

12 hrs.

MOTION FOR ADJOURNMENT

INCIDENTS IN LUCKNOW ON 17-3-78
INVOLVING SOME MEMBERS OF PARLIAM-
ENT

SHRI SAUGATA ROY (Barrack-
pore):**

MR. SPEAKER: Do not record.

SHRI SAUGATA ROY:**

DR. HENRY AUSTIN (Ernakula-
lam):**

MR. SPEAKER: If people get up and speak at the same time, does it make any meaning at all. Therefore, the normal procedure probably would be those Members who have some urgent matter to raise, if they give notice and I give my consent to it, can raise it; otherwise, there is no point at all. Otherwise, nobody knows who rises on what point. (*Interruptions*) Therefore, if you raise without my consent, they cannot record it at all. I am allowing five notices under Rule 377. If necessary, we can have other questions also and we shall consider it. I will place it before the Rules Committee. I have certain ideas on the point. If you all get up, that means nothing. (*Interruptions*).**

Nothing has been recorded, and nothing has been recorded.

I have to inform the House that I have received notices of three Adjournment Motions regarding incident involving Members of Parliament at Lucknow on the 17th March, 1978 from—1. Shri K. Lakkappa, 2. Shri Vasant Sathe, 3. Shri P. Rajagopal Naidu.

The notice from Shri P. Rajagopal Naidu which I find is appropriately worded reads as under:

Brutal and unwarranted lathi charge made at Lucknow on Shri P. Rajagopal Naidu and some other Members of Parliament together with Kisans and Congress workers of UP on the 17th March, 1978.

I give my consent to the moving of Adjournment Motion given notice of by Shri P. Rajagopal Naidu. Shri P. Rajagopal Naidu and Shri Vasant Sathe have written to me that they had agreed amongst them that Shri Sathe will ask for leave to move the adjournment motion. Shri Sathe may now ask for leave of the House to move the Adjournment Motion. (*Interruptions*).

SHRI VASANT SATHE (Akola): I ask for leave of the House to move for adjournment of the House. (*Interruptions*).

श्री गौरी शंकर राय (भाजीपुर) :
इस के पहले कि आप काम रोकें प्रस्ताव पेश करने की इजाजत दें, मैं यह सम्मिट करना चाहता हूँ कि ला एण्ड आर्डर स्टेट का सब-जेक्ट है।

MR. SPEAKER: Is it a point of order?

SHRI GAURI SHANKAR RAI: I rise on a point of order. This wrong procedure adopted on the floor of the House will create a problem for you and the House both. The logic is being taken that the law and order situation in which something happened in the State of U.P. will be taken care of by the House if a Member of Parliament is involved in it. I ask you, if a Member of Parliament is involved in something in the Notified Area or in some District, will it be discussed in the House? It is against all norms and procedure of the House. An adjournment motion is a censure motion against the Government. It is supposed to be a very serious and a rare motion. This matter can be discussed

**Not recorded.

[Shri Gauri Shankar Rai]

in some other form. By allowing an adjournment motion on such a matter it will be creating a wrong precedent. In a big country like India consisting of so many States, in a trifling matter if any Member of Parliament is involved, allowing an adjournment motion is a wrong procedure and it will create a bad precedent.

I would like to add one more thing. If a Member of Parliament is arrested anywhere, you are informed about it. Wherever if any such thing happens and you take notice of it and take it as a censure motion, it will be a wrong procedure. I do not object to discussing it in any other form, but not as a censure motion. I submit to you that nowhere you will find a precedent, if the Government is not straightway responsible, an adjournment motion is never allowed. It is against all norms of the parliamentary procedure. I humbly request you not to allow an adjournment motion but to allow it in some other form.

MR. SPEAKER: I have gone into the precedents. (*Interruptions*).

SHRI KANWAR LAL GUPTA (Delhi Sadar): On a point of order, Sir. I fully support what my hon. friend, Shri Gauri Shankar Rai, has said. If you see the Order Paper of today, there is Item No. 8—Statement by Minister:

“Shri Charan Singh to make a statement regarding disturbances in the vicinity of the U.P. Legislature on 17th March, 1978.”

The subject is already on the Order Paper.

Now, my friends who are responsible for creating anarchy and violence, where a Member of Parliament is involved, have come up with an adjournment motion. Do you mean to say, if I commit any crime, I need not be punished? Am I a privileged person? No. As this is already on the Order Paper, I think, the Speaker should not allow the

same thing in another form. You should not put it on the Order Paper. Once it has been put on the Order Paper, I think, the Chair should not allow it in another form. There are certain privileges for a Member of Parliament. But if he breaks the law, if he indulges violence, if he creates anarchy, he is not at all privileged to do that. What happened in U.P. is a shame to all of them who did it. My submission to you is not to allow an adjournment motion.

THE MINISTER OF HOME AFFAIRS (SHRI CHARAN SINGH): Sir, I would like to say a few words in addition to what my hon. friends have already said. Section 144 had been promulgated in the proximity of the Legislature in accordance with the direction of the Speaker just as Section 144 is promulgated here also so that the legislature may be allowed to carry on its work of legislation in peace. So, the processions are not allowed. With that end in view, Section 144 was promulgated. Now, Section 144 was violated by the procession. This is the point. A similar situation can arise in Delhi also. There is yet another point.

So, a similar situation can arise in Delhi also. There is yet another point, viz. the law and order is strictly a State subject. Today, it happens that in U.P. it is a Janata Government which is in office; they can supply information as we require in accordance with our wishes. Suppose such a situation arises in Andhra, West Bengal.....

(*Interruptions*)

Would you not allow me to speak?

(*Interruptions*)

MR. SPEAKER: Please hear him.

SHRI CHARAN SINGH: I would request my hon. friends just to have patience to listen to me. Everybody can play that game; this side can also play that game so that they will not allow any one of you to speak. Let me finish. Suppose a similar situation arises in a non-Janata ruled State

and I ask for information in response to an adjournment motion here, the Chief Minister of that State will be within his right to refuse to supply any information because it is a State subject. So, we have to consider whether we want to make this matter of law and order a football between the two political parties. Therefore, I appeal to you, to my friends, that there is absolutely no case for an adjournment motion on questions relating to law and order in the States.

SHRI SAUGATA ROY (Barrackpore): There are two point of orders.

(1) I must thank that you have taken a broader view of the adjournment motion as was done earlier by Prof. Mavalankar or Mr. M. Anantasayanam Iyenger. My point of order is on the issues which are involved here and they are three main issues. (1) the problem of cane prices; the problem of lathi charge on a Member of Parliament and (3) the general law and order situation leading to these two things. On the first question, you have already allowed a discussion in the House. So, naturally, there is nothing in this adjournment motion that can be ruled out.

MR. SPEAKER: That is not a point of order. I thought that you were objecting to that. There is no point of order.

SHRI SAUGATA ROY: Why should I object to that?

MR. SPEAKER: Then there is no point of order. No, no, you are not replying to it. There is no point of order. I thought that you were objecting to the adjournment motion.

SHRI VAYALAR RAVI (Chirayinkil): I am supporting it.

MR. SPEAKER: You cannot support it now.

(Interruptions)

SHRI VINODBHAI B. SHETH (Jamnagar): On a point of order. In Lucknow....

MR. SPEAKER: There is no point of order. There is no relevancy at all.

(Interruptions)

Your being in Lucknow is no point of order.

SHRI VINODBHAI B. SHETH: On the first day, when the Assembly met in Lucknow, the Governor had passed an order. There was panic in the entire Lucknow. The Government of U.P. took all precautions to stop the procession. The Government had passed a prohibitory order. They violated the order and took a procession.

MR. SPEAKER: There is no point of order. That has nothing to do with the point of order.

SHRI DINEN BHATTACHARYA (Serampore): I appeal to you not to allow any discussion on any matter which is strictly the purview of the State. Today, if you allow this discussion, tomorrow there will be no end to it. So, we are against.....

(Interruptions) It is a State matter.

(Interruptions)

MR. SPEAKER: How many point of orders are there? There is no point of order.

(Interruptions)

MR. SPEAKER: I have examined this matter. I have disallowed those which are mainly law and order questions: I have followed earlier precedents. When sufficient protection to Members of Parliament has not been given, earlier also, motions have been allowed. Therefore, I have considered all these matters before I gave consent to it. I am not hearing any more objections. If there is objection, you can take objection... *(Interruptions)*.

SHRI KANWAR LAL GUPTA: Sir, Rule 56 (6)...

MR. SPEAKER: Yes, you have mentioned that.

SHRI VASANT SATHE: Sir, I beg the leave of the House to move the Adjournment Motion.

MR. SPEAKER: Hon. Members in favour of the motion may stand up in their seats.

More than 50 Members have stood up. Leave is granted.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Since the House has granted leave for the consideration of this Motion for Adjournment, and you have to set a time for it, I would like to make a submission. The financial business that has to be transacted in this House and sent to the Rajya Sabha cannot be completed today if we take up this Motion at 4 O'clock today. The Rajya Sabha will adjourn tomorrow, and the supplementary grants have to be passed by this House as well as the other by tomorrow evening. I would therefore appeal to the Hon. Members and to you that the time for the discussion of this Motion may be set for tomorrow at 4 O'clock.

SHRI C. M. STEPHEN (Idukki): We agree.

SHRI GAURI SHANKAR RAI: Whatever the difficulties may be, the Adjournment Motion cannot be postponed. The moment it is postponed, the entire urgency is over. Even if it is inconvenient for the Government or inconvenient for them, postponing it will make for another wrong precedent.... (*Interruptions*).

SHRI KANWAR LAL GUPTA: Sir, I move:

"That the Rules may be waived and the discussion may be taken up tomorrow".

MR. SPEAKER: Even on earlier occasions, with the consent of the parties, the Motion had been taken

up at other times. Therefore, since both the parties are agreeable, the Motion will be taken up tomorrow at 4 O'clock.

SHRI SAMAR GUHA (Contai): Sir, I have to draw your attention to the fact that a fresh notice has to be given by them. Either you have to waive the rule or otherwise they will have to give a fresh notice.

MR. SPEAKER: No, no: not necessary.

SHRI SAMAR GUHA: Kindly have a look at the rules. I agree with what you have said, but either the rules should be waived or a fresh notice should be given by them.

MR. SPEAKER: The rule is waived and permission is granted to take it up tomorrow at 4 O'clock.

SHRI HARI VISHNU KAMATH (Hoshangabad): The House should waive the rule: You cannot do it.

MR. SPEAKER: No, the Speaker can.

SHRI HARI VISHNU KAMATH: Which rule are you waiving, Sir?

MR. SPEAKER: What is the relevant rule?

SHRI HARI VISHNU KAMATH: Rule 61 should be waived under Rule 388.

SHRI KANWAR LAL GUPTA: I have already moved a formal motion that the rule may be waived and the matter taken up tomorrow.

SHRI HARI VISHNU KAMATH: I beg to move:

"That this House do suspend Rule 61 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the adjournment motion to be moved by Shri Vasant Sathe regarding certain incidents in Lucknow on the 17th March, 1978 involving some Members of Parliament."

THE MINISTER OF RAILWAYS (PROF. MADHU DANDAVATE): Shri Kanwar Lal Gupta has already moved that.

MR. SPEAKER: The question is:

"That this House do suspend rule 61 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the adjournment motion to be moved by Shri Vasant Sathe regarding certain incidents in Lucknow on the 17th March, 1978 involving some Mem-Mr. Bhutto. * *

The motion was adopted.

MR. SPEAKER: The adjournment motion will be taken up tomorrow at 4.00 O'clock.

SHRI VAYALAR RAVI: Sir, I do not want to go into the merits, but I want to explain the purpose regarding the death sentence passed against Mr. Bhutto. * *

MR. SPEAKER: No, no; this is not a matter for this House. I cannot allow that.

SHRI SAUGATA ROY: Sir.

MR. SPEAKER: Do not record. (Interruptions) * * *

MR. SPEAKER: Nothing has been recorded. These two words were used against a Member. It is most unfortunate that unparliamentary and undignified words have been used in the House. I am merely saying and I have said that it has not been recorded. (Interruptions) I have often said and I am again repeating that no member, whichever side he may belong to, should use undignified words. Parliament should realise that it is disgraceful to do so.

SHRI VAYALAR RAVI: On a point of order, Sir....

MR. SPEAKER: What is the point of order?

SHRI VAYALAR RAVI: I make no comments, Sir. I am only saying that this Parliament and this government do not want to get involved in the internal affairs of another country. But the question of death sentence on Mr. Bhutto**

MR. SPEAKER: It will not go on record.

Mr. Shanti Bhushan.

12. 27 hrs.

PAPERS LAID ON THE TABLE

REPORT OF LAW COMMISSION ON VARIOUS MATTERS AND STATEMENTS FOR DELAY, ETC.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I beg to lay on the Table—

(1) (i) A copy of the Fifty-eighth Report (Hindi and English versions) of the Law Commission on Structure and Jurisdiction of the Higher Judiciary.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above Report. [Placed in Library. See No. LT- 1845/78].

(2) (i) A copy of the Sixtieth Report of the Law Commission on the General Clauses Act, 1897.

(ii) A statement (Hindi and English versions) (a) showing reasons for delay in laying the above

* * Not recorded