

MR. SPEAKER: All right, I did not know that.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): Please permit me to speak for a few seconds. Today is the last day of the Session according to what was already announced. This is an important Constitution Amendment Bill. My Party is pledged to support the amendment contained in this Bill because even at the time when the Constitution (Forty-second Amendment) Bill was discussed, we opposed it.

MR. SPEAKER: I know that. But if you get up like this, it is not proper. The rules are very clear that only one of them can oppose the Bill.

SHRI M. KALYANASUNDARAM: I am not opposing. I am supporting the Bill.

MR. SPEAKER: All right, but please sit down. Now nothing is going to be recorded.

SHRI M. KALYANASUNDARAM**

MR. SPEAKER: Anybody may support the Bill or oppose it, I am not interested in that. Mr. Kalyanasundaram, you are getting up again, I am only sorry. All I can say is I am extremely sorry. On every issue if this happens with other Members also, kindly let me know what can a poor Speaker do. I allowed the Leader of the Opposition to speak.

SHRI M. KALYANASUNDARAM: But there are many parties who want to express the views.

MR. SPEAKER: There is no question of parties. Then it becomes a discussion. It can be discussed. The Bill is for discussion only, but not at the introduction stage. At this stage one can only oppose. The rules are very clear on that if you kindly read them. So, kindly sit

down. Kindly don't get up to speak. If you do that, others will also do it and I will be helpless.

SHRI SHANTI BHUSHAN: The Leader of the Opposition has stated that he wants to intimate that clauses 3 and 4 of the Bill are to be opposed by him. All that I should like to say on that matter is that last time in 1971 or 1972, when elections to the Lok Sabha and various State Assemblies took place, people had voted those who succeeded in the elections for five years. The mandate that had been given to them by the people was for a period of five years. Sometime back when the term of the Lok Sabha and various state assemblies was sought to be extended from 5 to 6 years and the Constitution was also amended to that effect, there was a lot of reaction in the country. (Interruptions). Recently concluded elections to Parliament have demonstrated what the feelings of the people are in regard to that matter. (Interruption). At this stage I have no desire to say anything more in the matter; when the Bill comes up for consideration, I shall give my views.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI SHANTI BHUSHAN: Sir, I beg to introduce the Bill.

12.09 hrs.

MATTERS UNDER RULE 377

(i) INCOME-TAX RAID ON THE OFFICE OF AVARD

MR. SPEAKER: Shri Jyotirmoy Bosu may raise the matter of which he has given notice.

**Not recorded.

SHRI ARAVINDA BALA PAJANOR (Pondicherry): Sir, I have a point of order to make. We are given to understand that the discussion will be taken up later on. But we have been told—I do not know whether it is correct or not—that the discussion will be taken up on the 9th instant and the Bill will be passed. And for that purpose you have extended the House. Sir, we have not gone back to our constituencies since the House has been in session. Tomorrow is Good Friday. We have to go to our Constituencies.

MR. SPEAKER: I myself do not know about the extension of the House. If there is going to be an extension, the Government will come and say that they are going to do it. Therefore, there is no point of order. (*Interruptions*).

Now, Mr. Jyotirmoy Bosu, you may continue.

SHRI JYOTIRMOY BOSU (Diamond Harbour): The Association of Voluntary Agencies for Rural Development (AVARD) of which Shri Jayaprakash Narayan is the President, has been engaged in the field of rural development for the last 20 years. AVARD is an all-India Federation of non-official agencies functioning in rural areas and has a membership of about 150 organisations, spread all over the country. AVARD has been helping its members in all aspects of rural development and also in the preparation of micro-level plans; a dozen of them making pointed documents; and also has been implementing a few development projects. One such area where this Association has undertaken comprehensive area development work is Musahri Block Muzaffarpur District, Bihar and other areas of Bihar, West Bengal, Orissa, Manipur, either directly or through its member agencies. Musahri Block is well-known to the

people of India for its being the scene of intensive and extensive Naxalite activities. Shri Jayaprakash Narayan had to spend more than one and a half years in that area to bring peace.

The financial assistance for taking up the development work in Musahri and other areas was received from a foreign donor known as the Central Agency, West Germany through People's Action for Development (India)—a society set up in the Ministry of Agriculture and Irrigation (Department of Agriculture). The idea was that the Government is kept fully informed about the sources of funds and their disposition.

To malign AVARD, especially its President, Shri Jayaprakash Narayan, an extraordinary income-tax raid was conducted by the Intelligence and Investigation Wing of the Income-Tax Department on 5-2-76. The raid was carried out simultaneously at its head office at New Delhi, the two project offices at Muzaffarpur and Jamui in Bihar at the residences of its Vice-President, Shri Radhakrishna, General Secretary, Shri A. C. Sen, Accounts Officer, Shri R. L. Goe! and also Shri S. K. Bahri who happened to be one of the partners of AVARD's Audit Firm. The raid party also visited both the offices of AVARD's auditors; Messrs. Aiyar & Co. and Chandiook & Galiani. After the raid all the books of account including relevant documents and some office records of the Head Office as well as the project offices were seized by the Income Tax Department. This raid was also given wide publicity by the Samachar in the Press, without giving an opportunity to the office holders even to explain the manner and functioning of AVARD. All the seized documents are still with the Income Tax Department.

It is interesting to note how the whole welfare/development work of

[Shri Jyotirmoy Bosu]

AVARD was politicised by the than government. In reply to an Unstarred Question (No. 13) in the Lok Sabha, the Minister of State in the Ministry of Agriculture and Irrigation, Shri Shah Nawaz Khan, informed the Lok Sabha on March 8, 1976 that the Ministry of Agriculture itself had received the necessary funds mostly in the form of fertiliser and wheat for the three projects being executed by AVARD. But then only two days later, Shri Brahmananda Reddy, under orders of Shrimati Indira Gandhi, the then Minister of Home Affairs speaking in the Lok Sabha on 10 March 1976 and in the Rajya Sabha on 11th March, 1976 while quoting the above figures of receipts by the Ministry of Agriculture said that the Association had received these amounts from some foreign sources—the sources and the manner these assistances were received are under investigation of the Government of India; a blatant and shameful untruth. From this, it is clear that all administrative actions on AVARD were of political nature.

Thereafter, sizable AVARD funds amounting to about Rs. 45 lakhs lying with the Ministry of Agriculture and Irrigation were frozen under instructions from the Home Ministry. Instructions were also issued by the Ministry of Agriculture and Irrigation to all the State Governments that no help or co-operation be extended to AVARD in any manner or form. Even AVARD member agencies and other organisations directly or indirectly connected with it were also subjected to similar restrictions. This is how Shrimati Indira Gandhi made an effort to do a character assassination of Shri Jayaprakash Narayan; and using this forum is disgraceful. Will the Home Minister please assure this House that the restrictions imposed will be withdrawn forthwith?

SHRI A. C. GEORGE (Mukandapuram): Sir, today is Maundy Thursday and tomorrow is Good Friday. I hope this House will have some respect for minorities and allow us to

celebrate our festivals. I support what Mr. Pajanor has submitted regarding the extension of the session.

SHRI ARAVINDA BALA PAJANOR: Sir, I agree with Shri Subramaniam that this side of the House also must be given due consideration. It is not that easy for us to go back and come again. For the past so many days we have been in Delhi and we want to go back. When the opposition leader rose to oppose the introduction of the Bill, you said that one member from the opposition can oppose the introduction. The leader of the opposition must have been under the impression that the Bill will not come up for consideration this session. We were all under the impression that the House is adjourning sine die today. But we have been noticing that at 6 o'clock it is said that the House will sit up to 7.30, that the session is being extended and so on.

MR. SPEAKER: The Minister of Parliamentary Affairs will make a statement. Before that there are one or two statements by other ministers also. I am also made to believe that we are not sitting on the 9th. Why don't you give me some time now? There was a plane crash yesterday. When I called the minister concerned, he was perhaps in the Rajya Sabha and he was not available. I will request him to make a statement. Before that, the Home Minister will reply to Mr. Jyotirmoy Bosu's statement.

SHRI A. C. GEORGE: We could not hear anything of what Mr. Jyotirmoy Bosu said.

MR. SPEAKER: I will have it circulated. His statement and the minister's reply—both the statements—will be circulated to you.

SHRI VASANT SATHE (Akola): I rise on a point of order. Rule 377 says:

“A member who wishes to bring to the notice of the House any

matter which is not a point of order shall give notice to the Secretary General in writing, stating briefly the points which he wishes to raise in the House, together with the reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent, at such time and date as the Speaker may fix."

This is not a notice like short notice question or any other thing. This is only for your consent. How is it that previous notice of this statement which was read out just now became available to the Minister for him to have a written reply got ready to be read out here? This appears to be a mutual arrangement!

MR. SPEAKER: The rule says that notice will be given to the Speaker.

Notice was given to the Speaker and a copy of the notice was sent to the Home Minister yesterday. Apart from the rules, it was given to the Secretary-General, it was sent to the Home Minister and it is in the Order Paper. Now what you read just now, has been strictly followed. Therefore, he is ready with the reply also.

SHRI C. M. STEPHEN (Idukki): I am rising on a point of order. The Minister can make a statement under Rule 372 on a matter of public importance with the consent of the Speaker but no question shall be asked at the time the statement is made. But he cannot make a statement in answer to a question raised under 377. In 377 a special procedure has been stipulated that the Member makes a statement, it goes on record and the Secretary-General then passes it on to the Minister.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): I do not object to 377 notice and the Minister promptly obliging with the reply. But similar notice was given by me on the Railway accident that took place in Tamil Nadu involving lives of people. When I raised that point, why..... (Interruptions).

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MR. SPEAKER: The Minister made a statement on the railway accident. If you want a discussion, you can certainly have a discussion. (Interruptions).

SHRI SHYAMNANDAN MISHRA (Begusarai): I want to make a brief submission for your consideration. So far as this point of order is concerned, whenever any hon. Member makes a submission under Rule 377 he wants to draw the notice of the House to a matter of public interest, and the House includes the Government. Now it had been the practice of the previous Government to ignore the observations made under Rule 377—Generally it had been their practice. On many occasions—you will find on record—the Chair also wanted the Government to take notice of the observations.

Now, if any government is responsive to the observations made, it goes to the credit of that government; and there is nothing in the way of the government making a statement thereon. (Interruptions).

SHRI C. M. STEPHEN: It is a matter of procedure.

SHRI SHYAMNANDAN MISHRA: I have not disturbed you at all. Otherwise whatever observations we make under rule 377 would fall on deaf ears. We don't want any government to be deaf to the observations made by any hon. Member.

MR. SPEAKER: Now may I ask Mr. Kaushik to make the statement?

THE MINISTER OF HOME AFFAIRS (CHAUDHURI CHARAN SINGH): I want to make the statement. (Interruptions).

MR. SPEAKER: I have permitted all of you. All of you can have it.

SHRI C. M. STEPHEN: Kindly don't take it that way. I have raised a point of order. I have cited a rule. I want a ruling from the Chair. There are certain procedures under which

Aircraft of National Remote Sensing Agency near Ongole, Andhra Pradesh

[Shri C. M. Stephen]

information can be elicited from the government. They can have a discussion; they can have a half-an-hour discussion. They can have a call—attention; they can put a Motion; they can have a short notice question. These are the different methods whereunder information can be called for. Rule 377 states what should be done under 377. That is the end of it. Under 377, a reply to the point raised by the Member is not called for at all. Therefore on the spot, it is not called for at all. If, after hearing the observations the Minister feels that a statement under rule 372 is called for, he can give notice and come with a statement. Not in reply to what has been said under 377. I want a ruling on that.

MR. SPEAKER: I think rule 377 is very clear, in that sense. No reply from the Minister is anticipated in this rule. The Minister may make a statement, if necessary, later on. That is a different matter.

Mr. Kaushik may make a statement on the plane crash.

SHRI M. KALYANASUNDARAM: I am on a point of order.

MR. SPEAKER: You have been on a point of order so many times. Anyway, proceed.

SHRI M. KALYANASUNDARAM: You don't listen to me. You will be compelling me to say something more drastic. Don't make me protest like that.

MR. SPEAKER: Yes; proceed.

SHRI M. KALYANASUNDARAM: I request the Chair to be reasonable. Rule 377 is a valuable privilege given to the Members to bring to the notice of the government immediately any matter of public importance, other than the point of orders. I had given notice under 377 regarding a serious railway strike. I had met you personally and represented to you. I met the Minister of Parliamentary Affairs

and represented to him about the urgency of it. But that was ignored. It did not see the light of the day. (Interruption). I don't object to the Minister giving a prompt reply. I welcome that. I welcome it if the Ministers are ready to give a reply even for 377. It is a good improvement. But that treatment should be given to all the Members who give notice under 377.

DR. HENRY AUSTIN (Ernakulam): I fully endorse it.

SHRI ARAVINDA BALA PAJANOR: I would like to make a submission.

MR. SPEAKER: No, no.

12. 36 hrs.

STATEMENT RE. CRASH OF AN AIRCRAFT OF NATIONAL REMOTE SENSING AGENCY NEAR ONGOLE, ANDHRA PRADESH

पर्यटन और नागर विमानन मंत्रों (श्री पुरुषोत्तम कौशिक) : अध्यक्ष महोदय, अत्यन्त दुख के साथ मुझे इस सदन को विज्ञान तथा तकनीकी विभाग से संबद्ध नेशनल रिमोट सेंसिंग एजेंसी के एक बी० सी०-3 विमान की भयानक दुर्घटना के बारे में सूचना देनी पड़ रही है।

नेशनल रिमोट सेंसिंग एजेंसी का एक डी० सी०-3 विमान, बी० टी० ई० ई० एल०, जो 5 अप्रैल, 1977 को भारतीय समय के अनुसार 0615 बजे मराक पुर के दक्षिण पूर्व में एक सर्वेक्षण उड़ान के लिए मद्रास से रवाना हुआ था, आंध्र प्रदेश में भ्रोंगोल के निकट एक गांव में ध्वस्त हो गया। दुर्घटना में क्रू के पांच सदस्यों तथा नेशनल रिमोट सेंसिंग एजेंसी के पांच कर्मचारियों के मारे जाने की खबर है।