हैं, यह मेरी आज्ञा से नहीं उठा रहे हैं। मैं उनको मना भी कर रहा हूँ लेकिन उसी को वे दोहराए चले जा रहे हैं।

श्री महावीर प्रसाद शुक्ल: मेरा प्वाइन्ट ऑफ आर्डर है कि आप के आदेश के बाहर जो वह बोल रहे हैं वह सदन की कार्यवाही का अंग नहीं होना चाहिए।

श्री रबी राय: उसी मिलसिले में...

श्री सभापति: आप खत्म कीजिए। कितनी दफा आप उसी बात को कह चुके हैं।

श्री रबी राय: मैं एक उद्धरण दे कर बैठ जाऊंगा। सभापति महोदय, जे० डी० सिंह जो चीन सम्बन्धी मामलों में विशेषज्ञ हैं, उनका एक वयान निकला है, उसको और आप का ध्यान दिलाना चाहता हूँ।

श्री सभापति: यह स्पेशल मेंशन के लिए तरीका नहीं है कि बहस को जाए।

श्री रबी राय: "To keep Pakistan on

its side, China went to the extent of supporting, even though only verbally, the brutal military repression in Bangladesh. The spectacle of a self-proclaimed revolutionary regime throwing its weight against a national revolutionary movement made China the laughing stock in the world and caused great damage to the image and prestige."

तो मेरा यह कहना है चीन, शुरू से ही...

श्री सभापति: अब आप कै दफा कहेंगे?

श्री रबी राय: इस लिए मैं आप से कहना चाहता हूँ कि भारत सरकार... (Interruption)

श्री राजनारायण: श्रीमन्, Speaker is he who speaks less. That is parliamentary practice. अब आप जो इतना बोलते हैं तो कम से कम आप कम बोलिए।

श्री सभापति: एक वही नहीं है, और मੈम्बर भी बोलने वाले हैं।

श्री रबी राय: मैं आप के माध्यम से सरकार से कहना चाहता हूँ कि लखन मेहरोत्रा जो हमारे चीन में चार्ज दी अप्पेयर्स हैं, उन्होंने जिस बात को लेकर बहिष्मन किया, भारत

सरकार को चाहिए उसके मिलमिले में फौरन बयान दें और सरकार के पक्ष को स्पष्ट करें।

श्री सभापति: आप पहले भी यही कह रहे थे। बार बार वही कह रहे हैं।

श्री राजनारायण: एक गैर हिन्दी भाषायी व्यक्ति हिन्दी में बोलता है तो उसे आप बोलने नहीं देते। भूपेण गुप्ता अंग्रेजी में बोलते हैं तो जितना मर्जी बोलने देते हैं।

श्री सभापति: आप गलत कह रहे हैं। बैठ जाइए।

श्री राजनारायण: एक गैर हिन्दी भाषी व्यक्ति हिन्दी में बोलता है उसका आप को सम्मान करना चाहिए। आप यूँ ही बीच में टोकाटोकी करते हैं।

श्री महावीर प्रसाद शुक्ल: माननीय सभापति जी, राजनारायण जी ने अध्यक्ष जी के खिलाफ जो रिमार्क किया है वह सदन की कार्यवाही का हिस्सा नहीं होना चाहिए। प्रोसीडिंज से निकाल दिया जाना चाहिए।

श्री सभापति: श्री माथुर।

REFERENCE TO REPORTED MOVE TO DECONTROL VANASPATI

श्री जगदीश प्रसाद माथुर (राजस्थान): सभापति जी, अभी हाल में दिल्ली के अन्दर आल इंडिया चैम्बर आफ कामर्स का सम्मेलन हुआ था। उसमें प्रधान मंत्री जी ने भाषण दिया था। सम्मेलन में यह मांग की गई थी कि कुछ चीजों पर डिक्ट्रोल किया जाए। पता नहीं कि सम्मेलन में इस प्रकार का जो निर्णय किया गया था उसका कारण क्या था। परन्तु परसों समाचारपत्रों में इस घ्राजय का समाचार छपा है कि वनस्पति में से प्राइस कंट्रोल हटा लिया जाएगा।

श्रीमान्, अभी पिछले दिनों ही, 22 अप्रैल को लोकसभा में जब अधिकलचर मिनिस्ट्री के सम्बन्ध में बहस हुई थी, उसमें उप मंत्री जी ने कहा था, सदन में वक्तव्य दिया था कि वनस्पति के सम्बन्ध में इस समय जो ब्लैक मार्केटिंग हो रही है, उस पर ज्यादा कंट्रोल किया जाएगा और उसके डिस्ट्रिब्यूशन की व्यवस्था को अच्छा किया जाएगा। प्लानिंग कमीशन ने इस सम्बन्ध में जो कमेटी बनाई थी श्री मोहन धारिया जी की अध्यक्षता में पब्लिक डिस्ट्रिब्यूशन को और मजबूत बनाने के लिए, उसने भी इस सम्बन्ध में कुछ निर्णय लिये थे। लेकिन वनस्पति के सम्बन्ध में जो यह समाचार छपा है उसके सम्बन्ध में सरकार की ओर से अभी तक कोई वक्तव्य नहीं दिया गया कि आया यह खबर सही है या गलत? एक अखबार में यह खबर आई है कि वनस्पति में से प्राइस कंट्रोल चला जायेगा। इसका परिणाम यह होगा कि इस समय थोड़ा बहुत जो वनस्पति जनता को बाजार में मिलता

था वह भी ब्लैक मार्केट में चला जायेगा। हमें यह उम्मीद थी कि सरकार की ओर से इस सम्बन्ध में कोई वक्तव्य आयेगा, लेकिन श्री के० के० बिरला की ओर से यह वक्तव्य आया है कि प्रधान मंत्री ने कुछ बातों के सम्बन्ध में एप्रोमेंट कर लिया है कि कुछ चीजों पर से कंट्रोल हटा लिया जायेगा। आज हालत यह है कि जनता को वनस्पति बाजार में नहीं मिल रहा है और इस समाचार का सरकार द्वारा कोई खंडन नहीं किया गया। इसका मतलब यह हो रहा है कि सरकार ने जो इस तरह से वनस्पति बनाने वालों को छूट दे दी है उसकी वजह से उत्पादन भी गिरता चला जा रहा है और उसके दाम भी बढ़ते ही चले जा रहे हैं।

सबसे आपत्तिजनक बात तो यह है कि अपने देश में वनस्पति का जितना उत्पादन होना चाहिए था, उसका आधा उत्पादन हो रहा है। सरकार के बार बार प्रयत्न करने के बावजूद भी उत्पादन बढ़ नहीं रहा है। इस तरह से उत्पादन बहुत नहीं है और मार्केट में यह चीज उपलब्ध नहीं होती है। पिछले दिनों जयपुर में एक वनस्पति मिल के यहाँ रेड हुआ था और वहाँ पर अनएकाउन्टेड वनस्पति के टिन मिल थे। आज हालत यह है कि सारे देश में अनएकाउन्टेड वनस्पति भरा पड़ा हुआ है और वह सब ब्लैक में बिक रहा है। इसलिए मैं यह निवेदन करना चाहता हूँ कि सरकार को इस बारे में देखना चाहिए।

सरकार ने यह फैसला किया था कि वनस्पति पर से कंट्रोल नहीं हटाया जायेगा ताकि आपन मार्केट में वह जनता को आसानी के साथ उपलब्ध हो सके तथा उचित दामों पर मिल सके। सरकार को 70 प्रतिशत वनस्पति को अपने कंट्रोल में ले लेना चाहिए ताकि उसको फेयर प्राइस दुकानों द्वारा जनता को बेचा जाय। लेकिन हालत यह है कि वनस्पति मिल वाले कंट्रोल का माल फेयर प्राइस दुकानों को नहीं देते हैं क्योंकि ब्लैक में माल बेचने पर उन्हें इसके काफी दाम मिल जाते हैं। यही कारण है कि पिछले दिनों बाजार में वनस्पति की कमी हो गई।

इसके साथ ही साथ इस कमी का एक कारण यह भी है कि इसका उत्पादन कम हो रहा है और वनस्पति मिल वालों ने प्रति टिन 10 रुपये सरकार को कांसेस के फंड में देना स्वीकार कर लिया था और यही वजह है कि कांसेस सरकार ने यू० पी० के चुनावों में इतना पैसा लगाया और इसी कारण की वजह से आज वनस्पति को डिक्ट्रोल किया जा रहा है। वनस्पति के सम्बन्ध में सरकार और कांसेस के लोग, दोनों मिलकर जनता को लूटना चाहते हैं।

(Interruption)

श्रीमान्, मैं यह पृष्ठना चाहता हूँ श्री कुलकर्णी और श्री चन्द्र शेखर यहाँ पर बैठे हैं और ये पब्लिक डिस्ट्रिब्यूशन की बड़ी वकालत करने रहते हैं। आज इस माल का खुले रूप से ब्लैक मार्केट में चला जाना और जनता को यह बाजार में

सरकार को चाहिए उसके मिलमिले में फौरन बयान दें और सरकार के पक्ष को स्पष्ट करें।

श्री सभापति: आप पहले भी यही कह रहे थे। बार बार वही कह रहे हैं।

श्री राजनारायण: एक गैर हिन्दी भाषायी व्यक्ति हिन्दी में बोलता है तो उसे आप बोलने नहीं देते। भूपेण गुप्ता अंग्रेजी में बोलते हैं तो जितना मर्जी बोलने देते हैं।

श्री सभापति: आप गलत कह रहे हैं। बैठ जाइए।

श्री राजनारायण: एक गैर हिन्दी भाषी व्यक्ति हिन्दी में बोलता है उसका आप को सम्मान करना चाहिए। आप यूँ ही बीच में टोकाटोकी करते हैं।

श्री महावीर प्रसाद शुक्ल: माननीय सभापति जी, राजनारायण जी ने अध्यक्ष जी के खिलाफ जो रिमार्क किया है वह सदन की कार्यवाही का हिस्सा नहीं होना चाहिए। प्रोसीडिंज से निकाल दिया जाना चाहिए।

श्री सभापति: श्री माथुर।

REFERENCE TO REPORTED MOVE TO DECONTROL VANASPATI

श्री जगदीश प्रसाद माथुर (राजस्थान): सभापति जी, अभी हाल में दिल्ली के अन्दर आल इंडिया चैम्बर आफ कामर्स का सम्मेलन हुआ था। उसमें प्रधान मंत्री जी ने भाषण दिया था। सम्मेलन में यह मांग की गई थी कि कुछ चीजों पर डिक्ट्रोल किया जाए। पता नहीं कि सम्मेलन में इस प्रकार का जो निर्णय किया गया था उसका कारण क्या था। परन्तु परसों समाचारपत्रों में इस घ्राजय का समाचार छपा है कि वनस्पति में से प्राइस कंट्रोल हटा लिया जाएगा।

श्रीमान्, अभी पिछले दिनों ही, 22 अप्रैल को लोकसभा में जब अधिकलचर मिनिस्ट्री के सम्बन्ध में बहस हुई थी, उसमें उप मंत्री जी ने कहा था, सदन में वक्तव्य दिया था कि वनस्पति के सम्बन्ध में इस समय जो ब्लैक मार्केटिंग हो रही है, उस पर ज्यादा कंट्रोल किया जाएगा और उसके डिस्ट्रिब्यूशन की व्यवस्था को अच्छा किया जाएगा। प्लानिंग कमीशन ने इस सम्बन्ध में जो कमेटी बनाई थी श्री मोहन धारिया जी की अध्यक्षता में पब्लिक डिस्ट्रिब्यूशन को और मजबूत बनाने के लिए, उसने भी इस सम्बन्ध में कुछ निर्णय लिये थे। लेकिन वनस्पति के सम्बन्ध में जो यह समाचार छपा है उसके सम्बन्ध में सरकार की ओर से अभी तक कोई वक्तव्य नहीं दिया गया कि आया यह खबर सही है या गलत? एक अखबार में यह खबर आई है कि वनस्पति में से प्राइस कंट्रोल चला जायेगा। इसका परिणाम यह होगा कि इस समय थोड़ा बहुत जो वनस्पति जनता को बाजार में मिलता

था वह भी ब्लैक मार्केट में चला जायेगा। हमें यह उम्मीद थी कि सरकार की ओर से इस सम्बन्ध में कोई वक्तव्य आयेगा, लेकिन श्री के० के० बिरला की ओर से यह वक्तव्य आया है कि प्रधान मंत्री ने कुछ बातों के सम्बन्ध में एप्रोमेंट कर लिया है कि कुछ चीजों पर से कंट्रोल हटा लिया जायेगा। आज हालत यह है कि जनता को वनस्पति बाजार में नहीं मिल रहा है और इस समाचार का सरकार द्वारा कोई खंडन नहीं किया गया। इसका मतलब यह हो रहा है कि सरकार ने जो इस तरह से वनस्पति बनाने वालों को छूट दे दी है उसकी वजह से उत्पादन भी गिरता चला जा रहा है और उसके दाम भी बढ़ते ही चले जा रहे हैं।

सबसे आपत्तिजनक बात तो यह है कि अपने देश में वनस्पति का जितना उत्पादन होना चाहिए था, उसका आधा उत्पादन हो रहा है। सरकार के बार बार प्रयत्न करने के बावजूद भी उत्पादन बढ़ नहीं रहा है। इस तरह से उत्पादन बहुत नहीं है और मार्केट में यह चीज उपलब्ध नहीं होती है। पिछले दिनों जयपुर में एक वनस्पति मिल के यहाँ रेड हुआ था और वहाँ पर अनएकाउन्टेड वनस्पति के टिन मिल थे। आज हालत यह है कि सारे देश में अनएकाउन्टेड वनस्पति भरा पड़ा हुआ है और वह सब ब्लैक में बिक रहा है। इसलिए मैं यह निवेदन करना चाहता हूँ कि सरकार को इस बारे में देखना चाहिए।

सरकार ने यह फैसला किया था कि वनस्पति पर से कंट्रोल नहीं हटाया जायेगा ताकि आपन मार्केट में वह जनता को आसानी के साथ उपलब्ध हो सके तथा उचित दामों पर मिल सके। सरकार को 70 प्रतिशत वनस्पति को अपने कंट्रोल में ले लेना चाहिए ताकि उसको फेयर प्राइस दुकानों द्वारा जनता को बेचा जाय। लेकिन हालत यह है कि वनस्पति मिल वाले कंट्रोल का माल फेयर प्राइस दुकानों को नहीं देते हैं क्योंकि ब्लैक में माल बेचने पर उन्हें इसके काफी दाम मिल जाते हैं। यही कारण है कि पिछले दिनों बाजार में वनस्पति की कमी हो गई।

इसके साथ ही साथ इस कमी का एक कारण यह भी है कि इसका उत्पादन कम हो रहा है और वनस्पति मिल वालों ने प्रति टिन 10 रुपये सरकार को कांसेस के फंड में देना स्वीकार कर लिया था और यही वजह है कि कांसेस सरकार ने यू० पी० के चुनावों में इतना पैसा लगाया और इसी कारण की वजह से आज वनस्पति को डिक्ट्रोल किया जा रहा है। वनस्पति के सम्बन्ध में सरकार और कांसेस के लोग, दोनों मिलकर जनता को लूटना चाहते हैं।

(Interruption)

श्रीमान्, मैं यह पृष्ठना चाहता हूँ श्री कुलकर्णी और श्री चन्द्र शेखर यहाँ पर बैठे हैं और ये पब्लिक डिस्ट्रिब्यूशन की बड़ी वकालत करने रहते हैं। आज इस माल का खुले रूप से ब्लैक मार्केट में चला जाना और जनता को यह बाजार में

[श्री जगदीश प्रसाद माथुर]

उपलब्ध न होना, इसका वे किस रूप में समर्थन करेंगे ? यू० पी० के चुनाव में कांग्रेस के फंड में यह खपया आया और इसका आज हम यह नतीजा देख रहे हैं कि इसके प्राइम को डिक्टोल् किया जा रहा है।

REFERENCE TO NARMADA WATER DISPUTE

श्री भैंसी सिंह शोखावत (मध्य प्रदेश): सभापति जी, मैं एक प्रश्न का उल्लेख करना चाहता हूँ जिस का सम्बन्ध राष्ट्र के आर्थिक विकास पर सीधा आता है। सभापति जी, यह बात सब जानते हैं कि नर्मदा प्रोजेक्ट के सम्बन्ध में आज से 20 वर्ष पहले एक रिपोर्ट पेश हुई थी। लेकिन राजस्थान, गुजरात और मध्य प्रदेश, इन तीनों राज्यों के अन्दर बना कितना भाग कौन सा राज्य उपयोग करेगा, इस प्रश्न को लेकर वाद-विवाद खड़ा हो गया। इस वाद-विवाद के साथ यह प्रश्न भी खड़ा हो गया कि नर्मदा प्रोजेक्ट के वनगांव बांध की ऊंचाई कितनी हो।

सभापति जी, इस प्रश्न को लेकर खोसला कमिटी बिठलाई गई थी और वह इस मामले को टक्कालाजी पर पूरे तरह से गई और उसने अपना एक प्रतिवेदन दिया। प्रतिवेदन देने के बाद उस पर निर्णय देने के लिए एक ट्रिब्यूनल मुकर्रर किया गया। ट्रिब्यूनल के सामने तीनों स्टेटों ने अपने अपने दावे प्रस्तुत किया। इस बीच मामला प्रधान मन्त्री को रेफर कर दिया गया। हम सब लोग उनके निर्णय की प्रतीक्षा कर रहे हैं कि वे अपना इस सम्बन्ध में निर्णय देंगे। लेकिन मुझे जानकारी मिली है कि उन्होंने इस बारे में कोई निर्णय नहीं दिया है और इसकी फिर से ट्रिब्यूनल को रेफर कर दिया गया है।

सभापति जी, इस योजना को लागू करने के बाद मध्य प्रदेश, गुजरात और राजस्थान को 500 करोड़ रुपये सालाना का लाभ हो सकता है। गांव हो हिन्दुस्तान में बिजली की कमी है, खाद्यान्न की कमी है। बिजली की कमी पूरी समाप्त हो सकती है और खाद्यान्न की कमी भी काफी अंशों तक पूरी की जा सकती है। एक ही पार्टी की सरकार केन्द्र में है और उसी पार्टी की सरकारें राज्यों में भी हैं। फिर भी यह दुर्भाग्य की बात है कि तीनों में इस प्रकार का विवाद चल रहा है और वह तब नदी हो पा रहा है। मैं ऐसा समझता हूँ कि यह राष्ट्र के साथ ग्रेटेस्ट काइम है और इतना बड़ा हिस्टोरिकल काइम है जिसका कि उदाहरण हिन्दुस्तान के बाहर और कहीं नहीं मिल सकता। इसलिए मैं सरकार से निवेदन करना चाहता हूँ कि जहां जनता भूखी मर रही है, जहां बेकारी की समस्या है, जहां उद्योग बिजली के अभाव में पनप नहीं पा रहे हैं, जहां हिन्दुस्तान की आर्थिक स्थिति गिरती जा रही है भगवान के नाम पर राष्ट्र के हित में इस विवाद को जल्दी से जल्दी निवृत्त करना ताकि इस पानी का

उपयोग हो सके, बिजली का उत्पादन हो सके और हिन्दुस्तान का औद्योगिक विकास हो सके। यदि इस प्रकार की स्थिति हिन्दुस्तान में बनी रही और निर्णय नहीं हुआ तो और कई प्रकार के जल-विनिरण के विवाद हिन्दुस्तान में खड़े होंगे। मैं ऐसा समझता हूँ और सरकार से आपके माध्यम से निवेदन करना चाहूंगा कि इस प्रश्न के ऊपर जल्दी से जल्दी फैसला किया जाय। 1969 में ट्रिब्यूनल मुकर्रर हुआ था, 72 में एवाई के लिए प्राइम मिनिस्टर को सौंपा गया। 69 का ट्रिब्यूनल आज तक फैसला नहीं कर पाया और अब फिर आज दूसरे ट्रिब्यूनल को रेफर करेंगे तो यह मामला वर्षों तक चलता रहेगा और देश को बड़ी भारी हानि होगी। इस प्रश्न की और सरकार का ध्यान आकर्षित करने के लिए मैंने इस मामले का उल्लेख किया।

REFERENCE TO FIXATION OF WHEAT PRICE

श्री प्रकाशवीर शास्त्री (उत्तर प्रदेश): सभापति जी, आप को स्मरण होगा कि गेहूं के भावों से सम्बन्धित एक प्रश्न के उत्तर में सदन के दोनों पक्षों ने चिन्ता व्यक्त की थी और आपने यहां यह पाश्चात्तम भी दिया था कि यदि अक्टूबर मिला तो इस प्रश्न के ऊपर इसी सेशन में एक चर्चा भी रखेंगे। लेकिन चूंकि अन्तिम दिन है और आज की कार्यवाही में उस चर्चा का उल्लेख नहीं है इसलिए मैं आपके माध्यम से चाहूंगा कि कृषि मन्त्री यदि इस सम्बन्ध में कोई वक्तव्य दे सकें तो दोनों पक्षों को मन्तोष हो सकेगा। स्थिति यह है कि सरकार ने 40 लाख टन का भंडार बनाने का निर्णय किया था और अब तक ढाई लाख टन का भंडार भी सरकार इकट्ठा नहीं कर सकी। उत्तर प्रदेश की, जिस राज्य में मैं आता हूँ, स्थिति यह है कि मंडियों में गेहूं नहीं आ रहा है और भावों की स्थिति यह है कि 160 रुपये क्विन्टल से 175 रुपये क्विन्टल का भाव फसल के दिनों में है। जब फसल समाप्त हो जायेगी, सितम्बर, अक्टूबर, नवम्बर में क्या भाव होगा, आप आसानी से उसका अनुमान लगा सकते हैं। पंजाब की स्थिति के सम्बन्ध में कृष्णकान्त जी ने उस दिन बताया था कि पंजाब की मंडियों में भी गेहूं नहीं आ रहा है। सरकार यह प्रयत्न तो कर रही है कि करोड़ों रुपये की विदेशी मुद्रा व्यय करके दूसरे देशों से गेहूं का आयात करें। यदि इतना हो अन्तर्दान देकर किसानों को उचित मूल्य दे दिया जाये और किसानों के घर से वह गेहूं बाजारों में आ जाये तो इसमें सरकार को क्या आपत्ति है। मैं यह चाहूंगा कि सदन समाप्त होने से पहले आप इस प्रश्न पर कृषि मन्त्री को निर्देश दें कि वे इस सम्बन्ध में अपनी नीति स्पष्ट करें। आज मैंने यह भी पढ़ा है कि पांच प्रमुख गेहूं उत्पादक राज्यों के कृषि मन्त्रियों को केन्द्रीय खाद्य मन्त्री ने यहां बुलाया है। मैं यह चाहूंगा कि आज सदन समाप्त होने से पहले गेहूं के भाव के सम्बन्ध में आप कृषि मन्त्री को वक्तव्य देने का निर्देश प्रवृत्त दें।

[श्री जगदीश प्रसाद माथुर]

उपलब्ध न होना, इसका वे किस रूप में समर्थन करेंगे ? यू० पी० के चुनाव में कांग्रेस के फंड में यह खपया आया और इसका आज हम यह नतीजा देख रहे हैं कि इसके प्राइम को डिक्टोल किया जा रहा है।

REFERENCE TO NARMADA WATER DISPUTE

श्री भैंसी सिंह शोखावत (मध्य प्रदेश): सभापति जी, मैं एक प्रश्न का उल्लेख करना चाहता हूँ जिस का सम्बन्ध राष्ट्र के आर्थिक विकास पर सीधा आता है। सभापति जी, यह बात सब जानते हैं कि नर्मदा प्रोजेक्ट के सम्बन्ध में आज से 20 वर्ष पहले एक रिपोर्ट पेश हुई थी। लेकिन राजस्थान, गुजरात और मध्य प्रदेश, इन तीनों राज्यों के अन्दर बना कितना भाग कौन सा राज्य उपयोग करेगा, इस प्रश्न को लेकर वाद-विवाद खड़ा हो गया। इस वाद-विवाद के साथ यह प्रश्न भी खड़ा हो गया कि नर्मदा प्रोजेक्ट के वनगांव बांध की ऊंचाई कितनी हो।

सभापति जी, इस प्रश्न को लेकर खोसला कमिटी बिठलाई गई थी और वह इस मामले को टक्कालाजी पर पूरे तरह से गई और उसने अपना एक प्रतिवेदन दिया। प्रतिवेदन देने के बाद उस पर निर्णय देने के लिए एक ट्रिब्यूनल मुकर्रर किया गया। ट्रिब्यूनल के सामने तीनों स्टेटों ने अपने अपने दावे प्रस्तुत किया। इस बीच मामला प्रधान मन्त्री को रेफर कर दिया गया। हम सब लोग उनके निर्णय की प्रतीक्षा कर रहे हैं कि वे अपना इस सम्बन्ध में निर्णय देंगे। लेकिन मुझे जानकारी मिली है कि उन्होंने इस बारे में कोई निर्णय नहीं दिया है और इसकी फिर से ट्रिब्यूनल को रेफर कर दिया गया है।

सभापति जी, इस योजना को लागू करने के बाद मध्य प्रदेश, गुजरात और राजस्थान को 500 करोड़ रुपये सालाना का लाभ हो सकता है। गांव हो हिन्दुस्तान में बिजली की कमी है, खाद्यान्न की कमी है। बिजली की कमी पूरी समाप्त हो सकती है और खाद्यान्न की कमी भी काफी अंशों तक पूरी की जा सकती है। एक ही पार्टी की सरकार केन्द्र में है और उसी पार्टी की सरकारें राज्यों में भी हैं। फिर भी यह दुर्भाग्य की बात है कि तीनों में इस प्रकार का विवाद चल रहा है और वह तब नदी हो पा रहा है। मैं ऐसा समझता हूँ कि यह राष्ट्र के साथ ग्रेटेस्ट काइम है और इतना बड़ा हिस्टोरिकल काइम है जिसका कि उदाहरण हिन्दुस्तान के बाहर और कहीं नहीं मिल सकता। इसलिए मैं सरकार से निवेदन करना चाहता हूँ कि जहां जनता भूखी मर रही है, जहां बेकारी की समस्या है, जहां उद्योग बिजली के अभाव में पनप नहीं पा रहे हैं, जहां हिन्दुस्तान की आर्थिक स्थिति गिरती जा रही है भगवान के नाम पर राष्ट्र के हित में इस विवाद को जल्दी से जल्दी निवृत्त करना ताकि इस पानी का

उपयोग हो सके, बिजली का उत्पादन हो सके और हिन्दुस्तान का औद्योगिक विकास हो सके। यदि इस प्रकार की स्थिति हिन्दुस्तान में बनी रही और निर्णय नहीं हुआ तो और कई प्रकार के जल-विनिरण के विवाद हिन्दुस्तान में खड़े होंगे। मैं ऐसा समझता हूँ और सरकार से आपके माध्यम से निवेदन करना चाहूंगा कि इस प्रश्न के ऊपर जल्दी से जल्दी फैसला किया जाय। 1969 में ट्रिब्यूनल मुकर्रर हुआ था, 72 में एवाई के लिए प्राइम मिनिस्टर को सौंपा गया। 69 का ट्रिब्यूनल आज तक फैसला नहीं कर पाया और अब फिर आज दूसरे ट्रिब्यूनल को रेफर करेंगे तो यह मामला वर्षों तक चलता रहेगा और देश को बड़ी भारी हानि होगी। इस प्रश्न की और सरकार का ध्यान आकर्षित करने के लिए मैंने इस मामले का उल्लेख किया।

REFERENCE TO FIXATION OF WHEAT PRICE

श्री प्रकाशवीर शास्त्री (उत्तर प्रदेश): सभापति जी, आप को स्मरण होगा कि गेहूं के भावों से सम्बन्धित एक प्रश्न के उत्तर में सदन के दोनों पक्षों ने चिन्ता व्यक्त की थी और आपने यहां यह पाश्चात्तम भी दिया था कि यदि अक्टूबर मिला तो इस प्रश्न के ऊपर इसी सेशन में एक चर्चा भी रखेंगे। लेकिन चूंकि अन्तिम दिन है और आज की कार्यवाही में उस चर्चा का उल्लेख नहीं है इसलिए मैं आपके माध्यम से चाहूंगा कि कृषि मन्त्री यदि इस सम्बन्ध में कोई वक्तव्य दे सकें तो दोनों पक्षों को मन्तोष हो सकेगा। स्थिति यह है कि सरकार ने 40 लाख टन का भंडार बनाने का निर्णय किया था और अब तक ढाई लाख टन का भंडार भी सरकार इकट्ठा नहीं कर सकी। उत्तर प्रदेश की, जिस राज्य में मैं आता हूँ, स्थिति यह है कि मंडियों में गेहूं नहीं आ रहा है और भावों की स्थिति यह है कि 160 रुपये क्विन्टल से 175 रुपये क्विन्टल का भाव फसल के दिनों में है। जब फसल समाप्त हो जायेगी, सितम्बर, अक्टूबर, नवम्बर में क्या भाव होगा, आप आसानी से उसका अनुमान लगा सकते हैं। पंजाब की स्थिति के सम्बन्ध में कृष्णकान्त जी ने उस दिन बताया था कि पंजाब की मंडियों में भी गेहूं नहीं आ रहा है। सरकार यह प्रयत्न तो कर रही है कि करोड़ों रुपये की विदेशी मुद्रा व्यय करके दूसरे देशों से गेहूं का आयात करें। यदि इतना हो अन्तर्दान देकर किसानों को उचित मूल्य दे दिया जाये और किसानों के घर से वह गेहूं बाजारों में आ जाये तो इसमें सरकार को क्या आपत्ति है। मैं यह चाहूंगा कि सदन समाप्त होने से पहले आप इस प्रश्न पर कृषि मन्त्री को निर्देश दें कि वे इस सम्बन्ध में अपनी नीति स्पष्ट करें। आज मैंने यह भी पढ़ा है कि पांच प्रमुख गेहूं उत्पादक राज्यों के कृषि मन्त्रियों को केन्द्रीय खाद्य मन्त्री ने यहां बुलाया है। मैं यह चाहूंगा कि आज सदन समाप्त होने से पहले गेहूं के भाव के सम्बन्ध में आप कृषि मन्त्री को वक्तव्य देने का निर्देश प्रवृत्त दें।

[श्री जगदीश प्रसाद माथुर]

उपलब्ध न होना, इसका वे किस रूप में समर्थन करेंगे ? यू० पी० के चुनाव में कांग्रेस के फंड में यह खपया आया और इसका आज हम यह नतीजा देख रहे हैं कि इसके प्राइम को डिक्टोरी किया जा रहा है।

REFERENCE TO NARMADA WATER DISPUTE

श्री भैरों सिंह शोखावत (मध्य प्रदेश): सभापति जी, मैं एक प्रश्न का उल्लेख करना चाहता हूँ जिस का सम्बन्ध राष्ट्र के आर्थिक विकास पर सीधा आता है। सभापति जी, यह बात सब जानते हैं कि नर्मदा प्रोजेक्ट के सम्बन्ध में आज से 20 वर्ष पहले एक रिपोर्ट पेश हुई थी। लेकिन राजस्थान, गुजरात और मध्य प्रदेश, इन तीनों राज्यों के अन्दर बना कितना भाग कौन सा राज्य उपयोग करेगा, इस प्रश्न को लेकर वाद-विवाद खड़ा हो गया। इस वाद-विवाद के साथ यह प्रश्न भी खड़ा हो गया कि नर्मदा प्रोजेक्ट के वनगांव बांध की ऊंचाई कितनी हो।

सभापति जी, इस प्रश्न को लेकर खोसला कमिटी बिठलाई गई थी और वह इस मामले को टक्कालाजी पर पूरे तरह से गई और उसने अपना एक प्रतिवेदन दिया। प्रतिवेदन देने के बाद उस पर निर्णय देने के लिए एक ट्रिब्यूनल मुकर्रर किया गया। ट्रिब्यूनल के सामने तीनों स्टेटों ने अपने अपने दावे प्रस्तुत किया। इस बीच मामला प्रधान मन्त्री को रेफर कर दिया गया। हम सब लोग उनके निर्णय की प्रतीक्षा कर रहे हैं कि वे अपना इस सम्बन्ध में निर्णय देंगे। लेकिन मुझे जानकारी मिली है कि उन्होंने इस बारे में कोई निर्णय नहीं दिया है और इसकी फिर से ट्रिब्यूनल को रेफर कर दिया गया है।

सभापति जी, इस योजना को लागू करने के बाद मध्य प्रदेश, गुजरात और राजस्थान को 500 करोड़ रुपये सालाना का लाभ हो सकता है। साथ ही हिन्दुस्तान में बिजली की कमी है, खाद्यान्न की कमी है। बिजली की कमी पूरी समाप्त हो सकती है और खाद्यान्न की कमी भी काफी अंशों तक पूरी की जा सकती है। एक ही पार्टी की सरकार केन्द्र में है और उसी पार्टी की सरकारें राज्यों में भी हैं। फिर भी यह दुर्भाग्य की बात है कि तीनों में इस प्रकार का विवाद चल रहा है और वह तब नदी हो पा रहा है। मैं ऐसा समझता हूँ कि यह राष्ट्र के साथ ग्रेटेस्ट काइम है और इतना बड़ा हिस्टोरिकल काइम है जिसका कि उदाहरण हिन्दुस्तान के बाहर और कहीं नहीं मिल सकता। इसलिए मैं सरकार से निवेदन करना चाहता हूँ कि जहाँ जनता भूखी मर रही है, जहाँ बेकारी की समस्या है, जहाँ उद्योग बिजली के अभाव में पनप नहीं पा रहे हैं, जहाँ हिन्दुस्तान की आर्थिक स्थिति गिरती जा रही है भगवान के नाम पर राष्ट्र के हित में इस विवाद को जल्दी से जल्दी निवृत्त करना ताकि इस पानी का

उपयोग हो सके, बिजली का उत्पादन हो सके और हिन्दुस्तान का औद्योगिक विकास हो सके। यदि इस प्रकार की स्थिति हिन्दुस्तान में बनी रही और निर्णय नहीं हुआ तो और कई प्रकार के जल-विनिरण के विवाद हिन्दुस्तान में खड़े होंगे। मैं ऐसा समझता हूँ और सरकार से आपके माध्यम से निवेदन करना चाहूंगा कि इस प्रश्न के ऊपर जल्दी से जल्दी फैसला किया जाय। 1969 में ट्रिब्यूनल मुकर्रर हुआ था, 72 में एवाई के लिए प्राइम मिनिस्टर को सौंपा गया। 69 का ट्रिब्यूनल आज तक फैसला नहीं कर पाया और अब फिर आज दूसरे ट्रिब्यूनल को रेफर करेंगे तो यह मामला वर्षों तक चलता रहेगा और देश को बड़ी भारी हानि होगी। इस प्रश्न की और सरकार का ध्यान आकर्षित करने के लिए मैंने इस मामले का उल्लेख किया।

REFERENCE TO FIXATION OF WHEAT PRICE

श्री प्रकाशवीर शास्त्री (उत्तर प्रदेश): सभापति जी, आप को स्मरण होगा कि गेहूँ के भावों से सम्बन्धित एक प्रश्न के उत्तर में सदन के दोनों पक्षों ने चिन्ता व्यक्त की थी और आपने यहाँ यह पाश्चात्तम भी दिया था कि यदि अक्टूबर मिला तो इस प्रश्न के ऊपर इसी सेशन में एक चर्चा भी रखेंगे। लेकिन चूँकि अन्तिम दिन है और आज की कार्यवाही में उस चर्चा का उल्लेख नहीं है इसलिए मैं आपके माध्यम से चाहूंगा कि कृषि मन्त्री यदि इस सम्बन्ध में कोई वक्तव्य दे सकें तो दोनों पक्षों को मन्तोष हो सकेगा। स्थिति यह है कि सरकार ने 40 लाख टन का भंडार बनाने का निर्णय किया था और अब तक ढाई लाख टन का भंडार भी सरकार इकट्ठा नहीं कर सकी। उत्तर प्रदेश की, जिस राज्य में मैं आता हूँ, स्थिति यह है कि मंडियों में गेहूँ नहीं आ रहा है और भावों की स्थिति यह है कि 160 रुपये क्विन्टल से 175 रुपये क्विन्टल का भाव फसल के दिनों में है। जब फसल समाप्त हो जायेगी, सितम्बर, अक्टूबर, नवम्बर में क्या भाव होगा, आप आसानी से उसका अनुमान लगा सकते हैं। पंजाब की स्थिति के सम्बन्ध में कृष्णकान्त जी ने उस दिन बताया था कि पंजाब की मंडियों में भी गेहूँ नहीं आ रहा है। सरकार यह प्रयत्न तो कर रही है कि करोड़ों रुपये की विदेशी मुद्रा व्यय करके दूसरे देशों से गेहूँ का आयात करें। यदि इतना हो अन्तर्दान देकर किसानों को उचित मूल्य दे दिया जाये और किसानों के घर से वह गेहूँ बाजारों में आ जाये तो इसमें सरकार को क्या आपत्ति है। मैं यह चाहूंगा कि सदन समाप्त होने से पहले आप इस प्रश्न पर कृषि मन्त्री को निर्देश दें कि वे इस सम्बन्ध में अपनी नीति स्पष्ट करें। आज मैंने यह भी पढ़ा है कि पांच प्रमुख गेहूँ उत्पादक राज्यों के कृषि मन्त्रियों की केन्द्रीय खाद्य मन्त्री ने यहाँ बुलाया है। मैं यह चाहूंगा कि आज सदन समाप्त होने से पहले गेहूँ के भाव के सम्बन्ध में आप कृषि मन्त्री को वक्तव्य देने का निर्देश प्रवृत्त दें।

REFERENCE TO HARYANA UTTAR PRADESH BOUNDARY DISPUTES

श्री सुब्रमण्यन स्वामी (उत्तर प्रदेश) : सभापति जी, मैं आप का ध्यान एक बहुत गम्भीर और चिन्ताजनक सीमा-विवाद की ओर आकर्षित करना चाहता हूँ। यह चीन और भारत के सीमा विवाद के सम्बन्ध में नहीं है, यह हरियाणा और उत्तर प्रदेश के सीमा-विवाद के बारे में है। आप जानते हैं कि इन दोनों राज्यों के बीच की सीमा यमुना रिवर से तय होती है। किनारे पर कुछ गांव हैं। जब नदी अपनी दिशा बदलती है तो ये गांव कभी इस तरफ आ जाते हैं, कभी उस तरफ चले जाते हैं। हरियाणा की घुड़सवार सशस्त्र पुलिस ने उत्तर प्रदेश के किसानों के ऊपर हमला किया है और कई लोग गोली से मारे गए हैं।

अब हरियाणा की पुलिस ने उत्तर प्रदेश को धमकी दी है कि यदि उन किसानों को वापस न लिया गया तो गम्भीर परिणाम भुगतने होंगे। अब मैं समझता हूँ कि यह स्थिति और गम्भीर हो गयी है क्योंकि उत्तर प्रदेश के पुलिस अधिकारी श्री अजीत कुमार दास ने उत्तर प्रदेश सरकार को कहा है कि यदि इस प्रकार की स्थिति जारी रही तो तुरन्त पी०ए०सी० को भी वहाँ डिप्लाय करना चाहिए और मुझे जो सूचना मिली है वह यह है कि वहाँ पी०ए०सी० पहुँच गयी है और दोनों तरफ गोलियाँ चलने वाली हैं। यह भारत है और मैं समझता हूँ कि कांग्रेस के सदस्य दूसरी दूसरी चीजों में व्यस्त हैं इसलिए उनको इस तरफ ध्यान देना मुश्किल हो रहा है। हरियाणा और उत्तर प्रदेश ने श्री उमाशंकर दीक्षित पर मामला छोड़ा था कि वह इसका समाधान कर दें लेकिन आज तक उसका समाधान नहीं हो पाया है क्योंकि श्री उमाशंकर दीक्षित दूसरे कामों में काफी व्यस्त हैं और जब भी उन को फुरसत मिलती है तो मुझको वह यह सलाह देने आ जाते हैं कि सदन में मुझे कैसे बोलना चाहिए या कैसे नहीं बोलना चाहिए, लेकिन वहाँ जो किसान व्रस्त हैं, जो लोग मर रहे हैं उनके समाधान के लिए कुछ नहीं हो रहा है। मैं समझता हूँ कि सरकार इसका समाधान शीघ्र ढूँढ़े और मैं समझता हूँ कि यदि यमुना रिवर को एक फ्लोटिंग बार्डर मान लिया जाये तो इससे सारा मामला हल किया जा सकता है।

MR. CHAIRMAN: Now, Mr. Gokhale.

DEMAND FOR STATEMENT ON RAIL- WAY STRIKE

SHRI NIREN GHOSH (West Bengal): Sir..

SHRI BHUPESH GUPTA (West Bengal): I would like to know....

श्री राजनारायण (उत्तर प्रदेश) : रेलवे के बारे में..

MR. CHAIRMAN: Yes, Mr. Bhupesh Gupta.

12/Rajya Sabha/74—2

SHRI BHUPESH GUPTA: Sir, I would like to know _____

श्री राजनारायण: श्रीमन् मैं, रेलवे के बारे में पूछ रहा हूँ...

श्री सभापति: राजनारायण जी, आप बैठिए।

श्री राजनारायण: हम काहे बैठें? क्या कारण है कि आप ने भूपेश जी को पहले बुलाया। हम पहले खड़े थे। क्या सिर्फ इसलिए कि वह अंग्रेजी में बोलते हैं और मैं हिन्दी में बोलता हूँ?

SHRI BHUPESH GUPTA: Why is he always bringing in the question of English and Hindi to provoke linguistic trouble here? I do not think he should do it. You speak Hindi very well. I cannot speak. I do not think the Chairman is partial to English.

श्री राजनारायण: आप बंगला में बोल सकते हैं।

SHRI BHUPESH GUPTA: Now, Sir, we want to know when the Railway Minister would make a statement. We are getting reports. For example, just now I have got a report that Shrimati Parvati Krishnan, a member of the other House, has been arrested along with Mr. B.D. Joshi and other leaders. Arrests are taking place here in Delhi _____

MR. CHAIRMAN: Mr. Bhupesh Gupta, let me ask the Government what they have to say.

श्री राजनारायण: श्रीमन्, 11 बजे किशनगंज से मेरे पास टेलीफोन आया। वहाँ 35 आदमी गिरफ्तार कर लिए गए। (Interruptions) वहाँ लोगों को परेशान किया जा रहा है उनको घड़ियाँ छीन ली गयीं और जब घर मन्त्री श्री दीक्षित और मिर्धा जी को टेलीफोन किया तो उन्होंने कहा कि खबर पता करके देंगे।

MR. CHAIRMAN: No, I have not permitted this.

श्री राजनारायण : हम ने उनको जब टेलीफोन पर कहा तो उन्होंने कहा कि जानकारी कर के हम आप को खबर देंगे लेकिन हम को कोई खबर अभी तक नहीं मिली है। मैं आप के द्वारा जानना चाहता हूँ कि कल जो रेलवे कालोनी में वहाँ के कर्मचारियों और उनके परिवारों के साथ इतनी जबरदस्ती की गयी है...

MR. CHAIRMAN: I am not permitting this. Please sit down.

श्री राजनारायण : जो उनके साथ इतनी सख्ती की गयी है, उनके पाइप काट दिए गए, उनकी बिजली काट दी गई, उनकी घड़ियों को छीन लिया गया, इसके बारे में

REFERENCE TO HARYANA UTTAR PRADESH BOUNDARY DISPUTES

श्री सुब्रमण्यन स्वामी (उत्तर प्रदेश) : सभापति जी, मैं आप का ध्यान एक बहुत गम्भीर और चिन्ताजनक सीमा-विवाद की ओर आकर्षित करना चाहता हूँ। यह चीन और भारत के सीमा विवाद के सम्बन्ध में नहीं है, यह हरियाणा और उत्तर प्रदेश के सीमा-विवाद के बारे में है। आप जानते हैं कि इन दोनों राज्यों के बीच की सीमा यमुना रिवर से तय होती है। किनारे पर कुछ गाँव हैं। जब नदी अपनी दिशा बदलती है तो ये गाँव कभी इस तरफ आ जाते हैं, कभी उस तरफ चले जाते हैं। हरियाणा की घुड़सवार सशस्त्र पुलिस ने उत्तर प्रदेश के किसानों के ऊपर हमला किया है और कई लोग गोली से मारे गए हैं।

अब हरियाणा की पुलिस ने उत्तर प्रदेश को धमकी दी है कि यदि उन किसानों को वापस न लिया गया तो गम्भीर परिणाम भुगतने होंगे। अब मैं समझता हूँ कि यह स्थिति और गम्भीर हो गयी है क्योंकि उत्तर प्रदेश के पुलिस अधिकारी श्री अजीत कुमार दास ने उत्तर प्रदेश सरकार को कहा है कि यदि इस प्रकार की स्थिति जारी रही तो तुरन्त पी०ए०सी० को भी वहाँ डिप्लाय करना चाहिए और मुझे जो सूचना मिली है वह यह है कि वहाँ पी०ए०सी० पहुँच गयी है और दोनों तरफ गोलियाँ चलने वाली हैं। यह भारत है और मैं समझता हूँ कि कांग्रेस के सदस्य दूसरी दूसरी चीजों में व्यस्त हैं इसलिए उनको इस तरफ ध्यान देना मुश्किल हो रहा है। हरियाणा और उत्तर प्रदेश ने श्री उमाशंकर दीक्षित पर मामला छोड़ा था कि वह इसका समाधान कर दें लेकिन आज तक उसका समाधान नहीं हो पाया है क्योंकि श्री उमाशंकर दीक्षित दूसरे कामों में काफी व्यस्त हैं और जब भी उन को फुरसत मिलती है तो मुझको वह यह सलाह देने आ जाते हैं कि सदन में मुझे कैसे बोलना चाहिए या कैसे नहीं बोलना चाहिए, लेकिन वहाँ जो किसान व्रस्त हैं, जो लोग मर रहे हैं उनके समाधान के लिए कुछ नहीं हो रहा है। मैं समझता हूँ कि सरकार इसका समाधान शीघ्र ढूँढ़े और मैं समझता हूँ कि यदि यमुना रिवर को एक फ्लोटिंग बार्डर मान लिया जाये तो इससे सारा मामला हल किया जा सकता है।

MR. CHAIRMAN: Now, Mr. Gokhale.

DEMAND FOR STATEMENT ON RAIL- WAY STRIKE

SHRI NIREN GHOSH (West Bengal): Sir..

SHRI BHUPESH GUPTA (West Bengal): I would like to know....

श्री राजनारायण (उत्तर प्रदेश) : रेलवे के बारे में..

MR. CHAIRMAN: Yes, Mr. Bhupesh Gupta.

12/Rajya Sabha/74—2

SHRI BHUPESH GUPTA: Sir, I would like to know _____

श्री राजनारायण: श्रीमन् मैं, रेलवे के बारे में पूछ रहा हूँ...

श्री सभापति: राजनारायण जी, आप बैठिए।

श्री राजनारायण: हम काहे बैठें? क्या कारण है कि आप ने भूपेश जी को पहले बुलाया। हम पहले खड़े थे। क्या सिर्फ इसलिए कि वह अंग्रेजी में बोलते हैं और मैं हिन्दी में बोलता हूँ?

SHRI BHUPESH GUPTA: Why is he always bringing in the question of English and Hindi to provoke linguistic trouble here? I do not think he should do it. You speak Hindi very well. I cannot speak. I do not think the Chairman is partial to English.

श्री राजनारायण: आप बंगला में बोल सकते हैं।

SHRI BHUPESH GUPTA: Now, Sir, we want to know when the Railway Minister would make a statement. We are getting reports. For example, just now I have got a report that Shrimati Parvati Krishnan, a member of the other House, has been arrested along with Mr. B.D. Joshi and other leaders. Arrests are taking place here in Delhi _____

MR. CHAIRMAN: Mr. Bhupesh Gupta, let me ask the Government what they have to say.

श्री राजनारायण: श्रीमन्, 11 बजे किशनगंज से मेरे पास टेलीफोन आया। वहाँ 35 आदमी गिरफ्तार कर लिए गए। (Interruptions) वहाँ लोगों को परेशान किया जा रहा है उनको घड़ियाँ छीन ली गयीं और जब घर मन्त्री श्री दीक्षित और मिर्धा जी को टेलीफोन किया तो उन्होंने कहा कि खबर पता करके देंगे।

MR. CHAIRMAN: No, I have not permitted this.

श्री राजनारायण : हम ने उनको जब टेलीफोन पर कहा तो उन्होंने कहा कि जानकारी कर के हम आप को खबर देंगे लेकिन हम को कोई खबर अभी तक नहीं मिली है। मैं आप के द्वारा जानना चाहता हूँ कि कल जो रेलवे कालोनी में वहाँ के कर्मचारियों और उनके परिवारों के साथ इतनी जबरदस्ती की गयी है...

MR. CHAIRMAN: I am not permitting this. Please sit down.

श्री राजनारायण : जो उनके साथ इतनी सख्ती की गयी है, उनके पाइप काट दिए गए, उनकी बिजली काट दी गई, उनकी घड़ियों को छीन लिया गया, इसके बारे में

[श्री राजनारायण]

सरकार को क्या कहना है। रेलवे मजदूरों के साथ आज जुद्ध हो रहा है, उनके साथ अन्याय हो रहा है, इस बारे में सरकार हमें बताये कि वास्तविक स्थिति क्या है।

MR. CHAIRMAN: I want to know from the Government whether the Minister will make a statement.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF WORKS AND HOUSING (SHRI OM MEHTA): Sir, we are trying. I hope before the House adjourns, the Railway Minister might make a statement.

SHRI BHUPESH GUPTA: What "might make a statement?" No "might make a statement".

श्री लाल ब्रह्मचारी (दिल्ली): सभापति जी, मैं आप का ध्यान दिलाऊंगा कि पिछली बार जो यह काल एडजर्न मोशन था.....

SHRI NG. GORAY (Maharashtra): Sir, this is the most important issue in the country to-day, and before we adjourn, the Railway Minister should make a statement.

SHRI OM MEHTA: Sir, I have heard the suggestion.

SHRI NIREN GHOSH: They must make a statement...

(Interruptions)

MR. CHAIRMAN: Please sit down. Let me say something. Now, I expect that the Minister may make a statement before the House rises after these items are over, and at that time, I will permit hon. Members to put questions to him.

श्री लाल ब्रह्मचारी : मुझे एक निवेदन करना है आप के माध्यम से अपने संसदीय मन्त्री जी से कि रेलवे मन्त्री जी वक्तव्य देंगे तो केवल रेलवे की गतिविधि के बारे में नहीं, बल्कि रेलवे की हड़ताल के साथ साथ इन सारे मामलों की जानकारी लेकर के आयें जैसे कि श्रीमती पार्वती कुण्डन् की गिरफ्तारी है, या श्री हुकम चन्द कछवाय की गिरफ्तारी की बात है, तो मेरा निवेदन है कि अगर उस समय रेलवे मन्त्री कहेंगे कि यह मामला गृह मन्त्रालय का है, हमारी जानकारी में नहीं है तो वह उचित नहीं होगा। मैं उनसे निवेदन करूंगा कि रेलवे स्ट्राइक से सम्बन्धित जितनी घटनाएं हैं उनके बारे में वह बतलायें। कल श्री हुकम चन्द कछवाय को गिरफ्तार किया गया, आज कुण्डन् को गिरफ्तार किया गया है और मुझे आशा है कि आज संसद के समाप्त होने के बाद सब के खिलाफ कार्यवाही होगी।

SHRI NIREN GHOSH: I want to submit to you that every day we hear that the P.A.C. is seized of the matter.

MR. CHAIRMAN: I have said that he might make statement.

SHRI NIREN GHOSH: We want a competent authority to make a statement.

MR. CHAIRMAN: Please sit down.

SHRI NIREN GHOSH: On a point of order, Sir. When the Cabinet Committee is seized of the matter, why should not someone from that Committee place the statement before the House?

MR. CHAIRMAN: This is no point of order. I overrule it.

SHRI NIREN GHOSH: I have another point of order. Is it in order that when the Prime Minister went to another country, she met Mr. Kissinger and no statement is made? This is the last day of Parliament. The Americans are responsible for the Government's tackling of the railway strike.

MR. CHAIRMAN: Mr. Niren Ghosh, you please sit down.

श्री राजनारायण : श्रीमन्, प्वाइन्ट ऑफ आर्डर...

श्री सभापति : कुछ काम करने देंगे।

श्री राजनारायण : काम हम बहुत करने दे रहे हैं। आप हम को सुनिए। दूसरे लोगों को आप अच्छी तरह से सुनते हैं।

श्री सभापति : आप गलत कह रहे हैं मैं सब को सुनता हूँ।

श्री राजनारायण : मैं अपनी मातृभाषा में बोलता हूँ पता नहीं आप को समझ में आता है या नहीं।

श्री सभापति : आप गलत कह रहे हैं : मैं सब भाषाओं को सुनता हूँ। मैं हिन्दी को भी समझता हूँ।

श्री राजनारायण : मेरा व्यवस्था का प्रश्न है। मैं इस सदन का सदस्य हूँ और मुझे सरकार ने दो महीने के लिए निकाला है बिहार से...

श्री सभापति : यह न लिखा जाय।

(Shri Rajnarain continued speaking)

श्री रवी राय (उड़ीसा) : मेरा प्वाइन्ट ऑफ आर्डर है। जिस दिन 22 तारीख को राज्य सभा शुरू हुई थी उस दिन मैंने इस सवाल को उठाया था कि इस सदन के एक माननीय सदस्य श्री राजनारायण के लिए बिहार न जाने के लिए क्यों आर्डर निकाला गया। मैं आप से अप्रार्थ करता चाहता हूँ कि क्या यह प्रजातन्त्र की निशानी है कि एक माननीय सदस्य को बिहार

न जाने के लिए इस तरह का आदेश दिया जाए। यह उनकी आजादी पर कूटाराघात है।

श्री सभापति : यह कोई आदेश नहीं है।

श्री रबी राय : मैं आपसे कहना चाहता हूँ कि आप गृह मन्त्री से एक बयान दिलवाएं कि राजनारायण जी को बाहर जाने की इजाजत है....

(Interruption)

श्री सभापति : आडवाणी जी आप कुछ कहना चाहते हैं ?

श्री लाल आडवाणी : सभापति जी, मैं विनम्रतापूर्वक निवेदन करना चाहता हूँ कि इन्होंने पछा था मेरे से कि क्या मैं यह सवाल उठा दूँ तो मैंने इनसे पूछा कि आपने अनुमति ली ? इन्होंने कहा अनुमति तो नहीं दी गई। मेरा निवेदन है कि यह मसला कोई साधारण नहीं है। यह ठीक है कि सरकार उसको जस्टिफाई कर सकती है कि हमने क्यों मना किया लेकिन मैं समझता हूँ कि एक सदन के सदस्य पर इस प्रकार पाबन्दी लगे और यह कहा जाए कि उस प्रदेश में नहीं जाए यह बहुत गलत है।

(Interruption)

श्री सभापति : यह नहीं कहा गया।

श्री लाल आडवाणी : यह इनको कहा गया कि दो महीने तक बिहार नहीं जा सकते। यह गलत बात है।

MR. CHAIRMAN: We have discussed Bihar. No order has been passed by the Central Government.

श्री राजनारायण : श्रीमन्, प्रधान मन्त्री ने अपने 2 सलाहकारों को गफूर मन्त्रिमण्डल को सलाह देने के लिए पटना में भेजा है। 3 दिन पहले कहा गया कि आप आओ। अब हमें बताया गया है कि हमें 15 तारीख तक आने देने के लिए गफूर तैयार नहीं हैं क्योंकि केन्द्र की सरकार ने 2 सलाहकारों को भेजा है। इन सलाहकारों ने कहा है कि अभी राजनारायण को परमिशन मत दो। मैं कहना चाहता हूँ, प्रधान मंत्री साहिब आएं, प्रधान मन्त्री साहिब इसका जवाब दें क्या मैं इस देश का रहने वाला नहीं हूँ ? बिहार में मेरी रिश्तेदारियाँ हैं, बिहार हमारा क्षेत्र है। हमें वहाँ जाने से रोक कर क्या बिहार के गुण्डों और बदमाशों को दौड़ाना चाहते हैं। बिहार में विधान सभा भंग होगी—होगी, होगी। गफूर मन्त्रिमण्डल जायेगा।

MR. CHAIRMAN: Law Minister.

श्री श्याम लाल यादव (उत्तर प्रदेश) : प्वाइन्ट आफ आर्डर। मेरा भी आप से इस सम्बन्ध में निवेदन है। क्या भारत सरकार ने उन पर प्रातबन्ध लगाया है ? मैं हाल ही में, अभी 3 दिन पहले, गृह मन्त्री से मिला क्योंकि श्री राजा नारायण...

श्री सभापति : मैं नहीं आप को परमिशन दूंगा। No, please.

श्री श्याम लाल यादव : मेरा प्वाइन्ट आफ आर्डर है।

MR. CHAIRMAN: What is your point of order?

श्री श्याम लाल यादव : उन्होंने फोन किया कि आप आइए...

MR. CHAIRMAN: No, please. I do not allow this.

श्री श्याम लाल यादव : मैं गृह मन्त्री जी, दीक्षित जी से मिला...

MR. CHAIRMAN: Nothing will be taken down.

(Shri Shyam Lal Yadav continued speaking).

श्री सभापति : श्याम लाल जी, आपकी बात सुन ली, अब आप बैठ जाइए।

श्री श्याम लाल यादव : इसलिए मेरा निवेदन है कि आप गृह मन्त्री से कहिए इस पर बयान दें और स्थिति को स्पष्ट करें।

श्री महावीर त्यागी (उत्तर प्रदेश) : महोदय, मैं इस मामले में कुछ अर्ज करना चाहता हूँ।

श्री सभापति : मैंने इजाजत नहीं दी है। आप रूलस के खिलाफ कर रहे हैं कि बिना इजाजत कह रहे हैं।

श्री महावीर त्यागी : मैं यह निवेदन करना चाहता हूँ जो मेम्बरों के मौलिक अधिकार है, यदि उनमें कोई दिक्कत पड़ती है, तो आप से प्रोटेशन मांगा जा सकता है। मेरा कहना यह है कि पार्लियामेंट के मेम्बरों को हिन्दुस्तान भर से पोलिटिकल काम के लिए या और काम के लिए आजादी है, और उनका यह अधिकार है। ऐसी हालत में सरकार उसमें कोई रुकावट डालती है तो मेम्बरों के पास सिवाए इसके कोई चारा नहीं है कि वे आप की मार्फत यह चाहें...

श्री सभापति : अब मैंने सुन ली बात आपकी।

श्री राजनारायण : कहाँ सुन ली ?

DR. K. MATHEW KURIAN (Kerala): On a point of order.

MR. CHAIRMAN: What is your point of order?

DR. K. MATHEW KURIAN : I am now going to use the facility of raising points of order for nothing. A Member of this House, Shri Niren Ghosh, was beaten up by the Police earlier and a submission was made that this should go to the Privileges Committee. Today is the last day of the session. Before you take up the next item in the Agenda, you should give a ruling on this. What has happened to the privilege motion? Why is it that no decision has been taken ?

MR. CHAIRMAN: He was intimated in the last session that no action was being taken on it.

श्री राजनारायण : एक सदस्य माँगें उसका स्टेटमेंट और सरकार न दे—सरकार को बताना चाहिए।

SHRI NIREN GHOSH : You assured this House that the information would be passed on to the Ministry and they will call for explanation from the West Bengal Government and place it before the House. In the other House such questions are referred to the Privileges Committee..

(Interruptions)

Sir, the point is this: You assured this House like this : "I am not sending it to the Privileges Committee, but I am passing it on to the Home Ministry and they should make an inquiry and make a submission before this House."

I am saying this because without there being any reason and without asking me to disclose my identity, the police assaulted me — (Interruptions).

SHRI LAL K. ADVANI : Sir..

MR. CHAIRMAN: Please sit down, Mr. Advani.

SHRI NIREN GHOSH: If a Member is assaulted like this, what can we say?

MR. CHAIRMAN: If you had informed me in my Chamber, I might have asked the Minister if I had been satisfied that the Minister should have been asked. But, to raise a question here for the first time, without my permission in relation to a matter which happened in the last Session, when I did not give consent to raise the question, as to why I did not ask or why the Minister did not make a statement, to ask a question without my permission—I entirely disapprove.

SHRI NIREN GHOSH : You see the proceedings. You had asked the Home Ministry to inquire and find out. Now you are contradicting yourself. Kindly read the records.

DR. K. MATHEW KURIAN: Sir, on a point of order.

SHRI MONORANJAN ROY (West Bengal): Sir, on a point of order.

MR. CHAIRMAN: You do not want to allow the proceedings to go?

SHRI LOKANATH MISRA (Orissa): Sir, I want to ask you one thing.

MR. CHAIRMAN: Will you allow the proceedings to go?

SHRI LOKANATH MISRA: I am only helping in the proceedings being proceeded with. Sir, please understand the situation. I will not take more than two minutes of your time.

Sir, you are the custodian of this House and, therefore, you are supposed to be the custodian of the Members also. Now, if anything happens to any Member anywhere and it is brought to your notice, as it was done in the case of Shri Niren Ghosh, who was beaten up by the police, you must take special care to see what has happened, whether the Member was at fault and whether, the action taken against him is justified or not. If you cannot give that protection to us, then it is useless remaining as Members either of the Rajya Sabha or the Lok Sabha.

Now, in the other case, so far as Mr. Rajnarain is concerned, I do not want to go to his protection — (Interruptions) — I do not want to go to his protection. But the point is this: If he has really been served with a notice not to enter Bihar for two months, thus externing him, the Minister should come out with the justification for such an externment order. Without such a thing, if they try to conceal these things from the Members of the Opposition and from the Members of the House, it does not look good and it does not look dignified. Therefore, I appeal to you, Sir, that you as the custodian of the privileges of the Members of the House should kindly enforce on the Government that these should be declared on the floor of the House so that the Members are kept informed about what action the Government intends to take against individual Members, if any. Thank you, Sir.

श्री राजनारायण : श्रीमन्, मैं एक सूचना घाय को देना चाहता हूँ।

MR. CHAIRMAN: No, please. I have called the Law Minister. Please sit down. Yes, Mr. Minister.

श्री राजनारायण : श्रीमन्, अब प्रश्न यह उठता है कि श्री नीरेन घोष के बारे में...

MR. CHAIRMAN: Please sit down.

श्री राजनारायण : श्रीमन्, मैं यह निवेदन करना चाहता हूँ कि...

MR. CHAIRMAN: Please sit down. Please sit down; I am standing.

Now, so far as Mr. Niren Ghosh's matter is concerned, it was raised during the last Session. He was arrested and whatever action was taken against him was in connection with some criminal matter....

SHRI NIREN GHOSH: What criminal matter? — (Interruptions).

SHRI MONORANJAN ROY: What is that criminal matter?.. (Interruptions).

MR. CHAIRMAN: I am sorry, Mr. Gokhale. Please wait.

Now, it was in the last Session and not during this Session that this matter was raised. Mr. Niren Ghosh was informed that no action was being taken by me because it was not a matter connected with the privileges of this House. Now, this was in the last Session.

श्री राजनारायण : श्रीमन्, अब प्रश्न उठता है कि श्री नीरेन घोष के सम्बन्ध में आपने यह व्यवस्था दी थी कि हम इस मामले को गृह मन्त्रालय को देते हैं और फिर वह जो जवाब देंगे उसको सदन में रखा जायेगा ।

श्री सभापति : नो, नो ।

श्री श्यामलाल यादव : अगर सदन में एक बात होती है...

MR. CHAIRMAN: No, please, I did not say this.

श्री श्याम लाल यादव : श्रीमन्, मैं यह बात सदन में कहना चाहता हूँ कि चूंकि यह मामला मेम्बर के प्रिविलिज से सम्बन्ध रखता है..

श्री सभापति : आप का कहना गलत है ।

श्री श्यामलाल यादव : श्रीमन्, जब आपने घोषणा कर दी तो फिर मेम्बर को सुरक्षा मिलनी चाहिए ।

12 NOON

श्री सभापति : मैंने यह कहा था कि प्रिविलिज नहीं होता, मैं होम मिनिस्ट्री को आपके पेपर्स भेज देता हूँ । सिर्फ यह कहा था । यह कभी नहीं कहा था कि हाउस में रखेंगे । आज मुझसे वहाँ आकर कहते या सेशन के शुरू होने के समय कहते ।

SHRI NIREN GHOSH: I thought it was your duty to take up the matter.. (Interruptions)

SHRI MONORANJAN ROY: If you do not, who else will give protection?.. (Interruptions).

MR. CHAIRMAN: Please sit down, Mr. Monoranjan Roy. Don't disturb the proceedings of the House...

SHRI MONORANJAN ROY: We shall sit. But we want to know..

MR. CHAIRMAN: You are disturbing the proceedings of the House, Mr. Monoranjan Roy... (Interruptions).

श्री राजनारायण : श्रीमन्, मेरा आप से विनम्र निवेदन है । आप कृपा करके इस सदन की (Interruption) जब आप यह कहते हैं कि मैंने यह कर दिया, मैंने वह कर दिया तो क्या

SHRI S. P. GOSWAMI (Assam): Sir, on a point of order (Interruptions).

श्री राजनारायण : आप की पर्सनेलिटी अनलिमिटेड नहीं है, आप सदन के नियम के मुताबिक चलेगें । यदि आप की व्यवस्था सदन के नियमों का उल्लंघन करती है तो आपकी व्यवस्था को मानने के लिए हम मजबूर नहीं हैं ।

श्री सभापति : अब आप बैठ जाइए ।

श्री राजनारायण : You are a man of limited personality. You don't have unlimited personality.

श्री सभापति : अब आप काम चलने दीजिए ।

श्री लाल अडवाणी : मुझे लगता है कि कोई गलत-फहमी खड़ी हुई है नीरेन घोष के मामले में । मेरा निवेदन यह है कि आप इस चीज को सचिवालय से दिखवा लें । उनका इम्प्रेजन यह है कि सदन में जो हुआ और जो कहा गया उससे उनको ऐसा आभास हुआ कि आप के द्वारा वह सदन में रखा जायेगा । आप को स्मरण है कि ऐसा नहीं हुआ और आप ने केवल गृह मन्त्रालय को कहा था । मैं निवेदन करूंगा कि सचिवालय अभी भी देख ले कि वास्तव में क्या हुआ । या और उसके अनुसार कार्यवाही की जाये । उनका इम्प्रेजन है कि आप की ओर से 'सो-मोटो' यह चीज आनी चाहिए थी और इसी आधार पर उन्होंने उठाया है ।

श्री सभापति : वह गलत है :

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Sir, this is a matter _____ (Interruptions)

MR. CHAIRMAN: No, please. Sit down. I request you to sit down now.. (Interruptions)

THE CONSTITUTION (THIRTY-THIRD AMENDMENT) BILL, 1974—conld.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. GOKHALE): With your permission, Mr. Chairman, I resume my reply by repeating again that I am thankful to hon. Members on both sides..

श्री राजनारायण (उत्तर प्रदेश): कोई फेवरबिल नहीं है ।

Now, so far as Mr. Niren Ghosh's matter is concerned, it was raised during the last Session. He was arrested and whatever action was taken against him was in connection with some criminal matter....

SHRI NIREN GHOSH: What criminal matter? — (Interruptions).

SHRI MONORANJAN ROY: What is that criminal matter?.. (Interruptions).

MR. CHAIRMAN: I am sorry, Mr. Gokhale. Please wait.

Now, it was in the last Session and not during this Session that this matter was raised. Mr. Niren Ghosh was informed that no action was being taken by me because it was not a matter connected with the privileges of this House. Now, this was in the last Session.

श्री राजनारायण : श्रीमन्, अब प्रश्न उठता है कि श्री नीरेन घोष के सम्बन्ध में आपने यह व्यवस्था दी थी कि हम इस मामले को गृह मन्त्रालय को देते हैं और फिर वह जो जवाब देंगे उसको सदन में रखा जायेगा ।

श्री सभापति : नो, नो ।

श्री श्यामलाल यादव : अगर सदन में एक बात होती है...

MR. CHAIRMAN: No, please, I did not say this.

श्री श्याम लाल यादव : श्रीमन्, मैं यह बात सदन में कहना चाहता हूँ कि चूंकि यह मामला मेम्बर के प्रिविलिज से सम्बन्ध रखता है..

श्री सभापति : आप का कहना गलत है ।

श्री श्यामलाल यादव : श्रीमन्, जब आपने घोषणा कर दी तो फिर मेम्बर को सुरक्षा मिलनी चाहिए ।

12 NOON

श्री सभापति : मैंने यह कहा था कि प्रिविलिज नहीं होता, मैं होम मिनिस्ट्री को आपके पेपर्स भेज देता हूँ । सिर्फ यह कहा था । यह कभी नहीं कहा था कि हाउस में रखेंगे । आज मुझसे वहाँ आकर कहते या सेशन के शुरू होने के समय कहते ।

SHRI NIREN GHOSH: I thought it was your duty to take up the matter.. (Interruptions)

SHRI MONORANJAN ROY: If you do not, who else will give protection?.. (Interruptions).

MR. CHAIRMAN: Please sit down, Mr. Monoranjan Roy. Don't disturb the proceedings of the House...

SHRI MONORANJAN ROY: We shall sit. But we want to know..

MR. CHAIRMAN: You are disturbing the proceedings of the House, Mr. Monoranjan Roy... (Interruptions).

श्री राजनारायण : श्रीमन्, मेरा आप से विनम्र निवेदन है । आप कृपा करके इस सदन की (Interruption) जब आप यह कहते हैं कि मैंने यह कर दिया, मैंने वह कर दिया तो क्या

SHRI S. P. GOSWAMI (Assam): Sir, on a point of order (Interruptions).

श्री राजनारायण : आप की पर्सनेलिटी अनलिमिटेड नहीं है, आप सदन के नियम के मुताबिक चलेगें । यदि आप की व्यवस्था सदन के नियमों का उल्लंघन करती है तो आपकी व्यवस्था को मानने के लिए हम मजबूर नहीं हैं ।

श्री सभापति : अब आप बैठ जाइए ।

श्री राजनारायण : You are a man of limited personality. You don't have unlimited personality.

श्री सभापति : अब आप काम चलने दीजिए ।

श्री लाल अडवाणी : मुझे लगता है कि कोई गलत-फहमी खड़ी हुई है नीरेन घोष के मामले में । मेरा निवेदन यह है कि आप इस चीज को सचिवालय से दिखवा लें । उनका इम्प्रेजन यह है कि सदन में जो हुआ और जो कहा गया उससे उनको ऐसा आभास हुआ कि आप के द्वारा वह सदन में रखा जायेगा । आप को स्मरण है कि ऐसा नहीं हुआ और आप ने केवल गृह मन्त्रालय को कहा था । मैं निवेदन करूंगा कि सचिवालय अभी भी देख ले कि वास्तव में क्या हुआ । या और उसके अनुसार कार्यवाही की जाये । उनका इम्प्रेजन है कि आप की ओर से 'सो-मोटो' यह चीज आनी चाहिए थी और इसी आधार पर उन्होंने उठाया है ।

श्री सभापति : वह गलत है :

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Sir, this is a matter _____ (Interruptions)

MR. CHAIRMAN: No, please. Sit down. I request you to sit down now.. (Interruptions)

THE CONSTITUTION (THIRTY-THIRD AMENDMENT) BILL, 1974—conld.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. GOKHALE): With your permission, Mr. Chairman, I resume my reply by repeating again that I am thankful to hon. Members on both sides..

श्री राजनारायण (उत्तर प्रदेश): कोई फेवरबिल नहीं है ।

SHRI H.R. GOKHALE: A large number of them have favoured it. I am thankful to them for supporting the Bill. I am also thankful to those who were critical, because they are entitled to be critical about any measure like that. But, as I said, I am all the more thankful to the hon. Members who have supported the Bill....

SHRI NIREN GHOSH (West Bengal): Nobody is going to support it

SHRI H.R. GOKHALE: Sir, I think it is not necessary for me to refer to all the points made by each hon. Member. I have analysed the points; many of them are common and they are overlapping. I will deal with the major points which have been raised in the course of this debate.

One point which has been made by some hon. Members is that if the proposed amendment to Art. 101 and 190 goes through, it curtails or abridges the full freedom of an hon. Member to resign. Sir, I repudiate this suggestion also. First of all, there is no curtailment or abridgement of the freedom of an hon. Member to resign. The freedom to resign continues, as some of the hon. Members have already stated in the course of their speeches. In England, for example, an hon. Member simply cannot resign; he has an office of profit. But in India the right to resign had been recognized from the very initiation of the Constitution. And that right continues to be recognized even after the amendment goes through.

Sir, the right to resign or the freedom to resign also presupposes the freedom of the Member not to resign. Here, Sir, the question is that when you compel a Member to resign, his freedom to decide whether he will continue as a Member or will not continue as a Member has been seriously abridged by the actions of so many parties, of so many people, who by acts of violence, duress or acts of coercion, bring pressure on the Members to put in their resignations against their will. Therefore, the freedom to resign is not at all affected.

श्री राजनारायण : आन ए. प्वाइन्ट ऑफ ऑर्डर : उनको कहिए कि बैठ जाएं।

श्री सभापति : वह थोड़ा नहीं कर रहे हैं।

श्री राजनारायण : प्वाइन्ट ऑफ ऑर्डर [पर थोड़ा करना ही होगा।

श्री सभापति : कहिए, क्या प्वाइन्ट ऑफ ऑर्डर

श्री राजनारायण : मेरा प्वाइन्ट ऑफ ऑर्डर यह है कि क्या मदन में कोई मन्त्री यह अधिकार रखता है कि वह असत्य बोले जानबूझ कर। न तो गुजरात में और न ही बिहार में किसी से जबरदस्ती इस्तीफा लिया गया है। वहां विलियली (स्वेच्छा से) सब ने इस्तीफा दिया है और अभी 5 जून को, उसके पहले ही तमाम जनसंघ और संसोध के सदस्य फिर इस्तीफा देंगे। यह मन्त्री जी असत्य बोल रहे हैं।

MR. CHAIRMAN: This is no point of order. I overrule it.

श्री राजनारायण : तो मैं इसके लिए प्रिविलेज के मोशन का नोटिस देता हूँ।

MR. CHAIRMAN: I overrule it.

श्री राजनारायण : आप इसे ओवर रूल कैसे कर सकते हैं। Under what rule?

MR. CHAIRMAN: I overrule you. Please sit down now.

SHRI H.R. GOKHALE: The amendment does recognise that a Member of Parliament or an Assembly has the right to tender his resignation if he voluntarily decides to resign from the membership of the House. That position which was recognised by the Constitution from the beginning of the Constitution has not been affected at all by the proposed amendment. Even in the proposed amendment, the normal course proposed is that a resignation tendered by an hon. Member will be accepted by the Speaker or the Chairman as the case may be and only in certain circumstances which are mentioned in the proviso, viz., if the Speaker or the Chairman is satisfied that the resignations were not genuine or voluntary, then the question of the Speaker or the Chairman coming to a contrary conclusion arises. Therefore, the basic assumption that the normal thing is not the acceptance of the resignation but the rejection of the resignation is basically wrong. This is, I may say with all respect, a total misunderstanding of the provisions of the proposed amendment.

Sir, what is the present position? It has been said that because of the proposed amendment, the Speaker or the Presiding Officer will be dragged to the court. Some cases were quoted. An hon. Member quoted a case dating back to 1952. There was another case of Allahabad High Court. I have seen these cases. Even when the amendment was

not there and even under the existing provision, it was asserted that a resignation by itself inherently means a voluntary and genuine resignation and the person concerned could take the matter to the court for determining whether the resignation should be treated as effective or not effective on the ground that it was voluntary or genuine or not. In the Travancore-Cochin case, in fact it was held that although the resignation was signed by the hon. Member, it was not a resignation which was genuine or voluntary. Even in this case, the Speaker or the Presiding Officer was dragged to the court even when the amendment was not there. So, nothing new has happened even now.

A criticism has been made that there is no provision about the kind of enquiry that will be made by the Speaker or the Presiding Officer. All the lawyers knew the expression used in this amendment if from information received or otherwise and after making such inquiry as he thinks fit..." are expressions which are very commonly used in this country and all over the world where the English language is used. When an enquiry is contemplated, it means that the decision of the Speaker or the Presiding Officer will not be capricious. An enquiry contemplates that a decision will be made by him after following the ordinary and well-accepted rules of fairplay and justice. If after following that procedure, the Speaker or the Presiding Officer or the Chairman comes to the conclusion that the resignation is not voluntary or that it has been tendered under pressure, duress or threat of violence, then only on such an enquiry or on receiving such information, the Speaker can decide that the resignation should not be accepted because it is not a voluntary or genuine resignation.

Sir, recent experience has shown and it is so recent that hardly any reminder of these events is necessary, at some stage, to a certain extent I was very closely concerned with what was happening in Gujarat. Sir, I have information of some instances—they have been reported in the Press also—where very much undesirable methods were used by small sections of people to pressurize Members to resign. Sir, in one case, the head of a Member was shaven off and he was paraded on the streets on the back of a donkey in order to compel him to resign. In another case, a Member was dragged from his house by a mob of people and taken physically to the Speaker

to tender his resignation. There are some amendments that the resignation should be given in person and that would be enough. Now, it can be given in person by physically dragging a person to the Speaker. Therefore, an amendment which merely says that it will be tendered in person does not really meet the situation. A large number of instances have happened and this is not an isolated instance. Instances have occurred in Gujarat where resignations that were given were definitely not voluntary and not genuine, and they have been given under compulsion or duress.

Therefore, Sir, while it is very necessary to preserve the right and the freedom of a Member to resign whenever the Member likes, it is also necessary to preserve his freedom not to resign under pressure and coercion.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Sir, on a point of information...

MR. CHAIRMAN: No, please. Not now. Let him continue.

SHRI H. R. GOKHALE: Sir, a mention has been made in the course of speeches and one or two Amendments also referred to what is described as the right of recall. I know, Sir, first of all such a suggestion as a substitute for this Amendment really gives the implication or an understanding that as long as a right to recall is not provided for, acts of violence in order to recall a Member by obtaining his resignations are justified. Recall is a very difficult thing. One can appreciate the suggestion. But I cannot appreciate the argument that as long as the right to recall is not there, all these things which take place, which are violent and which are under duress to compel the Member to resign, are justified because the right of recall is not there. Even with regard to the right of recall, the hon. Members referred to some countries, particularly the East European countries where the kind of democratic framework which exists in India does not exist, where the multi-party system which exists in India does not exist, this has been there. In fact, in some countries, even in the East European countries, the right of recall was originally provided for but on experience was withdrawn. I know that it exists in some of the States, perhaps, one or two only, in the United States of America. It does exist in one or two States in Europe. But the experiences has shown that a right to recall, for

[Shri H. R. Gokhale]

example, cannot be merely by obtaining 51 per cent or 60 per cent signatures. Wherever the right of recall is there, Sir, the matter has to go back to the people. The people have to vote on the question whether the elected representatives should continue or should not continue. In small countries the situation is quite different from here; there the electorate is not expected to be nearly to the tune of 350 million people. And in a country where the voting strength in each constituency is sometimes as large as ten or eleven lakhs, a right to recall is easier said than done. Sir, I would not in any case support the argument that as long as you do not provide for the right of recall the present situation should be allowed to continue and forced resignations should be accepted and they should be regarded as genuine and voluntary. Sir, it was said that violence cannot be stopped by legislation. I agree, Sir, mere legislation cannot stop violence. Perhaps, it can be stopped, if not stopped, at least curbed, if some of the Parties who are today encouraging violence stop doing so. Therefore, Sir, law is only one method by which protection is granted to a person to maintain his freedom, to maintain his choice, to maintain the voluntary character of his action. And that is exactly what the present Amendment seeks to do. The two parts of the Amendment are really one. One pertains to the right of the Members of the Parliament and the other pertains to the right of the Members of the Legislatures in the States. Basically, the concept underlying the Amendments of both the Articles being the same, it is not necessary to refer to each one of them separately because there is no separate point raised in respect of each of them. I would submit that this is a simple Amendment. This is an Amendment which proceeds on the theory and the basis that voluntariness in action should be the basis of all action, including resignations by hon. Members, and just as a Member has a right to resign, he has also a right to remain in his position and not being forced to resign by pressure or violence or undue influence or duress.

Sir, I commend that this Bill be taken into consideration.

MR. CHAIRMAN: I shall first put the amendment of Mr. Rajnarain..

SHRI SUBRAMANIAN SWAMY: May I ask for a clarification?

MR. CHAIRMAN: No, this is not the occasion.

DR. K. NAGAPPA ALVA (Karnataka): Sir, the Minister...

MR. CHAIRMAN: No, please; I am sorry. I shall first put the amendment of Mr. Rajnarain to vote.

The question is:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri Shyam Lal Yadav
2. Shri Omprakash Tyagi
3. Shri Parkash Vir Shastri
4. Shri Mahavir Tyagi
5. Shri Banarsi Das
6. Shri Rabi Ray
7. Shri Rajnarain

with instructions to report, within a month from the date of making the motion."

The motion was negatived.

MR. CHAIRMAN: I shall now put the motion to vote. The question is:

"That the Bill further to amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

Under article 368 of the Constitution, the motion will have to be adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of the House present and voting. A division may accordingly be called.

The House divided.

MR. CHAIRMAN: Ayes—159; Noes—30

AYES—159

Abdul Samad, Shri A.K.A.
 Abid Shri Qasim Ali
 Abu Abraham, Shri
 Adivarekar, Shrimati Sushila Shankar
 Ahmad, Dr. Z.A.
 Alva, Shrimati Margaret
 Amla, Shri Tirath Ram
 Anandam, Shri M.
 Arif, Shri Mohammed Usman

Barman, Shri B.D. Benva, Shri
Jamna Lal Bhagwati, Shri B.C.
Bhardwaj, Shri Jagan Nath Bhatt,
Shri Nand Kishore Bisi. Shri
P.N. Bobdey, Shri S.B. Borooah,
Shri D.K. Buragohain, Shri Nabin
Chandra

Chakrabarti, Dr. R.K.
Chandra Shekhar, Shri
Chandrasekhar, Shrimati Maragatham
Chattopadhyaya, Prof. D.P.
Chaturvedi, Shrimati Vidyawati
Chaudhari, Shri N.P.
Chettri, Shri K.B.
Choudhury, Shri N.R.
Chowdhary, Shri C.L.
Chowdhri, Shri A.S.
Chundawat, Shrimati Lakshmi Kumari

Das, Shri Balram Das.
Shri Bipinpal Devandra
Nath, Shri Dhabe. Shri
S.W. Dikshit, Shri
Umashankar Dun Dr.
Vidya Prakash

Gadgil, Shri Vitha!
Gian Chand, Shri
Goswami, Shri S.P.
Gowda, Shri U.K. Lakshmana
Gujril. Shri I.K.
Gupta, Shri Bhupesh

Hashni, Shri S.A.
Himmat Sinh, Shri

[roam, Shrimati Aziza

Jagdish Chandra, Shri
Jagtap, Shri R.D.
Jain, Shri Dharamchand
Jairamdas Daulatram, Shri
,Iha. Shri Kamalnath
Joshi. Shrimati Kumudben
Manishankar

Kalaaiya, Shri Ibrahim Kalpanath,
Shri Kalvan Chand, Shri
Kamble, Shri N.M. Kapir, Shri
Yashpal Kesri, Shri Sitaram Khan,
Shri Khurshed Alam Khan, Shri
Maqsood Ali Khan, Prof,
Rasheeduddin Kishan Lal, Shri

Kollur, Shri M.L. Kripalani, Shri
Krishna Krishan Kant, Shri Krishna,
Shri U.K. Kulkarni, Shri A.G.
Kulkarni, Shrimati Sumitra G.
Kumbhare, Shri N.H. Kureel Urf. Talib,
Shri P.L.

Lalbuaia, Shri Lotha,
Shri Khyom,

Mahanti, Shri B.K. Mahapatre Shri L.
Majhi, Shri C.P. Makwana, Shri
Yogendra Malaviya, Shri Harsh Deo
Mali, Shri Ganesh Lal Mehta, Shri Om
Menon, Shrimati Leela Damodara
Mirdha, Shri Ram Niwas Mohideen,
Shri S.A. Khaja Mukherjee, Shri Kali
Mukherjee, Shri Pranab Mukhopadhyay,
Shrimati Purabi Mtilla, Shri A.N.
Munda, Shri B.R. Murthy, Shri B.P.
Nagaraja Musafir, Shri Gurmukh Singh

Narasiah, Shri H.S. Nizam-
ud-Din, Shri Syed Nurui
Hasan, Prof. S.

Pai, Shri T.A.
Panda, Shri Brahmananda
Parashar, Shri V.R.
Patil, Shri D.S.
Patil, Shri G.R.

Pradhan, Shrimati Saraswati
Prasad, Shri Bhola
Prasad, Shri K.L.N.
Punnaiah, Shri Kota
Puri, Shri D.D.

Rachaiiah, Shri B.
Raha, Shri Sanat Kumar
Raju, Shri V.B.
Ranganathan, Shri S.
Rao, Shrimati Rathnabai Sreenivasa
Rao, Shri V.C.
Reddi, Shri K. Brahmananda
Reddi, Shri Papi
Reddy, Shri Janardhana
Reddy, Shri K.V. Raghunatha
Reddy, Shri Mulka Govinda
Reddy, Shri R.N.
Refaye, Shri A.K.
Rishi Kumar, Shri

Saleem, Shri Mohammad Yuniis
 Sangma, Shri E.M.
 Sardar Amjad Ali, Shri
 Sardesai, Shri S.G.
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V.A.
 Shah, Shri Manubhai
 Shahi Shri, Nageshwar Prasad
 Sharma, Shri Yogendra
 Shastri, Shri Bhola Paswan
 Shishir Kumar, Shri
 Shukla, Shri Chakrapani
 Shukla, Shri M.P.
 Shyamkumari Devi, Shrimati
 Singh, Shri D.P.
 Singh, Shri I.D.
 Singh, Shri Inder
 Singh, Shri Jagjit
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Nathi
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir
 Singh, Shri Shivdayal
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V.B.
 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimooaa
 Swu, Shri Scato
 Tanvir, Shri Habib
 Thakur, Shri Gunanand
 Tilka, Shri J.S.
 Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad
 Tripathi, Shri Kamalapati
 Trevedi, Shri H.M.
 Varma, Shrimati Narayani Dev Manaklal
 Venigalla Satyanarayana Shri Vyas, Dr.
 M.R. Wajid, Shri Sikander Ali

Noes—30

Advani, Shri Lal K.
 Alva, Dr. K. Nagappa
 Dhulap, Shri K.N.

Ganguli, Shri Salil Kumar
 Ghosh, Shri Niren Goray,
 Shri N.G. Gupta, Shri
 Shyamlal

Mahadeo, Shri Mandal, Shri
 B.N. ' ' Mathew Kurian, Dr. K.
 Mathur, Shri Jagdish Prasad
 Menon, Shri Viswanathan
 Misra, Shri Lokanath Mullick
 Choudhury, Shri Suhridd Rajnarain,
 Shri Ray, Shri Rabi Roy, Shri
 Monoranjan Sakhlecha, Shri
 V.K. Sanyal, Shri Sasankasekhar
 Shastri, Shri Prakash Vir
 Shekhawat, Shri B.S. Singh,
 Shri Bhupinder Singh, Shri
 Sitaram Singh, Shri T.N. Sinha,
 Dr. Ramkripal Swamy, Shri
 Subramanian Tohra, Sardar
 Gurcharan Singh Tyagi, Shri
 Mahavir Tyagi, Shri O.P.
 Yadav, Shri Shyam Lal

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting

SHRI T.K. SRINIVASAN (Tamil Nadu): I have to explain to the House and the Chairman the reasons for our abstention.

[MR. DEPUTY CHAIRMAN in the Chair]

We abstained from taking part in the discussion only to safeguard the dignity and the status of the office of the Chairman. We fear that this may involve the Chair and it may lead to judicial interference. So what we feel is it is better to abstain from voting and walk out as a protest.

[The hon. Member then left the Chamber along with some other hon. Members.]

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

Clause 2—Amendment of Article 110

SHRI SHYAM LAL YADAV (Uttar Pradesh): Sir, I move:

1. "That at page 1, lines 12 to 17 be deleted".

SHRI LAL K. ADVANI (Delhi): Sir, I move:

5.. "That at page 1, for the existing clause 2, the following clause be substituted, namely: 2. In article 101 of the Constitution, after clause (4), the following clause shall be inserted, namely:

(5) The constituency or electoral college which elects a member shall have the right to recall him in accordance with provisions made by Parliament by law in this regard; and if he is so recalled, his seat shall become vacant."

6. "That at page 1, for lines 8 to 11, the following be substituted, namely:

'(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and submitted to the Chairman or the Speaker, as the case may be, by the member in person. "

SHRI BHUPESH GUPTA (West Bengal): Sir, I move:

7. "That at page 1, line 17, for the words "not voluntary or genuine" the words 'caused by the use or threat of force or is not genuine' be substituted."

SHRI SALIL KUMAR GANGULI (West Bengal): Sir, I move:

8. "That at page 1, after line 17, the following be inserted, namely:

Provided further that the function of the Chairman or the Speaker, as the case may be, in accepting or not accepting any such resignation shall not be considered to be conduct of business in Parliament within the meaning of Article 122 of the Constitution."

The questions were proposed

श्री श्यामलाल यादव: श्रीमन्, मैंने जो संशोधन पत्र किया है, उसके सम्बन्ध में मैं निवेदन करना चाहता हूँ कि जिस प्रकार से सरकार की तरफ से विधेयक लाया गया है, उनसे ऐसा मालूम होता है कि वह संविधान की मूल धारणा के विपरीत काम कर रही है। मानव्यर ऐसा नहीं है कि केवल विधान सभा और विधान परिषद...

श्रीमन्, अपने संशोधन के पक्ष में दलील देते हुए मैं यह निवेदन करना चाहता था कि इस्तीफा देने का जो प्रोबिजन हमारे संविधान में है वह केवल विधान सभा, विधान

परिषद अथवा संसद के सदस्यों के लिए ही नहीं है, जिसके लिए यह विधेयक प्रस्तुत किया गया है, बल्कि अगर राष्ट्रपति को भी त्यागपत्र देना हो तो वे त्यागपत्र लिखकर उपराष्ट्रपति को दे सकते हैं। इसी प्रकार से उपराष्ट्रपति को जब त्यागपत्र देना हो तो राष्ट्रपति को लिखकर दे सकते हैं। ठीक इसी प्रकार की स्थिति सुप्रीम कोर्ट के जजेज के बारे में, उनके लिए भी व्यवस्था संविधान में है कि वे अपना त्यागपत्र लिख कर दे दें। हाईकोर्ट के जजेज किस प्रकार त्यागपत्र देंगे इसकी भी व्यवस्था संविधान में वर्णित है। जिस भाषा को संविधान में लिखा गया है वही भाषा तमाम पदाधिकारियों के सम्बन्ध में वर्णित है तो फिर केवल संसद-सदस्यों अथवा विधानमण्डल के सदस्यों के लिए ही उसमें क्यों संशोधन किया जा रहा है। मेरा निवेदन यह है कि जो यह संशोधन है यह असंवैधानिक है और मान्यताओं के विरुद्ध है। दूसरी तरफ़ इस परिवर्तन को लाकर सदन के जो अध्यक्ष होंगे उनको एक प्रकार से पुलिस इंस्पेक्टर का अधिकार दिया जा रहा है कि वे इसकी जांच पड़ताल करें कि यह दबाव से दिया गया था या स्वेच्छा से दिया गया था। अब तक जो व्यवस्था थी वह पर्याप्त थी इस बात को देखने के लिए कि वे सन्तुष्ट हो जाएं कि वह स्वेच्छा से है, वास्तविक है अथवा नहीं है। अगर कहीं सन्देह पैदा होता है अथवा कोई माननीय सदस्य असंतुष्ट है अध्यक्ष की व्यवस्था से तो वह हाई कोर्ट और सुप्रीम कोर्ट में जा सकता है। पीछे कई केसेज हुए हैं केरल में और हाई कोर्ट ने यह फैसला दिया कि जो अध्यक्ष ने त्यागपत्र स्वीकार कर लिया वह ठीक नहीं है, जो सदस्य का पत्र था वह त्यागपत्र नहीं था। मेरा निवेदन यह है कि जो संविधान में त्यागपत्र देने की वर्तमान में व्यवस्था है वह पर्याप्त है। मेरा एमेंडमेंट यह है कि खंड 2 में लाइन 11 से 13 तक हटा दी जाए। मैं क्यों ऐसा कहता हूँ? मेरा अनुरोध है कि अभी तक जो हमारा अध्यक्ष रहा है वह ब्रिटिश पार्लियामेंटरी पद्धति के अनुसार रहा है, जिसके अनुसार अध्यक्ष देखता नहीं है, सुनता नहीं है, बोलता नहीं है। इस प्रकार की हमारी मान्यता रही है। हमने उस व्यवस्था को माना है। आज अध्यक्ष को इस तरह विवाद में डाल रहे हैं। हमारे देश में आज यह परिस्थिति है कि जैसे कांग्रेस पार्टी के सदस्यों ने त्यागपत्र दिया गुजरात में तो यह नहीं कहा जा सकता कि उन्होंने दबाव में दिया। अगर सरकार को यह आशंका होती, उसकी ऐसी मान्यता होती तो जिस सदस्य ने त्यागपत्र दिया उसके त्यागपत्र को हाईकोर्ट में चैलेंज करती, कांग्रेस पार्टी चैलेंज करती या वह माननीय सदस्य हाई कोर्ट में जाता कि दबाव डाल कर हमसे त्यागपत्र लिया गया है। उसके ऊपर गुजरात हाई कोर्ट फैसला देता, वह सही बात होती। जब देश में जनमान्सोलन होंगे तो इस प्रकार की भावनाएं उठेंगी। उनको दबाने के लिए सरकार यह विधेयक लाई है। आज अध्यक्ष विधान सभाओं में, संसद में किस प्रकार चुने जाते हैं। जिस पार्टी का बहुमत होता है उसका आदमी को अध्यक्ष चुन लिया जाता है। कोई सा उदाहरण

[श्री श्यामलाल यादव]

नहीं है कि कोई ऐसा अध्यक्ष चुना गया हो जो रूलिंग पार्टी का मेम्बर न हो। अब परम्परा यह भी हो गई है कि अध्यक्ष चुन जाने के बाद वे रूलिंग पार्टी की पार्टी मीटिंग में शिरकत करते हैं, वोटिंग में हिस्सा लेते हैं। अध्यक्ष बन जाने के बाद भी इस प्रकार से दलगत राजनीति में भाग लेने के कारण वह निष्पक्ष नहीं हो पाते। वे रूलिंग पार्टी के सिम्बल पर चुनाव लड़ते हैं, रूलिंग पार्टी उन्हें सहायता देती है, धन देती है, उनके लिए प्रचार करती है तो फिर कैसे हम यह मान सकते हैं एस महत्वपूर्ण प्रश्नों पर कि सदस्य ने इस्तीफा दिया या नहीं दिया, अगर वह रूलिंग पार्टी का मेम्बर हो तो किस प्रकार अध्यक्ष निष्पक्षता के साथ, अपने भविष्य को सामने रखते हुए, घगले चुनाव को सामने रखते हुए, चुनाव में सहायता को सामने रखते हुए निर्णय दे सकेगा। अगर हाई कोर्ट में प्रश्न जाता है या सुप्रीम कोर्ट में जाता है तो दूसरी बात होती है। सुप्रीम कोर्ट या हाई कोर्ट के जज निष्पक्षता के साथ फैसला करते हैं। उन्हें कोई भय नहीं होता कि कल को पांच साल के बाद चुनाव के मैदान में जाना होगा। तो मैं समझता हूँ कि इस प्राविधान का सदा दुरुपयोग होगा और सत्ताशुद्ध दल के पक्ष में इसका दुरुपयोग होगा। कुछ अध्यक्ष अपवाद हो सकते हैं, लेकिन देश में यह भावना रहेगी कि अध्यक्ष ने अपनी मर्जी से निर्णय कर दिया। तो उस के पद की गरिमा को बचाने के लिए मेरा निवेदन है कि ...

श्री उपसभापति : आप कितना समय और लेंगे ?

श्री श्यामलाल यादव : तो मेरा निवेदन है कि अध्यक्ष के पद की गरिमा को बचाने के लिए...

MR. DEPUTY CHAIRMAN: Now you have to wind up.

श्री श्यामलाल यादव : तो मान्यवर, इस प्रकार की व्यवस्था या नियम दुनिया की किसी संसद या पार्लियामेंट में नहीं है; क्योंकि जैसे ब्रिटेन की पार्लियामेंट है, वहां पर तो त्यागपत्र देने की कोई व्यवस्था ही नहीं है। वहां पर तो सदस्य चांसलर आफ एक्सचेजर को कहता है और उस का वह स्टालबर्ट नियुक्त कर देता है। ज्यादा उस को वहां नियुक्त होती है अगली शाम वह इस्तीफा दे देता है और वह उस पद पर बना रहता है और बाद में उस पद से वह अपना त्यागपत्र दे देता है ताकि दूसरे सदस्यों को यदि इस्तीफा देना हो तो वह सुविधा उन को प्राप्त रहे। जहां तक अमरीका का मवाल है वहां हाउस आफ रिप्रेजेंटेटिव के अध्यक्ष को लिख कर दे दिया जाता है और उसे मान लिया जाता है। लंका में यह है कि नेशनल स्टेट एसेम्बली का स्पीकर और वहां तो स्पीकर भी नहीं है, वहां के क्लर्क आफ दि हाउस का सदस्य अपना इस्तीफा दे देता है और वह मान लिया जाता है। जापान में भी इस प्रकार की शब्दावली है और वहां सदन के अध्यक्ष को त्यागपत्र दिया जाता है और नहीं तो प्रेसीडेंट

आफ दि हाउस को त्यागपत्र दिया जाता है। तो ऐसी स्थिति में कौन सा कारण है कि कानून मंत्री जो ने ...

MR. DEPUTY CHAIRMAN: Mr. Yadav, you are speaking on the amendment.

श्री श्यामलाल यादव : यह क्या है। मैं समझता हूँ कि मंत्री जी ने जन भावना के विपरीत यह किया है। उन्हें तो गर्व है कि हिन्दुस्तान का विशाल बहुमत उनके साथ है। इस वक्त जनता ने उनका इतना समर्थन किया है तो वह क्यों डर रहे हैं। यह इस बात की तरफ इशारा करना है कि सत्ताशुद्ध दल के विपरीत ज्यों-ज्यों इस देश की जनता होती जायेगी, ज्यों-ज्यों उसकी नीतियां असफल होती जायेगी, देश भुलमरी के कगार पर पहुंचता जायेगा। सत्ताशुद्ध दल देश के बहुमत का लाभ उठा कर जनजीवन पर कुठाराघात करना चाहता है और जो जनता के आन्दोलन हैं, उन को दबाना चाहता है। तो इस प्रकार का अनैतिक और गैर-कानूनी ...

MR. DEPUTY CHAIRMAN: Now you have to wind up, Mr. Yadav,

(Time bell rings)

श्री श्यामलाल यादव : आप देखेंगे कि यह बड़ा मौलिक प्रश्न है। एक ऐसा अधिकार सरकार लेना चाहती है कि जिससे इस देश के जनतन्त्र की हत्या होगी। आखिरी बात मैं यह कहना चाहता हूँ कि ...

MR. DEPUTY CHAIRMAN: Now you will have to take your seat. For the last ten minutes you have been speaking.

श्री श्यामलाल यादव : आखिरी बात एक दो वाक्य में कह दूंगा। उसके बाद समाप्त कर रहा हूँ।

MR. DEPUTY CHAIRMAN: No more. I will not allow you to speak any more. I have been waiting patiently for you to end your speech. At least I have asked you ten times to wind up, but you do not seem to listen to me.

श्री श्यामलाल यादव : मैं आपकी बात को गिरोधार्य करता हूँ और एक दो वाक्य में कहना चाहता हूँ कि अगर सकार यह समझती है कि इस तरह से संविधान में अवांछित परिवर्तन करके वह इस देश की जनता को रोक पायेगी और इस प्रकार अपना बहुमत कायम रख पायेगी तो यह रहने वाला नहीं है। असम्भव है। संगीनों के बल पर जो सत्ताशुद्ध दल के पीछासीन अधिकारी होंगे उनकी सहायता से विधान सभा या संसद की सरकार नहीं बचा सकती। आज गुजरात में जो हुज्रा है, बिहार में उसकी आग फैल गयी है। आप बिहार में जाकर घूमिये। वहां पर प्वाइन्ट आफ आर्डर रोज कर रहे हैं। बिहार में कोई मन्त्री जाने को तैयार नहीं है। आज जो आपके मददगार हैं वह गृह मन्त्री और न्याय मन्त्री बिहार में जा कर जनता की हालत को देखें और समझें। आपके मन्त्री वहां देहातों में भूम नहीं सकते। आप में हिम्मत नहीं कि

आप जा कर देहात में जनता को कुछ कह सकें। आप यहाँ बैठ कर यह अधिकार लेना चाहते हैं। यह अधिकार संगीनों के बल पर नहीं चल सकता। जिन जनता ने आप को यहाँ बिठाया वहीं जनता आप को यहाँ से उठा कर फेंक देगी। मान्यवर, आप क्यों ऐसा इजाजत देते हैं जिससे संविधान की हत्या की जाए, जिससे देश में जनतन्त्र को हत्या की जाए।

SHRI LAL K. ADVANI: Sir, am I to speak on both the amendments?

MR. DEPUTY CHAIRMAN: Yes.

SHRI LAL K. ADVANI: I have tabled two amendments, No. 5 and No. 6. The first is a substitute to clause 2 which, in a way, is the main clause, and clause 3 is the one relating to MLAs and Assemblies. My first amendment is that in place of the present clause, 2, we should substitute another amendment saying that— "In article 101 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

'(5) The constituency or electoral college which elects a member shall have the right to recall him in accordance with provisions made by Parliament by law in this regard; and if he is so recalled, his seat shall become vacant.' "

Sir, first of all, my objection is to the present clause and my objection is that this Bill is essentially born-out of a political crisis. It is a political problem that is sought to be tackled. And I think that the Government's big to tackle this political problem by a constitutional remedy is basically ill-conceived. It should not have been done. A political problem should have been tackled in a political manner and, I think, in a political way, and solutions, if any, should have been political. Instead, Government has offered us this constitutional remedy. I think the Government has made the Constitution a ludicrous document. I would only like to illustrate—today reference has been made to the resignation by an MLA and if an MLA resigns, then the Constitution warrants that the Speaker or the Chairman, as the case may be, would make an enquiry whether the resignation is genuine or not, whether it has been submitted under duress or not, and only after that enquiry would he accept it. I was in a mind to give another amendment or rather a series of amendments. I would only illustrate one, I will not deal with the others. Suppose, for instance, we were to

make an amendment in the Constitution, in article 56, which deals with the term of office of the President. Presently the Constitution says under article 56 that "the President shall hold office for a term of five years from the date on which he enters upon his office". And it goes on to say 'Provided that—(a) the President may, by writing under his hand addressed to the Vice-President, resign his office'. It is the same wording which we find in the articles sought to be amended now. Suppose, for instance, we were to amend this article 56 and add another proviso saying that 'Provided further that in the case of such a resignation by the President, if from information received or otherwise and after making such enquiry as he thinks fit, the Vice-President is satisfied that such resignation is not voluntary or genuine, he shall not accept such a resignation.' I am indebted to the Law Ministry for this wording; it is not mine I have just picked up ...

SHRI BHUPESH GUPTA: There is no danger of Anand Margis entering the Rashtrapati Bhawan.

SHRI LAL K. ADVANI: Who knows who enters the Rashtrapati Bhawan some day

I only want to highlight the ludicrous nature of this amendment. It is ludicrous, it is absurd. I doubt whether any country in the world has a constitution of this kind where a resignation by an MLA is to be investigated into, is to be enquired into, first by the Speaker and then accepted. I might like to stress that any coercion or duress to secure a resignation of legislators is wrong. I deplore it, I condemn it, I do not approve of it. But at the same time, I would like to submit that if we have Gujarat in mind, there might have been a few instances, one or two, where there might have been an element of coercion or duress. But, by and large, an overwhelming majority of the legislators in Gujarat have resigned voluntarily. As my colleague yesterday pointed out, it is an amendment but it is an amendment which really goes to the root of the whole matter. And, therefore, I would seek your permission to make my point. My colleague yesterday pointed out that two ex-Chief Ministers of Gujarat, Shri Ghanshyam Oza and Mr. Chimanbhai Patel, not only resigned themselves but they asked all their colleagues, all their followers, all those who subscribed to their view—I point to follow suit, and quite a large number

[Shri Lal K. Advani] of Congress and Opposition MLAs voluntarily tendered their resignation . . .

AN HON. MEMBER : May I ask a question ?

MR. DEPUTY CHAIRMAN : No more questions, please.

SHRI LAL K. ADVANI : I have no objection to answering questions but I only want to point out that it was a political situation. In that context I would also ask the Government that considering the situation in Gujarat the President imposed the President's Rule. The Assembly was first suspended and later on it was dissolved. Mr. Chimanbhai Patel was asked to tender his resignation as Chief Minister, the Central Government acting under duress. Was the Central Government submitting to violence or coercion ? Of course, some one can say "Yes". But I feel that essentially it was respecting the wishes of the people. And if in respecting the wishes of the people it asks the Chief Minister to resign, or if it suspended the Assembly or later on dissolved the Assembly, I think it did a wise thing, although it was delayed, and that delay cost Gujarat a larger number of lives a heavy toll.

The Law Minister was just now saying that the amendments referring to the provision of recall do not arise from this Bill, or they seem to suggest that if the provision of recall is not there coercion is justified. I would not hold that view. I would be happier if a special provision for recall were made by an independent Bill. I would be happy. But, as I said, this Bill is a constitutional remedy for political relief. And if at all a constitutional remedy is to be sought then, I would come to recall; otherwise I would not have come to recall. On many an occasion recall acts because Government seeks to have constitutional remedy for a political problem. If a constitutional remedy is to be sought let us go to the root. What happened in Gujarat ? In Gujarat the situation arose because the Government which came into being failed to honour the promises it made to the people and it forfeited the confidence of the people. Under the Constitution, as it stands today, the people of Gujarat would have to wait for five long years or three or four long years as many remained. Now they were impatient and the impatience of the people knew no bounds and the

situation developed that way because of which the Government had to accede to the wishes of the people and dissolve the Assembly. Now fresh elections are in the offing. My submission is that this touches the root of the problem. The Government, if it is to prescribe a constitutional remedy, should prescribe a proper constitutional remedy. This is no argument that the provision of recall does not obtain in many countries. But this is no argument. On that argument this Bill should fall absolutely because this does not obtain in any constitution of the world. But the provision of recall is essential and is a democratic provision.

I have not stated in my amendment that there should be 51 voters who should sign the recall document. I think that what the Law Minister just now said is a proper course that if there is to be a recall then the matter should go to the electorate afresh. There should be a minimum percentage of voters who should seek recall. Therefore, I have mentioned "constituency" or the "electoral college" because I do not agree that the Rajya Sabha Members or the Members of the Legislative Council, which means the Members of the Upper House, are not answerable to the people. They are also answerable to the people. If we make the Members of the Lower House answerable to the people, Members of the Upper House should also be answerable to the people. Therefore, the electoral college which elects them, that electoral college will have the right to recall them.

SHRI BHUPESH GUPTA: If you put it that way, then Rajya Sabha Members will be in great danger. The Congress Party, having a majority, will recall all of us.

SHRI LAL K. ADVANI: I know it very well. Therefore, I have very cautiously said that the constituency or the electoral college which elects a member shall have the right to recall him in accordance with the provisions made by Parliament by law. There has to be a special law for that. Simply providing for 51 per cent blanket authority, I do not think would be a proper course of action.

My second amendment is, in fact, a kind of compromise amendment. I think that the Constitution as it stands today is sufficient; it should not create any problems. But if at all anyone feels that there are problems arising out of this, because it is merely said that a

resignation addressed to the Speaker or the Chairman by itself becomes effective, then that can be remedied by this small interpolation, namely, that the member who resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, "and submitted to the Chairman or the Speaker, as the case may be, by the member in person". If he comes and personally submits it to the Chairman or the Speaker, I think it should be accepted and there should be no cause for an enquiry.

Sir, the Law Minister referred to the fact that the Speakers are also being dragged into the court of law, and so this kind of thing need not be objected to on that ground. My objection is not to their being dragged into the court of law so much as to the fact that they become centres of political controversy. In this context, I would like to conclude by quoting an article written by the present President of the country, who was then the Chairman of this House as Vice-President. He wrote something on the office of Speaker. Dr. V.V. Giri said in this article, dealing with the powers of the presiding officers in Indian legislatures:

"It is conceded on all hands that the presiding officer should stand apart from party strifes and he should be sufficiently withdrawn from the hurly-burly of stormy State politics to be able to command respect from all sides. Even now when so much debate is going on about the necessity of curtailing the enormous powers enjoyed by the presiding officers through the amendments of Rules of Procedure, I am personally of the view that we should attempt to establish and follow our traditions and conventions rather than depend unduly on laws and regulations. Once we go on tinkering with the rules, cases may occur when even on a frivolous pretext, attempts may be made by so many sections of the House, when they are unjustly dissatisfied with the presiding officer, to demand even his removal."

This is tinkering with the Constitution. He had advised against tinkering with even the rules. Therefore, I commend both my amendments to the House.

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, do you want to say anything?

SHRI BHUPESH GUPTA: Yes. Otherwise why do I give an amendment? Only for you to read?

MR. DEPUTY CHAIRMAN: For it to be passed or rejected by the House. Giving an amendment does not mean that you must speak.

SHRI BHUPESH GUPTA: That may be your way of thinking. My way is different.

This Bill has given rise to a controversy in the country. There is no doubt about it. I have gone through the editorials in most of the leading papers in different languages—naturally I cannot follow all the languages; English and Bengali, I have gone through—and I find that there is a controversy. It is understandable. If there is a controversy over a matter of this kind, it is I who made this suggestion in the beginning of this session that in view of the attempt to secure forced resignations from the members of Assemblies, and of Parliament perhaps later, it would be advisable for us to consider at the political level as to how we could meet this situation. I also suggested that we might have a look at the Constitutional provision which seems to be defective and would not stand the test of time. Later on I was told that this Bill was forthcoming. But unfortunately, the Leader of the House or the Minister of Parliamentary Affairs or the Law Minister did not care to consult the Opposition or members of their own party who are not in the treasury benches, to find out what is the best formulation of this Bill. When we pass a measure of this kind, it is necessary to inform public opinion. It is necessary to take the people, as far as possible, with us. It should not be a dictated thing dropped suddenly on the floor of the House with a view to getting it passed.

That is not a good practice over a matter of this kind. Naturally much has not been debated. The controversy is there. I have given an amendment. I wish that things were avoided. I do not know why Mr. Om Mehta did not take necessary steps to discuss this matter with all the representatives of various political parties with a view to evolving a possible and agreed formula in order to make the necessary amendment if it was thought that an amendment should be made to the Constitution. I do not like the wording in the Bill. What does it say? It says that "...Chairman, as the case may be... resignation is 'not voluntary or genuine, he shall accept such a resignation'". Two things are there. One

[Shri Bhupesh Gupta] thing is either it is not voluntary and the other is it is not genuine. About this it is not so much an objective test here. Therefore in view of what is happening in this country. I suggested tint—instead of what's put down here—"resignation caused by the use or threat of force," because a forced resignation « be deemed a resignation which is not genuine and that should be rejected. Now what are the other resignations? A resignation may take place as a result of a public meeting calling upon some member to resign. There is no apparent force in it. It is a public opinion expressed. It should not be put in the same category as when some group of people, as it was pointed out, go with a gun aid at gm point ask the man to sign a resignation letter(Time bell rings) Sir, why are you ringing the bell?

MR. DEPUTY CHAIRMAN: To indicate that you have taken enough time.

SHRI BHUPESH GUPTA: Sometimes you give wrong indications...

MR. DEPUTY CHAIRMAN: No, it is a correct indication I gave.

SHRI BHUPESH GUPTA: Please do not break the thread of my argument. Let me explain my point. This should be discussed. Many people asked me: "Why are you supporting it?" I can understand why people are asking me this question. I did not have a chance of explaining as to why we are supporting this Bill from this side of the House. I believe we are the only ones who are supporting it. Naturally I would like to explain my position as to why we are supporting while we accept the apprehensions on the part of many Members on this side of the House.

Therefore, Sir, I say let it be restricted, "resignation caused by the use or threat of force". Let this element be there. Let it not be confused with the other thing. Resignations may follow as a result of many things. I see the absurdity of legal profession. You see the wording here, "not voluntary". Suppose you are a married man. Hypothetically speaking, you are a married man and a Member of this House, not a Deputy Chairman. Suppose you are a very intransigent wife and you are a henpecked husband...

MR. DEPUTY CHAIRMAN: Fortunately I am not married.

SHRI BHUPESH GUPTA: I said suppose you are a married man...

SHRI MAHAVIR TYAGI (Uttar Pradesh): You cannot accuse the Chair like that.

SHRI BHUPESH GUPTA: I am not accusing him. I said suppose he is a married man. I say suppose you are a bachelor...

MR. DEPUTY CHAIRMAN: Please finish now.

SHRI BHUPESH GUPTA: Suppose you are a henpecked husband and your wife is bellicose and intransigent. She compels you for whatever reasons to tender your resignation. Now, what do you call it? Would it be called voluntary or involuntary?

SOME HON. MEMBERS: Voluntary:

SHRI BHUPESH GUPTA: Yes; then it would be a problem. Suppose you have a brother-in-law and he goes to the court and contests and you go to the court and file affidavits. But your wife says I wanted my husband to get out of this thing, but he would not listen, he is creating scenes in the house. Ultimately, she says, I withheld my conjugal relations and compelled him to resign. Is it voluntary or involuntary?

SHRI MAHAVIR TYAGI: I am glad you are safe that way.

SHRI BHUPESH GUPTA: I am giving a juristical argument. Now here you have defined what is voluntary or what is involuntary. Yet you have in mind resignation taken by force. Put it that way. We do not want resignations to be brought about by force or threat of force. I am surprised that some of my friends, for instance, Shri Rajnarain and Shri Tyagi of the CONGO and others are opposing this thing. There was recently a meeting of the Opposition MLAs in Bihar. This was published in the Hindustan Standard of 1.1th May. The meeting was on the 12th May. I will just read it:

The pressure tactics students agitators used in forcing Opposition legislators to resign their seats for the dissolution of the Assembly has boomeranged. Opposition legislators met last night under presidentship of Sardar Harihar Singh, former Chief Minister and leader, Congress (O) Legislature Party, and reviewed the situation since

Opposition legislators decided to voluntarily resign and the student pressure tactics. All members felt that it was time that the Frankenstein they helped to nurse should be decently buried before it destroyed the democratic fabric of the country. Members described how they had been abused or gheraoed or forcibly made to sign letters of resignation by students. The Socialist Party leader Mr. Kapildeo Singh former Minister narrated how students forced him to sign a resignation letter at Monghyr the other day by holding a dagger near his chest. Mr. Aziaul Haque, General Secretary, Bihar SSP—he belongs to my friend Shri Rajnarain's Party—Mr. Harihar Singh, CONGO, and Mr. Bindheswariprasad Mandal, SSP, informed the meeting that students had threatened that their telephone, electricity and water lines would all be cut if they failed to resign by May 15, that is, by tomorrow.

This is what your colleagues in Patna have said about the Frankenstein...

SHRI RAJNARAIN : My information is that it is all wrong. आप बैठ जाएं तो मैं बतला दूँ। यह बिल्कुल गलत खबर है आज भी हम को खबर मिली है कि 25 को उनकी मीटिंग हुई और संगठन कांग्रेस, संसोध और जनसंघ और सोशलिस्ट पार्टी के सब लोगों ने मिल कर यह तय किया है कि 5 जून के पहले पहले सब लोग इस्तीफा दे देंगे। जो लोग पटना में नहीं हैं उनको बुलाया गया है और वह लोग आ कर अपना इस्तीफा स्वेच्छा से देंगे। यह कम्युनिस्ट पार्टी का प्रचार है और यह एल० एन० मिश्र के पैसे से उनका प्रचार चल रहा है।

SHRI BHUPESH GUPTA: There is another paper—Indian Nation of Bihar.

श्री राजनारायण : यह एल०एन० मिश्र का पेपर है।

SHRI BHUPESH GUPTA: Which Narain's paper, I do not know. I am just reading out from the Indian Nation. This also says that the Socialist Party Leader Mr. Kapildeo Singh who was also present at the meeting narrated how the students took his resignation letter after showing a dagger...

SHRI RAJNARAIN : Indian Nation is talking all sorts of nonsense. यह सपोर्ट कर रहे हैं या इसको प्रयोज कर रहे हैं।

SHRI BHUPESH GUPTA: Anyway, I have brought it to your notice. These are to be curbed. That is why I am supporting this Bill.

12/Rajya Sabha/74—4

SHRI RAJNARAIN: Your argument is against the Bill.

MR. DEPUTY CHAIRMAN: Your time is already over. You will have to wind up now.

SHRI BHUPESH GUPTA: Now, Sir...

1 PM

MR. DEPUTY CHAIRMAN : Please come to the point. He has not asked for your support.

श्री राजनारायण : आप सपोर्ट कर रहे हैं या. .

SHRI BHUPESH GUPTA: Sir, my friend, Shri Rajnarain...

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, I will not allow this cross-discussion. Do not answer Mr. Rajnarain. Say what you want to say and complete your speech.

SHRI RAJNARAIN: Let him say so.

SHRI BHUPESH GUPTA: Sir, the article in the Constitution says:—

"If a Member of either House of Parliament—

(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, his seat shall thereupon become vacant."

So, Sir, all that is needed is that a letter should be addressed and that is all. **SHRI**

RAJNARAIN: Yes.

SHRI BHUPESH GUPTA: It need not even reach him. The fact is that this is the wrong way of putting it here. It does not say that even as a matter of courtesy he should announce it here. It does not say that the Chairman or the Speaker must accept it and it is so categorical as that. Now, Sir, I will give you an instance. I go to a Bihar village and Mr. Rajnarain comes there, as you know, in a frightening manner and if he brings with him a gun or a dagger or, for that matter, even a lathi, and I am forced to sign a resignation letter and send it here, now it is accepted! Is it to be permitted? Is this to be permitted or, for that matter, a forced signature. They say that the Speaker is brought into this controversy. We do not think so. If anybody, has brought the Speaker into this controversy, it is the Constitution only...

SOME HON. MEMBERS: No, no.

SHRI BHUPESH GUPTA: It has brought the Speaker into this and it does not even ask him to look into the facts, to see whether it

[Shri Bhupesh Gupta]

is forced or voluntary. Therefore, I say that this is a very wrong thing especially when we find that certain forces are out to destroy the very fabric of parliamentary institutions out to blackmail and pressurise in order to gain political ascendancy in life or out to destroy such institutions, and they are taking recourse to this kind of methods. Naturally, Sir, Mr. Charan Singh has said that not only he believes in extra-constitutional methods, but also in violence.... (Interruptions)....

श्री श्यामलाल यादव : यह बिल्कुल गलत बात कह रहे हैं। ऐसा बिल्कुल नहीं कहा। Sir, he should withdraw this.

SHRI BHUPESH GUPTA: Sir, I am very glad. . .

श्री श्यामलाल यादव : आप रिपोर्ट पढ़ लीजिए। यह नहीं लिखा है। बिल्कुल गलत कह रहे हैं।

SHRI BHUPESH GUPTA: It has been reported in the papers.

श्री राजनारायण : यह कम्युनिस्ट पार्टी की मीटिंग में कहा गया होगा।

SHRI BHUPESH GUPTA: Even if I bring those papers, you will say this then also.

SHRI BHUPESH GUPTA: Mr. Hare Krishna Mahatab has said it.

श्री राजनारायण : गन प्वाइंट क्या दिखायेंगे, यह तो भाग जाते हैं।

SHRI BHUPESH GUPTA: Sir, I am making a contribution to this because he has at least denied Mr. Charan Singh having said it.

SHRI SHYAM LAL YADAV: He has never said it.

SHRI BHUPESH GUPTA: Mr. Hare Krishna Mahatab has said it. Sir, this is the position today and it is being implemented this way. Sir, I stand for recall and I know that many Members should naturally be taken out of the House when they betray the people, but I am not saying which party they belong to or other things. But this should be there and the method of fascism should be stopped. The moment you give the dagger to destroy the orderly functioning of the parliamentary system, you are heading not for the defence or the preservation of it, but only for the destruction of it. That is why I say that at gun point things should not be done. Therefore, I say

MR. DEPUTY CHAIRMAN: All right. It is enough. I am calling Mr. Ganguli.

श्री लाल आडवाणी : रेल मन्त्री स्टेटमेंट भी तो करेंगे।

संसदीय कार्य विभाग तथा निर्माण और आवास मंत्रालय में राज्यमन्त्री (श्री ओम् मेहता) इसके बाद करेंगे।

MR. DEPUTY CHAIRMAN: Yes, Mr. Ganguli. Mr. Rajnarain, please take your seat.

SHRI BHUPESH GUPTA: All right, Sir. You have not allowed me time now. I will come to the point later.

SHRI SALIL KUMAR GANGULI: Sir, I have proposed two amendments, No. 8 and No. 13. One relates to the Parliament and the other to the Assembly. So, I will take them up together.

MR. DEPUTY CHAIRMAN: We shall finish this Bill and then adjourn for lunch... (Interruptions).

SHRI T.N. SINGH (Uttar Pradesh): We should be permitted to have lunch. .

SHRI OM MEHTA: You can go and take your lunch....

(Interruptions)

SHRI T.N. SINGH: Don't make us sit at gun-point....

(Interruptions)

MR. DEPUTY CHAIRMAN: Don't talk in that language....

(Interruptions)

Don't say, 'gun-point'... (Interruptions). It is a question of adjustment..

(Interruptions)

श्री लाल आडवाणी : सभापति जी, मैं निवेदन करूँ, गन्ध और गन्धेगा, इसलिए लंच आकर हो जाना चाहिए। शो सुबह कहा गया—ओम् मेहता जी ने कहा था—कि 2 बजे तक समाप्त हो जायेगा। इसलिए जरूर लंच ब्रेक देना।

श्री उपसभापति : कोई कह सकता है इतनी जल्दी खत्म हो जायेगा ?

श्री लाल आडवाणी : अगर लोगों की राय है तो उसमें क्या दिक्कत है। इसका कारण एक और भी है कि रेल मन्त्री भी नहीं है।

SHRI OM MEHTA: After this Bill, we will adjourn for lunch. There is another Bill also for consideration.

श्री राजनारायण : अनावश्यक ढंग पर अपने आप देर कर रहे हो। अगर लंच कर देंगे तो इतना हल्ला नहीं करेंगे

श्री सभापति : मिस्टर गंगुली।

SHRI SALIL KUMAR GANGULI : Article 122 and Article 212 of the Constitution are similar; they relate to the Legislative Assemblies and Parliament. So long as the matter is not related to the conduct of business in Parliament, the matter can be justiciable. So far there was no provision for the Speaker to accept a letter of resignation, although the Travancore-Cochin State High Court in a case reported in AIR 58, Travancore-Cochin, and the Allahabad High Court reported in 1965, held that notwithstanding the provisions of the Constitution the Speaker was under a bounden duty to make enquiries as to the genuineness and voluntary nature of resignations. This was possible because it was not a part of the duty of the Speaker. I will read out the provision of Art. 122 (2) :

"No officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers".

Now, after this amendment, the position will be some what different. It can be argued that because this is a matter which, under the Constitution, has been made the duty of the Speaker or the Chairman, this means conduct of business relating to the House, and the courts will lose their jurisdiction. It may mean ouster of the jurisdiction, and that argument will be strengthened by these amendments. I think the Government is thinking on those lines, because the hon. Member who spoke earlier to me yesterday specifically mentioned that it was the intention to see that these matters are left to the sole discretion of the Speaker or the Chairman, as the case may be, and there should not be any interference by a court. That was the implication. It is anomalous. The Law Minister just now cited an instance where a member was forcibly taken before the Speaker and forced to resign. What did the Speaker do in such a situation ? This was not mentioned by the Law Minister. I ask him, through you, after this amendment, if such a situation arises, what will be the remedy ? In this particular case, the Speaker did nothing. After this amendment, he will be functus officio.

What is the guarantee that the Government which cannot give protection to so many

M.L.As. will be able to protect their Speakers or Chairmen ? Therefore, I have brought this amendment to make it clear and beyond all doubt that this matter, in spite of the amendment, remains justiciable. I have proposed an amendment that the function of the Speaker or the Chairman, as the case may be, under this amended provision of the Constitution shall not be deemed to be a function relating to the conduct of business in the House. If that amendment is there it will resolve many difficulties. In a case where the Speaker is intimidated or in a case where the Speaker deliberately causes seats to be vacated in his personal interest or in the interest of some political party, there should be some remedy open for the Members concerned to go to the court. That remedy should not be blocked. Therefore, Sir, my amendment is in the nature of abundant caution and I think it will be necessary even if the Law Minister says that he is satisfied that such a situation will not arise.

MR. DEPUTY CHAIRMAN : Please wind up.

SHRI SALIL KUMAR GANGULI : Therefore, I say that my amendment should be accepted.

SHRI H.R. GOKHALE : I had anticipated all this because I had known the amendments. I would only request the hon. Members to withdraw these amendments. I would particularly request my hon. friend, Mr. Bhupesh Gupta, who has been supporting the Bill, to withdraw the amendment.

MR. DEPUTY CHAIRMAN : The question is :

1. "That at page 1 lines 12 to 17 be deleted."

The motion was negatived.

SHRI BHUPESH GUPTA : Sir, I had given notice that my name should also be included in Amendment No 5.

MR. DEPUTY CHAIRMAN :

The

question is :

5. That at page 1, for the existing clause 2, the following clause be substituted, namely :

(2) In article 101 of the Constitution, after clause (4) the following clause shall be inserted, namely :—

(5) The constituency or electoral college which elects a members shall have

[Mr. Deputy Chairman] the right to recall him in accordance with provisions made by Parliament by law in this regard ; and if he is so recalled, his seat shall become vacant."

The House Divided

MR. DEPUTY CHAIRMAN : Ayes 32;
Noes. 147.

AYES—32

Advani, Shri Lal K.
Ahmad, Dr. Z.A.

Deo, Shri K.P. Singh
Desai, Shri Suresh J.
Dhulap, Shri K.N.

Ganguli, Shri Salil Kumar
Ghosh, Shri Niren Gupta,
Shri Bhupesh

Mahadeo, Shri Mahapatre, Shri L.
Mandal, Shri B.N. Mathew
Kurian, Dr. K. Mathur, Shri
Jagdish Prasad Menon, Shri
Viswanatha

Kunjachen, Shri P.K.

Pawar, Shri D.Y.

Rajnarain, Shri Raha, Shri
S.K. Ray, Shri Rabi Roy,
Shri Monoranjan

Sakhelcha, Shri V. K. Sanyal,
Shri Sasankesekhar Sharma,
Shri Yogendra Shastri, Shri
Prakash Vir Shekhawat, Shri
B.S. Singh, Shri I.D. Singh,
Shri Sita Ram Singh Shri, T.
N. Sinha, Dr. Ramkripal
Swamy, Shri Subramanian

Tyagi, Shri O.P. Yadav

Shri Shayam Lal

NOS.—147

Abdul Samad, Shri A. K. A.
Abid, Shri Qasim AH
Abu Abraham, Shri
Adivarekar, Shrimati Sushila Shankar

Alva, Shrimati Margaret Amla,
Shri Tirath Ram Anandam, Shri
M. Arif, Shri Mohammed Usman

Berwa, Shri Jamna Lal Bhagwati,
Shri B. C. Bhardwaj, Shri Jagan
Nath Bhatti Shri Nand Kishore
Bisi, Shri P. N. Bobdey, Shri S. B.
Borooah, Shri D. K. Buragohain,
Shri Nabin Chandra

Chakrabarti, Dr. R. K.
Chandra Shekhar, Shri
Chandrasekhar, Shrimati Maragatham
Chattopadhyaya, Prof. D. P.
Chaturvedi, Shrimati Vidyawati
Chaudhari, Shri N. P.
Checri, Shri K. B.
Chaudhury, Shri N.R.
Chowdhary, Shri C.L.
Chowdhri, Shri A. S.
Chundawat, Shrimati Lakshmi Kumari

Das, Shri Balram Das, Shri
Bipinpal Devendra Nath, Shri
Dhabe, Shri S. W. Dikshit,
Shri Umashankar Dutt, Dr.
Vidya Prakash

Gadgil, Shri Vithal Gian
Chand, Shri' Goswami,
Shri S. P. Gujral, Shri I.
K.

Hashmi, Shri S. A.
Himmat Singh, Shri

Imam, Shrimati Aziza

Jagdish Chandra, Shri
Jagtap, Shri R. D.
Jain, Shri Dharamchand
Jairamdas Daulatram, Shri
Jha, Shri Kamalnath
Joshi, Shrimati Kumudben Manishankar

Kalaniya, Shri Ibrahim Kalpanath,
Shri Kalyan Chand, Shri Kamble,
Shri N. M. Kapur, Shri Yashpal
Kesri, Shri Sitaram Khan, Shri
Khurshed Alam Khan, Shri
Maqsood Ali Khan, Prof.
Rasheeduddin

Kishan Lal, Shri Kollur, Shri M. L. Kripalani, Shri Krishna Krishan Kant, Shri Krishna, Shri M. R. Kulkarni, Shri A. G. Kulkarni, Shrimati Sumitra G. Kumbhare, Shri N. H. Kureel Urf. Talib, Shri P. L.

Lalbuaia, Shri Lokesh Chandra, Dr. Lotha, Khyom Shri

Mahanti, Shri B. K. Majhi, Shri C. P. Makwana, Shri Yogendra Malaviya, Shri Harsh Deo Mali, Shri Ganesh Lal Mehta, Shri Om Menon, Shrimati Leela Damodara Mirdha, Shri Ram Niwas Mohideen, Shri S. A. Khaja Mukherjee, Shri Kali Mukherjee, Shri Pranab Mukhopadhyay, Shrimati Purabi Munda, Shri B. R. Murthy, Shri B. P. Nagaraja Musafir, Shri Gurmukh Singh

Narasiah, Shri H. S. Nizam-ud-Din, Shri Syed Nurul Hasan, Prof. S.

Pai, Shri T. A. Panda, Shri Brahmananda Parashar, Shri V. R. Patil, Shri D. S. Patil, Shri G. R. Pradhan, Shrimati Saraswati Prasad, Shri K. L. N. Punnaiah, Shri Kota Puri, Shri D. D.

Rachaiiah, Shri B. Raju, Shri V. B. Ranganathan, Shri S. Rao, Shrimati Rathnabai Sreenivasa Rao, Shri V. C. Reddi, Shri K. Brahmananda Reddy, Shri Janardhana Reddy, Shri K. V. Reghunatha Reddy, Shri Mulka Govinda Reddy, Shri R.N. Refaye, Shri A. K. Rishi Kumar, Shri

Saleem, Shri Mohammad Yunus Sangma, Shri E. M. Sardar Amja Ali, Shri Savita Behen, Shrimati Seyid Muhammad, Dr. V. A. Shah, Shri Manubhai Shahi, Shri Nageshwar Prasad Shastri, Shri Bhola Paswan Shukla, Shri Chakrapani Shukla, Shri M. P. Shyamkumari Devi, Shrimati Singh, Shri D. P. Singh, Shri Inder Singh, Shrimati Jahanara Jaipal Singh, Shri Kameshwar Singh, Shri Mahendra Bahadur Singh, Shri Mohan Singh, Shri Nathi Singh, Shrimati Pratibha Singh, Shri Ranbir Singh, Shri Shivdayal Singh, Shri Sultan Singh, Shri Triloki Singh, Dr. V. B. Sinha, Shri Awadheshwar Prasad Sisodia, Shri Sawaisingh Sukhdev Prasad, Shri Sultan, Shrimati Maimoona Swu, Shri Scato

Tanvir, Shri Habib Thakur, Shri Gunanand Tilak, Shri J. S. Tiwari, Shri Shankarlal Tiwari, Pt. Bhawaniprasad Tripathi, Shri Kamlapati Trivedi, Shri H. M. Tyagi, Shri Mahavir

Verma, Shrimati Narayani Devi Manaklall Venigalla Satyanarayana, Shri Vyas, Dr. M. R.

Wajd, Shri Sikander Ali The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

6. "That at page 1, for lines 8 to 11, the following be substituted, namely:—

(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, and submitted to the Chairman or the Speaker, as the case may be, by the member in person," The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

7. "That at page 1, line 17, for the words 'not voluntary or genuine, the words 'caused by the use or threat of force or is not genuine' be substituted."

The motion was negatived

MR. DEPUTY CHAIRMAN: The question is:

8. "That at page I, alter line 17, the following be inserted, namely:—

Provided further that the function of the Chairman or the Speaker, as lire case may be, in accepting or not accepting any such resignation shall not be considered to be conduct of business in Parliament within the meaning of Article 122 of the Constitution."

The motion was negatived

MR. DEPUTY CHAIRMAN: The question is:

"That clause 2 stand part of the Bill." The

house Divided

MR. DEPUTY CHAIRMAN: Ayes—152
Noes—27.

AYES—152

Abdul Samad, Shri A.K.A.
Abid, Shri Qasim Ali
Abu Abraham, Shri
Adivarekar, Shrimati Sushila Shankar
Ahmad, Dr. Z.A.
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Anandam, Shri M.
Arif, Shri Mohammed Usman

Befwa, Shri Jamna Lai Bhagwati,
Shri B.C. Bhardwaj, Shri Jagan
Nath Bhatt, Shri Nand Kishore
Bisi, Shri P.N. Bobdey, Shri S.B.
Borooah, Shri D.K. Buragohain,
Shri Nabin Chandar

Chakrabarti, Dr. R.K. Chandra
Shekhar, Shri Chandrasekhar,
Shrimati Maragatham

Chattopadhyaya, Prof. D.P.
Chaturvedi, Shrimati Vidyawati
Chaudhari, Shri N.P.
Chettri, Shri K.B.
Choudhury, Shri N.R.
Chowdhary, Shri C.L.
Chowdhri, Shri A.S.
Chundawat, Shrimati Lakshmi Kumari

Das, Shri Balram Das, Shri
Bipin pal Devendra Nath, Shri
Dhabe, Shri S.W. Dikshit, Shri
Umashankar Dutt, Dr. Vidya
Prakash Gadgil, Shri Vithal
Gian Chand, Shri Goswami,
Shri S.P. Gujral, Shri I.K.
Gupta, Shri Bhupesh

Hashmi, Shri S.A.
Himmat Sinh, Shri
Imam, Shrimati Aziza
Jagdish Chandra, Shri
Jagtap, Shri R.D.
Jain, Shri Dharamchand
Jairamdas Daulatram, Shri
Jha, Shri Kamalnath
Joshi, Shrimati Kumudben Manishankar

Kalaniya, Shri Ibrahim
Kalpanath, Shri Kalyan Chand,
Shri Kamble, Shri N.M. Kapur,
Shri Yashpal Kesri, Shri
Sitaram Khan, Shri Khurshed
Alam Khan, Shri Maqsood
Ali Khan, Prof. Rasheeduddin
Kishan Lal, Shri Kollur, Shri
M.L. Kripalani, Shri Krishna
Krishan Kant, Shri Krishna,
Shri M.R. Kulkarni, Shri
A.G. Kulkarni, Shrimati
Surajtm i Kumbhare, Shri
N.H. Kureel Urf. Talib, Shri
P.L.

Lalbuaia, Shri Lokesh
Chandra, Dr Lotha,
Shri Khyom

Mahanti, Shri B.K.
Mahapatre, Shri L.
Majhi, Shri C.P.

Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lal Mehta,
 Shri Om
 Menon, Shrimati Leela Damodara
 Mirdha, Shri Ram Niwas Mohideen,
 Shri S.A. Khaja Mukherjee, Shri
 Kali Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Munda. Shri B.R. Murthy, Shri
 B.P. Nagaraja Musafir, Shri
 Gurmukh Singh

Narasiah, Shri H.S.
 Nizam-ud-din, Shri Syed
 Nurul Hasan, Prof. S.

Pai, Shri T.A. Panda, Shri
 Brahmananda Parashar, Shri
 V.R. Patil, Shri D.S. Patil, Shri
 G.R. Poddar, Shri R.K. Prasad,
 Shri K.L.N. Punnaiah, Shri
 Kota Puri, Shri D.D.

R-iehaiah, Shri B.
 Raha, Shri Snnat Kumar
 Raju, Shri V.B.
 Ranganathan, Shri S.
 Rao Shrimati Rathnabai Sreenivasa
 Reddi, Shri K. Brahmananda
 Reddy, Shri Janardhana
 Reddy, Shri K.V. Raghunatha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R.N.
 Refaye, Shri A.K.
 Rishi Kumar, Shri

Saleem, Shri Mohammad Yunus
 Sangma, Shri E.M. Sardar
 Amjad AH, Shri Sardesai, Shri
 S.G. Savita Behen, Shrimati Seyid
 Muhammad, Dr. V.A. Shah, Shri
 Manubhai Shahi, Shri Nageshwar
 Prasad Sharma. Shri Yogendra
 Shastri. Shri Bhola Paswan Shukla,
 Shri Chakrapani Shukla, Shri M.P.
 Shyam'aimari Devi, Shrimati
 Singh, Shri D.P. Singh, Shri I.D.
 Singh, Shri Indcr

Singh, Shrimati Jahanara Singh,
 Shri Kameshwar Singh, Shri
 Mahendra Bahadur Singh, Shri
 Mohan Singh, Shri Nathi Singh,
 Shrimati Pratibha Singh, Shri
 Ranbir Singh, Shri Shivdayal
 Si:gh, Shri Sultan Singh, Shri
 Triloki Singh, Dr. V.B. Sinha,
 Shri Awadheskwar Prasad Siiodia,
 Shri Sawaisingh Sukhdev Prasad,
 Shri Sultan, Shrimati Maimoona
 Swu, Shri Scato

Tanvir, Shri Habib Thakur,
 Shri Gunanand Tilak, Shri
 J.S. Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad
 Tripathi, Shri Kamlapati
 Trivedi, Shri H.M.

Varma, Shrimati Narayani Devi Manaklall
 Venigalla Satyanarayana, Shri
 Vyas, Dr. M.R.
 Vajd, Shri Sikander Ali

NOL:S—27

Advani, Shri Lal K.

Ba "tarsi, Das Shri

Deo, Shri K P. Singh

Dhulap, Shri K.N.

Gunguli, Shri Salil Kumar
 Ghosh, Shri Nircn

M hadeo. Shri Mandal, Shri
 B.N. Muthew, Kurian, Dr. K. M
 ihur, Shri Jagdish Prasad Menon,
 Shri Viswanatha

Kinjachen, Shri P.K.

Pawar, Shri D.Y.

Rajnarain, Shri
 Ray, Shri Rabi
 Roy, Shri Monoranjan

Sakhlecha, Shri V.K. Sanyal,
 Shri Sasankesckhar Shastri, Shri
 Prakash Vir Shekhawat, Shri
 B.S. Singh, Shri Sitaram

Singh, Shri T.N. Sinha, Dr.
Ramkripal Swamy, Shri
Subramanian Tyagi, Shri
Mahavir Tyagi, Shri O.P.
Yadav, Shri Shayam Lal

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill

New Clause 2A

SHRI SHYAM LAL YADAV: Sir, 1 move:

2. "That at page 1, after line 11, the following new clause be inserted, namely:—

'2A. In article 101 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

"(3A) In case 51 per cent of the voters in the current electoral rolls of a constituency demand the recall of the member elected from that constituency by writing to the Chairman or the Speaker, as the case may be, the seat of the member shall be deemed to be vacant after the Chairman or the Speaker, as the case may be, has satisfied himself in that regard in accordance with the prescribed procedure."

SHRI BHUPESH GUPTA: Sir, I move: 9.

"That at page I, after line 17, the following new clause be inserted, namely:—

"2A. In article 101 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

(3A) The Chairman or the Speaker, as the case may be, shall not reject any genuine resignation if such resignation has been tendered following the representation of the majority of the voters of the constituency of the member concerned to the Chief Election Commissioner, such representation being in the nature of a recall of the member by the electorate which elected him".

The Questions were proposed

श्री श्यामलाल यादव : मान्यवर, इस तरह की नई व्यवस्था हम अपने यहां नहीं करना चाहते हैं बल्कि ऐसी व्यवस्था दुनिया के बहुत से देशों में है। खासकर मैं उदाहरण देना चाहता हूँ—स्विटजरलैण्ड, रूस, रोमानिया, पोलैण्ड, बल्गेरिया, हंगरी, चेकोस्लोवाकिया, युगोस्लोवाकिया, मैं भी इस तरह की रिफॉर्म की व्यवस्था है। अमेरिका में भी और 12 राष्ट्रों के संविधान में यह बात रखी हुई है और दूसरे 12 राष्ट्रों में जो सिटीज हैं उसमें यह व्यवस्था रखी हुई है। अगर आज अपने देश में मान्यवर, इस तरह की व्यवस्था रख दें तो मैं समझता हूँ कि आज जो जन-आन्दोलन होता है, किसी सदन के सदस्य से त्यागपत्र दिलाने के लिए, अथवा विधान सभा को भंग कराने के लिए, यह जन-आन्दोलन नहीं होगा। इस तरह की व्यवस्था हमारे साम्यवादी दल के साथी भी मानेंगे। क्योंकि उनके गुरु देश, रशिया में भी इस तरह की व्यवस्था है, कि जो डिप्टी है वह अपने इलेक्टड लोगों के सामने जाकर रिपोर्ट देता है और फिर वहाँ के लोग अगर चाहें तो उसे वापस बुला सकते हैं। जब इस तरह की व्यवस्था दूसरे देशों में है और हमारा यहां की सरकार यह उचित समझती है कि अध्यक्ष अथवा सभापति के पास यह अधिकार होना चाहिए कि कोई त्यागपत्र इच्छा से दिया गया है...

श्री महावीर प्रसाद शुक्ल (उत्तर प्रदेश): यह तो आप पहले भी कह चुके हैं।

श्री श्यामलाल यादव : इस संशोधन में दूसरी बात कही गई है और यह मैंने पहले नहीं कही। मैं यह कहना चाहता हूँ कि आप धैर्य के साथ सुनने का कष्ट करें।

मैं कहना चाहता हूँ कि अगर यह व्यवस्था कर दी जाए तो जो शंका है, सत्तारूढ़ दल की जो शंका है वह समाप्त हो जाती है और जो निर्वाचन क्षेत्र है वहाँ के निर्वाचकों को यह अवसर मिलेगा कि वे अपनी राय देकर अपने चुने हुए प्रतिनिधि को वापस कर सकते हैं।

मान्यवर, मैंने दो बातें कहने की कोशिश की है। एक तो यह कि 51 प्रतिशत मतदाता की राय हो। ऐसा न हो कि अल्पसंख्यक लोग या निर्वाचक मण्डल के लोग जाकर उसे वापस बुला लें। दूसरी बात यह कि किस प्रकार से यह प्रक्रिया चलाई जायेगी? मैं बताना चाहता हूँ कि अध्यक्ष और सभापति प्राप्त आवेदनों पर फैसला करें इसके लिए संसद एक कानून बनाए तब जाकर यह प्रक्रिया चलाई जा सकती है।

मैं सदन के सदस्यों से प्रार्थना करूँगा कि वे इस संशोधन को स्वीकार कर लें। इससे आज जो विशेष परिस्थिति पैदा हो गई है वह नहीं होगी और हिन्दुस्तान की जनता को एक अवसर मिलेगा अपने प्रतिनिधि को वापस बुलाने का। मैं यह कहूँगा कि आप मानें या न मानें लेकिन जब संविधान बना था उस समय संविधान सभा के सदस्यों ने, इनमें श्री कमला-पति त्रिपाठी भी थे जो यहां मौजूद हैं, उचित नहीं समझा कि

इस प्रकार का प्राविधान, त्यागपत्र देने के लिए रखा जाए। लेकिन आज की परिस्थिति में आपने यह समझा, मैं भी आपसे यह निवेदन करना चाहता हूँ कि मान्यवर, यह आवश्यक हो गया है कि अब निर्वाचकों को यह मौका रहे कि वह अपने प्रतिनिधियों को वापस बुला लें। मान्यवर, अन्तिम बात कह कर समाप्त करता हूँ कि जिस मैनडेट पर चुनकर सत्ताशुद्ध दल आया, आज वही मैनडेट धीरे-धीरे देश से समाप्त होता जा रहा है। अगर निर्वाचकों को मौका नहीं मिलेगा तो पांच साल तक यह अल्पमत की सरकार देश पर लदी रहेगी, देश को बर्बाद कर देगी, देश को भूखा मार डालेगी, देश की सीमाओं को विदेशियों को सौंप देगी, देश में शासन व्यवस्था समाप्त हो जायेगी। (Interruptions) इसलिए मेरा आपसे निवेदन है कि कृपा करके आप इस संशोधन को स्वीकार कर लें। (Interruption) यशपाल कपूर जी शोर मचाने से मसला हल नहीं होता इस पर गंभीरता से विचार करें।

SHRI BHUPESH GUPTA : I have a request to make with regard to my amendment. I want to make a correction in the first sentence. Here I have said 'The Chairman or the Speaker, as the case may be, shall not reject any genuine resignation I do not want the Chairman to be brought in here and therefore the amendment will read, 'The Speaker shall not reject any genuine resignation if such resignation has been tendered following the representation of the majority of the voters of the constituency of the member concerned to the Chief Election Commissioner, such representation being in the nature of a recall of the member by the electorate which elected him'. I am restricting this to the Lok Sabha and to the Assemblies; I am not including the Council of States or the Rajya Sabha and the Vidhan Parishads or Legislative Councils. I will tell you why. In Mr. Yadav's amendment it is said that in case 51 per cent of the voters in the current electoral rolls of a constituency demand the recall of the member elected from that constituency by writing to the Chairman or the Speaker, as the case may be... Now in the U.P. Assembly the Congress has a majority and they can get all of you out of this House. Are you ready to be recalled that way? You are not.

SHRI RAJNARAIN: It is 51 per cent of the electorate, not of the whole House. It should be 51 per cent of those who elected us.

SHRI BHUPESH GUPTA : My friend should understand. When I point out a mistake he should be ready to correct himself. It says 51 per cent of the electorate. Who is your electorate? Uttar Pradesh Assembly is

your electorate. There the Congress has the majority and they will recall all of you. Do not go in for that.

SHRI RAJNARAIN: It is single transferable vote.

SHRI BHUPESH GUPTA: Therefore leave that out from here. That is why I have confined it to the Assemblies and Lok Sabha only. If the other amendment on which we divided had been accepted this would not have been necessary. I am happy that the Jana Sangh for once at least have accepted one of our long-standing demands; a good thing you have done. A good thing in the name of Go Mata you have done. I am very glad you have voted for it. (f that had been accepted this would have been unnecessary. What I say here is even if you do not provide for recall have something approximating recall. If the Speaker is satisfied that 51 per cent of the electorate of a constituency have demnaded the resignation of a Lok Sabha Member or an Assembly Member 1 submit it should take effect at once. I say the slogans for dissolution of the Assemblies and reckless demands for resignation of Members have raised very grave issues today and 1 think 1 am trying to put this thing on democratic rails. This is very very important. It is not a question of party. Suppose a Member misbehaves, suppose a Member betrays the people, suppose a Member violates, as many of you are doing now, the mandate of his constituency the electorate of his constituency should have the right to call him back. That is why I have given this amendment and before 1 sit down I would urge upon the Law Minister here to seriously consider to make a provision in the Constitution for recall. In a democratic institution like ours, where you have got Assemblies and Parliament, where multi-party forms exist, where people's demands are rejected, where corruption takes place, where nepotism takes place, where violation of the mandate of the people has become the order of the day, it is necessary that the sovereignty of the people should be a living reality by investing in them the power to recall. 1 think the hon. Minister should hold consultations with the leaders of the Opposition and then make a provision.

MR. DEPUTY CHAIRMAN: That is all right.

SHRI BHUPESH GUPTA: You seem to be in a great hurry. I do not like that. Shall we divide on every single thing?

Many of us are not discussing.

MR. DEPUTY CHAIRMAN: But how will you take?

SHRI BHUPESH GUPTA: I am not taking much time, but why are you in such a hurry?

MR. DEPUTY CHAIRMAN: You are already ending.

SHRI BHUPESH GUPTA: Yes, but why are you in such a great hurry?

MR. DEPUTY CHAIRMAN: You have finished. The question is:

2. "That at page 1, after line 11, the following new clause be inserted namely:—

2A. In article 101 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

(3A) In case 51 per cent of the voters in the current electoral rolls of a constituency demand the recall of the member elected from that constituency by writing to the Chairman or the Speaker, as the case may be, the seat of the member shall be deemed to be vacant after the Chairman or the Speaker, as the case may be, has satisfied himself in that regard in accordance with the prescribed procedure." The motion was negatived.

MR. DEPUTY CHAIRMAN :
The question is :

9. "That at page 1, after line 17 the following new clause be inserted namely :—

2A. In article 101 of the Constitution, after clause (3) the following clause shall be inserted, namely :—

(3A) The Speaker shall not reject any genuine resignation if such a resignation has been tendered following the representation of the majority of the voters of the constituency of the member concerned to the Chief Election Commissioner, such representation being in the nature of a recall of the member by the electorate which elected him." The House divided. MR. DEPUTY CHAIRMAN: Ayes—27;

Noes:—150.

AYES—27

Advani, Shri Lal
K. Ahmad, Dr.
Z. A.

Deo, Shri K. P. Singh

Ganguli, Shri Salil Kumar
Ghosh, Shri Niren Goray, Shri
N. G. Gupta, Shri Bhupesh

Kumaran, Shri S.
Kunjachen, Shri P.K.

Mahapatra, Shri L. Mandal, Shri B.
N. Mathew Kurian, Dr. K.
Mathur, Shri Jagdish Prasad
Menon, Shri Viswanatha

Pawar, Shri D. Y.

Raha, Shri Sanat Kumar
Rajnarain, Shri Ray, Shri Rabi
Roy, Shri Monoranjan

Sakhlecha, Shri V. K. Sanyal, Shri
Sasankasekhar Shastri, Shri
Prakash Vir Shekhawat, Shri B. S.
Singh, Shri Jagjit Sinha, Dr.
Ramkripal

Tayagi, Shri O. P.

Yadav, Shri Shyam Lal

NOES—150

Abdul Samad, Shri A. K. A.
Abid, Shri Qasim Ali
Abu, Abraham Shri
Adivarekar, Shrimati Sushila Shankar
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Anandam, Shri M.
Angre, Shri S. C.
Arif, Shri Mohammed Usman

Berwa, Shri Jamna Lal Bhagwati, Shri
B. C. Bhardwaj, Shri Jagan Nath Bhatt,
Shri Nand Kishore Bisi, Shri P. N.
Bobdey, Shri S. B. Borooah, Shri D. K.
Buragohain, Shri Nabin Chandra

Chakrabarti, Dr. R. K. Chandra Shekar,
Shri Chandrasekhar, Shrimati Maragatham
Chattopadhyaya, Prof. D. P. Chaturvedi,
Shrimati Vidyawati Chaudhari, Shri N. P.

Chettri, Shri K. B.
 Choudhury, Shri N. R.
 Chowdhary, Shri C. L.
 Chowdhri, Shri A. S.
 Chundawat, Shrimati Lakshmi Kumari

Das, Shri Balram Das, Shri
 Bipinpal Devendra Nath, Shri
 Dhabe, Shri S.W. Dhulap,
 Shri, K. N. Dikshit, Shri
 Umashankar Dutt, Dr. Vidya
 Prakash

Gadgil, Shri Vithal
 Gian Chand, Shri
 Goswami, Shri S. P.
 Gowda, Shri U. K. Lakshmana
 Gujral, Shri I. K.

Hashmi, Shri S. A.
 Himmat Singh, Shri

Imam, Shrimati Aziza

Jagdish Chandra, Shri
 Jagtap, Shri R. D.
 Jain, Shri Dharamchand
 Jha, Shri Kamalnath
 Joshi, Shrimati Kumudben Manishanl

Kalania, Shri Ibrahim Kalpanath,
 Shri Kalyan Chand, Shri Kamble,
 Shri N. M. Kapur, Shri Yashpal
 Kesri, Shri Sitaram Khan, Shri
 Khurshed Alam Khan, Shri
 Maqsood Ali Khan, Prof.
 Rasheeduddin Kishan Lal, Shri
 Kollur, Shri M. L. Kripalani, Shri
 Krishna Krishan Kant, Shri
 Krishna, Shri M. R. Kulkarni, Shri
 A. G. Kulkarni, Shrimati Sumitra
 G. Kureel Urf. Talib, Shri P. L.

Lokesh Chandra, Dr.
 Lotha, Shri Khyom

Mahadeo, Shri Mahanti, Shri B.
 K. Majhi, Shri C. P. Makwana,
 Shri Yogendra Malaviya, Shri
 Harsh Deo Mali, Shri Ganesh Lal

Mehta, Shri Om
 Menon, Shrimati Leela Damodara
 Mirdha, Shri Ram Niwas Mohideen,
 Shri S. A. Khaja Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Munda, Shri B. R. Murthy, Shri B. P.
 Nagaraja Musafir, Shri Gurmukh
 Singh

Narasiah, Shri H. S. Nizam-
 ud-Din, Shri Syed Nurul
 Hasan, Prof. S.

Pai, Shri T. A. Panda, Shri
 Brahmananda Prashar, Shri V. R.
 Patil, Shri D. S. Patil, Shri G. R.
 Pradhan, Shrimati Saraswati
 Prasad, Shri K. L. N. Punnaiah,
 Shri Kota Puri, Shri D. D.

Rachaiiah, Shri B.
 Raju, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sreenivasa
 Rao, Shri V. C.
 Reddi, Shri K. Brahmananda
 Reddy, Shri Janardhana
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R. N.
 Refaye, Shri A. K.
 Rishi Kumar, Shri

Saleem, Shri Mohammad Yumis
 Sangma, Shri E. M.
 Sardar Amjad Ali, Shri
 SavitaBehcn, Shrimati
 Seyid Muhammad, Dr. V. A.
 Shah, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Shastri, Shri Bhola Paswan
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri D. P.
 Singh, Shri Inder
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Nathi
 Singh, Shrimati Pratibha

Singh, Shri Ratibir
Singh, Shri Shivdayal
Singh, Shri Sitaram
Singh, Shri Sultan
Singh, Shri T. N.
Singh, Shri Triloki
Singh, Dr. V. B.
Sinha, Shri Awadheshwar Prasad
Sisodia, Shri Sawaisingh
Sukhdev Prasad, Shri
Sultan, Shrimati Maimoona
Swu, Shri Scato

Tanvir, Shri Habib Thakur,
Shri Gunanand Tilak, Shri J.
S. Tiwari, Shri Shankarlai
Tiwari, Pt. Bhawaniprasad
Tripathi, Shri Kamlapati
Trivedi, Shri H. M. Tyagi, Shri
Mahavir

Varma, Shrimati Narayani Devi Manakl
Venigalia Satyanarayana, Shri Vyas, Dr. M.
R.

Wajd, Shri Sikander Ali

The motion was negatived.

Clause 3—Amendment of article 190

SHRI SHYAM LAL YADAV: Sir,
I moved:

3. "That at page 2, lines 3 to 8 be deleted"

SHRI LAL K. ADVANI: Sir, I move:

10. "That at pages 1 and 2, for the exist
ing clause 3, the following clause be sub
stituted, namely:—

3. 'In article 190 of the Constitution, after
caluse (4), the following clause shall be
inserted, namely:

(5) The constituency or electoral college
which elects a member shall have the right to
recall him in accordance with provisions made
by Parliament by law in this regard; and if he
is so recalled, his seat shall become vacant."

11. "That at pages 1 and 2, for lines 21-
22
and 1-2 respectively, the following be substi
tuted, namely:—

"(Z>) resigns his seat by writing under his
hand addressed to the Speaker or the
Chairman, as the case may be, and submitted
to the Speaker or the Chairman,

as the case may be, by the member in person".

SHRI BHUPESH GUPTA: Sir, 1 move:

12. "That at page 2, line 8, for the words
"not voluntary or genuine", the words caused
by the use or threat of force or is not genuine
be substituted."

SHRI SALIL KUMAR GANGULI: Sir, I
move:

13. "That at page 2, after line 8, the fol
lowing be inserted, namely:—

"Provided further that the function of the
Speaker or the Chairman, as the case may
be, in accepting or not accepting any such
resignation shall not be considered to be
conduct of business in the Legislature
within the meaning of Article 212 of the
Constitution."

The questions were proposed.

श्री सीताराम सिंह (बिहार): उपसभापति महोदय,
मैं कहना चाहता हूँ कि यह विधेयक जन विरोधी है और इस में
विरोधाभास है। इसमें कहा गया है कि अध्यक्ष या सभापति
जांच करके बतलायेंगे कि यह इस्तीफा स्वेच्छा से दिया गया है
या जबरदस्ती से दिया गया है लेकिन इसमें इसके लिए कोई
प्रक्रिया नहीं दी गयी है और इसको अध्यक्ष या सभापति के
विवेक पर ही छोड़ दिया गया है। यह विवेक सही दिशा में भी
हो सकता है और गलत दिशा में भी हो सकता है और उसके
लिए कोई प्रक्रिया इसमें नहीं है। जहाँ तक इस विधेयक के
जरिये इसको रोकने का सवाल है, मैं जानना चाहता हूँ कि
जो शक्ति विधान मंडल के सदस्यों से इस्तीफा दिवाने पर
आमादा हो या दिलाती हो अगर वह शक्ति सभापति या
अध्यक्ष से इस्तीफा दिला दे तो आगे उसके लिए कौन सी
प्रक्रिया है? उसके लिए इस विधेयक में क्या किया गया है।
उसके लिए इसमें कुछ है नहीं। यह विधेयक जन विरोधी
है और खामखाह जो जन प्रतिनिधि हैं उन पर शंका डालने
वाला यह विधेयक है। महोदय, मैं कहना चाहता हूँ कि हमारे
पास एक तार आया है बिहार से। वहाँ मौसा कानून के तहत
अनेक लोगों को गिरफ्तार किया गया है और बिना, मुकदमा
चलाए हुए, बिना उन को कोर्ट में पेश किये हुए उनको जलील
किया जाता है जैसे श्री बिजली प्रसाद सिंह, वैशाली जिले के
मनसा, रघुपति राम वैद्य, आदि को पकड़ कर रख दिया
गया है। आज बिहार के प्रशासन के जरिये वहाँ आतंक का
राज कायम किया जा रहा है। श्रीमन्, तथा कथित वही
कांग्रेस के लोग गया जिले में, मुजफ्फरपुर जिले में, पूर्णिया
में छात्र संघर्ष समिति के लोगों को परेशान किये हैं, उनके
साथ मारपीट किये हैं और पी०ए०सी० के जवान उन को किस
प्रकार सुरक्षा देते हैं यह देखने की बात है। आज बिहार में
कोई ला एण्ड आर्डर नहीं है। कोई नियम कायदा नहीं है,

कोई कानून नहीं है। वहाँ आज जंगल का राज है और मैं चाहता हूँ कि वहाँ के मन्त्रिमण्डल को भंग किया जाए और वहाँ पुनः चुनाव कराये जायें। आज वहाँ का जन जीवन संकट में पड़ गया है। जनरोष इतना उभर गया है कि वहाँ के अखबारों में एक बात छपी है कि बिहार के वित्त मन्त्री, मेट्रोल के शिक्षा मन्त्री जो वहाँ गए थे उनके साथ दुर्व्यवहार हुआ, उन को पिटाई की गयी है। मैं कतई इस को पसन्द नहीं करता कि किसी को पीटा जाए या किसी के साथ जबरदस्ती की जाए, लेकिन वहाँ जन भावना की अग्नि उभर गयी है और उसको शान्त करने के लिए जब तक आप सामाजिक न्याय नहीं करेंगे, जब तक वहाँ की रोजी रोटी की समस्या का समाधान नहीं होगा तब तक यह अग्नि जलती रहेगी। मैं कहना चाहता हूँ कि हिन्दुस्तान में बिहार सबसे पिछड़ा हुआ प्रदेश है और वहाँ खनिज की कमी नहीं है। वहाँ कोयला, लोहा, अबरक काफी है और इतने खनिज पदार्थों के रहते हुए भी बिहार के लोग आज रोटी के मोहताज हैं, वहाँ के लोगों को तीन तीन दिन रोटी न मिले, उस की कोई व्यवस्था न हो यह स्थिति बरदाश्त नहीं की जा सकती। इस लिए मैं चाहता हूँ कि जल्दी से जल्दी वहाँ का मन्त्रिमण्डल भंग किया जाए।

(Interruptions)

श्रीमती विद्यावती चतुर्वेदी (मध्य प्रदेश): मेरा प्वाइंट आफ़ आर्डर यह है कि इस अमेंडमेंट से और माननीय सदस्य के भाषण से क्या संबंध है? आप इस पर अपना निर्णय दें।

MR. DEPUTY CHAIRMAN : You speak on the amendment and wind up.

श्री सोमाराम सिंह : आप को यह पता नहीं चलेगा श्रीमती जी, आप की जिन्दगी दूसरे वंग पर बनी है। तो श्रीमन् मैं कहना चाहता हूँ कि आज इस देश में तमाम सरकारी कक्ष के जरिये अराजकता और बदअमनी और विद्रोह फैलाया जा रहा है। आज जन जीवन खतरे में पड़ गया है और एल० एन० मिश्र हमारे रेल मंत्री हैं उन के चलते आज देश की जनता लाहि जाहि कर रही है और संकट में पड़ गयी है। इस लिए मैं चाहता हूँ कि वह

SHRI LAL K. ADVANI: The amendments Nos. 10 and 11 which I moved are analogous to the earlier amendments. I had made a point which I expected the Law Minister to explain as to why the symmetry in the Constitution has been disturbed in respect of the Legislators. I would think that if an amendment of this kind is necessary, then a similar provision should be made in respect of the resignation of the Speaker. If the Speaker resigns then the Deputy Speaker should inquire and examine if the resignation of the Speaker is genuine. If the President resigns then the Vice-President should inquire and

examine whether the resignation of the President is genuine. But if you incorporate a provision of this kind then for the sake of symmetry in the Constitution all the provisions, where provision has been made by the Constitution-makers for resignation under one's hand addressed to such and such official or office, should also be made simultaneously.

SHRI MAHAVIR TYAGI: At least the Vice-Chairman's resignation must be examined.

SHRI LAL K. ADVANI: The person to whom resignation is tendered should be empowered also to examine whether that resignation is genuine or not.

The second amendment, I think, meets the requirements of the situation. If a person goes and submits his resignation in person to the Speaker or the Presiding Officer it should be accepted as genuine and voluntary and there should be no objection.

SHRI H.R. GOKHALE: I do not want to add anything.

MR. DEPUTY CHAIRMAN: The question is:

3. "That at page 2, lines 3 to 8 be deleted" The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

10. "That at pages 1 and 2, for the existing clause 3, the following clause be substituted, namely:—

3. In article 190 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

(5) The constituency or electoral college which elects a member shall have the right to recall him in accordance with provisions made by Parliament by law in this regard; and if he is so recalled, his seat shall become vacant."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

11. "That at pages 1 and 2, for lines 21-22 and 1-2, respectively, the following be substituted, namely:

(b) resigns his seat by writing under his hand addressed to the Speaker or the Chairman, as the case may be, and submitted to the Speaker or the Chairman,

as the case may be, by the member in person".

The motion was negated.

MR. DEPUTY CHAIRMAN: The question is:

12. "That at page 2, line 8, for the words "not voluntary or genuine" the words 'caused by the use or threat of force or is not genuine' be substituted."

The motion was negated.

MR. DEPUTY CHAIRMAN: The question is:

13. "That at page 2, after line 8, the following be inserted, namely:—

'Provided further that the function of the Speaker or the Chairman, as the case may be, in accepting or not accepting any such resignation shall not be considered to be conduct of business in the Legislature within the meaning of Article 212 of the Constitution.' "

The motion was negated.

MR. DEPUTY CHAIRMAN: The question is:

"That Clause 3 stand part of the bill". The House divided.

MR. DEPUTY CHAIRMAN: Ayes—152: Noes—25.

AYES—152

Abid, Shri Qasim Ali
Abu Abraham, Shri
Adivarekar, Shrimati Sushila Shankar
Ahmad, Dr. Z.A.
AJva, Shrimati Margaret
Amla, Shri Tirath Ram
Anandam, Shri M.
Arif, Shri Mohammed Usman

Berwa, Shri Jamna Lal
Bhagwati, Shri B.C. Bhardwaj,
Shri Jagan Nath Bhatt, Shri
Nand Kishore Bisi, Shri P.N.
Bobdey, Shri S.B. Borooah,
Shri D.K. Buragohain, Shri
Nabin Chandra

Chakrabarti, Dr. R.K.
Chandra Shekhar, Shri
Chandrasekhar, Shrimati Maragatham
Chattopadhyaya, Prof. D.P.
Chaturvedi, Shrimati Vidyawati
Chaudhari, Shri N.P.
Chettri, Shri K.B.
Choudhury, Shri N.R.
Chowdhary, Shri C.L.
Chowdhri, Shri A.S.
Chundawat, Shrimati Lakshmi Kumari

J3as, Shri Balram Das, Shri
Bipinpa) Devendra Nath, Shri
Dhabe, Shri S.W. Dhulap, Shri
K.N. Dikshit, Shri Umashankar
Dutt, Dr. Vidya Prakash

Gadgil, Shri Vithal Gian
Chand, Shri Goswami, Shri
S.P. Gujral, Shri I.K. Gupta,
Shri Bhupesh

Hashmi, Shri S.A.
Himmat Sinh, Shri

Imam, Shrimati Aziza

Jagdish Chandra, Shri
Jagtap, Shri R.D.
Jain, Shri Dharamchand
Jairamdas Daulatram, Shri
Jha, Shri Kamalnath
Joshi, Shrimati Kumudben Manishankar

Kalaniya, Shri Ibrahim Kalpanath,
Shri Kalyan Chand, Shri Kamble,
Shri N.M. Kapur, Shri Yashpal
Kesri, Shri Sitaram Khan, Shri
Khurshed Alam Khan, Shri
Maqsood Ali Khan, Prof.
Rasheeduddin Kollur, Shri M.L.
Kripalani, Shri Krishna Krishan
Kant, Shri Krishna, Shri M.R.
Kulkarni, Shri A.G. Kulkarni,
Shrimati Sumitra G. Kumbhare,
Shri N.H. Kureel Urf. Talib, Shri
P.L.

Lokesh Chandra, Dr.
Lotha, Shri Khyom

Mahanti, Shri B. K.
 Mahapatro, Shri L.
 Majhi, Shri C. P.
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lal
 Mehta, Shri Om
 Menon, Shrimati Leela Damodara
 Mirdha, Shri Ram Niwas
 Mukherjee, Shri Kali
 Mukherjee, Shri Pranab
 Mukhopadhyay, Shrimati Purabi
 Mulla, Shri A. N.
 Munda, Shri B. R.
 Murthy, Shri B. P. Nagaraja
 Musafir, Shri Gurmukh Singh
 Narasiah, Shri H. S.
 Nizam-ud-Din, Shri Syed
 Nurul Hasan, Prof. S.
 Pai, Shri T. A.
 Panda, Shri Brahmananda
 Parashar, Shri V. R.
 Patel, Shri D. K.
 Patil, Shri D. S.
 Patil, Shri G. R.
 Pradhan, Shrimati Saraswati
 Prasad, Shri Bhola
 Prasad, Shri K. L. N.
 Punnaiah, Shri Kota
 Puri, Shri D. D.
 Rachaiah, Shri B.
 Raha, Shri Sanat Kumar
 Raju, Shri V. B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sreenivasa
 Rao, Shri V. C.
 Reddi, Shri K. Brahmananda
 Reddi, Shri Papi
 Reddy, Shri Janardhana
 Reddy, Shri K. V. Raghunatha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R. N.
 Rishi Kumar, Shri
 Saleem, Shri Mohammad Yunus
 Sangma, Shri E. M.
 Sardar Amjad Ali, Shri
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V. A.
 Shah, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Yogendra
 Shastri, Shri Bhola Paswan
 Shukla, Shri Chakrapani
 Shukla, Shri M. P.
 Shyamkumari Devi, Shrimati
 Singh, Shri D. P.

Singh, Shri I. D.
 Singh, Shri Inder
 Singh, Shri Jagjit
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Nathi
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir
 Singh, Shri Shivdayal
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V. B.
 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato
 Tanvir, Shri Habib
 Thakur, Shri Gunanand
 Tilak, Shri J. S.
 Ttwari, Shri Shankarlal
 Tiwari, Pt. Bhawaniprasad
 Tripathi, Shri Kamalapati
 Trivedi, Shri H. M.
 Varma, Shrimati Narayani Devi Manaklall
 Venigalla Satyanarayana, Shri
 Was, Dr. M. R.
 Wajd, Shri Sikander Ali

NOES—25

Advani, Shri Lal K. Angre, Shri
 S. C. Banarsi Das, Shri Ganguli,
 Shri Salil Kumar Ghosh, Shri
 Niren Goray, Shri N. G. Joshi,
 Shri Uraashankar
 Mahadeo, Shri Mandal, Shri B.
 N. Mathew Kurian, Dr. K.
 Mathur, Shri Jagdish Prasad Pa
 war, Shri D. Y. Rajnarain, Shri
 Ray, Shri Rabi Roy, Shri
 Monoranjan
 Sakhlecha, Shri V. K. Sanyal, Shri
 Sasankasekhar Shastri, Shri
 Prakash Vir Shekhawat, Shri B. S.
 Singh, Shri Sitaram Singh, Shri
 T. N. Sinha, Dr. Ramkripal

Tyagi, Shri Mahavir Tyagi,
Shri O. P. Yadav, Shri
Shyam Lal.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

Clause 3 was added to the Bill.

New Clause 3A

श्री राजनारायण : मैं प्रस्तुत करता हूँ :

4. "3क संविधान के अनुच्छेद 190 में खण्ड (3) के पश्चात् निम्नलिखित खंड अन्तःस्थापित किया जाये, अर्थात् :—

(3 क) यदि किसी निर्वाचन क्षेत्र की तत्समय प्रवृत्त निर्वाचक सूची के 51 प्रतिशत मतदाता, यथास्थिति, सभापति या अध्यक्ष से लिखित रूप में उस निर्वाचन क्षेत्र से चुने गए सदस्य को वापस बुलाने की मांग करें तो विहित प्रक्रिया के अनुसार, यथास्थिति, सभापति या अध्यक्ष के उस विषय में संतुष्ट हो जाने पर उस सदस्य का स्थान रिक्त समझा जाएगा।"

मेरा कहना है कि इसमें से 'सभापति या' काट दोजिए।

SHRI BHUPESH GUPTA (West Bengal) :
Sir, I beg to move:

That at page 2, after line 8, the following new clause be inserted, namely:—

14. "3A. In article 190 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

(3A) The Speaker shall not reject any genuine resignation if such resignation has been tendered following the representation of the majority of the voters of the constituency of the member concerned to the Chief Election Commissioner, such representation being in the nature of a recall of the member by the electorate which elected him." The question were proposed,

श्री राजनारायण : श्रीमन्, मुझे बहुत ही दुःख के साथ कानून मंत्री जी को मुनाका पट्टा रहा है। मैंने समझा था कानून मंत्री जी हमारी बात सुने हैं और जब वे जवाब देंगे तो पूरा उत्तर देंगे। अगर उनका सही उत्तर ही होता तो उन खण्डों

पर हमें फिर से बोलने की जरूरत न पड़ती न इस पर बोट कराने की जरूरत पड़ती। उन्होंने मेरे किसी एक सवाल का जवाब नहीं दिया। एक सवाल हमने यह किया था कि अगर किसी अध्यक्ष का या उपाध्यक्ष का इस्तीफा ले लें तो उस का इस्तीफा कौन देखेगा—उसके बारे में क्या इसमें प्रक्रिया अपनायी जाए? इस विधेयक में कहीं कोई चर्चा नहीं है। इसका उत्तर कानून मंत्री जी भी कहीं नहीं देते।

दूसरी बात हमने यह निवेदन किया था कि अध्यक्ष कितना समय तक जांच के लिए रख सकता है। अध्यक्ष चाहे तो 4 साल तक जांच करता रहे। कहीं इसमें ध्रुवधि निर्धारित नहीं है, इसकी जांच अध्यक्ष एक महीने में पूरा कर लेगा या 15 दिन में या साल भर में करेगा या 4 साल में करेगा। यह विधेयक इतना गलत है, इसकी बडिंग इनकी गलत है कि वही सरकार जिसके विमर्श को नर्क कुण्ड का कीड़ा चाट कर छलनी की तरह छेद कर गया हो, वही ऐसा विधेयक ला सकती है। तो मैं कहना चाहता हूँ, आज सदन के सम्मानित सदस्यों को मस्तिष्क खोलना चाहिए। हमने कहा था कि यह कम्युनिस्टी विधेयक है और आज बिलकुल स्पष्ट किया हमारे मित्र भूपेश जी ने कि हम इस विधेयक का विरोध नहीं करेंगे, हम इस विधेयक का साथ करेंगे। मुझे बड़ी खुशी है हमारे बज्रुंग श्री उमाशंकर दीक्षित जी, गृह मंत्री, भी बैठे हुए हैं, मैं उनसे निवेदन करना चाहूँगा: देखिए, उनका घर कितना बिखर गया है। अब वे क्या कहते हैं कि अध्यक्ष को जज बना दें, अध्यक्ष को मिनिस्टर बना दें। मैंने कल भी अनन्य विनय किया था—शायद उस समय आज गद्दी पर विराजमान नहीं थे—कि अध्यक्ष के पद को विवादास्पद न बनाया जाए। अध्यक्ष सदन की मर्यादा है, अध्यक्ष सदन का माउथपीस है, अध्यक्ष की प्रतिष्ठा सदन की प्रतिष्ठा है और हमने कल भी यही कहा था कि अध्यक्ष वही होता है जो सदन में सर्वशक्तिमान हो, सदन के नेता का पद किसी भी क्षण आवश्यकता पड़ने पर लेने की जिसमें क्षमता हो। वही व्यक्ति अध्यक्ष 2 P. M. होना है। श्री कमलापति त्रिपाठी यहां पर विराजमान हैं। वे जानते होंगे श्री टन्डन जी पंत जी को डपट देते थे और विजयालक्ष्मी पंडित को बिठला देते थे। Sit down. Ministers should come prepared. आज मंत्री जैसा जवाब देते हैं, वैसा टन्डन जी की अध्यक्षता में जवाब नहीं दे सकते और वे कहते बाहर जाओ। तुम अपने कर्तव्य का पालन यहाँ पर अच्छी तरह से नहीं कर पा रहे हो। वे अध्यक्ष थे।

श्री कमलनाथ शा (बिहार): यह तो चेयर के ऊपर एग्जपेरेशन करता है।

MR. DEPUTY CHAIRMAN: I know how to tackle him.

श्री राजनारायण : श्री कमलनाथ झा वहाँ जा कर के बिगड़ गये हैं। श्रीमन्, मैं यह कह रहा था कि श्री कमलनाथ बिपाठी जी को याद होगा कि मुस्लिम लीग ने एक प्रस्ताव पास किया था कि उन्हें टन्डन जी पर विश्वास नहीं है। इस खबर को अखबारों में टन्डन जी ने पढ़ा। टन्डन जी ने सदन में आते ही यह व्यवस्था दी कि अगर एक भी सदन का सम्मानित सदस्य यह समझता है कि हमने जो व्यवस्था दी है वह पक्षपातपूर्ण है, तो हम अभी सदन से इस्तीफा दे देंगे। इस पर मुस्लिम लीग के सदस्य खड़े नहीं हुए। सब लोगों ने मिल कर कहा कि जहाँ तक व्यवस्था का सवाल है टन्डन जी से बड़कर स्वस्थ, स्वतंत्र और पक्षपातपूर्ण रहित व्यवस्था और कोई दूसरा नहीं दे सकता है। वे अक्षय थे। अगर टन्डन जी के ऊपर यह भार दे दिया जाए कि श्री कमलनाथ का इस्तीफा ले लिया जाये, श्री उमाशंकर दीक्षित का इस्तीफा ले लिया जाए, तो वे फिर अपने में पड़ जायेंगे।

श्रीमन्, मैं यह कहना चाहता हूँ कि इस बिल को लाने की जरूरत क्यों पड़ी? आज से चार साल या तीन साल पहिले लाने की जरूरत क्यों नहीं पड़ी? मैं यहाँ पर नहीं बात बोलूँगा। जो बोल चुका हूँ, उसको नहीं बोलूँगा। तो मैं यह कहना चाहता हूँ कि इस बिल को लाने की जरूरत इसलिए पड़ी कि 1971 में पार्लियामेंट के चुनाव हुए थे। इलेक्शन कमिशन ने तमाम विरोधी दलों के सदस्यों के विरोध के बाद भी काउंटिंग प्रणाली बदल दी। हम गये, श्री आडवाणी और श्री एस० एन० मिश्रा साहब इलेक्शन कमिशनर के पास गये थे और उनसे अनुरोध विनय किया कि जिस तरह से पहिले काउंटिंग होती थी, उसी तरह से काउंटिंग होनी चाहिये। जिस तरह से पहिले पोलिंग स्टेशन बाइज काउंटिंग होती थी, उसी तरह से होनी चाहिये। इस चीज से यह पता चल जाता था कि किस पोलिंग स्टेशन में कितने वोट पड़े हैं। अब क्या होता है? खट, खट हर पोलिंग स्टेशन के वोट मिला दिये और फिर सब जगहों के पोलिंग स्टेशनों के वोटों की गिनती होती है। तो दीक्षित जी से कहना चाहता हूँ कि वे इस प्रणाली को बदलने के लिए इलेक्शन कमिशन से कहें और जो पहिले स्टेशन बाइज काउंटिंग होती थी उसको लागू किया जाये। लेकिन आज-कल तो सब जगह के वोटों को एक जगह मिला दिया जाता है और फिर गिनती होती है, जिसमें बहुत गोलमाल हो जाता है। मान लीजिये, मैं हूँ और मेरी किसी अरबपति से कोई तिकड़म है और उसको लाइसेंस दे देते हैं।

श्री ओम् मेहता : वह तो है ही।

श्री राजनारायण : इस तरह से लाइसेंस देकर के 2 करोड़ रुपया हासिल कर लो और उसको आफिसर को खिला दो जो काउंटिंग करता है कि वोटों को हमारे पक्ष में मिला दिया जाए। अगर इस तरह का चुनाव होगा और जनता की सही भावना प्रकट नहीं होगी, तो क्या फिर जनता

चुप बैठे रहेगी। यही कारण है कि आज—जनता में यह मनोवृत्ति पैदा हो गई है कि जो गन्दे विधायक हैं, जो गलत विधायक हैं, उनसे इस्तीफा लिया जाये। मैं आपसे कहना चाहता हूँ कि इसके अनेक प्रमाण हैं। श्री शिवशंकर सिंह यादव लोक सभा के सदस्य हैं, उन्होंने एक चिट्ठी हमारे पास भेजी है और मैं चाहता हूँ कि उसको सदन की मेज पर रख दूँ।

माननीय उपसभापति जी, आप देखें, यह चिट्ठी है हिन्दुस्तान एल्यूमिनियम कार्पोरेशन लिमिटेड की...

SHRI OM MEHTA : Sir, how is this allowed?

SHRI RAJNARAIN :

"S. S. Kothari,
President,
HINDALCO,
Renukoot.

Dear Sir,

We met the Prime Minister and her Private Secretary. We have paid a sum of Rs. 5.00 lakhs to the P. S. He has promised us that he will use all his influence to see that no trade union activity is allowed in the HINDALCO. . ."

MR. DEPUTY CHAIRMAN : Mr. Rajnarain, you cannot take shelter under this amendment to read out some other letter or some such thing. This is very unfair.

श्री राजनारायण : जरा सुना जाए। मैं आपसे निवेदन कर रहा हूँ, यह 7-11-67 की है...

(Interruptions)

MR. DEPUTY CHAIRMAN : What is the point of order?

श्री चन्द्रमणि लाल चौधरी (बिहार) : राजनारायण जी जो बोल रहे हैं उसका इस बलाज से कोई ताल्लुक नहीं है, इसलिए इसको प्रोसीडिंग्स से निकाल दिया जाए।

MR. DEPUTY CHAIRMAN : Yes, Mr. Rajnarain, you must speak on the amendment.

श्री राजनारायण : श्रीमन्, मैं इससे यह प्वाइन्ट निकालना चाहता हूँ कि सत्ताधारी दल बड़े-बड़े पूंजीपतियों से बड़ी-बड़ी रकम लेकर चुनावों को भ्रष्ट कर रहा है, सत्ताधारी दल बड़े पैमाने पर खपटा बांट रहा है। उत्तर प्रदेश के मत चुनाव के सम्बन्ध में श्री चन्द्रभानु गुप्त के पास एक टैप रिकार्डिंग है। मैंने उसको सुना। कोई मिस्टर अग्रवाल हैं। उनकी गाड़ी एस० पी० की कोठी में खड़ी रहती है। ये बैंक में बैठे हुए थे और चन्द्रभानु गुप्त भी बैठे हुए थे। उन्होंने एस० पी० की टैलीफोन किया कि हमारी गाड़ी भेज दो।

SHRI OM MEHTA : Sir, how is this relevant?

श्री राजनारायण : इसका प्रमेंडमेन्ट से संबंध है ।

MR. DEPUTY CHAIRMAN: Mr. Raj-narain, you will have to speak on the amendment. How is this relevant to the amendment? Now I will give you only one more minute.

श्री राजनारायण : आज जनता विधायकों को क्यों हटाना चाहती है, विधान सभा भंग होने की मांग क्यों, उत्तर प्रदेश की विधान सभा भंग होने की मांग क्यों, संसद भंग होने की मांग क्यों ? ये मांगें इसलिए उठ रही हैं क्योंकि जनता को दिए गए वादे आज झूठलाए जा रहे हैं । घनिको का पैसा, काला पैसा आज इसमें बहाया जा रहा है और इस लिए जनता की ओर से मांग हो रही है । यह जो विधेयक है . . .

श्री महावीर त्यागी : बैंक में क्या हुआ ?

श्री राजनारायण : एक मिनट, श्रीमान्, दे दिया जाय । बैंक में वह अग्रवाल गुप्ता जी से कहता है हमने बड़ा पाप किया है, 10 करोड़ रुपया लेकर आए थे, 5 करोड़ खर्च हुआ, 5 करोड़ गुजरात के लिए रखा है । यह उस टैप रिकार्डिंग में है कि हमने बड़ा पाप किया, एक भाई को हराया । गुप्ता जी के यहां वे खाने पर गए और गुप्ता जी के वहां उनके एक छात्र (बी०एच०ए०) रिप्लेडार भी थे, उन्होंने सारी बातें टैप कर लीं (Time bell rings) एक मिनट और ।

श्री उपसभापति : तीन मिनट हो गए

श्री राजनारायण : मैं खत्म करता हूं । सरकार हमारी बात मानें, इसको वापस लें और हिन्दावतों के एक अफसर की बिट्ठी जो उसने कोठारी को लिखी है, प्रधान मंत्री के पी० एस० को रुपय, दिया उसकी जांच कराई जाए । इसको मैं टेबिल पर रख रहा हूँ ।

(Interruption) SHRI P. L. KUREEL URF.

TALIB (Uttar Pradesh): Sir, whatever he has said should be expunged from the records . . .

(Interruptions)

SHRI BHUPESH GUPTA: The only change I will make is that it should be the Speaker. The words "or the Chairman, as the case may be", may be deleted. That is the correction I would like to make. I need not speak on this; I have already spoken.

MR. DEPUTY CHAIRMAN: The question is:

4. That at page 2, after line 2, the following new clause be inserted, namely:

"3A. In article 190 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

'(3A). In case SI per cent of the voters in the current electoral rolls of a constituency demand the recall of the member elected from that constituency by writing to the Speaker, the seat of the member shall be deemed to be vacant after Speaker has satisfied himself in that regard in accordance with the prescribed procedure."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

14. "That at page 2, after line 8, the following new clause be inserted, namely:—

'3A. In article 190 of the Constitution, after clause (3), the following clause shall be inserted, namely:—

'(3A) The Speaker shall not reject any genuine resignation if such resignation has been tendered following the representation of the majority of the voters of the constituency of the member concerned to the Chief Election Commissioner, such representation being in the nature of a recall of the member by the electorate which elected him".

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:—

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The House divided.

MR. DEPUTY CHAIRMAN: Ayes—152; Noes—25.

AYES—152

Abid, Shri Qasim AH
Abu Abraham, Shri
Adivarekar, Shrimati Sushila Shankar
Ahmad, Dr. Z. A.
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Anandam, Shri M.
Arif, Shri Mohammed Usman

Berwa, Shri Jamna Lal Bhagwati, Shri
B.C. Bhardwaj, Shri Jagan Nath
Bhatt, Shri Nand Kishore Bisi, Shri
P.N. Bobdey, Shri S.B. Borooah, Shri
D.K. Buragohain, Shri Nabin Chandra

Chakrabarti, Dr. R.K.
Chandra Shekhar, Shri
Chandrasekhar, Shrimati Maragatham
Chattopadhyaya, Prof. D.P.
Chaturvedi, Shrimati Vidyawati
Chaudhari, Shri N.P.
Chettri, Shri K.B.
Choudhury, Shri N.R.
Chowdhary, Shri C.L.
Chowdhri, Shri A.S.
Chundawat, Shrimati Lakshmi Kumari

Das, Shri Balram Das, Shri
Bipinpal Devendra Nath, Shri
Dhabe, Shri S.W. Dikshit,
Shri Umashankar Dutt, Dr.
Vidya Prakash

Gadgil, Shri Vithal Gian Chand,
Shri Goswami, Shri S.P. Gowda,
Shri U.K. Lakshmana Gujral, Shri
IJC Gupta, Shri Bhupesh

Hashmi, Shri S.A.
Himmat Singh, Shri

Imam, Shrimati Aziza

Jagdish Chandra, Shri
Jagtap, Shri R.D.
Jain, Shri Dharamchand
Jairamdas Daulatram, Shri
Jha, Shri Kamalnath
Joshi, Shrimati Kumudben Manishankar

Kalaniya, Shri Ibrahim Kalyan
Chand, Shri Kamble, Shri N.M.
Kapur, Shri Yashpal Kesri, Shri
Sitaram Khan, Shri Khurshed
Alam Khan, Shri Maqsood Ali
Khan, Prof. Rasheeduddin Kishan
Lal, Shri Kollur, Shri M.L.

Kripalani, Shri Krishna Krishan
Kant, Shri Krishna, Shri M.R.
Kuklarni, Shri A.G. Kulkarni,
Shrimati Sumitra G. Kumbhare,
Shri N.H. Kureel Urf. Talib,
Shri P.L.

Lalbuaia, Shri Lokesh
Chandra, Dr. Lotha, Shri
Khyom

Mahanti, Shri B.K.
Mahapatre, Shri L.
Majhi, Shri C.P.
Makwana, Shri Yogendra
Malaviya, Shri Harsh Deo
Mali, Shri Ganesh Lal
Mehta, Shri Om
Menon, Shrimati Leela Damodara
Mirdha, Shri Ram Niwas
Mukherjee, Shri Kali
Mukherjee, Shri Pranab
Mukhopadhyay, Shrimati Purabi
Mulla, Shri A.N.
Mullick Choudhury, Shri Suhrid
Munda, Shri B.R.
Murthy, Shri B.P. Nagaraja
Musafir, Shri Gurmukh Singh

Narasiah, Shri H.S. Nizam-
ud-Din, Shri Syed Nurul Hasan,
Prof. S.

Pai, Shri T.A.
Panda, Shri Brahmananda
Parashar, Shri V.R.
Patil, Shri D.S.
Patil, Shri G.R.
Pradhan, Shrimati Saraswati
Prasad, Shri Bhola
Prasad, Shri K.L.N.
Punnaiah, Shri Kota
Puri, Shri D.D.

Rachaiiah, Shri B. Raha, Shri Sanat Kumar
Raju, Shri V.B. Ranganathan, Shri S.
Rao, Shrimati Rathnabai Sreenivasa Rao,
Shri V.C. Reddi, Shri K. Brahmananda
Reddy, Shri Janardhana Reddy, Shri
K.V. Raghunatha Reddy, Shri Mulka
Govinda Reddy, Shri R.N. I Rishi
Kumar, Shri

Saleem, Shri Mohammad Yunus
 Sangma, Shri E.M.
 Sardar Amjad Ali, Shri
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V.A.
 Shah, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Yogeadra
 Shastri, Shri Bhola Paswan
 Shukla, Shri Chakrapani
 Shukla, Shri M.P.
 Shyamkumari Devi, Shrimati
 Singh, Shri D.P.
 Singh, Shri I.D.
 Singh, Shri Inder
 Singh, Shri Jagjit
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Nathi
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir
 Singh, Shri Shivdayal
 Singh, Shri Sultan
 Singh, Shri Trioki
 Singh, Dr. V.B.
 Sinha, Shri Awadehshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato

Tanvir, Shri Habib Thakur,
 Shri Gunanand Tilak, Shri
 J.S. Tiwari, Shri Shankarlal
 Tiwary, Pt. Bahwaniprasad
 Tripathi, Shri Kamalapati
 Trivedi, Shri H.M.

Varma, Shrimati Narayani Devi Manakial
 Venigalla Satyanarayana, Shri Vyas, Dr.
 M.R.

Wajd, Shri Sikander Ali

NOES—25

Advani, Shri Lal K.
 Angre, Shri S.C.
 Banarsi Das, Shri
 Ganguli, Shri Salil Kumar
 Ghosh, Shri Niren Goray,
 Shri N.G.
 Joshi, Shri Umashankar

Mahadeo, Shri Mandal, Shri
 B.N. Menon, Shri Viswanatha
 Mathew Kurian, Dr. K. Mathur,
 Shri Jagdish Prasad

Pawar, Shri D.Y.

Rajnarain, Shri
 Ray, Shri Rabi
 Roy, Shri Monoranjan

Sakhlecha, Shri V.K.
 Sanyal, Shri Sasankasekhar
 Shastri, Shri Prakash Vir
 Shekhawat, Shri B.S. Singh,
 Shri T.N. Swamy, Shri
 Subramaniam

Tyagi, Shri Mahavir
 Tyagi, Shri O.P.

Yadav, Shri Shyam Lal

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI H.R. GOKHALE: Sir, I move:

"That the Bill be passed".

The question was proposed.

SHRI BHUPESH GUPTA: Sir, we are coming to the close of this session. After 25 years of the commencement of the Constitution, we have reached a situation when we have to pass a Bill like this to protect the Members of the Assemblies and Parliament against this fascist type of hindrance to their right to function as representatives of the people. This is a most extraordinary and serious development. It is necessary for us to know why today some people dare to attack our parliamentary institution in this manner. I think that we should go to the roots of the problem. Otherwise, no constitution and legal solution can be found.

Sir, our parliamentary institutions are undoubtedly passing through severe strain and a serious crisis because the urges and the aspirations of the people have not been fulfilled. Let us frankly admit here as a collective body that we have, in many ways, let down our people. We have done it here. We have done it in the Assemblies and the responsibility for this must be borne first and foremost by the ruling party,

those who occupy the Treasury Benches. Sir, I am sure, if the mandate of 1971 Lok Sabha elections had been faithfully implemented, we would have seen not this kind of attacks on parliamentary institutions, but an enrichment and extension of our parliamentary democracy. Sir, the monopolists, landlords, profiteers, speculators and others are responsible for polluting these institutions. Some politicians rely on the money power of these people and when elections are won, people begin to lose faith in our institution. In fact, the institution itself gets crippled. That is what has happened today.

Sir, today a big hiatus or gap has developed between the institutions, whether they are the Assemblies or the Parliament on the one hand and the starving, suffering and unemployed masses on the other. In a situation of this kind, I think it is possible for the forces which are opposed to democracy and socialism and believe in fascism to exploit the discontent of the people and take cover under our parliamentary institution and use its name to destroy it. This is what is happening. Therefore, I say that we must go to the root of the problem.

Sir, one thing is quite clear that this will offer no solution unless we find a common voice with the people, unless the functioning of the parliamentary institutions well represents the promptings of the millions of our people. They are always liable to change and they are liable to lose their substance and character. What is happening today? We are in the midst of a crisis. And against this background, these things should be understood. Sir, a great responsibility in the running of the parliamentary institutions devolves on those who occupy the Treasury Benches, the Government, the leader of the ruling party—the Prime Minister, and other members of the Cabinet. They owe a great responsibility to the nation. If they go wrong, much will go wrong. The history of parliamentary institutions has shown how the Treasury Benches have not only destroyed themselves but destroyed the institution and wrecked the future of the country also. My fear is, Sir, many of them are on the wrong tracks. Today, you find that the Ministers, instead of being respected, are being beaten up. I do not support the use of violent methods against them. But how is it that even after independence, after 25 years of our parlia-

mentary institution, it is impossible for Ministers in some cases, to go out among the public and face the people? What has made it so? Our people are not bad, our people are not insane. There are some people who tried to misguide them, and I can say that. But, by and large, our people have a solid sense of patriotism. They are democratic-minded people. They have the heritage of a past and ancient culture. They cannot be easily taken off the rails of humanity. We know it. But at times it may be possible to mislead them. Therefore, I say that it is the Government who should do some rethinking today. We are passing this Bill all right. Protect them. Forcible resignation should not take place. In fact, it should be condemned by all people. Sir, in Bihar, some people are trying to get people resign by methods of force. And in Ranchi, some of the misguided youth are saying, that "Maneckshaw is our future". They are not talking about you; they are not talking about me; they are not talking about anybody. They are looking forward to Maneckshaw and they think that Maneckshaw should take charge of the nation. Don't treat it lightly. Today, it may be one voice, tomorrow it may be two, and then it will be more. This is how we are heading for a crisis of the worst type. I still say, Sir, the time is there. We can retrace our steps. We can live up to the mandate on which we were elected. We can implement the promises given to the people. But surrender to the rightist forces, to monopoly capital, to landlords, to wholesalers, to speculators, to foreign imperialists, monopolists, to multinational corporations, to the merchants of black market who buy the politicians, is the surest way of ruining our parliamentary and democratic institutions. I strike this warning today. Don't think that you are protecting only some MLAs. You may protect these handful of MLAs by this legislation. But what is the guarantee that these institutions which we have built up for so many years will survive the onslaughts of counter-revolutionary fascist forces backed up by monopoly, backed up by landlords, backed up by others, all the time? Well, my friend Mr. Rajnarain has said that Bhupesh Gupta is not an authority on parliamentary democracy.

SHRI RAJNARAIN: Then what are you .

SHRI BHUPESH GUPTA: If you do not understand me, I would support along

[Shri Bhupesh Gupta) with your lathi if there is something in your head, that also. Similarly, your brain is in your lathi and not in your tongue.

Sir, I am supporting the Bill despite the fact that I have moved some amendments because I want to protect the parliamentary institutions from demagoguery, deceitful and cowardly acts which Anand Margis and some politicians are launching. I know the limitations of this institution. I know there are many weaknesses, many shortcomings and many things have to be overcome. But the kind of things which you and your leader, Mr. Charan Singh, are doing, will ruin the country.

SHRI RAJNARAIN: No one is more treacherous than the Communists. They are stabbing in the back of the national movements. (Interruptions)

SHRI BHUPESH GUPTA. Sir, I do not wish to enter into any controversy. He will be here for six years. I will be here for only two years. I shall have at least two years' of quarrel with him and you will have to bear with him for a longer time.

Mr. Rajnarain, you tried in 1971 with your grand alliance to capture parliamentary majority. But, having failed to do so, you have now taken to revolutionary, Fascist methods to destroy the country.

SHRI RAJNARAIN: You are counter-revolutionaries.

SHRI BHUPESH GUPTA: Let not Mr. Rajnarain be compared to Guy Fox who entered the House of Commons. At least, Guy Fox was an honourable man. Mr. Rajnarain is the political Guy Fox of the B.K.D. and he should be a warning to all of us.

श्री प्रकाशवीर शास्त्री (उत्तर प्रदेश) : उप-सभापति महोदय, महात्मा गान्धी जी से जब किसी ने पूछा कि आपकी स्वराज्य की परिभाषा क्या है, तब गान्धी जी ने स्पष्ट शब्दों में कहा कि सच्चे अर्थों में स्वराज्य उसको कहेंगे जब 18-20 साल की कोई युवती, सोन और चांदी के आभूषणों से लदी हुई अमावस्या की अर्ध रात्रि में, किसी भी नगर में निश्चिन्त होकर निकले और तब हम समझेंगे कि सच्चा स्वराज्य आया है। कोई किसी के जीवन में अनुचित हस्तक्षेप न करे, उसको स्वराज्य कहा जा सकेगा।

आज कानून-व्यवस्था की स्थिति बिहार, गुजरात और देश के दूसरे भागों में इतनी दयनीय हो गई है कि अब यहां

से उत्तर प्रदेश में 15 मील चल कर देखिए, तो आप पायेंगे कि सायंकाल 8 बजे के बाद सड़कों के ऊपर जब तक 10-20 मीटर इक्की न हो जाएं, उनका काफिला न बन जाए, तब तक वे सड़क पर नहीं चल सकती। दिल्ली के अन्दर भी इसी तरह से कानून-व्यवस्था की घटनाएं हो चुकी हैं। अभी कुछ दिन पहिले की बात है कि यहां पर आल इंडिया रेडियो के एक बड़े अधिकारी की पत्नि और लड़की की दिन दहाड़े हत्या कर दी गई थी। बिहार जैसे प्रदेश की स्थिति तो इतनी दयनीय हो चुकी है, वहां आज भी पुलिस निरीह बनी देखती है। अभी कल परसों वहां पर जो घटना पटना में घटी है, वे इस बात की परिचायक है कि बिहार के अन्दर कानून नाम की कोई स्थिति नहीं रही।

गुजरात की स्थिति क्या है। गुजरात एक शान्ति प्रिय प्रदेश है। वह गान्धी जी का प्रदेश है। गुजराती लोग आसानी से इस प्रकार की खूनी क्रान्ति के रास्ते पर उठते नहीं हैं। लेकिन जब पानी बिल्कुल नाक तक आ जाए, तो फिर गुजरात के लोग ही क्या करते? जो गल्ला गुजरात की जनता में वितरण के लिए दिया गया था, उस गल्ले को गुजरात के कुछ मन्त्रियों ने मिलकर समुद्र पार डुबाई भिजवाते रहे। जो अन्न गुजरात की जनता के पेट में जाना था, वह दूसरे देशों को भेज दिया गया। यही कारण है जो वहां की जनता ने विवश होकर आन्दोलन का रास्ता पकड़ा। वह यह शस्त्र न उठाती, तो और क्या करती? मेरे कहने का अभिप्राय यह है कि सरकार जो विधेयक पारित करना चाहती है, आखिर उस बिल के पीछे मूलभूत कारण क्या छिपा हुआ है? आखिर 26-27 वर्ष पश्चात् भी, देश में ऐसी स्थिति क्यों आई कि जनता को चुने हुए प्रतिनिधियों के सामने जाकर इस प्रकार का आन्दोलन करना पड़ा—आप अपने पद का त्याग कर दें और हमारा साथ दें। यही स्थिति गुजरात में भी बनी और अब इसी प्रकार की स्थिति बिहार में भी बनने जा रही है।

उप-सभापति जो, इससे दयनीय आर्थिक स्थिति और दशा किसी देश की क्या होगी, जिसका उत्पादन केवल 4 प्रतिशत ही बढ़ा हो?

उस देश के अन्दर करेन्सी नोट का उत्पादन 30 प्रतिशत बढ़ गया। हमारे देश में जो मुद्रास्फिति की स्थिति है, जो महंगाई बढ़ती चली जा रही है उसकी जड़ में कारण क्या हैं? जब जनता परेशानी में होती है तो वह आन्दोलन करती है और अपने जन-प्रतिनिधियों के सामने अपना रोष प्रगट करती है। आप उनको दूसरा विकल्प तो दीजिए। जिन प्रतिनिधियों को उसने विधान सभा या संसद में चुन कर भेजा है उनके सामने जनता रोष व्यक्त न करे तो किस ढंग से व्यक्त करे? मैं उस बात की पुनरावृत्ति नहीं करना चाहता जो मेरे कई मित्र कह चुके हैं इसमें सभापति या विधान सभा के अध्यक्ष के स्थान की जो पवित्रता है उसको

स्पर्श न किया जाए। लेकिन इतना मैं अवश्य कहना चाहता हूँ कि अब तक ये पद निष्पक्ष पद माने जाते रहे हैं। जनता की दृष्टि में और सदन की दृष्टि में, अगर कोई सदस्य ऐसा भी हुआ है जो किसी दल से चुनकर आया है और उसको इस आसन पर सदन ने सर्वसम्मति से या बहुसम्मति से बैठाया है तो उसने उस दल से त्याग पत्र दे दिया। लोकसभा की परम्परा को मैं जानता हूँ। वर्तमान अध्यक्ष ने आसन ग्रहण करते ही यह घोषणा की कि अब मैं किसी दल का सदस्य नहीं, अर्थात् सदन के अन्दर जितने पक्ष हैं उन सबकी भावनाओं का प्रतिनिधित्व वह करते हैं। लेकिन जब इस प्रकार की स्थिति आ जायेगी कि विधान सभा को बचाने के लिए या पार्टी के कुछ सदस्यों को बचाने के लिए इससे पवित्र आसन का प्रयोग किया जायेगा तो मेरा ऐसा विचार है आवश्यकता प्राविष्टकार की जननी होती है, गोखले साहब इस कानून को तो पास करा देंगे और विधान सभा अध्यक्ष को यह अधिकार भी दे देंगे कि वह त्यागपत्र को स्वीकार करे या न करे परन्तु जनता को दूसरा मार्ग अपनाने के लिए बाध्य कर देंगे। ऐसी स्थिति में हो सकता है जन-प्रतिनिधियों को इन स्थानों तक जाने ही न दिया जाए, त्यागपत्र देने की स्थिति तो बहुत पीछे आयेगी। इसलिए इस प्रश्न पर भी विचार करना चाहिए।

एक बात मैं विशेष रूप से कहना चाहता हूँ जो इस कानून में न्यूनता, मुझे दिखाई देती है क्योंकि जहाँ आपने अधिकार दिया है उनको यह निर्णय करने का कि त्यागपत्र वैध है या नहीं उचित कारण से, स्वेच्छा से दिया गया है या नहीं, वहाँ, उप-सभापति जी, इसमें यह कहा गया है—

“त्यागपत्र की दशा में यदि पर्याप्त जानकारी से या अन्यथा और ऐसी जांच करने के पश्चात्”

अन्यथा ऐसी जांच करने के पश्चात् कौनसी ऐसी मशीनरी है जिससे ऐसी जांच होगी। आप को इसमें कोई मशीनरी देनी थी, कोई वित्तीय व्यवस्था करनी चाहिए। अन्यथा जब तक ऐसी जांच करने का साधन नहीं है तो अपने सहयोगियों से, जिनके समर्थन से चुनकर वह गए थे, या उस आसन को ग्रहण किया था, उनके परामर्श से, उनको राय से काम करेंगे और फिर उस आसन को कलंकित करेंगे। ऐसी जांच का ऐसा ही परिणाम हो सकता है, दूसरा नहीं हो सकता।

तीसरी बात, जिसको कह कर अन्त में मैं बैठना चाहता हूँ, यह है कि जनता की आवाज जनादन की आवाज होती है। इस प्रकार कानून बना कर त्यागपत्र देने से आप उनको रोक सकते हैं, लेकिन इसी बिहार में, जिसके प्रश्न को लेकर आप यह कानून बनाने की तैयारी कर रहे हैं, यह कानून पास करने जा रहे हैं, जब अपना देश स्वतन्त्र हो गया था और गांधी जी बिहार का भ्रमण कर रहे थे उस समय लाठी से, गोली से सरकार जनता की आवाज को दबाना चाहती थी। मैं अपने शब्दों में नहीं कहना चाहता

बल्कि आज की सरकार को गांधी जी के शब्दों में कह कर बैठना चाहता हूँ। उस समय गांधी जी ने ये शब्द कहे थे “अगर लाठी और गोली से जनता की आवाज को सरकार दबाने की कोशिश करेगी तो वह दिन दूर नहीं है जब सफेद टोपी वाले लोगों को जनता चुन-चुन कर मारेगी”। ये शब्द हैं जो गांधी जी ने अपनी प्रार्थना सभा में कहे हैं। मैं चाहता हूँ सरकार समय की आवाज को पहचाने और गांधी जी के उन शब्दों को याद करे और भविष्य के लिए स्वस्थ निर्णय ले।

श्री नवल किशोर (उत्तर प्रदेश) : उप-सभापति महोदय, जिन लोगों ने इन विधेयक का समर्थन किया है या जिन्होंने इसका विरोध किया है दोनों एक बात से सहमत हैं कि किसी विधायक का इस्तीफा जबरदस्ती न लिया जाए। श्रीमन्, सबाल केवल यह है कि यह एडमिनिस्ट्रेटिव डंग से किया जाए या संविधान में संशोधन ला कर। मैं आपसे यह अर्ज करूंगा कि जो जगड़े की जड़ है वह इकोनॉमिक इण्डूज हैं। चाहे गुजरात हो या बिहार हो, जब आन्दोलन शुरू हुआ तो इस बात में शुरू हुआ कि कीमती को थामा जाए, आवश्यक वस्तुओं का जो अभाव है उसको समाप्त किया जाए, भ्रष्टाचार खत्म किया जाए, अनएम्प्लायमेंट या बेकारी खत्म की जाए। आहिस्ता-आहिस्ता बढ़ कर वह मांग यहाँ तक पहुँच जाती है कि असैम्बली को डिजाल्व किया जाए और वहाँ राष्ट्रपति का शासन किया जाए।

गुजरात के अन्दर जहाँ तक मैं समझता हूँ कभी भी असैम्बली डिजाल्व न होती अगर रूलिंग कांफ्रेंस के 86 या 80 सदस्यों ने इस्तीफा न दे दिया होता। जब उन्होंने इस्तीफा दे दिया तो असैम्बली अपनी जगह पर बेकार हो गयी। मैं एक बात स्पष्ट कर दूँ कि आज जो ट्रेंड चल रहा है उसमें बुनियादी सबाल यह है कि इस देश के अन्दर भीड़ तन्त्र चलेगा या जनतन्त्र चलेगा, मोबोक्रैसी चलेगी या डिमोक्रैसी चलेगी। मैं बड़ा हैरान होता हूँ। मैं इस बात का तो हामी हूँ कि अगर विधान सभा में कोई पार्टी अल्पमत में हो, दूसरी सरकार न बन पाये तो इस्तीफा होना चाहिए और वहाँ की विधान सभा भंग होनी चाहिए, मगर जो यह आवाज उठती है कि बेईमान लोग इस्तीफा दें तो एक बात मैं समझने में परेशान हूँ। जो विधायक है किसी पार्टी के वह तो बेईमान है और जो एजिडेशन कर रहे हैं वह देवता हैं और ईमानदार हैं। तो यह कौन तय करेगा कि कौन बेईमान है और कौन नहीं है। अगर किसी के खिलाफ बेईमान होने का सबूत हो तो वह भले ही एम०एल०ए० हो या एम० पी० हो या मिनिस्टर हो, उस को निकाल देना चाहिए, लेकिन यह जो ट्रेंड बन रहा है उसका नतीजा यह होगा कि अगर जनता की आस्था-पोलिटिकल पार्टीज से उठ गयी तो देश में सिवाय डिस्टेटर-शिप के और कुछ होने वाला नहीं है। मैं कहना चाहता हूँ कि आन्दोलन हो, शान्त ढंग से हो, मैं उसके पक्ष में हूँ। जो आर्थिक समस्याएँ हैं उनके लिए आन्दोलन किया जाए,

[श्री नवल किशोर]

लेकिन अगर हम सब को कह दें, उधर के लोग हम को कहें, हम उधर के लोगों को कहें कि तुम बेईमान हो तो जनता समझेगी कि सब बेईमान हैं।

जहाँ तक सवाल है इस विधेयक का, मैं एक बात कहना चाहता हूँ गोखले साहब से कि उनकी नीयत कुछ भी हो, मगर इस को इनकी जल्दी में वह लाये हैं यह अच्छा नहीं है। वैसे उनकी मिनिस्ट्री इस बात में दक्ष है कि हर काम को वह बहुत जल्दी में किया करती है। बाहे पांडुरंगी का मामला हो या मामला हो इस विधेयक का, वह सब काम जल्दी में हो जाता है। यह विधेयक तो पास हो गया, थर्ड रीडिंग हो रही है, मगर जो ईश्यू है वह अपनी जगह पर स्पष्ट नहीं हुए। जब इतनी बड़ी जिम्मेदारी आप चैयरमैन और स्पीकर को दे रहे हैं तो क्या आप ने इस बात को मूनासिब नहीं समझा कि उनकी एक कॉन्फरेंस बुला कर उन से भी इस बात पर मशविरा किया जाए कि जो यह एडिशनल जिम्मेदारी उन पर डाली जा रही है वह इसके लिए तैयार हैं या नहीं? गोखले साहब ने कहा कि जैसा आर्टिकल 101 और 190 इस वक्त है उसमें स्पीकर्स के अधिकार हैं और उन्होंने तीन केसेज की बात कही। एक केस कोचीन का है और एक है इलाहाबाद का, मगर आज इस विधेयक के पास हो जाने के बाद तीन केसेज नहीं होंगे, 20, 25 और संकड़ों केस भी हो सकते हैं ऐसे, न ही तो अच्छी बात है। श्रीमन्, आप को याद होगा कि जिस समय हमारे स्पीकर को यू०पी० में 28 जेजेज ने, उनकी एक बेंच ने समन करने की कोशिश की तो हम ने उस को रिजिस्ट किया और हमने उन 28 जेजेज के खिलाफ वारंट ईश्यू कर दिया असेम्बली से। आप के यहाँ एक रेफरेंस हुआ है कि प्रेसीडेंट के चुनाव गुजरात की असेम्बली के भंग रहने के बावजूद हो सकते हैं या नहीं। इसमें भी नोटिस की बात थी स्पीकर को और उस पर विधान सभा ने आपत्ति की और मैं समझता हूँ कि ठीक ही आपत्ति की। तीन केसेज में कुछ तो हुआ है लेकिन यह कुर्सी ऐसी है कि जिस के लिए हम कोशिश करते हैं कि अदालतों में इसकी खोचातानी नहीं होनी चाहिए।

एक बात मैं और जानना चाहता हूँ गोखले साहब से कि हम कोअर्शन के अग्रेस्ट हैं, लेकिन आप कोअर्शन में और मोरेल प्रेशर में जैसे डिस्टिन्गुइश करेंगे। अगर कोई पार्टी के आदेश से इस्तीफा दे दे, बिहार में सोशलिस्ट पार्टी के और जनसंघ के दस प्रादमियों ने इस्तीफा दिया, (Interruptions) अच्छा स्वेच्छा से ही दिया, लेकिन उस को कोअर्शन कहा जायेगा या क्या कहा जायेगा। तो गोखले साहब बतलायें कि क्या स्पीकर यह मान कर चलेगा कि जो इस्तीफे आये हैं यह जेनुइन हैं या वालंटियरी हैं या उनकी वह मान कर चलेगा कि वे जेनुइन और वालंटियरी नहीं हैं, यह मान कर चलेगा? और कैसे वह उनकी जांच करायेंगा।

श्री भूपेन्द्र नारायण मंडल (बिहार) : उप समापति जी, जब से इस देश में स्वतन्त्रता कायम हुई है तब से एक

पार्टी का लगातार शासन चल रहा है। शासन जिस ढंग से चल रहा है उसका नतीजा हर मायने में आप देख रहे हैं। देश का अर्थतन्त्र छिन्न-भिन्न हो गया है। इसका राजनीतिक संगठन भी करीबकरीब छिन्न-भिन्न हो गया है। मेरा कहना है ऐसी स्थिति आज देश में आ गई है।

जैसे-जैसे समय बीतता जाता है वैसे-वैसे जो शासक पार्टी है अपने को शक्ति में, शासन में रखने के लिए जो उपाय अपनाती है वह इतने गलत उपाय होते हैं कि उनका नतीजा भी गलत ही निकलता है। जैसा हम हाल में देख रहे हैं कि हर चुनाव जीतने के लिए करोड़ों रुपया इकट्ठा किया जाता है। इसके लिए लाठी का भी सहारा लिया जाता है। इसका नतीजा यह होता है, उस शासन का रिजल्ट यह निकलता है कि आर्थिक दृष्टि से या राजनीतिक दृष्टि से वह घोर भी खराब होता जाता है। आज समूचे देश में आर्थिक दृष्टि से और राजनीतिक दृष्टि से इतनी बेचनी हो गई है कि जो भी इंस्टीट्यूशंस हैं, डेमोक्रेटिक इंस्टीट्यूशंस, पार्लियामेन्टरी इंस्टीट्यूशंस देश में चल रहे हैं, जिसको हम सब पसन्द करते हैं, रखना चाहते हैं, वे भी अब खतरे में पड़ गए हैं। अब इस खतरे में पड़ने के बाद सरकार को सोचना चाहिए कि कौन सा ऐसा उपाय निकालें जिस उपाय से हम लोग उबर सकें।

हम देखते हैं कि वर्तमान-संविधान (संशोधन) विधेयक में जो एक प्राविजन होना चाहिए था रिकाल का, उसके लिए कानून नहीं लाया गया है और कानून लाया गया है क्या? कानून लाया गया है कि जो कोई जनता असंतुष्ट होकर यह चाहेगी कि विधान सभा या लोकसभा भंग हो तो ऐसा करने के लिए जनता को अधिकार नहीं दिया जाता है और अगर जनता आन्दोलन करेगी, ऐसी फिजा बनाती है जिससे कि राजनीतिक दृष्टि से कंपैल होकर विधानसभा या जिससे कि लोकसभा सदस्य इस्तीफा दे या ऐसा कुछ करें जिससे व्यवस्था बदले तो सरकार उसको जबर्दस्ती तरीके से दबाती है लाठी-मोली के जरिये दबाती है। हाल में जनता ने उपाय निकाला है कि अगर विधान सभा या लोकसभा भंग नहीं होती है तो हम एम०एल०ए० या संसद सदस्यों के जरिये से उसको भंग करवा देंगे, हो सकता है इसमें कुछ जबर्दस्ती भी हो जाये, क्योंकि यह नेचुरल है जब बहुत दिनों तक कोई आन्दोलन चलता है तो जल्दी सफल होने की आशा में ऐसी स्थिति हो जाती है तो इस दबाव के लिए सरकार यह बिल लाई है। मैं पूछना चाहता हूँ कि इस बिल में सरकार ने क्यों नहीं रिकाल का प्राविजन दिया है? जो प्राविजन इनमें दिया गया है उसके जरिये स्पीकर या चैयरमैन के हाथ में सारी बात छोड़ दी गई है। चैयरमैन और स्पीकर क्या करेंगे यह भी उनके लिए संकट की बात है। जैसा देखते हैं कि साधारण तरीके से पार्टी लेवल का चैयरमैन या स्पीकर होता है और पार्टी की बात को महत्व देता तो है, फिर भी काफी हद तक निष्पक्ष होता है तो, इससे पार्लियामेन्-

दरी इन्स्टीट्यूशन की निष्पक्षता और स्पीकर की निष्पक्षता के लिए खतरा हो सकता है। ऐसी हालत में यहाँ पर जो दो मुद्दाव आए हैं उनमें एक मुद्दाव आया है कि जो सदस्य इस्तीफा देना चाहता है वह अपने आप जाकर दाखिल करे तो मैं समझता हूँ इसमें जो अभी की समस्या है उस समस्या का हल निकाला जा सकता है लेकिन उसको मन्त्री जी ने नहीं माना। और दूसरा मुद्दाव, जो करीब-करीब विरोधी दल के सभी लोगों ने दिया है रिक्काल की व्यवस्था के लिए, वह भी मन्त्री जी ने नहीं माना है। ऐसी हालत में मैं समझता हूँ कि जो राज्य अभी की हालत को सुलझाने के लिए सरकार ने मुद्दाएँ हैं वह गलत हैं। मैं समझता हूँ यदि अब भी चाहते हैं कि स्पीकर या चेयरमैन की निष्पक्षता कायम रहे तो ऐसी कोशिश करना चाहिए कि जो फैक्ट्स हैं उनका निश्चय वह न करें बल्कि वह रैफर कर दें किसी दूसरी जगह—जैसे कि सुप्रीम कोर्ट है या इस तरह की और संस्था हैं। वहाँ से फैक्ट्स का निर्णय हो और या जो प्रिविलेज कमेटी है उसको यह काम सौंप दिया जाए बल्कि अपने ऊपर इसकी जिम्मेदारी न लें। इनमें मैं समझता हूँ निष्पक्षता का जो अपना स्थान है वह स्थान बना रहेगा।

SHRI NIREN GHOSH: A political scientist, a knowledgeable person, wrote that the Constitution was made to ensure the bourgeois-landlord rule, that means the bourgeois-landlord dictatorship. Sir, there are countless restrictions which normally do not obtain in any democratic system, which are made to obtain here today. Not only that, there is no right of recall; there is no proportional representation. This Parliament or the Assembly is never a true mirror of the people outside. It is a distorted mirror, and almost everywhere a minority amongst the people rules, and they claim that they have got the mandate from the people, which is completely an untruth. This is a system that has been brought about by trickery because they know from the very beginning that the Congress Party has never been able to achieve a majority of votes in the elections; always they have got votes Below; they have no right to speak in the name of the people or in the name of the country. Not only that. When we spoke of rigging, violence, frauds in our State, many people did not believe it. Now it has become a normal routine. The same bourgeois tendency is there, and all rights are being taken away one by one. And now the complaint has become widespread throughout the country. It is a fact that only by fraud, violence and rigging they are conducting the election. So, I would appeal to my comrade Mr. Bhupesh Gupta who speaks of fighting the right reac-

tion. I would say that this Government is backed by almost all the monopolists and 90 per cent of the landlords.

SHRI RABI RAY (Orissa): And the police force.

SHRI NIREN GHOSH: And the police force, of course. So, that is the source of right reaction, that is the source of fascistlike tendency, and that is being exhibited one by one. I will not repeat all those arguments. But every time a resignation takes place, It can become a subject-matter of debate in the House. There will be endless debates on each and every action that the Speaker or the Chairman takes on a resignation. I do not know how they will manage. What do they mean by this? So this is what we have come to. I do feel that the Bihar Ministry has no right to exist. It has forfeited the confidence of the people. It does not have a majority mandate; it has not got even 50 per cent of the votes, and Mr. Gafoor was elected through absolute rigging. How can he become the Chief Minister? I fail to understand it. So, they do not have any right whatever to exist. One by one, the dictatorial, fascist tendency is emerging in this Government and it is evident that they are fully "under the grip of the monopolists, including, I would say, those whom Mr. Bhupesh Gupta would like to place above, including the Prime Minister as well, because without her, these policies cannot be pursued. That should be known. There is no use making a distinction. There might be one or two good or bad fellows. On its totality, taken as a whole it is a reactionary government. Sir, I agree with Mr. Dange that right reaction is sitting on the top of this government. (Interruption by Z.A. Ahmad) You may not agree. But he is your Chairman and that is his view.

SHRI LOKANATH MISRA (Orissa): But can there never be left reaction?

SHRI NIREN GHOSH: Those who support them, those on whom they count so much for their black Bills, the so-called progressives oblige them. Wonderful phenomenon that I have seen in this and the other House.

MR. DEPUTY CHAIRMAN: Mr. Niren Ghosh, please wind up.

SHRI NIREN GHOSH: That being the position, we will not be a party to the final passing of this dirty, black Bill. After our

{Shri Niren Ghosh) friend, Mr. Goray speaks we will walk out and will not be a party to the passing of this Bill. Let them pass this black Bill with the help of their supporters.

SHRI N.G. GORAY (Maharashtra): I only want to touch upon one point that has exercised the entire Opposition again and again, namely, that it will be wrong to bring in the Chairman or the Speaker and to ask him to examine the genuineness or otherwise or the resignation of the Member. Sir, I would appeal to the Treasury Benches and those who are supporting the Bill to take this particular point into consideration with all the seriousness that it deserves. Sir, I do not know how the Chairman can be burdened with this sort of thing. What sort of machinery will he apply? How will it be possible for him to go into the evidence for and against a particular action of the concerned Member of Parliament? And, Sir, the biggest setback to his authority will be that whatever his decision it will be doubted by either the Opposition or the Treasury Benches. Therefore, Sir, If you want to maintain the dignity of the Chair, I think that even at this late hour serious attention may be paid to this issue and if we can save the Speaker or the Chairman from this sort of embarrassing position, I think it should be done.

The other point that I wanted to raise was about the Member himself. Sir, he will be in a very precarious position as we envisage. Supposing he has resigned. To all those people at the other end he will be saying that he is resigning and resigning willingly, and when he comes here he will tell the Speaker or the Chairman that he has done so under duress. He will be lying at both the ends. Supposing the situation is saved and he is allowed to continue as a Member of the House. When he goes back what happens to him? You have not understood the position. And because you have not understood the position you think that the seat of tint particular man or his membership of the House can be saved if the Chairman or the Speaker wants to give his verdict in his favour, think really in saving that man you are making it impossible for him to face his constituents. Please also take into consideration this point of view.

Then the next point and the major point which I really wanted this House to go into

deeper is this. When I listened to the ^speech of the Law Minister, I thought that while advocating that a particular Bill should be adopted by this House, he would reveal to us the whole background that inspired him to bring this Bill before this House.

So far as my knowledge goes, the real father of the Bill is Bhupesh Gupta, and Mr. Gokhale happens to be the Dattak father. And that is why most probably he avoided going into details. So, let us see how this Bill has come. For the last 25 years you have been in power. You never thought of bringing such a Bill before. It is only what has happened in Gujarat and what has happened in Bihar—the Bihar episode is not over; when Jaya-prakash Narayan comes back, perhaps the whole thing will boil over again; I do not know what is going to happen—which has prompted you to bring this Bill. Now, why don't you go deeper into it? Is it only a few hooligans? Is it only a few "goondas"? Sir, If my information is correct, what has happened in Gujarat or what is happening in Bihar is, the father is against the son; the husband is against the wife; the whole household is divided. On the one side there are the people who think that this Government cannot deliver the goods; on the other, you have got a vested interest in remaining in the Government. This is the position and this position has come about because of the particular economic situation in which we find ourselves. Sir, it is an entirely developing, emerging situation. The founding fathers of the Constitution never imagined that such a situation would arise. That is why there is no provision in the Constitution for recall. Now, we are faced with a situation where the electorate would like to revoke its mandate. Do you not agree that there may be a time when the electorate would like to revoke its mandate? It has chosen you. Yes, that is true. But they do not want you to continue for five years. Is it theoretically impossible for such a situation to arise? Is it impossible to imagine such a situation even after what has happened in Gujarat and Bihar? Therefore, Sir, what I think is that this Bill is an attempt to put the cart before the horse. Yon, Mr. Gokhale, should have come before this House with a Bill on recall, giving the right to people to recall, their representatives in the Assembly or in Parliament an., of course, there should be a proviso that it should not be used in a

frivolous manner or it should not be done by force or violence. I can understand that. But he does not speak anything about recall. It is not as if only those countries which believe in Communism have the right of recall. In the USA there is provision for recall in 12 States and there are 1,000 municipalities where there is this right of recall. This, I suppose, is a fundamental right of the citizen. Who is supreme—the common man or his representative? Does it mean that for five years that representative is supreme, he can do whatever he likes and he is not responsible to the constituency? The right of recall restores to the constituents this sovereign right which belongs to them. If the power really flows from the people, it must be with the people even during those five years. Therefore, I plead with the Government that they should give closer attention and go deeper into the question. Do not think that because of a particular member, Mr. Rajnarain or somebody else or some "goondas" or some other elements, all this is necessary. (Interruption) It is not so. What I am saying is that if you become introspective...

श्री राजनारायण: ये लोग समझ रहे हैं कि आपने मुझको गुन्डा कहा।

श्री एन० जी० गोरे : नहीं, नहीं।

श्री राजनारायण: अगर कोई गुन्डा कहे तो मैं जयशंकर प्रसाद का गुन्डा हूँ, आप लोगों की तरह मुछमुन्डा नहीं। जाकर जयशंकर प्रसाद की कहानी गुन्डा पढ़ो। उनकी कहानी का गुन्डा वह है जो दूसरों की जिन्दगी को बचाने के लिए अपनी जिन्दगी को खतरे में डाले। (Interruption) क्या लफंगों की तरह हँसते हो।

3 P.M.

SHRI N.G. GORAY: I was rather too serious perhaps for Mr. Rajnarain. What I wanted to say was, please take this example. Why do you compare yourself with England and America. There the rules of democracy are entirely different, the values are entirely different. I told you here in this House that in spite of the coal strike, when it was bitter, when the people were suffering, not a single striker was arrested while here today Mrs. Parvati Krishnan and all those people, 15,000 of them, are arrested. Do you mean to say that these people, whatever happens to the strike, will not be resentful, will not feel humiliated, will not feel that they have no stake in the democracy of this country, that they have been denied even the right to strike?

You just imagine that. If you apply your mind to this, you will find that a simple Resolution like this or an Amendment like this is not going to save the democracy. For saving democracy you will have to go deeper in a very sincere manner.

SHRI LOKANATH MISRA: Sir, I do not want to make a speech. I have only two questions which the honourable Minister might kindly reply when he replies to the debate on the third reading...

SHRI NIREN GHOSH: Sir, what about us...

MR. DEPUTY CHAIRMAN: Kindly wait. He is on his legs.

SHRI LOKANATH MISRA: I am not going to make a speech. Let me put my questions straightway. Number one: Before he thought of piloting this Bill, did the honourable Minister take the consent of those people who are to implement, meaning the Presiding Officers, the Speakers and Chairmen of both Houses in the States and our Chairman and the Speaker of Lok Sabha, because they are the persons who are to implement it? I would like to know whether their consent has been taken as to whether they are prepared to take this additional responsibility. Number two: What is the instrument through which the Speakers and the Chairmen would assess or find out about the genuineness or otherwise of a resignation letter? I would like to know whether they have a set apparatus for that or whether they are going to provide for and apparatus or whether they would depend upon Parliamentary Affairs Minister for advice as to the genuineness or otherwise of a resignation letter.

SHRI NIREN GHOSH : Sir, in protest against this I and the Members of my party, are staging a walk-out.

[At this stage some hon. Members left the House]

श्री राजनारायण : श्रीमन्, एक सवाल हमारा है ? मैं यह जानना चाहता हूँ आप से कि यह जो लेटर आर० एस्० सक्सेना का हिद्दालको के बारे में मीने पड़ा है उसका क्या होगा ?

श्री उप-सभापति : वह आप की जेब में होगा।
Nothing is going to be placed on the Table

श्री राजनारायण : तो श्रीमन्, मैं प्रिविलेज का मोशन दे रहा हूँ। हम लोग इस विधेयक को राष्ट्रवादी और काला

[श्री राजनारायण]

कानून समझते हैं और मन्त्री जो जो कुछ इस सम्बन्ध में बोलना चाहते हैं वह सुनने को तैयार नहीं हैं इसलिए हम सदन का त्याग करते हैं और विशेषाधिकार अवहेलना का प्रश्न रख रहे हैं क्योंकि प्रधान मन्त्री और उनके प्राइवेट सेक्रेटरी ने 5 लाख रुपया लिया है हिंडालको के मालिक से। (Interruptions) इसके लिए हम विशेषाधिकार का प्रस्ताव देते। (Interruptions)

[Shri Rajnarain left the House]

श्री श्याम लाल यादव : इस विधेयक के विरोध में हम सदन का त्याग करते हैं।

[At this stage the Hon. Member left the House]

श्री श्रोडम् प्रकाश त्यागी: यह सरकार जो विधेयक ला रही है उसके द्वारा वह देश में तानाशाही स्थापित करना चाहती है। जिस प्रकार से गवर्नर्स के द्वारा तमाम प्रान्तीय सरकारों को उलटने और विस्थापित करने का जाल फैलाया गया है वही इसके द्वारा होगा। अब उपाध्यक्ष महोदय, संसम्बलीज में अगर उनकी सरकार न चली तो उसको स्थापित रखने के लिए एक दूसरा षडयंत्र यह किया जा रहा है इसलिए हम इस काले कानून के खिलाफ सदन से बाक-घाउट करते हैं।

[At this stage some Hon. Members left the House]

MR. DEPUTY CHAIRMAN : Mr. Gokhale please reply now.

SHRI H. R. GOKHALE: Sir, in the debate of the third reading of the Bill which I have been listening to carefully, almost entirely the grounds which have already been covered in the earlier discussion, have been covered again. Therefore, I do not intend to go over the whole ground again except to refer to one or two questions which have been emphasised and re-emphasised by speaker after speaker in this discussion. Once again it has been pointed out that on account of this Bill a onerous responsibility has been cast on the Speaker and he has been called into the fray with the result that his present independence and the position which he occupies in the House are now put in jeopardy. When we are thinking on a measure like this, I agree with my honourable friend, Mr. Bhupesh Gupta when he said that we are passing through a period of crisis when our democratic framework is under great stress and strain. Things which have happened in the recent past, as was rightly pointed out, were never envisaged when the original provision in the Constitution was made.

At that time one never imagined that by a process of violence, duress and coercion a Member will be coerced into resigning and thus preventing him from functioning as the representative of the people whom they have elected. Whom can we think of whose impartiality can be better trusted than the Speaker or the Presiding Officer? It is rightly said that the Speaker is the ears and eyes of the House. Therefore, no other authority, howsoever high, can evoke such trust and such confidence as the Speaker and the Presiding Officer of the House. Therefore, it is inevitable that when you think of making a provision of this type you must entrust this highest responsibility to him. Even otherwise, so far as the House is concerned, he already decides many disputed questions. It is not as if he does not take decisions on several disputed issues. He decides them. The decision of the Speaker is accepted on this basis that he is the only authority whose impartiality is never in doubt and that is why the entire membership of the legislature has to repose full trust and confidence on him.

Even without this amendment. Speaker has been dragged into court. Therefore, that could not be prevented completely in a situation where our courts also have to function under the jurisdiction respectively vested in them by the Constitution itself.

Reference was made by one hon. Member to the presidential reference which is made to the Supreme Court. I want to dislodge a wrong impression which that hon. Member and some members seem to be carrying. It was not a summons issued to the Speaker or to the Chairman. Here a precedent which was followed in U.P. was followed. In the Presidential reference there were no parties to the dispute and the court is naturally embarrassed. They think that if only one point of view is represented, then it is unfair to the other point of view and who, other than the legislatures, were interested in a reference of this type? The legislatures themselves were the electoral college. One point of view was that even if line legislature was not in existence, the Presidential election can take place, whereas the other point of view would be that if one legislature is not there, then you cannot hold the Presidential election. Whose rights are affected in this? The legislatures which are the components of the electoral college are concerned with the Presidential election. I would

submit that the Court did very wisely in giving only intimation to the Speaker that such a reference has been made. It is not a summons and certainly not a warrant. No disrespect was meant to the Speaker or the Presiding Officer in issuing this summons. I wanted to mention this because some misunderstanding has been created on account of this and some reference was made to it. Therefore, I thought I should use this occasion to clarify this point. The courts also know that the Speaker cannot be the object of summons or warrants of the courts unless the matter appears to be such that the legislature itself takes a vital interest in the decision of a particular case which is referred to the Court. Therefore, I would submit again that the legislatures are really doing their inevitable duty by passing this Bill which asks the highest authority in the legislature to decide as to whether a resignation has been genuine or voluntary or not.

L have already covered all other points and I do not want to cover the whole ground again.

SHRI LOKANATH MISRA: What about my question?

SHRI H. R. GOKHALE: There is no question. When Parliament considers a matter, it is really a matter for the elected representatives of the people in the two Houses to decide as to who should be responsible or the repository of responsibility for deciding a particular thing.

SHRI T.N. SINGH: In the case of Press Council Act, the Speaker declined to perform an act envisaged in that Bill. Here the Speaker may decline. In that case, what will happen? It has happened. There is precedent where the Speaker has declined. What is he to do?

SHRI LOKANATH MISRA: Mr. Minister when you wanted the Speakers and the Chairmen to shoulder such onerous responsibilities, did it not ever strike you that you should take their consent before bringing forward this Bill ?

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed.

SHRI LOKANATH MISRA: Sir, at this stage I want to walk out.

[At this stage the hon. Member and some others left the House]-

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed." The House divided.

MR. DEPUTY CHAIRMAN: Ayes—156; Noes—2.

Ayes—156

Abid, Shri Qasim Ali
Abu Abraham, Shri
Adivarekar, Shrimati Sushila Shankar
Ahmad, Dr. Z.A.
AJva, Shrimati Margaret
Amla, Shri Tirath Ram
Anandam, Shri M.
Arif, Shri Mohammed Usman

Barman, Shri B.D. Berwa, Shri
Jamna Lal Bhagwati, Shri B.C.
Bhardwaj, Shri Jagan Nath Bhatt,
Shri Nand Kishore Bisi, Shri
P.N. Bobdey, Shri S.B. Borooah,
Shri D.K. Buragohain, Shri
Nabin Chandra

Chakrabarti, Dr. R.K.
Chandra Shekhar, Shri
Chandrasekhar, Shrimati Maragatham
Chattopadhyaya, Prof. D.P.
Chaturvedi, Shrimati Vidyawati
Chaudhari, Shri N.P.
Chettri, Shri K.B.
Choudhury Shri N.R.
Chowdhary, Shri C.L.
Chowdhri, Shri A.S.
Chundawat, Shrimati Lakshmi Kumari

Das, Shri Balram Das, Shri
Bipinpal Devendra Nath,
Shri Dhabe, Shri S.W.
Dhulap, Shri K.N. Dikshit,
Shri Umashankar Dutt, Dr.
Vidya Prakash

Gadgil, Shri Vithal
Gian Chand, Shri
Goswami, Shri S.P.
Gowda, Shri U.K. Lakshmana
Gujral, Shri I.K.
Gupta, Shri Bhupcsh

Hashimi, Shri S.A.
Himmat Sinh, Shri
Imam, Shrimati Aziza

Jagdish Chandra, Shri
 Jagtap, Shri R.D.
 Jain, Shri Dharamchand
 Jairamdas Daulatram, Shri
 Jha, Shri Kamalnath
 Joshi, Shrimati Kumudben Manishankar

Kalaniya, Shri Ibrahim Kalpanath,
 Shri Kalyan Chand, Shri Kamble,
 Shri N.M. Kapur, Shri Yashpal
 Kesri, Shri Sitaram Khan, Shri
 Khurshed Alam Khan, Shri
 Maqsood Ali Khan, Prof.
 Rasheeduddin Kishan Lal, Shri
 Kollur, Shri M.L. Kripalani, Shri
 Krishna Krishan Kant, Shri
 Krishna, Shri M.R. Kulkarni, Shri
 A.Q. Kulkarni, Shrimati Sumitra
 G. Kumbhare, Shri N.H. Kureel
 Urf Talib, Shri P.L.

Lalbuaia, Shri Lokesh
 Chandra, Dr. Lotha, Shri
 Khyom

Mahanti, Shri B.K. Mahapatro
 Shri L. Majhi, Shri C.P.
 Makwana, Shri Yogendra
 Malaviya, Shri Harsh Deo
 Mali, Shri Ganesh Lal Mehta,
 Shri Om

Menon, Shrimati Leela Damodara
 Mirdha, Shri Ram Niwas
 Mukherjee, Shri Kali Mukherjee,
 Shri Pranab Mukhopadhyay,
 Shrimati Purabi Mulla, Shri A.N.
 Munda, Shri B.R. Murahari, Shri
 Godey Murthy, Shri B.P. Nagaraja
 Musafir, Shri Gurmukh Singh

Narasiah, Shri H.S. Nizam-
 ud-Din, Shri Syed Nurul
 Hasan, Prof. S.

Pai, Shri T.A.
 Panda, Shri Brahmananda
 Parashar, Shri V.R.
 Patil, Shri D.S.
 Patil, Shri G.R.
 Pradhan, Shrimati Saraswati

Prasad, Shri Bhola Prasad,
 Shri K.L.N. Punnaiah,
 Shri Kota Pari, Shri D.D.

Rachaiiah, Shri B.
 Raha, Shri Sanat Kumar
 Raju, Shri V.B.
 Ranganathan, Shri S.
 Rao, Shrimati Rathnabai Sreenivasa
 Rao, Shri V. C.
 Reddi, Shri K. Brahmananda
 Reddy, Shri Janardhana
 Reddy, Shri K.V. Raghunatha
 Reddy, Shri Mulka Govinda
 Reddy, Shri R.N.
 Rishi Kumar, Shri

Saleem, Shri Mohammad Yunus
 Sangma, Shri E.M.
 Sardar, Amjad Ali Shri
 Sardesai, Shri S.G.
 Savita Behen, Shrimati
 Seyid Muhammad, Dr. V.A.
 Shah, Shri Manubhai
 Shahi, Shri Nageshwar Prasad
 Sharma, Shri Yogendra
 Shastri, Shri Bhola Pas wan
 Shukla, Shri Chakrapani
 Shukla, Shri M.P.
 Shyamkumari Devi, Shrimati
 Singh, Shri D.P.
 Singh, Shri I.D.
 Singh, Shri Inder
 Singh, Shri Jagjit
 Singh, Shrimati Jahanara Jaipal
 Singh, Shri Kameshwar
 Singh, Shri Mahendra Bahadur
 Singh, Shri Mohan
 Singh, Shri Nathi
 Singh, Shrimati Pratibha
 Singh, Shri Ranbir
 Singh, Shri Shivdayal
 Singh, Shri Sultan
 Singh, Shri Triloki
 Singh, Dr. V.B.
 Sinha, Shri Awadheshwar Prasad
 Sisodia, Shri Sawaisingh
 Sukhdev Prasad, Shri
 Sultan, Shrimati Maimoona
 Swu, Shri Scato

Tanvir, Shri Habib Thakur,
 Shri Gunanand Tilak, Shri
 J.S. Tiwari, Shri Shankarlal
 Tiwary, Pt. Bhawaniprasad

Tohia, Sardar Gurcharan Singh
Tripathi, Shri Kamalapati Trivedi,
Shri H.M.

Varma, Shrimati Narayani Devi Manaklal
Venigalla Satyanarayana, Shri

Vyas, Dr. M.R.

Wajd, Shri Sikander Ali

Noes—2

Tyagi, Shri Mahavir

Singh, Shri T.N.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 4. P.M.

The House then adjourned for lunch at sixteen minutes past three of the clock.

The House reassembled after lunch at two minutes past four of the clock, The Vice-Chairman (Shri Bipinpal Das) in the Chair.

SHRI NIREN GHOSH (West Bengal): Sir, on a point of order.

SHRI SHYAM LAL YADAV (Uttar Pradesh): I welcome you on the Chair, Sir.

SHRI NIREN GHOSH: My point of order is this that just now talks are going on between our country and Bangladesh...

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): There is no point of order.

SHRI NIREN GHOSH: Let me finish. Will it not be in order in the interest of the subcontinent to give some respite if the talks...

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): This is no point of order. Mr. Niti Rai Singh Chaudhury.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL, 1974.

[Motion for Reference to Joint Committee]

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITI

RAJ SINGH CHAUDHURY): Sir, with your permission I move the following Motion:—

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Code of Civil Procedure, 1908, and the Limitation Act, 1963, and resolves that the following 15 members of the Rajya Sabha.

1. Shri Sawaisingh Sisodia
2. Shri Sardar Amjad Ali
3. Shri Bipinpal Das
4. Shri D.P. Singh
5. Shri M. P. Suhkla
6. Shri Awadheshwar Prasad Sinha
7. Shri Syed Nizam-ud-din
8. Shri V. C. Kesava Rao
9. Shri Nawal Kishore
10. Shri V. K. Sakhalecha
11. Shri Kanchi Kalyanasundaram
12. Shri Bir Chandra Deb Barman
13. Shri D. Y. Pawar
14. Shri Dwijendralal Sen Gupta
15. Shri Krishnarao Narayan Dhulap

be nominated to serve on the said Joint Committee."

The question was proposed.

SHRI SHYAM LAL YADAV : Sir, I would like to say a few words. In this Bill, it is proposed that Section 115 be deleted on the ground that article 227 of the Constitution provides the remedy similar to that. My objection is that this Section 115 empowers the High Court to call for the records and to decide the matter on certain legal grounds. So far as article 227 is concerned, that is entirely different and will not apply in cases where a proper remedy lies. In those cases in which suits are instituted and appeals are heard, I am afraid, the High Court may not interfere so lightly as Section 115 allows it to do. Therefore, Sir, this provision should not be deleted.

The second point is in regard to the certain protections that have been given to the ladies under the present Civil Procedure Code. This Bill provides for doing away with that provision. No doubt, if, our society has advanced and literacy has spread, we would have provided so much. But as things stand today, we are still handicapped, and there should be some protection to the women. Otherwise illiterate women will be suffering.

Tohia, Sardar Gurcharan Singh
Tripathi, Shri Kamalapati Trivedi,
Shri H.M.

Varma, Shrimati Narayani Devi Manaklal
Venigalla Satyanarayana, Shri

Vyas, Dr. M.R.

Wajd, Shri Sikander Ali

Noes—2

Tyagi, Shri Mahavir

Singh, Shri T.N.

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 4. P.M.

The House then adjourned for lunch at sixteen minutes past three of the clock.

The House reassembled after lunch at two minutes past four of the clock, The Vice-Chairman (Shri Bipinpal Das) in the Chair.

SHRI NIREN GHOSH (West Bengal): Sir, on a point of order.

SHRI SHYAM LAL YADAV (Uttar Pradesh): I welcome you on the Chair, Sir.

SHRI NIREN GHOSH: My point of order is this that just now talks are going on between our country and Bangladesh...

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): There is no point of order.

SHRI NIREN GHOSH: Let me finish. Will it not be in order in the interest of the subcontinent to give some respite if the talks...

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): This is no point of order. Mr. Niti Rai Singh Chaudhury.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL, 1974.

[Motion for Reference to Joint Committee]

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITI

RAJ SINGH CHAUDHURY): Sir, with your permission I move the following Motion:—

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Code of Civil Procedure, 1908, and the Limitation Act, 1963, and resolves that the following 15 members of the Rajya Sabha.

1. Shri Sawaisingh Sisodia
2. Shri Sardar Amjad Ali
3. Shri Bipinpal Das
4. Shri D.P. Singh
5. Shri M. P. Suhkla
6. Shri Awadheshwar Prasad Sinha
7. Shri Syed Nizam-ud-din
8. Shri V. C. Kesava Rao
9. Shri Nawal Kishore
10. Shri V. K. Sakhalecha
11. Shri Kanchi Kalyanasundaram
12. Shri Bir Chandra Deb Barman
13. Shri D. Y. Pawar
14. Shri Dwijendralal Sen Gupta
15. Shri Krishnarao Narayan Dhulap

be nominated to serve on the said Joint Committee."

The question was proposed.

SHRI SHYAM LAL YADAV : Sir, I would like to say a few words. In this Bill, it is proposed that Section 115 be deleted on the ground that article 227 of the Constitution provides the remedy similar to that. My objection is that this Section 115 empowers the High Court to call for the records and to decide the matter on certain legal grounds. So far as article 227 is concerned, that is entirely different and will not apply in cases where a proper remedy lies. In those cases in which suits are instituted and appeals are heard, I am afraid, the High Court may not interfere so lightly as Section 115 allows it to do. Therefore, Sir, this provision should not be deleted.

The second point is in regard to the certain protections that have been given to the ladies under the present Civil Procedure Code. This Bill provides for doing away with that provision. No doubt, if, our society has advanced and literacy has spread, we would have provided so much. But as things stand today, we are still handicapped, and there should be some protection to the women. Otherwise illiterate women will be suffering.

[Shri Shyam Lal Yadav]

My third point is on the question of decrees. Sir, certain properties have been exempted from attachment and I am happy at that. But so far as the agricultural implements and other things are concerned, nothing has been added. But simply the previous provision is maintained. I would like to submit for the consideration of the Government and the Committee that is going to consider this Bill that the agricultural implements should now be defined because the agricultural implements have increased in number. Then Sir, the standing crops, the crops that are lying on the thrashing ground and the grain which has gone to the house of the farmer should also be protected. Otherwise, what happens is this. The decree-holder often goes and gets the grain from the house of the cultivator and he is deprived of his revenue.

Then, Sir, I come to the facility that is being given to the paupers and others. Certain help is given to them and it is good. But I would like to say that the enquiry that is conducted by the Revenue authorities to support the contention of the applicant that he is pauper and that he cannot pay the High Court fee, is only irksome. There should be some provision to the effect that this matter be decided before the Courts. It should not go to the Revenue authorities.

Lastly, Sir, there is one more thing that should be considered. The Law Minister himself has been a good lawyer. The fee that is charged in the costs is very meagre. Actually the litigant always pays a higher sum whether in the Supreme Court or in the High Court. Actual fees paid by him are more but a very small fraction of that amount is accounted for and shown in the statement. Therefore, Sir, something should be done in this regard.

I would like to submit that the delay in the hearing of election petitions should be done away with. There should be some specific provision in this regard also. The election petitions are heard mostly under the Civil Procedure Code. We find that there has been an inordinate delay in the hearing of election petitions in the High Courts. The litigants, the petitioners and the respondents are put to a great hardship. There should be some machinery or some provision so that the election petitions may be disposed of early.

SHRI NITI RAJ SINGH CHAUDHURY :

Sir, since the Bill was being referred to a Joint Committee, I thought that I should not say anything about the salient proposals that are in the Bill. Since Yadavji has raised a point I would like to say something in reply. He has stated that the proposal to delete section 115 is not fair. At the same time, he says that disposal of election petitions should be expedited. He says that their disposal now is delayed. How they are delayed, everybody knows. As soon as some order is passed, an application is taken to court. Since the difference between the rich and the poor is maximum in a court of law, the rich for every petty order that is passed go to the High Courts in revision and the matter keeps pending for years together with the result that poor people suffer. After they lose patience, they give up defending their own matter.

Sir, there is another proposal to delete section 80 of the Civil Procedure Code which requires that when a suit is to be filed against Government, a notice is to be given. This section is proposed to be deleted. There are some other provisions which would go a long way in reducing the cost and the time.

With regard to Order 33, I would like the hon. Member to study the proposed Order 33 and he will find that very many changes are proposed to be made. Now, a person who is really indigent shall not only be not required to pay court fees but he will also, in suitable cases, be provided with counsel to defend his case.

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): The question is:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill further to amend the Code of Civil Procedure, 1908, and the Limitation Act, 1963, and resolves that the following 15 members of the Rajya Sabha

1. Shri Sawaisingh Sisodia
2. Shri Sardar Amjad Ali
3. Shri Bipinpal Das
4. Shri D.P. Singh
5. Shri M.P. Shukla
6. Shri Awadheshwar Prasad Sinha
7. Shri Syed Nizam-ud-din
8. Shri V.C. Kesava Rao
9. Shri Nawal Kishore
10. Shri V.K. Sakhalecha

11. Shri Kanchi Kaiyanasundaram
12. Shri Bir Chandra Deb Barman J J.
Shri D.Y. Pawar

14. Shri Dwijendralal Sen Gupta
15. Shri Krishnarao Narayan Dhulap be
nominated to serve on the said Joint
Committee."

The motion was adopted.

STATEMENT BY MINISTER RE STRIKE SITUATION ON RAILWAYS

THE VICE CHAIRMAN (SHRI BIPINPAL DAS) : Before I call upon the Railway Minister to make his statement, I would like to clarify the procedure. After the Railway Minister < his statement, Members will be allowed :k clarifications. But, one Member can put only one question and only, one Member from one Party.

(interruptions)

SHRI BHUPESH GUPTA (West Bengal): You have not asked him what he is going to say. Is it a matter of charity or concession? Therefore, Sir, it is not for you to say. Let us see what kind of a statement he makes—preposterous or otherwise—and on the basis of that we shall say what we have to say. (Interruptions)

THE VICE CHAIRMAN (SHRI BIPINPAL DAS) : This matter has been debated exhaustively in this House on several occasions. Certainly Members may like to seek clarifications from the Railway Minister and if only one Member from each party does it then it will save time.

SHRI LAL K. ADVANI (Delhi): मैं एक निवेदन करना चाहता हूँ कि इस सदन में मैं काफी समय से रहा हूँ लेकिन आज यह पहला प्रश्न है जब चेयर के निर्देश से यह व्यक्ति हो रहा है। यह यहाँ के सदस्यों की इच्छा से नहीं बल्कि चेयर को निर्देश देना पड़ा कि मन्त्री जी आकर वक्तव्य देंगे। यानी उन्होंने इस प्रश्न को इतना महत्वपूर्ण समझा।

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): That is why I say Mr. Advani that I seek your co-operation to save time.

SHRI LAL K. ADVANI: Certainly we have always co-operated with the Chair. इसमें कोई चिन्ता नहीं होगी। लेकिन इस सदन में आप अपनी तरफ से कोई व्यवस्था दें। और ऐसी व्यवस्था

12/Rajya Sabha/74—8

दे दें जिसके कारण हम सीमित हो जाएं तो यह उचित नहीं होगा।

SHRI BHUPESH GUPTA : Sir, we shall co-operate with you. It is ten minutes past four now. We are here. We can stay up to midnight. No difficulty that way.

श्री प्रकाशवीर शास्त्री (उत्तर प्रदेश): मेरा कहना यह है कि आपने यह कहा कि एक-दो बार पहले भी वक्तव्य दे चुके हैं तो मेरा कहना यह है कि यह समस्या ऐसी है जिसमें प्रति दिन नई नई समस्याएं आती रहती हैं यह जितने भी वक्तव्य देंगे उनमें नए नए प्रश्न खड़े हो जायेंगे।

उपसभाध्यक्ष (श्री विपिनपाल दास): इसीलिए मैं कहता हूँ आप कोशिश करें।

THE MINISTER OF RAILWAYS (SHRI L.N. MISHRA): Mr. Vice-Chairman, Sir, as the House is aware the General Strike started on the Indian Railways at 6 a.m. on 8th May, 1974. On the first day of the strike it was possible to move 60 per cent of passenger trains and 55 per cent of goods trains.

SHRI BHUPESH GUPTA: On a point of order, Sir...

(Interruptions)

SHRI NIREN GHOSH (West Bengal): Lies.....lies... .lies.

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): Please. Let us hear the point of order.

SHRI BHUPESH GUPTA: I know...

(Interruptions)

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): Let the Minister first read his statement.

SHRI BHUPESH GUPTA: But let him not start with the percentages. The very opening sentence is...

(Interruptions)

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): Let me tell you; you will have enough time to have your say.

SHRI BHUPESH GUPTA: But he is not Surajit Sen or Pamela Singh. Every evening we hear Surajit Sen and Pamela Singh about these percentages. Let him tell something.. .

(Interruptions)

11. Shri Kanchi Kaiyanasundaram
12. Shri Bir Chandra Deb Barman J J.
Shri D.Y. Pawar

14. Shri Dwijendralal Sen Gupta
15. Shri Krishnarao Narayan Dhulap be
nominated to serve on the said Joint
Committee."

The motion was adopted.

STATEMENT BY MINISTER RE STRIKE SITUATION ON RAILWAYS

THE VICE CHAIRMAN (SHRI BIPINPAL DAS) : Before I call upon the Railway Minister to make his statement, I would like to clarify the procedure. After the Railway Minister < his statement, Members will be allowed :k clarifications. But, one Member can put only one question and only, one Member from one Party.

(interruptions)

SHRI BHUPESH GUPTA (West Bengal): You have not asked him what he is going to say. Is it a matter of charity or concession? Therefore, Sir, it is not for you to say. Let us see what kind of a statement he makes—preposterous or otherwise—and on the basis of that we shall say what we have to say. (Interruptions)

THE VICE CHAIRMAN (SHRI BIPINPAL DAS) : This matter has been debated exhaustively in this House on several occasions. Certainly Members may like to seek clarifications from the Railway Minister and if only one Member from each party does it then it will save time.

SHRI LAL K. ADVANI (Delhi): मैं एक निवेदन करना चाहता हूँ कि इस सदन में मैं काफी समय से रहा हूँ लेकिन आज यह पहला प्रश्न है जब चेयर के निर्देश से यह व्यक्ति हो रहा है। यह यहाँ के सदस्यों की इच्छा से नहीं बल्कि चेयर को निर्देश देना पड़ा कि मन्त्री जी आकर वक्तव्य देंगे। यानी उन्होंने इस प्रश्न को इतना महत्वपूर्ण समझा।

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): That is why I say Mr. Advani that I seek your co-operation to save time.

SHRI LAL K. ADVANI: Certainly we have always co-operated with the Chair. इसमें कोई चिन्ता नहीं होगी। लेकिन इस सदन में आप अपनी तरफ से कोई व्यवस्था दें। और ऐसी व्यवस्था

12/Rajya Sabha/74—8

दे दें जिसके कारण हम सीमित हो जाएं तो यह उचित नहीं होगा।

SHRI BHUPESH GUPTA : Sir, we shall co-operate with you. It is ten minutes past four now. We are here. We can stay up to midnight. No difficulty that way.

श्री प्रकाशवीर शास्त्री (उत्तर प्रदेश): मेरा कहना यह है कि आपने यह कहा कि एक-दो बार पहले भी वक्तव्य दे चुके हैं तो मेरा कहना यह है कि यह समस्या ऐसी है जिसमें प्रति दिन नई नई समस्याएं आती रहती हैं यह जितने भी वक्तव्य देंगे उनमें नए नए प्रश्न खड़े हो जायेंगे।

उपसभाध्यक्ष (श्री विपिनपाल दास): इसीलिए मैं कहता हूँ आप कोशिश करें।

THE MINISTER OF RAILWAYS (SHRI L.N. MISHRA): Mr. Vice-Chairman, Sir, as the House is aware the General Strike started on the Indian Railways at 6 a.m. on 8th May, 1974. On the first day of the strike it was possible to move 60 per cent of passenger trains and 55 per cent of goods trains.

SHRI BHUPESH GUPTA: On a point of order, Sir...

(Interruptions)

SHRI NIREN GHOSH (West Bengal): Lies.....lies... .lies.

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): Please. Let us hear the point of order.

SHRI BHUPESH GUPTA: I know...

(Interruptions)

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): Let the Minister first read his statement.

SHRI BHUPESH GUPTA: But let him not start with the percentages. The very opening sentence is...

(Interruptions)

THE VICE-CHAIRMAN (SHRI BIPINPAL DAS): Let me tell you; you will have enough time to have your say.

SHRI BHUPESH GUPTA: But he is not Surajit Sen or Pamela Singh. Every evening we hear Surajit Sen and Pamela Singh about these percentages. Let him tell something.. .

(Interruptions)

SHRI CHANDRA SHEKHAR (Uttar Pradesh): Mr. Vice-Chairman, I do not understand what is the intention of the members of the Opposition. It was at their request and at their insistence that the Railway Minister was called upon to make a statement. It seems from the very beginning that they are not interested in the statement of the Railway Minister....

{Interruptions}

SHRI NIREN GHOSH: How can our say that? This is uncharitable.

SHRI CHANDRA SHEKHAR: Mr. Niren Ghosh, please sit down when I am speaking. I do not get up every time when you speak. So, Mr. Vice-Chairman, Sir, if they want to know, let them hear the statement. I do not know whether it is right or wrong. This is for them to make comments after hearing the statement of the Railway Minister. If they do not want to hear the Railway Minister, it means they were not interested in the statement but they were trying to create some impression outside where...

{Interruptions}

SHRI NIREN GHOSH: It is absolutely wrong. I regret that I have to cross you. I have got to differ with you. I have rarely crossed you...

{Interruptions}

[Mr. Deputy Chairman in the Chair]

SHRI CHANDRA SHEKHAR: Mr. Deputy Chairman, we understand better. At least nobody in the Opposition can strike me down by speaking loudly. I am only saying, let them hear the statement of the Railway Minister and whatever observations they have to make, they can make them. And if they are not interested, that means they are interested only in creating the impression that they are the sole defenders of the Railwaymen's cause than...

{Interruptions}

SHRI NIREN GHOSH: This is diversion, I am sorry to say. I rarely crossed you. But this is diversion, I regret.

SHRI CHANDRA SHEKHAR: I regret, such type of attitude will hamper the cause of Railwaymen and also the interests of the country. This is my appeal to them. I request them that they should not create an impression that they want to gain politically, rather than serve the cause of the Railwaymen.

SHRI BHUPESH GUPTA: This is a kind of preposterous statement. All right go ahead and tell lies.

SHRI L. N. MISHRA: I am not telling lies. As the House is aware, the general strike started on the Railways at 6 a.m. on 8th May, 1974. On the first day of the strike, it was possible to move 60% of the passenger trains and 55% of the goods trains, of the number of trains that were moved on 1st May, 1974. Passenger trains, however, suffered long delays. In the Bombay area, commuter services were dislocated by large scale absenteeism of motor-men. These motormen though individually willing to resume work, are complaining of serious intimidation and that their family members have been told that if they go for work, they are likely to be dealt with severely even long after the strike is over and their dead bodies will be laid at the door of their houses. It is on this account that they are keeping away from work. Even on 8th May—the first day of the strike, the Railways were able to move all the essential commodities, particularly coal to steel plants and power houses. The one serious set-back which occurred on 8th May, 1974 was mob violence at Moghalsarai. On the morning of 8th, staff attendance was normal in Moghalsarai yard. At about 10 a.m., a mob of about 1000 people, mostly outsiders came into the yard and started assault-ing and pulling out the workers. Some of the workers after being assaulted were garlanded with shoes and were paraded in the streets. This struck terror into the railway employees and they all deserted their work places. Subsequently security arrangements were tightened up in Moghalsarai and a good percentage of staff have come back to duty. I am glad that the staff have shown heroic sense of duty and the work at Moghalsarai is proceeding very satisfactorily.

Today—the 7th day of the strike, the picture on all the Railways is very satisfactory. Southern and South Central Railways are more or less normal and traffic is being inter-changed freely at Gudur. Movement of foodgrains and petroleum products from Madras is quite normal. Central and Western Rlys., except for the Bombay area proper, are more or less normal and all the traffic is being handled. Even in Bombay area, the goods traffic has picked up further and all the essential goods traffic is being moved in and out of Bombay. In Northern Railway also, the position has

improved and long distance trains are running closer to schedule time than at the beginning of the strike. As conditions are returning to normal, more long distance trains have been re-introduced from New Delhi and Old Delhi. The Flying Mail, Srinagar Express and Lucknow Express are being run. The flow of goods traffic into Delhi area has also picked up substantially. Gradually more local passenger trains are being restored.

The conditions in Eastern and South Eastern Railways are rapidly returning to normalcy. The coal loading from these two Railways has been kept up at a high level and the stock of coal in steel plants and power houses today has been and is very good. On 13th, i.e., the 6th day of the strike, the percentage of loading for all India Railways was 70% and the percentage of goods trains run was also 70% of the pre-strike period. Passenger trains were kept at a level of more than 70% of the pre-strike period on the 13th.

Large number of staff are returning to duty and on the 13th, 13,000 men came back to duty, including 1000 on the Northeast Frontier Railway. The condition on the Northeast Frontier Railway is also getting normalised and movement of essential articles to North Bengal and Assam has been stepped up. Today the 14th, so far about 7,000 people have returned to duty on all the Railways. More and more people are also travelling in long distance trains, showing the public response to the improvement in train services.

As I have mentioned earlier, there have been very serious cases of intimidation of Railway workers. In addition, there have been many attempts at sabotage and it is only because of the vigil and precautionary measures taken by the State Police, Border Security Force and the Central Reserve Police that it has been possible to avert serious accidents. In Bombay area, there have been 3 cases of sabotage and one passenger train narrowly missed an accident. The damage to the track inflicted by the saboteurs was detected in time and the derailment of the passenger train was averted. There have been a number of cases of removal of fish plates, placing boulders and rails on the line on the Arkonam-Jalarpur Section in Southern Railway. In Jhansi area, as also on the South Eastern Railway, there have been a number of cases of sabotage. The telecommunication system and the overhead traction system between

Howrah-Kharagpur was also damaged by saboteurs. It was to safeguard against sabotage, destruction of railway property and security for the train running that Border Security Force, State Police and Central Reserve Police have been deployed at various points. They are also looking after the safety of those workers who are at their work-spots.

In this connection, I am very pained to report to the House the extent to which intimidation and violence is taking place. In Delhi area, family members of those who are attending to their work have been threatened, their cooked food have been thrown on into the streets and acid bulbs have been thrown on some of the family members. It is really a sad turn of events that the innocent family members should be so cruelly treated by the striking employees or by their agents. In Bombay area, one Head of a Department and another two officers while on their inspection, were pushed down and an attempt made to assault them. In Madras area, officers were kicked, abused and made to lead a procession of strikers. In Bombay, yesterday one Assistant Station Master on duty was stabbed and he narrowly escaped death. Near Jhansi, a gangman was shot to death. These horrifying cases of intimidation and violence are taking place in spite of the security measures taken by the Government and that shows what would have happened if these measures had not been taken sufficiently early.

In conclusion, I have to report that the situation on all the Railways is rapidly returning to normalcy. I appeal to all the Members of the House to use their influence and see that the strike is ended.

I also appeal through this House to those railwaymen who are still staying away to come back to work without loss of time and help us to render the kind of service the community expects of us. They are our brethren and between us, there can be no place for distrust or recriminations. After all we all have to work together, shoulder to shoulder, to keep the Nation's wheels moving.

Before I conclude, I would like to quote from what our great Prime Minister said in the Lok Sabha on 10th May, 1974 while speaking on the subject. I quote:

"This strike has affected most the poor and the weaker sections of our society. As you know, lakhs and lakhs of people will

[Shri L. N. Mishra] not get food, will not get coal and all the other necessities due to strike. Far from helping them, it will equally touch the future of the railwaymen and their children.

I know the difficulties of the railwaymen, but the burden is far greater on those who are today not organised, those whose voice cannot be heard so loudly such as the unemployed youth of the country." SHRI BHUPESH GUPTA: I take Mr. Chandra Shekhar's advice, a kept-boy, and I shall ask some questions. I do not wish to give rise to great heat and passion. First of all, we expected a statement to be made by the Railway Minister, not by the Inspector-General of Railway Protection Force. What we have now made by him is a statement which could have been easily made by a demobbed Inspector-General of Police of the Border Security Force and RPF and the Territorial Army headed by Shri Umashankar Dikshit. Why we have a Railway Minister we do not know. We have a big industrial dispute on hand. This is not disputed. We could like to know what has happened to that dispute. The hon. Minister has been saying that they have sympathy for the railwaymen and he is in charge of the Ministry. Have you noticed a word of sympathy for the 2 million railway-men in the country? They are all saboteurs, they are all murderers... HON. MEMBERS: No, no. (Interruptions) SHRI BHUPESH GUPTA: Listen to Mr. Chandra Shekhar's advice. Now, let me have my say. As I said yesterday, we are not All India Radio studio nor are you the chorus-boys of Mr. Gujral. Why do you take this status on you? You are my esteemed friends and hon. Members of Parliament, young and old. That is why I say do not become chorus-boys. You are far better than Mr. Gujral, most of you. Now, listen to me. I expected an approach of that type. Nothing came. What about the repression? How many people have been arrested? How can the Minister say "They are my brothers"? May I ask him whether he has found out from the concerned authorities that more than 20,000 of his brothers and sisters have been arrested in the course of the last few days? Is he a little disturbed by the fact that so many people under his Ministry have been put behind prison bars? Many people have been sent to prison.

There is no indication. I should like to know how many of your brethren are behind prison bars? Only this morning you have arrested Shrimati Parvati Krishnan, Mr. B.D. Joshi and many others. Having arrested many leaders all over the country, I should like to know...

(Interruptions)

I know why you are shouting. I tell you, the Prime Minister does not choose Deputy Ministers by looking at you, by seeing how many of you shouted at somebody else. She has got her own report. Do not do it. You are ruining your chance. I know, the be-all-and-end-all of some of you is to become the Deputy Minister or the State Minister or to get promotion. May God bless you, if you believe in God. But for the time being, you may remain quiet. If you like, we can certify some of you.

Secondly, is it not a fact that the railway colonies are being raided in the style of the hoodlums, that the railway workers' families are being thrown out, their wives are harassed, their children are being assaulted and utensils and other household things are being thrown out? Is it not a fact that water supply is being cut and electricity is being cut? Is it not a fact that they are being intimidated at gun point to go to work and that even when they resist, their families are pounced upon? MPs are liars. They have gone and seen, and they have issued statements. We have told the Prime Minister, we have told the President. We did not go to the President's-House to tell him lies. Do you think that we are liars and that the Railway Board people are the only ones who can tell the truth? Nothing of the kind. It is the other way round.

Is it not a fact that you stopped the payment of wages to the railwaymen in a most arbitrary, vindictive manner so that the vendetta could be carried to the homes of the railwaymen, so that their children starve, the mothers shed tears and the family suiters in agony? That is what is happening. Up to the day of the strike, they are entitled to the entire wages and you are stopping them. I hope; kind of thing we have never heard of in any civilized society or in a parliamentary democracy. You are doing that.

Then there are many other questions to be asked. Such a horrid repression we cannot think of, not even have we heard; we have not come across any instance where such

a terrible repression has been let loose on those who are running the lifeline of the nation, the two million railwaymen.

I should like to know from the Government what has happened to the negotiation. We had expected a statement on that subject. We had gone to the President. He heard, I must say, with great sympathy when we placed our claim before him. I reveal one thing about Mr. Mishra—at the Prime Minister's meeting on Friday, Mr. Mishra came with his chart to show how many trains were running. Not even the Prime Minister or Mr. Umashankar Dikshit asked him to read it out. He put it into his pocket and went out. It is not a question of percentage. We all know what it is. Tell us what happened to the negotiation? The Coordination Committee passed a resolution saying that they were prepared to enter into negotiations without preconditions. You gave the three-point formula; simultaneously—you said—release, negotiation, withdrawal. That proposal was not acceptable to us nor could we do it. We said, we did not put them in prison. In the

i of the negotiation, you arrested George Fernandes and others in order to interrupt the negotiation, unilaterally. Can you imagine such a thing happening in the United Kingdom when the coal strike was going on or when there was a railway strike there? Can you imagine events such as the D1R or the MISA being used against the trade union leaders and they are being whisked away to prison? You do not have such things there. Hon. Members know that strikes do take place in France, Italy, the United Kingdom and other countries but you never see such things happening in those countries. What happened to the negotiation?

Sir, after that, it must be said to the credit of the railway leaders. We had been in touch with them, some of them, who are out. They said, "All right, we drop our condition of release and let them drop their condition of withdrawal. Let the negotiation start without any precondition. We were discussing the terms when you broke off the negotiation."

Why do you not accept that suggestion? You say you are not standing on prestige. I say you are doing something much worse. You are not only standing on prestige you are getting into a spirit of vendetta. The Railway

Board has got the upper hand now. The Railway Board wanted this confrontation and it is my regret that many of the Members opposite have been brought into dittoing a position which has been created by the Nawabs of the Railway Board who have bungled on every single issue.

DR. R.K. CHAKRABARTI (West Bengal): That is because of your approach. You made us go in favour of the Railway Board against whom we have been speaking here.

MR. DEPUTY CHAIRMAN : You have to wind up now.

DR. R. K. CHAKRABARTI : You made us go in their favour.

SHRI BHUPESH GUPTA : Such is the position today. I again urge upon the Government to accept the resolution or the latest stand of the Co-ordination Committee. Start negotiations. Do not come up with cock and bull stories about the rail strike. According to him the Indian Railways are running even better than two months ago. This the idea of what he said. Everything is running normally.

SHRI KALI MUKHERJEE (West Bengal) Who are the people to negotiate with?

MR. DEPUTY CHAIRMAN : Please do not disturb him. Let him wind up. Please wind up.

SHRI BHUPESH GUPTA : Mr. Mishra himself said that he was for negotiation. At the Prime Minister's meeting he said that he did not stand on prestige and would be ready to negotiate after this resolution of the Co-ordination Committee. Why is he shying away from negotiations? I do not understand this kind of thing.

MR. DEPUTY CHAIRMAN : Please wind up.

SHRI BHUPESH GUPTA : It is quite clear that they are out to suppress this strike by the use of armed forces, police, C.R.P. and so on. Repressive laws have been let loose. This is not the way to tackle industrial dispute...

MR. DEPUTY CHAIRMAN : I will call Mr. Thengari. Mr. Thengari.

SHRI BHUPESH GUPTA : Sir, this is entirely wrong. Today is the last day of the Parliament session. I am voicing the feelings of many people in the country. Today millions of people also are feeling that way. There should be a negotiated settlement. I urge upon you to go in for negotiated settlement. . . (Interruptions) I think if you take constructive step, if you take the reasonable-course of giving up your bellicosity and intransigence, road to successful negotiation will open up. And that is what. I want I am now ashamed at the manner in which the Government is behaving. It is unheard of in parliamentary democracy. With a foreign dignitary like Sheikh Mujibur Rahman in our country you are demonstrating to them your...

MR. DEPUTY CHAIRMAN : Are you finishing or not ?

SHRI BHUPESH GUPTA : ... You are showing your vindictive attitude before a foreign dignitary...

MR. DEPUTY CHAIRMAN : Please take your seat now.

SHRI BHUPESH GUPTA : Why are you angry with me ?

MR. DEPUTY CHAIRMAN : I have to be angry because you are not winding up in spite of repeated requests...

SHRI BHUPESH GUPTA : All right I will sit down but I can get up again.

MR. DEPUTY CHAIRMAN Mr. Thengari has been standing for the last five minutes. I have called him. Mr. Thengari.

SHRI BHUPESH GUPTA : I am very sorry, Mr. Thengari. I hope you are not tired. I am sure you shall stand long and speak long enough.

SHRI D. THENGARI (Uttar Pradesh): Sir, times out of number hon'ble Members raised the point about negotiated settlement. He has not reiterated his stand in today's statement. I do not know whether this is deliberate or inadvertent.

Then, Sir, some Leaders of the Opposition sought permission for interview with Mr. George Fernandes in the Jail. The permission was refused. I should like to know why the permission was refused, whether it is in-keeping with the profession of the Government that they are very eager for negotiated settlement.

Secondly, we are told that in her talk with the Opposition leaders the Prime Minister had indicated that even on financial demands the Government would not take a rigid stand though there are obviously some limitations on how far they can go.

But yesterday evening, Mr. L.N. Mishra is reported to have told press reporters "Nothing doing, no negotiations unless the strike notices are withdrawn". This is going back on whatever has been said by the Prime Minister that day. So we should like to know where the Government stands so far as a negotiated settlement is concerned. Our friend, Mr Kali Mukherjee has asked "Negotiation with whom?" I may only suggest, negotiations with those with whom the Government was conducting negotiations already on the evening of April 30. It is not a very difficult thing. Then, the Government says that they want a negotiated settlement. The Action Committee has said that they are also eager for a negotiated settlement, and they find the three-point formula unworkable. There are obviously limitations. We have already mentioned them. In brief, I may say that withdrawal of strike notices cannot be made a pre-condition for the simple reason that in every civilized country negotiations are being conducted while strike notices are there. Even during the pendency of a strike, even when a strike is going on, negotiations are conducted and even this Government has conducted negotiations when strikes were going on. Secondly, even in our Industrial disputes Act, conciliation proceedings are initiated after strike notices are served. So this cannot be a pre-condition. Again the Government is very well aware that strike notices were served by 110 unions in a full-fledged conference of the National Co-ordination Committee. If the notices are to be withdrawn, a full-fledged conference of the representatives of all the 110 unions should again meet because they alone are authorised to withdraw the strike notices. The Action Committee is not in a position to meet in a full-fledged manner because some of them are in prison. All these facts indicate, Sir, that the three-point formula is unworkable. The Action Committee has said that they are very eager for a negotiated settlement and the Government is quite aware of the difficulties in the way. Therefore, the Government itself should come forward with a proposal that is workable, and the Action Committee will very

willingly think over it and give an appropriate response.

I would like to know from the hon. Minister whether their stand about a negotiated settlement has changed because, Sir, we are suspecting their stand on account of the various reports we have received and whatever we have seen. Even in Railway colonies like Kishanganj, Shakurbasti and Tughlakabad, there are pressive measures by police. Womenfolk are being beaten up and manhandled. Even their wages are being withheld. A number of repressive measures are being adopted. There is victimisation, dismissal and suspension. Thousands are arrested, [n view of all these facts, we doubt the bona fides—I am using the word "bona fides" with all sense of responsibility—of the Railway Minister when he declared in the first place that he was very eager for a negotiated settlement. This is a grave problem. The entire national economy is involved. I would urge that at this stage, the Government should not stand on any false notion of prestige because whatever be the consequences, whatever be the result of this strike, it is not that the Government will lose or the railway workers will lose. Primarily it is the nation that stands to lose to-day. Therefore, I urge that the Government should not stand on any false notion of prestige. They should give a workable proposal that can be acceptable to the Action Committee.

MR. DEPUTY CHAIRMAN: Mr. T.V. Anandan.

SHRI KALI MUKHERJEE: On the question of negotiations, we find that there are differences. I again ask him: With whom should the negotiations be started?

SHRI NIREN GHOSH: The Co-ordination Committee.

SHRI KALI MUKHERJEE: I would like to know actually with whom the negotiations should be started? If that is spelt out, the problem can be sized up..

MR. DEPUTY CHAIRMAN: The Minister will take care of that.

SHRI KALI MUKHERJEE: There are differences even among themselves.

SHRI NIREN GHOSH: The Co-ordination Committee is the body which can negotiate.

MR. DEPUTY CHAIRMAN: Mr. Niren Ghosh, he is asking a question of Mr. Thengari and you are getting up. Yes, Mr. Anandan.

SHRI T.V. ANANDAN (Tamil Nadu): In the functioning of the railways for the last century and a quarter the catastrophe which the country faces today has never been witnessed. Even during the freedom struggle there was not such a stoppage of trains as we have seen today. All these things happen, in my view, only because of too much infiltration of political parties in the railway trade union movement. It is now proved beyond doubt that railwaymen are patriots and still continue to be patriots. It is only due to, as per the statement of the Minister, the serious intimidation loyal railwaymen are afraid. There were many strikes. I have also led many strikes. After the strike, when the strikers resume work, loyal workers have been put to untold miseries. That is one factor today why the railwaymen keep away. In a democracy we have so many Opposition parties. With what purpose? For serving the country. Whichever party may be in power, the interest of all representatives of political parties is to see the progress of our nation. The railway, a life-giving sector of the country, is disturbed. You know many of our comrades and friends have said how the economy of the country has been ruined. Yet, I am of opinion that, as per the statement of the Minister—I am also keeping in touch, although I am in Delhi, with the railways all over—we find, although they say 2 millions, it is not 2 millions that went out of the work, it is a minority. I know out of 14000 railwaymen in one Division in the Southern Railway, it is only 3800 or so who are on strike mainly due to intimidation. The Southern Railway has picked up. So also the South-Central Railway. But for the political parties and politicians this strike would not have materialised. I know what is happening in Delhi. Now people have come forward. The Congress Party have also risen to the occasion and they go and tell the people that it is harmful to the nation if the railwaymen go on strike. Therefore, I want the Government not to stand on prestige, to see who is the victor and who the vanquished. After all, railwaymen and the Government represent our nation. Therefore, treat every one of them. He asked, "With whom should we negotiate?" Yes, Mr. Dange, an experienced trade unionist, has shown the way to do it in

[Shri T. V. Anandan] today's newspapers. With such of those people on the Negotiating Committee who are outside, with them negotiations can take place. After concluding the negotiations, they can go and meet those members of the Negotiating Committee who are in jail, convey to them what transpired in the negotiations. Is it impossible? I ask Mr. Bhupesh Gupta. If he takes a decision and tell the people, those who are in prison, will they discard his views? No, certainly not. But you are not interested in finding a solution. Political parties in this country are not interested in finding a solution. As I told you, it is not the railwaymen. I have got facts with me. In Tamil Nadu the Tamil Nadu Government has come to the rescue of the Centre. They have arrested more than 1200 outsiders, rowdy elements, employed by the politicians. They have been arrested and the Southern Railway has picked up. That clearly shows how things are shaping in the name of railwaymen. Because the strike is not withdrawn shall not be the cause for you to delay negotiations...

SHRI BHUPESH GUPTA: I must say Kamaraj has been well-assimilated.

SHRI T.V. ANANDAN: Why do you bring in that great man here? Were you not at the doors of Mr. Kamaraj when he was in power? Have I forgotten it?

So, Sir...

SHRI BHUPESH GUPTA: I said that Shri Kamaraj has been very well assimilated.

SHRI T.V. ANANDAN: You are the person who initiated that Shri Kamaraj should go to USSR. I know you. Let us not bring in the Communist Party of India here. They have their own views.

Now I am coming to the point. Unnecessarily I know a gangman was shot dead. It has been the demand of the railwaymen that there should be two men on patrol duty. But the Railway Board did not listen. One man who was honest, sincere and loyal was shot while on the track. Had there been two men one would have given assistance to the other. In this critical hour if a group of patrol men, are sent out on the track at least till the strike issue is settled, where was the harm? But you did not do it. I know railwaymen coming back to their duty. One thing I want to know from the hon. Railway Minister. Why are you delaying in implementing the agreement that we have agreed? You said

that on the 1st of May orders should be passed on to the Indian Railways to implement the agreement. Have you issued those orders in regard to decasualisation, in regard to eight hour duty as recommended by the Miabhoy Committee and accepted by you? Have you opened fair price shops in the railway colonies? These are the ways how you can instill faith among the railwaymen. Let them feel that here is a Government which is helping them. But that you have not done. You are thus giving them room to doubt your sincerity.

The Railway Minister has given some more assurances. One is that the Railwaymen who are on the verge of retirement will get an extension. Do not disappoint them. Those loyal workers who are about to retire expect you to implement this assurance. Similarly, give jobs to their sons and daughters in the Railways. Give them increment which you have announced in this House. After that, let us see how things shape in this country.

Many people ask me. Why are you supporting the Government? This is the time that you should create an impression that you are against the Prime Minister. I am interested in the country and therefore I will not listen to these political leaders who ask me these questions. I have been more in the trade union movement than in the political field. My heart bleeds when railwaymen are put to these difficulties. Therefore, negotiations can be started as has been pointed out by Shri Dange in this morning's papers. You can discuss with those who are outside and then find a solution, if you are sincere. Let there be no ill feeling. After all railwaymen are our countrymen. They have done their duty very well. Of course there are two issues. One is bonus which is before the Bonus Review Committee. The other is about job evaluation. You must be very careful about job-evaluation. You must give a guarantee that there should be no retrenchment. I want to know from the hon. Railway Minister whether he will maintain all those assurances given in this House to the Railwaymen. Mind you, not to one or two. Millions have stood by the Railways despite advice to the contrary by the political leaders. You must also implement the Miabhoy Committee's recommendations.

श्री रवी राय : उपसभापति महोदय, श्री जैमि
आनन्दन साहब बोल रहे थे उस से मुझे ऐसा लगा कि कामराज

भी उन को बोलने के लिए पढ़ा कर भेजे हैं और ऐसा बोलने से कामराज जी का कांग्रेस में घाना सुगम हो जायेगा। उमाश्रय महोदय, मेरा कहना यह है कि पहले तो मैं रेलवे कर्मचारियों का अभिनन्दन करता हूँ, वह बधाई के पात्र हैं कि एल०एन० मिश्र और भारत सरकार की पुलिस, टैरीटोरियल गार्मी और बी०एस०एफ० के सत्याचार के बावजूद पिछले 6-7 दिनों में उनकी हड़ताल चल रही है और यह सफल हुई है, श्रुति प्राप्त सफल हुई है। मैं उपसभापति महोदय कहना चाहता हूँ कि जब यह सत्य है कि भारत सरकार इंटरनेशनल लेबर संगठन को सदस्य है और प्राल इंडिया रेलवे मेंस फेडरेशन एक रिकग्नाइज्ड संस्था है, यूनियन है तो क्या इंटरनेशनल लेबर धर्मनाशजेशन के जो नियम हैं उनके चलते जार्ज फरनान्डोस जो ए०आई० धार०एफ० के सदस्य हैं उनके साथ जो बातें चल रही थी उसको वह क्यों नहीं चला रही है। क्या ऐसा करके वह उसके नियम नहीं तोड़ रही है?

दूसरी बात मैं आप से कहना चाहता हूँ कि किसानगंज रेलवे कालोनी जो है, जहाँ सैकड़ों की तादाद में रेलवे कर्मचारी बसते हैं, मैं श्री कालो बाबू से कहूंगा कि वे भी सुन लें, और मैं आप को एक पैरा सुनाना चाहता हूँ कि जो विभा घोष गोस्वामी, एम०पी०, चंपा लिये, प्रमिला बंदवते और मिसेज लीला फरनान्डोस, जो वहाँ सोशल वर्कर हैं उन्होंने अपना नयान निकाला है, उस बारे में मैं जानना चाहता हूँ कि क्या उसे आप ने देखा है और क्या वहाँ जो एक रेलवे पियन जो बीबी है उसका मोलेस्टेशन हुआ है। क्या यह बात सही नहीं है। एक तरफ तो हमारे एल०एन० मिश्र जी कहते हैं कि जो हमारे लायल वर्कर हैं उनको हम देखभाल करते हैं, लेकिन जो रेलवे का साधारण कर्मचारी है उसको फ्लो पुलिस द्वारा मोलेस्ट की जाये क्या यह बात सही नहीं है?

दूसरी बात मैं यह जानना चाहता हूँ कि जार्ज फरनान्डोस क्या आप से भूत हड़ताल पर है यह बात सही नहीं है। यह जो एम०पी० लोग उनसे मिलने जाना चाहते थे और उनको अनुमति मिलने वाली थी उस अनुमति को मूह मन्त्रालय से रोके जाने का कारण क्या है? मैं जानना चाहता हूँ कि जब आप उनसे वकीलों को नहीं मिलने देते हैं, एम०पी० को नहीं मिलते देते हैं, तो क्या ऐसा होने पर गहरी आवादी हो समाप्त नहीं हो रही है। वह ए०आई० धार०एफ० के प्रेसीडेंट हैं और वह एक मान्यता प्राप्त यूनियन है। तो मैं जानना चाहता हूँ कि उनके साथ ऐसा बर्ताव क्यों किया जाता है?

दूसरा सवाल है निगोशियेटेड सेटिलमेंट के बारे में। अभी तक सरकार का जो रुख रहा है उसमें बड़ा चपला है। मैं माननीय मंत्री जी से जानना चाहता हूँ कि जो ए०आई० धार०एफ० और कोषाडिनेशन कमेटी है, जिसके साथ लगातार उन्होंने प्रमी तक बातोंबातों किशोर है उसको एक दम से समाप्त कर देना किस नियम में आता है। तो मैं कहना चाहता हूँ

कि निगोशियेटेड सेटिलमेंट के लिए आप सदन को आश्वासन दें कि आप जार्ज फरनान्डोस को रिहाई करेंगे, उनको जेल से मुक्त करेंगे और गरी की सारी कोषाडिनेशन कमेटी से बात कर के रेलवे हड़ताल को समाप्त करायेंगे।

SHRI NIREN GHOSH: I would like to ask the Minister and the Government whether it is a fact that in Iran our Prime Minister secretly met Dr. Kissinger...

MR. DEPUTY CHAIRMAN: Do you want to say anything about the Railways or not?

SHRI NIREN GHOSH: Let me put the question.

MR. DEPUTY CHAIRMAN: BUT are going to Dr. Kissinger.

SHRI NIREN GHOSH: Let me put the question and then you will realise it. I want to know whether an understanding has been reached that the working class of India must be dealt with in the toughest possible manner.

SHRI L.N. MISHRA: Very wrong.

SHRI MONORANJAN ROY (West Bengal) : Absolutely correct.

SHRI NIREN GHOSH: Has it been brought to the notice of the Government that the internationally famous Newsweek has said that the repression or the crack down that has been unleashed is one which any dictatorship of any country in the world would; have been proud of? It has termed us a dictatorship. Yesterday at 10 p.m. I got a ring 5 P.M. from the railway enquiry that the CRP and BSF have cordoned off the colony; we cannot enter the city. Is it not a fact that they have organised 'Youth Congress' or 'Nehru Brigade'? They are arresting; they are molesting. . . (Interruptions). . . at the point of bayonet; they are shouting, 'Go to duty or go to Tehar jail. . . (Interruptions). The West Bengal fascist terror is being re-en. on all-India scale. Is it a fact or not? They are issuing statements to hush up this massive repression and dictatorship. Is it a fact or n.)? I would like to know (Interruptions).

Now, Sir, I will come to the main question.

MR. DEPUTY CHAIRMAN: You have not yet come to the main question?. (Interruptions).

SHRI NIREN GHOSH: They said that they are prepared to negotiate. Does that position stand? If it does not, let them say so clearly. If it stands, that they are prepared to negotiate, let them put it clearly. They say, "in the interests of the...". He has quoted the words of the Prime Minister. I would like to ask the Government, is it not a fact that during the last twenty-five years they have continued to impoverish the common man? Now they speak in their name... {Interruptions}.

Is it a fact that you have mentioned about the negotiations? Is it the position of the Government? Is it not a fact that they have retrograded from that position? If so, let them say so clearly. Is it a fact that he has issued a statement, a declaration to the railway men, to surrender or, in the alternative, to fight to the bitter end? If that is so, the railway men will fight to the bitter end, supported by the working class and the people of India.. {Interruptions}

SHRI BHUPESH GUPTA: Tomorrow there will be a general strike in the entire country..

{Interruptions}

SHRI NIREN GHOSH: We fear that after the Parliament adjourns today, there will be a heavy crack-down and also fascist terror unleashed..

MR. DEPUTY CHAIRMAN: Wind up.

SHRI NIREN GHOSH: Is it a fact that the Railway Board has plans like sabotage in order to put the blame on the striking railway men? They are like the agents provocateur.

I want to have answers to these questions.

SHRI R.K. MISRA: (Rajasthan): Mr. Deputy Chairman I was in Iran with the Press party which accompanied the Prime Minister during her recent visit, (interruptions). Permit me, Mr. Deputy Chairman, Sir, to describe the suggestion made by Mr. Niren Ghosh about the Prime Minister's meeting with US Secretary of State as a preposterous fabrication of imagination.

SHRI NIREN GHOSH: Will she meet in the knowledge of Shri Misra or anybody else?

SHRI R.K. MISRA: I can only say that the geographical proximity should perhaps be considered to be a more reliable evidence than the rumours Shri Niren Ghosh might have heard here from interested quarters

who are only interested in maligning the image of the country and the Prime Minister.

SHRI NIREN GHOSH: I would be ready to change if the Prime Minister settles the railway dispute.

SHRI R.K. MISRA: Mr. Deputy Chairman, Sir, the Prime Minister and the Railway Minister have again and again said that they do not want a confrontation with the working class as such and especially with the railway employees. The fact that the three-point formula emerged during the discussions is an indication of the earnestness of the Government about having a negotiated settlement. I would like to know from some Members of the Opposition why they took 24 hours to communicate this three-point formula to the Action Committee.

SHRI BHUPESH GUPTA: I will answer it.

SHRI R.K. MISRA: Let me finish. I would also like to know whether it is a fact that there was a suggestion in the Action Committee that no member of the Action Committee should meet any member of the Government after the strike had started and it was after the intervention of some of the members of the Action Committee that it was formally decided that no member of the Action Committee would meet either any Member of the Railway Board or the Railway Minister. Is it an indication that really there is earnestness about a negotiated settlement? On the day when the leaders of the Opposition met the Prime Minister, all of them came out and said that the climate had improved. None of them has criticised the fact that Mr. George Fernandes issued a statement from jail saying that the strike will continue till the demand for bonus and the demand for parity are accepted. Is it an indication of the earnestness on his part to have a negotiated settlement?

Mr. Madhu Limaye a close friend of Mr. George Fernandes describes those members -- Mr. Anandan said that those members of the Action Committee who are out should negotiate—as a truncated body and questions the right of these people to negotiate. All those who have been in the trade union movement know that there are numerous instances when there has been a serious situation and those who were outside had negotiated and tried to find out a basis for settlement. Mr.

Thengari asked here the other day when the three-point formula was mentioned by them as to what would be the Government's reaction if the suggestion for withdrawal of strike was modified into suspension of strike. Now, this proposal has not come from the Action Committee or from any body else. Did they try to persuade the Action Committee? I remember that the Railway Minister did not give any reaction to this suggestion. I would presume that this meant that the Government had not rejected it outright. I had expected that they would try to persuade the Action Committee with whatever influence they had on them to see that some alternative proposal came forward so that the gap between the Government's position and the position of Action Committee could be somewhat narrowed down, unfortunately the leaders of the Opposition here have no authority to negotiate. They have made it very clear and now it has been established that they have no influence over the Action Committee or the Co-ordination Committee. The debate here is only an exercise in trying to convince the people who really want a negotiated settlement. (Time Bell rings) A sort of competition is going on. Finally I would say that this House is going to adjourn today. It does not mean that our concern to have a negotiated settlement of this very unfortunate situation which has developed in a vital sector of our economy, should diminish. But let us be very honest to our selves. Now Mr. Dange himself has said that Mr. George Fernandes committed a mistake when he replaced the demand for parity by a 75 per cent increase a fiat increase in emoluments. Of course this is a fantastic demand which Mr. Fernandes had made. All this leads one to a suspicion whether there are not really elements within the coordination Committee, within the Action Committee, who are not interested in a negotiated settlement

{Interruptions}

SHRI NIREN GHOSH: I would like to say that in the three-point formula...

MR. DEPUTY CHAIRMAN: Mr. Niren Ghosh please take your seat.

SHRI R.K. MISRA: Before I conclude.. (Interruptions). I will just mention two points for the consideration of the Railway Minister.

MR. DEPUTY CHAIRMAN: Please conclude now.

SHRI R.K. MISRA: If there is any particular instance of misbehaviour or assault on women or on members of the families of the railwaymen, I have absolutely no doubt that the Railway Minister will definitely see to it that if these allegations are correct these should be severely dealt with. And under no circumstances, should the members of the families of the railway employees be allowed to be manhandled. Secondly, Sir, the question of payment of wages has been mentioned. According to the Railway Minister himself, majority of the work res are not on strike. And Shri Anandan has also mentioned it. My impression was, that when that notification was issued, it only exempted the Railways from being prosecuted for delay in the payment of wages. Because of the strike, it may be that in some places they may not be able to make the payment because of the dislocation of work.

Sir, I hope the Railway Minister will look into all these things.

SHRI JAGAN NATH BHARDWAJ: (Himachal Pradesh): I want to have one clarification ...

MR. DEPUTY CHAIRMAN: Only Mr. Kumbhare can ask..

श्री राजनारायण: श्रीमन्, जब श्री विपिन पाल दास चेयर में थे तो उन्होंने...

MR. DEPUTY CHAIRMAN: I have heard what Mr. Bipinpal Das was saying. I am calling Mr. Kumbhare and he will be the last speaker.

श्री राजनारायण: हम उनको भी बोलने नहीं देंगे।

श्री उपसभापति : आप बैठ जाइए।

I shall not permit this kind of disobedience. (Interruptions) If you persist on this, better go out.

श्री राजनारायण: आज रेलों में हड़ताल हो रही है, कोई मजदूर की बात नहीं है।

MR. DEPUTY CHAIRMAN: Mr. Rajnarain this is not a fish market. Please take your seat. Otherwise I will have to name you. Please take your seat. Now, Mr. Kumbhare.

SHRI MONORANJAN ROY: Sir, I would..

MR. DEPUTY CHAIRMAN: I have called Mr. Kumbhare. I am not going to

[Mr. Deputy Chairman]

v anybody ----- (Interruptions) Mr. Monoranjan Roy I shall not allow you to speak. Please take your seat. Whatever Mr. Monoranjaa Roy, says will be off the record.

(Shri Monoranjan Roy continued speaking)

MR. DEPUTY CHAIRMAN: Mr. Roy, are you going to obey the Chair or not? Whatever he says will be off the record.

(Shri Monoranjan Roy continued speaking)

श्री राजनारायण: श्रीमान्, आपको शान्ति से बोलना चाहिए। (Interruptions)

श्री उपसभापति : आप चिल्लाते जायें और हम शान्ति से बैठें रहें।

श्री राजनारायण: आप चेयर पर बैठे हैं, आप ज्यादा न बोला करें। आप यह दिखाना चाहते हैं...

(Interruptions) (Continued speaking)

MR. DEPUTY CHAIRMAN: No, Mr. Rajnarain. Nothing will go on record. There has to be some order in this House. You cannot persist in speaking like this, defying the Chair. I shall not allow it.

SHRI BHUPESH GUPTA: Cm a point of order, Sir. I do not want to interrupt you.

MR. DEPUTY CHAIRMAN: What is your point of order ?

(Interruptions)

SHRI RAJNARAIN: I will not allow the Minister to say anything.

MR. DEPUTY CHAIRMAN: Mr. Rajnarain, I know your antics too well. I will not permit your antics in this House.

Yes, Mr. Kumbhare.

SHRI BHUPESH GUPTA: Sir, for the last few minutes you have been saying that nothing will go on record. Sir, I do not think even in these exigencies it is fair. This is not a very right thing to say. Surely, Sir, you know very well that Parliamentary rules are very strict as to what should go on record.

MR. DEPUTY CHAIRMAN: Yes, I have heard that a number of times. I have also quoted the rule. (Interruptions)

Rule 259 is very clear.

SHRI BHUPESH GUPTA: No, it is not, Sir. May I have that rule?

MR. DEPUTY CHAIRMAN: Yes Mr. Kumbhare has been called.

SHRI BHUPESH GUPTA: If the rule is there. I will obey. I will not question. (Interruptions).

MR. DEPUTY CHAIRMAN: I know everything Mr. Rajnarain.

MR. RAJNARAIN: I know you too. (Interruptions)

MR. DEPUTY CHAIRMAN: Do not try to bully the House. Please sit down. Otherwise, I will have to name you. Do not talk like that.

SHRI BHUPESH GUPTA: Today is the last day and I do not want to enter into any controversy. I am surprised you are not even being advised.

MR. DEPUTY CHAIRMAN: Mr. Kumbhare.

SHRI BHUPESH GUPTA: Rule 259 says. . (Interruptions)

MR. DEPUTY CHAIRMAN: I was saying it will go off the record.

SHRI BHUPESH GUPTA: "The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions." Now, Sir..

MR. DEPUTY CHAIRMAN: I will enforce order in the House.

SHRI BHUPESH GUPTA: Let me finish. My saying will not hamper the proceedings but when we feel there is something you can consider.... (Interruptions).... The rules are quite clear. Here you are called upon to maintain order. You have to maintain order not outside the rules but within the scope of the rules. The rule says—it is exhaustive—when you have to expunge a thing you have to act under that particular rule but not under the general powers that you have. As you know, if you have to put me out of the House you have not to take action under this rule. You will invoke the relevant rule under which a Member can be named and thrown out of the House. If you think something should not go on record, you can order expunction only.

MR. DEPUTY CHAIRMAN : That is a different matter Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : If for this expediency's sake you use such things it is rather difficult for us to stomach such things

and we find you are not even advised. I would request you to call a meeting of the General Purposes Committee where all leaders are members there.

MR. DEPUTY CHAIRMAN : Mr. Kumbhare.

SHRI BHUPESH GUPTA : We shall discuss it then.

MR. DEPUTY CHAIRMAN : I have called Mr. Kumbhare.

SHRI BHUPESH GUPTA : I know you won't change. Let the Chairman call a meeting of the General Purposes Committee. Rules are there, precedents are there and May's Parliamentary Practice which you still mention is there, many many other things are there. We shall come to a conclusion as to under what circumstances and under which rule things could be expunged. But do not act arbitrarily.

श्री रवी राय: मेरी बात सुन ली जाये। एक सेकिंड मैं लेना चाहता हूँ (Interruptions) मेरा यह कहना है कि हर एक पार्टी से एक एक सदस्य ले लीजिये। हम लोगों का निवेदन है कि क्योंकि यह एक ग्रहण सवाल है और आज राज्य सभा का अंतिम दिन है तो हम ने दरखास्त की थी कि जो पूछना चाहेंगे उनको समय दिया जायेगा, उनको अनुमति दी जायेगी। इस पर सहमति हुई कि जो चाहेंगे वह सवाल पूछ सकते हैं। तो मैं चाहता हूँ कि इस पर विचार कीजिए और जो सवाल पूछना चाहते हैं उनको अनुमति दीजिए।

MR. DEPUTY CHAIRMAN : But he made no commitment on that. He did not make any commitment.. (Interruptions).... Mr. Kumbhare.

SHRI LAL K. ADVANI : What is your ruling on the earlier point of order ?

MR. DEPUTY CHAIRMAN : I am calling Mr. Kumbhare now. That is over Mr. Advani. We are not discussing it.

SHRI LAL K. ADVANI : Is the General Purposes Committee meeting for this purpose ?

MR. DEPUTY CHAIRMAN : They will consider it. I am not going to announce it the House. It is for the Chairman to call if he wants.

SHRI BHUPESH GUPTA : You know very well that rules of the Question Hour were violated for the whole session and when we pointed it out in the General Purposes Committee it was corrected. The rules were violated for the whole session as far as admission of

questions was concerned. Do not use 144 here.

MR. DEPUTY CHAIRMAN : You are very unfair to your own colleagues. Mr. Kumbhare has been wanting to say something.

SHRI BHUPESH GUPTA : I am fair then.

श्री लाल झाड़वाणी: उपसभापति जी, इसमें आपत्ति क्या है? अगर लोग चाहते हैं कि इस बारे में क्लैरिफिकेशन होना चाहिए तो उसको आप क्यों एवायड कर रहे हैं?

MR. DEPUTY CHAIRMAN : That is for the Chairman. As far as I am concerned, the book is there and I go by the rules. Mr-Kumbhare.

SHRI BHUPESH GUPTA : You are not going by the rules.

श्री लाल झाड़वाणी: दस मिनट से इस पर चर्चा हो रही है। इस पर पहले भी चर्चा हो चुकी है। मेरा निवेदन है कि इसका इंटरप्रिटेशन भागे के लिए नहीं हो सकता।

MR. DEPUTY CHAIRMAN : I am calling Mr. Kumbhare. Mr. Advani please take your seat now.

SHRI N. H. KUMBHARE (Maharashtra) : Mr. Deputy Chairman, Sir, about the negotiated settlement, both the sides, that is, the Railway Minister and the other party, say that they want a negotiated settlement....

SHRI BHUPESH GUPTA: Sir, I may tell you that if you do not call the General Purposes Committee to have this matter thrashed out, let all the Opposition Members withdraw from the Committee. This is the position now ----

(Interruptions)

MR. DEPUTY CHAIRMAN : Where is the question of withdrawal now ?

SHRI BHUPESH GUPTA : I know it very well..

SHRI LAL K. ADVANI : We shall all withdraw..

(Interruptions)

SHRI BHUPESH GUPTA : I may tell the Members on the other side that it applies to them also. You will suffer. I am not speaking for my right to speak. I am only interpreting the rules.

SHRI LAL K. ADVANI : Sir, what is the difficulty...

(Interruptions)

MR. DEPUTY CHAIRMAN : It is very unfair, Mr. Advani. Mr. Kumbhare has been called and he is wanting to speak. But he is unable to do.

SHRI BHUPESH GUPTA : I am only interpreting the rules. If I am right, I stand vindicated ; if I am wrong, I will stand corrected.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, if anything goes against the rules, you should write to the Chairman.

SHRI BHUPESH GUPTA : Surely, Sir, I know what steps are to be taken.

MR. DEPUTY CHAIRMAN : Then, what is the use of saying that you will withdraw from this Committee or that in the House

7
SHRI NIREN GHOSH : Sir, you are not correct.

SHRI BHUPESH GUPTA : Of course, I will say that. We are all Members here and we have to say what we want to say. You have given your interpretation as if we do not know anything about the rules.. . (Interruptions)

MR. DEPUTY CHAIRMAN :
Mr.

Bhupesh Gupta, since I am in the Chair, I shall interpret it as I see it and if you have any difficulty, you can write to the Chairman and get it interpreted differently.

SHRI BHUPESH GUPTA : I have not asked the Chair to do anything outside the rules...

(Interruptions)

MR. DEPUTY CHAIRMAN : I have also not done anything outside the rules.

SHRI BHUPESH GUPTA : Then how did you say that ? You are bound by the rules.

MR. DEPUTY CHAIRMAN : Yes, I am bound by the rules and I think I have done it according to the rules only.

SHRI BHUPESH GUPTA : Then think you have done it hopelessly wrongly...

(Interruptions)

MR. DEPUTY CHAIRMAN : I think I am perfectly correct in maintaining order in this House.

SHRI NIREN GHOSH : Sir, you are not correct on this.

SHRI BHUPESH GUPTA : Then, Sir, in order to maintain the proceedings of the House, a Member has to be silent and all the speeches are to be expunged ? Can you say that ?

MR. DEPUTY CHAIRMAN : I have not said that Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : You are not a lawyer. If you were a lawyer, you would have understood what the procedure is.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, do not put words into my mouth. I have not used the word "expunge". I have always said that if a Member persists in speaking, nothing will go on record. That is all.

SHRI BHUPESH GUPTA : Under what rule ?

MR. DEPUTY CHAIRMAN : That is to maintain order in the House.

SHRI BHUPESH GUPTA : Under what rule ?

SHRI NIREN GHOSH : Under what rule ?

(Interruptions)

MR. DEPUTY CHAIRMAN : That is to maintain order.

SHRI NIREN GHOSH : We will not accept it.

SHRI BHUPESH GUPTA : We cannot accept it.

MR. DEPUTY CHAIRMAN : You may or may not accept. Yes, Mr. Kumbhare.

SHRI BHUPESH GUPTA : I hope these are not expunged...

(Interruptions)

MR. DEPUTY CHAIRMAN : Nothing is expunged. Yes Mr. Kumbhare.

SHRI N.H. KUMBHARE: Sir, much has been said by both the sides about the negotiated settlement. The Railway Minister says that he wants a settlement and here the representatives from the workers' side say that they also want a negotiated settlement. But, Sir, as a person who knows something about

the trade union movement, I fail to understand the demand for a negotiated settlement by both the sides because the Railway Minister has, in very categorical terms, said that it will not be possible for the Railway Administration to concede two major demands. As I understand it, the demand of the workers besides the other demands which the Railway Minister has said have been conceded, is relates to two major items. One demand is in respect of payment of bonus and the other demand is for the revision of the wage structure or, as it is said, increasing the pay by 75 per cent or granting parity with the public sector undertakings' employees. Now, in the case of these two demands, the Railway Administration has come out with a statement that it is not prepared to concede these two demands. Assuming that, as demanded by the workers' representatives, their leaders sit across the table to talk about these demands, the Railway Administration will say that so far as these demands are concerned, they have made their position clear that it is not possible to consider the demand. Then, Sir, is it possible to arrive at any settlement at all? I pose this question to the Railway Administration. It is not possible unless some other possible solutions are suggested. Now, the other day, Sir, we were told that despite the fact that the Railway employees are departmental employees and, therefore, they are government servants, they are also governed by the provisions of the Industrial Disputes Act. Now, it is really time when we must have a constructive, and detached approach. Everyone is speaking from his own angle. Now, it is time when we really should have a very constructive, detached approach. There is a solution also. In all disputes when it is not possible to reach an agreement, a machinery is there. My friend, Mr. Thengari, has said that we have not gone in for conciliation. I may tell him that there was a mistake on the part of the labour representatives. They have given notice of strike and after negotiations they have taken recourse to conciliation. Conciliation has nil been adhered to. There you have committed a mistake. On the contrary, the Railways should have also agreed to refer the matter to conciliation. (Tim? Bell). Conciliation

Id have offered another opportunity; sort out differences and parties would come to some amicable settlement, it has not been done. Therefore, the only course open for an amicable settlement is reference of the dispute to an adjudication of the tri-

bunal. That is the only way out. I would like to know from the Railway Minister, Mr. Mishra, whether he is agreeable to have this course. Mr. George Fernandes says that it is not difficult for the Railways to give enhanced rates of wages. With efficiency and other reforms in administration, they can save so much as to enable the workers to get enhanced wages. Now, this has got to be examined thoroughly. Making a statement is a different thing. To substantiate it requires cogent proof. Therefore why not evolve a solution? Let there be a national tribunal comprising Judges of the Supreme Court. Let them look into the whole question and their decision will be binding. An appeal has been made by the Railways that the workers should go back to work. Simply because of the appeal is made, workers will not go back to work. If they go back to work they will not get anything, more than what the Railways have conceded so far and in respect of their two demands their strike will be a total failure.

MR. DEPUTY CHAIRMAN: Mr. Minister.
(Interruptions)

SHRI RAJNARAIN: On a point of order. . .

SHRI JAGAN NATH BHARDWAJ: I would like to say. . .

MR. DEPUTY CHAIRMAN: Please take your seat. He has risen on a point of order.

श्री राजनारायण: श्रीमान् हमारा व्यवस्था का सवाल यह है कि धातु प्रातः सभापति जी के चैम्बर में मैं गया हूँ। सभापति जी के चैम्बर में जाकर हमने उनसे निवेदन किया कि ये रेलवे मजदूरों के सम्बन्ध में जो सरकार को धीर से ज्यादाता हो रही है, जो कल रात को ११ बजे वहाँ पर डंडा चला धीर ११ बजे हमने श्री दीक्षित जी, गृह मन्त्री, धीर श्री मिश्रा जो छुटका घर मन्त्री है, उन दोनों से हमने बातचीत की और दीक्षित जी ने...

श्री काली मुखर्जी: कोई रास्ता है कि नहीं यह बात करो।

श्री राजनारायण: सुनिष्ट, काली जी ट्रेड यूनियनिस्ट है, उनकी बात को मैं मानता हूँ। हमने यही कल राष्ट्रपति से कहा था कि अब तीन प्वाइन्ट नहीं रह गए हैं, केवल एक प्वाइन्ट रह गया है क्योंकि मजदूर कहते हैं, मजदूरों के नेता कहते हैं जेल से रिजोर्ज का सवाल खड़ा है और धातु हड़ताल वापस ले लो (Interruptions) अब केवल एक प्वाइन्ट रह गया कि सरकार नेगोसिएशन करें जो लोग जेल के भीतर

[श्री राजनारायण]

है उनसे जेल में जाकर और जो जेल से बाहर है उनसे बातचीत करो तो...

श्री उपसभापति : प्वाइन्ट ऑफ़ ऑर्डर क्या है ?

श्री राजनारायण : प्वाइन्ट ऑफ़ ऑर्डर हमारा यह है थोमन्, कि जब हम चैम्बर में जाते हैं और चैम्बर में चेयरमैन साहब से कुछ निवेदन करते हैं तो चेयरमैन साहब कहते हैं प्रच्छा नाम को मन्त्री जी प्रायेंगे किसी समय तो उनसे मवाल पूछ लीजिए और जब यहां मवाल पूछते हैं तो उस समय जो यहां चेयर पर रहेंगे वे कहेंगे...

श्री उपसभापति : अब आप हमारी बात भी सुन लीजिए।

श्री राजनारायण : ... तो ऐसी स्थिति में चेयर और डिस्पार्डर किए कर देता है।

MR. DEPUTY CHAIRMAN: I was there when he came and I heard what he had said to the Chairman. And now when the question; were to be asked I specifically called Mr. Rabi Ray and asked whether Mr. Rajnarain wanted to speak. He said, no. Therefore it is not my mistake. Mr. Rajnarain, he is your own colleague. He does not want to ask any clarification.

SHRI NIREN GHOSH: You just planned that he did not want to pit any question Mr- Monoranjan Roy wanted to speak.

MR. DEPUTY CHAIRMAN: But I cannot allow two people from the same group. Then there will be absolute disorder. If everybody wants to ask clarifications, then there will be disorder. Then it will be two from the Jana Sangh also. I have to maintain some kind of order. It is for me to decide whom to call.

SHRI NIREN GHOSH: You will decide, of course. I do not say that you will not decide. My submission is this that it is not yet time and we can put some more questions. It is not past time and you can allow some.

MR. DEPUTY CHAIRMAN: Just because you want to have your say, you do not allow him to ask a clarification and then after you have had your say, you say, let him also ask a clarification. It will apply to Mr. Rajnarain also. He will not ask questions; he will ask Mr. Rabi Ray to ask and then he will say. I want to ask. I will have to decide who is to ask for clarification.

SHRI MONORANJAN ROY: Sir, women are molested and the Railway Minister is responsible; you have put the police, the BSF and the CRP. {Interruptions}

MR. DEPUTY CHAIRMAN: It is not for me to judge who is telling a lie. Everybody has had his say. Mr. Niren Ghosh has had his say.

SHRI BHUPESH GUPTA: It is not for you to tell who is telling; a lie, unfortunately, your role is to hear the lies.

SHRI MONORANJAN ROY: Sir, my point of order is that the Railway Minister during his speech has not mentioned a word about the announcement that has come out that the railway workers must go back to their quarters with their families. As a matter of fact, thousands of families have been turned out of their quarters. Some of them have gone somewhere, they were forced to go out of their houses. He has not mentioned about it. My second point of order is this.

MR. DEPUTY CHAIRMAN: How many points of order?

SHRI MONORANJAN ROY: That point of order is over.

MR. DEPUTY CHAIRMAN: You are only trying to say what you wanted to, under the garb of a point of order.

SHRI MONORANJAN ROY: It is a serious matter. We want to put one or two questions. Unheard of repression has come..

MR. DEPUTY CHAIRMAN : There is no point of order. Yes, Mr. Mishra.

SHRI MONORANJAN ROY : But he has not mentioned ...

SHRI KALI MUKHERJEE: When they speak they always look to the Press. So, Sir, you change the place. Let them come to this side and we go to that side so that there is less of noise.

SHRI NIREN GHOSH: You come here. t(Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Roy, You have had your say.

SHRI MONORANJAN ROY: You have no right to molest the families....

SHRI L.N. MISHRA: I have no right...

SHRI MONORANJAN ROY: The CRP is doing that.

SHRI L.N. MISHRA: Firstly, I will start with Shri Bhupesh Gupta. Shri Bhupesh Gupta is one of those hon. Members for whom

I have got the highest respect and regard, and anything coming from him, I take seriously. I express sympathy for those railwaymen. He said about the colonies being raided and electricity and water being disconnected.

Sir, I have no information with me.

श्री राजनारायण: झूठ।

SHRI L. N. MISHRA : I have no information with me.

SHRI BHUPESH GUPTA: I appreciate. At least you have said "No information". Mr. Gujral would have said "I have information that nothing has happened."

SHRI L. N. MISHRA: I have no information. But let me say that when I go back to my office I will look into it and try to find out what are the facts.

Secondly, he wanted to know as to what happened to negotiations. As Mr. Bhupesh Gupta and hon'ble Members know that on a number of occasions I have said that we are all for a negotiated settlement. Even the Prime Minister said like that.

SHRI BHUPESH GUPTA: You take down notes. But how you take down I do not know. You have not replied as to how many people have been arrested according to your information.

SHRI L. N. MISHRA: That's there. I have forgotten the serial order.

He spoke about negotiated settlement. Today I again reiterate that we are for a negotiated settlement.

So far as this three-point formula is concerned, I was not the authorised person to talk about the formula because it emerged out of a meeting with the Opposition leaders and the Government side. But I would say that no advantage of that formula was taken and the golden opportunity was lost.

(Interruptions by Shri Niren Ghosh)

MR. DEPUTY CHAIRMAN: You listen him. You have had your say.

SHRI NIREN GHOSH: The three-point formula was given by Mr. Fakhruddin Ali Ahmed.

SHRI L. N. MISHRA: Mr. Bhupesh Gupta said that the three-point formula...

SHRI RAJNARAIN: On a point of order. Please sit down. Learn manners. Learn

the procedure, learn how to behave in the House. You should sit down.

SHRI L.N. MISHRA: AH right.

श्री राजनारायण: रेलवे मजदूरों की ओर से कह दिया गया है कि हमारी रिहा करने की मांग खत्म, हड़ताल को वापस करने की मांग सरकार न करे और इसी समय नेगोशिएट करे। एक ही प्वाइन्ट है।

श्री एल० एन० मिश्र: राजनारायण जी, आप सुनते नहीं हैं।

श्री श्रीम प्रकाश त्यागी: आप नेगोशिएन्स करने जा रहे हैं या नहीं?

श्री एल०एन० मिश्र: भूपेश गुप्त ने कहा कि थ्री-प्वाइन्ट फार्मुला वर्कर्स को एक्सेप्टेबल नहीं है। *Interruptions* अब थ्री-प्वाइन्ट फार्मुले को एक-प्वाइन्ट फार्मुला बना दिया है कि खाली नेगोशिएन्स होने चाहिए। इतना मैं कहना चाहता हूँ कि मैं नमस्ती के पक्ष में हूँ, नेगोशिएटेड सेटलमेंट के लिए हम तैयार हैं, लेकिन उसके लिए हवा तैयार करनी होगी। मैं माननीय सदस्य से कहना चाहता हूँ कि 15 तारीख को जो सारे हिन्दुस्तान में करने वाले ...*(Interruptions)* अगर 15 तारीख को...

(Interruptions)

श्री राजनारायण: ललित नारायण मिश्र, एक बात का जवाब दीजिये। क्या आप मजदूरों से बात करोगे या नहीं करोगे? हड़ताल तो चल होकर रहेगी।

श्री लाल आडवाणी: एक बात का स्पष्टीकरण होना चाहिए। इस बात पर सब एकमत हैं कि बातचीत होनी चाहिए। इस पर सरकार को क्या आपत्ति है?

SHRI L. N. MISHRA: Mr. Advani asked to release all those arrested...

SHRI NIREN GHOSH: They have waived their demand for release. You waive your demand for withdrawal. The common point is resumption of negotiations. Now it has come to one point. You answer whether you agree to that or not. This is the clear question.

SHRI BHUPESH GUPTA: One simple thing. Whatever the discussion was. Let us not go back to it. The only thing now is: Start negotiation. This is one simple thing. They are ready, it seems.

SHRI L. N. MISHRA: You have had your say. Let me have my say. *(Interruptions)* They have disowned the three-point formula.

[Shri L. N. Mishra.] They now say that there should be a one-point formula—negotiated settlement. I say, yes, a negotiated settlement. But how are the conditions to be created? Normalcy in the Railways has to be restored. Unless normalcy is restored there cannot be any negotiations. (Interruptions) Normalcy has to be restored. (Interruptions) We have no spirit of vendetta. We have affection and love for the railway workers. (Interruptions)

SHRI LAL K. ADVANI: We walk out.
(Interruptions)

[At this stage some- hon. Members left the House],

SHRI NIREN GHOSH: If you say that they must withdraw the strike and then only negotiations can start, then what is the compromise? What is the way out? That is why the one-point formula was put forward... (Interruptions)

SHRI L. N. MISHRA: I am not yielding.
(Interruptions)

SHRI NIREN GHOSH: It seems you are not prepared to listen to us. (Interruptions) Do it, do whatever you want to do. (Interruptions). We walk out.

(Interruptions)

[At this stage some hon. Members left the House]

SHRI L. N. MISHRA: Sir, I will finish in three minutes because I will have to keep the record straight. Mr- Bhupesh Gupta said we are working in a spirit of vendetta. It is not correct. We have all regard and affection for our railway workers. They are our workers; they are my workers. We want to give them help as much as possible. But they have to see reason. A situation has been created in which no negotiation is possible unless normalcy is restored. It is this we have been asking for and the moment normalcy is restored there can be negotiations. Now, what is there to negotiate? There are eight demands, out of which six were acceded to and accepted. Sir. I have also worked in the trade union movement. Any organisation will jump at such a settlement where out of eight demands, six are accepted. Only two were left out and they, too, were very difficult. Perhaps even George Fernandes would not have dreamt that he would be able to secure any settlement on those two demands. Therefore, when we say there

should be negotiations, there is hardly anything to negotiate. But if they want to negotiate, we are prepared to negotiate, but they will have to restore normalcy.

Mr. Thengari mentioned about refusal of permission to George Fernandes. I do not know about it. There are some rules in regard to detenus about interviews, writing of letters and so on. I am told that things have changed much in regard to detenus. In our time, things were bad. I am told he can write letters and meet visitors. I see no reason why any interview should be refused to him if it is within the rules. Then he mentioned that I said "Nothing will be done till the strike is withdrawn". I did say, unless the strike is withdrawn and normalcy is restored, how can we think of having some kind of an agreement? But so far as the six demands are concerned, if the AIRF and the NFIR come forward to sign an agreement, we will be only too glad to sign the agreement. Mr. Shafi Qureshi will sign on our behalf. We are prepared to sign an agreement on those six demands.

SHRI G. LAKSHMANAN (Tamil Nadu): May I know from you whether you have referred the demand of the railway workers on bonus to the Bonus Review Committee? Will you kindly state the terms of reference of the Bonus Review Committee?

I would like to know whether the demand of the railway workers for bonus is referred to the Bonus Review Committee and also the terms of reference of the Bonus Review Committee.

SHRI L. N. MISHRA: I cannot say about all the terms of reference. We have not referred this to the Bonus Review Committee.

Then he said "Don't stand on false notion of prestige". We are not standing...

SHRI G. LAKSHMANAN: The other day you were telling this House that this Bonus Review Committee will give its decision and then the question of bonus to the railway workers may be considered. But the statement which you are making now is a diversion of the issue and you do not want to give bonus to the railway workers. You say now that you cannot give all the terms of reference of the Bonus Review Committee and you are not referring this issue to the Bonus Review Committee. How do you reconcile your two statements?

SHRI L. N. MISHRA: We have said only this, it is premature to think, about bonus unless and until the report of the Bonus Review Committee is received because they have their own right to go into any matter. It is just possible that they might go into the question of bonus to the departmental workers. Therefore, I thought it would be prejudging the issue, I am not going to discuss this point here in the House now...

SHRI T. V. ANANDAN: On a point of order. Although the Government of India did not refer the question of bonus to the railway workers to the Bonus Review Committee, was it not a fact that under the liberal terms of reference the Chairman of the Bonus Review Committee had the right to cover the question of railway workers and he had issued a questionnaire to the two important railway federations and the National Federation appeared before the Bonus Review Committee and gave evidence whereas the AIRF did not give any evidence? The fact that the National Federation gave evidence before the Bonus Review Committee and that the Bonus Review Committee gave coverage to the railway workers in its report proves that the railway workers were covered under the terms of the Bonus Review Committee.

SHRI G. LAKSHMANAN: My point is that it should be included in the terms of reference.

SHRI L.N. MISHRA: I have said that we have not referred it to the Bonus Review Committee. That is the position. I have said that I do not want to go into the merits or demerits of it now. This has been discussed for three or four days and no agreement was possible. And that position still stands..

SHRI G. LAKSHMANAN: Sir,...

MR. DEPUTY CHAIRMAN: Please do not interrupt him. You please allow him to complete his answer...

SHRI G. LAKSHMANAN: I do not want to interrupt him. I only want to know from him because even on that day the honourable Minister said that the question of grant of bonus to the railway employees can be considered when the Bonus Review Committee report comes. Now, he says in the terms of reference it is not there. Now even after the dispute has been raised, this has not been referred to the Bonus Review Committee.

How then do you say that you are very serious on the question of grant of bonus to the railway employees?

SHRI L. N. MISHRA: I have said that I am not going to discuss this point. This we have already discussed.

Then, Mr. Anandan made a good point. And he was correct when he said there has been too much of infiltration of politicians in the trade union movement. That is the most unfortunate part of it in this country.

As you know, in the world over it is the trade unions who dominate the political decisions of the country. In this country unfortunately, because of historical reasons, India was fighting for freedom, here political parties influence the decisions of the trade unions. Naturally their decisions become political decisions, not trade union decisions. And to that extent Mr. Anandan was very much correct, and it is on this point that I seek co-operation of all the workers and trade union leaders so that we should have one union in one industry and we can get rid of political influence over the trade union movement. Then, Sir, he wanted to know about the percentage of persons who went on strike. Roughly 30 per cent of the people are absent. As I said in my statement, 70 per cent are working. Even out of this 30 per cent, the real persons on strike will not be more than 10 per cent. Twenty per cent people are not coming because of intimidation and other fears. Therefore, 90 per cent of the workers have stood by us, they have stood by the nation, they have stood by the people, and I have every respect and regard for my workers. And it will be a bad day if we have to think that our railway workers. . . (Interruptions)... go against the national interests. Mr. Anandan said, "You are not

interested — " We are very much interested in finding a solution. We will have to find a solution. He wanted to know about gang-men's reorganisation. That is a point which we shall look into, that there should be a group of two persons to go on duty. This point will be looked into.

He wanted to know why we are delaying to implement the agreed proposals. Sir, we are keen and very serious about it. We wanted AIRF people also to sign the agreement, apart from the NFIR people. After both of them sign the agreement, the Miabhoy award and other things will be implemented without delay.

[Shri L. N. Mishra.]

About our assurances given to the loyal workers, we stand by them* and we have issued instructions to officers to take decisions on the spot without referring to us about extension to retired people, about re-employment of retired people, about giving increments to young men who are 0.1 duty and about rapid promotions to be given to appreciable work. All powers in this regard have been given to the local officers and those instructions are being followed.

Shri Rabi Ray said that we are violating ILO conventions. I did not know that I had something to do with ILO for a number of years and I know the ILO conventions. We are not violating any of those conventions. He should rest assured that because some telegrams were sent to London and Prague by George Fernandes, we are not violating them. It is not a fact.

Then about Shri Niren Ghosh. You know he is a mysterious man and he comes out with some mysterious suggestions. When Mr. Kissinger goes to China he is all right. Now he says that our Prime Minister had a secret meeting with Mr. Kissinger. It is fantastic. He should not have spoken like that. I contradict that with all power at my command. This is not a fact. It is a figment of imagination on the part of Shri Niren Ghosh.

He spoke about Nehru Brigade molesting railway workers' families. This is also false. It is baseless to say that any of the Congress workers has been doing this. Of course some of the volunteers and public men have gone to the Railway colonies to restore confidence among the frightened people who were intimidated by others. Public workers and volunteers have gone. They have gone to pacify them.

Shri R. K. Mishra put our case properly. I am thankful to him for clarifying the position. He wanted a settlement. - I have already said that we are for a negotiated settlement. But for that proper atmosphere and conditions will have to be created. Otherwise, we are for it. After all we have to work together. All the Indian Railways are just one family. The members of the family have to sit together and work together. How can we close the doors for negotiations? Only thing is we should sit together and come to a negotiated settlement.

Shri Kumbhare spoke about conciliation. As a matter of fact, when we finished our deliberations, we were to sign the agreement as to how we ended on the 30th evening when the whole thing was over and the atmosphere was so cordial. We were thinking that on the 1st May or on the 2nd the agreement will be signed. We parted in a friendly way and we never thought that there had been any hitch about the negotiated settlement. We thought it had been achieved. But something else happened. These people went on strike. As our Prime Minister has appealed, I also appeal our railwaymen to come back to work and if there is any genuine grievance they will be surely looked into. We have all affection and admiration for our workers.

STATEMENT BY MINISTER RE ALLEGED IRREGULARITIES IN REGARD TO IMPEC

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI I. K. GUJRAL): Sir, I regret to say that Shri Niren Ghosh, the hon. Member of this august House has chosen to voice views and opinions without first verifying the facts. I categorically deny the tendentious suggestions and malicious allegations which have no basis. On the completion of his five-year term, Shri A. M. Tariq relinquished office as Chairman, Indian Motion Pictures Export Corporation on 28th March, 1974. Before I deal with the points made by Shri Niren Ghosh, I might give the hon. House background in brief about IMPEC.

6 P.M.

Set up on 19th September, 1963, as a private limited company under the Companies Act, 1956, with a share capital of Rs. 25 lakhs—77.6 per cent share capital held by the STC and the balance 22.4 per cent by the private film producers, the company's principal objectives were—1 quote, Sir, "to purchase and market Indian films and to support, protect, maintain, increase and promote the marketing and exhibiting abroad of Indian films by executing agreements with foreign organisations and by launching promotional efforts with a view to boosting exports, etc".

During the last ten years of its existence, five of them under the chairmanship of Shri Tariq, the IMPEC was able to handle an

[Shri L. N. Mishra.]

About our assurances given to the loyal workers, we stand by them* and we have issued instructions to officers to take decisions on the spot without referring to us about extension to retired people, about re-employment of retired people, about giving increments to young men who are 0.1 duty and about rapid promotions to be given to appreciable work. All powers in this regard have been given to the local officers and those instructions are being followed.

Shri Rabi Ray said that we are violating ILO conventions. I did not know that I had something to do with ILO for a number of years and I know the ILO conventions. We are not violating any of those conventions. He should rest assured that because some telegrams were sent to London and Prague by George Fernandes, we are not violating them. It is not a fact.

Then about Shri Niren Ghosh. You know he is a mysterious man and he comes out with some mysterious suggestions. When Mr. Kissinger goes to China he is all right. Now he says that our Prime Minister had a secret meeting with Mr. Kissinger. It is fantastic. He should not have spoken like that. I contradict that with all power at my command. This is not a fact. It is a figment of imagination on the part of Shri Niren Ghosh.

He spoke about Nehru Brigade molesting railway workers' families. This is also false. It is baseless to say that any of the Congress workers has been doing this. Of course some of the volunteers and public men have gone to the Railway colonies to restore confidence among the frightened people who were intimidated by others. Public workers and volunteers have gone. They have gone to pacify them.

Shri R. K. Mishra put our case properly. I am thankful to him for clarifying the position. He wanted a settlement. - I have already said that we are for a negotiated settlement. But for that proper atmosphere and conditions will have to be created. Otherwise, we are for it. After all we have to work together. All the Indian Railways are just one family. The members of the family have to sit together and work together. How can we close the doors for negotiations? Only thing is we should sit together and come to a negotiated settlement.

Shri Kumbhare spoke about conciliation. As a matter of fact, when we finished our deliberations, we were to sign the agreement as to how we ended on the 30th evening when the whole thing was over and the atmosphere was so cordial. We were thinking that on the 1st May or on the 2nd the agreement will be signed. We parted in a friendly way and we never thought that there had been any hitch about the negotiated settlement. We thought it had been achieved. But something else happened. These people went on strike. As our Prime Minister has appealed, I also appeal our railwaymen to come back to work and if there is any genuine grievance they will be surely looked into. We have all affection and admiration for our workers.

STATEMENT BY MINISTER RE ALLEGED IRREGULARITIES IN REGARD TO IMPEC

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI I. K. GUJRAL): Sir, I regret to say that Shri Niren Ghosh, the hon. Member of this august House has chosen to voice views and opinions without first verifying the facts. I categorically deny the tendentious suggestions and malicious allegations which have no basis. On the completion of his five-year term, Shri A. M. Tariq relinquished office as Chairman, Indian Motion Pictures Export Corporation on 28th March, 1974. Before I deal with the points made by Shri Niren Ghosh, I might give the hon. House background in brief about IMPEC.

6 P.M.

Set up on 19th September, 1963, as a private limited company under the Companies Act, 1956, with a share capital of Rs. 25 lakhs—77.6 per cent share capital held by the STC and the balance 22.4 per cent by the private film producers, the company's principal objectives were—1 quote, Sir, "to purchase and market Indian films and to support, protect, maintain, increase and promote the marketing and exhibiting abroad of Indian films by executing agreements with foreign organisations and by launching promotional efforts with a view to boosting exports, etc".

During the last ten years of its existence, five of them under the chairmanship of Shri Tariq, the IMPEC was able to handle an

average about 10 per cent of the total export trade in Indian films. In 1972-73, this share had been reduced to 7 per cent.

Sir, the IMPEC had its ups and downs and even though it initiated some useful action in exporting films to a few new markets, it has been increasingly coming in for criticism both from the film industry and public forums and also in Parliament. Whereas the IMPEC had complained of lack of co-operation from the film industry, some sections of the industry had expressed strong dissatisfaction over the slow pace of exports through the IMPEC. In fact, in 1972, five Directors of the Board belonging to the film industry resigned en masse from the directorship of the IMPEC. Since then there had been inter-se charges and counter-claims. The financial picture, as reflected in the summary of financial results for the year 1972-73, placed before the 9th Annual General Body Meeting of the Company held, on the 1st January 1974, provides a cause for concern. The audited statement for 1972-73 shows a loss of Rs. 2.03 lakhs. In addition, the auditors have pointed out that provision to the extent of Rs. 2.14 lakhs in respect of debts and of Rs. 7.91 lakhs in respect of advances considered doubtful had not been taken into account. The working of the IMPEC was also, Sir, noticed by the Estimates Committee in its 58th Report and I would like to quote from this Report :

"The Committee note that the Indian Motion Pictures Export Corporation was set up by the Government in 1963 to supplement the efforts in the matter of export promotion. However, the foreign exchange earnings of the Corporation have been showing a downward trend and the working of the Corporation has also been showing losses. The share of the IMPEC in export earnings has come down from 11 per cent to 8 per cent. The Committee feel that there is a prima facie case for streamlining and toning up of the working of this Corporation. Now that the control of the IMPEC has passed in to the hands of the Ministry of I&B, the Committee recommend that the Ministry should take immediate steps in the matter of streamlining and toning up of the working of this Corporation."

In both the Houses of Parliament, there have been references to Shri Tariq's suggestion for an inquiry into the working

of the IMPEC. While replying to an Unstarred Question No. 524 by Shri K. P. Singh Deo, my colleague, Shri Dharam Bir Sinha, had stated that the matter was under consideration.

I will proceed, Sir, to deal with each point raised by Shri Niren Ghosh. The Question relating to the sale of shares of the Metro Chemas in Bombay and Calcutta from the American Company to the Swiss Company had been raised in the Parliament, particularly by Shri Niren Ghosh and a leading member of Mr. Niren Ghosh's own party, Shri S. N. Chatterjee. The Ministry of Finance, who were concerned with the matter, had ordered detailed investigations. Recently, on our intervention, the Indian Government which wanted to acquire the interests in the two Cinemas from the Swiss Company was refused permission by the Reserve Bank of India. Sometime back the Swiss Company had given an indication that it was willing to sell to the Government the interests acquired by it from the American Company and the Government had, accordingly, set up a negotiating committee. The Swiss Company has now intimated their willingness to send a representative of theirs to negotiate their sale of the Cinemas to the Government of India.

A reference has been made to the alleged blocking of import by the IMPEC of the Japanese film "A THOUSAND AND ONE NIGHTS". But the facts, however, are to the contrary. At the time of transfer of work from the Ministry of Commerce to the STC and to the I&B Ministry, we were consulted by the STC about the proposal to import the film "A THOUSAND AND ONE NIGHTS" on 1-10-73. On 8-10-73 we expressed the view that the import of the film by the IMPEC should be permitted against the bulk licence of the STC and suitable action may be taken.

The Chairman was informed accordingly on 1st December, 1973, of the position and he was advised to take up the matter with the Film Finance Corporation which was the canalising agency.

The Chief Controller of Imports and Exports, Ministry of Commerce, had permitted the taking out of the negative of the film 'Bobby' to London for making technicolour prints which cannot be done in India, subject to export obligations with 270 per cent of the actual

[Shri I. K. Gujral.] cost to be incurred subject to normal conditions. This facility was not allowed to this film alone but is given to other films too with export potential.

When the news-item alleging that some prints of the film had been smuggled to South Africa was brought to the notice of the Government, the Directorate of Revenue Intelligence was asked to conduct investigations and establish facts. The investigations are now progressing.

The administrative control of IMPEC was transferred to 1 & B Ministry on 1st October, 1973. Shri Mrinal Sen and Shri Shourie had ceased to be directors much earlier.

At the IMPEC Board meeting held on 26th March 1974, when Shri A.M. Tariq relinquished charge at the expiry of his five-year tenure, it was unanimously decided by the Board itself, meeting under the Chairmanship of Shri Tariq himself, that Shri S.K. Kooka may be requested to take charge from Shri Tariq as an interim measure to look after the

day-to-day work of the Corporation. It has since been decided to appoint Shri S.K. Kooka after the necessary formalities as Hony. Chairman. Shri Kooka is the Hony. Chairman of Air India Charters Bombay and has a distinguished record in one of the country's prestigious public undertaking, namely, AIR INDIA. It is Government's view that by virtue of his professional background and excellent reputation in the field of promotion activity, Shri Kooka is a fit person to take up the stewardship of the IMPEC.

I may mention here that Shri Tariq even now continues to be a Government Director of IMPEC Board and if he has any suggestions to make, he may do so there or write to Government. Thank you.

MR. DEPUTY CHAIRMAN: The House stands adjourned sine die.

The House then adjourned sine die at eight minutes past six of the clock.