

and confirm that information received later was correct and indicate circumstances in which incorrect information was furnished in the first instance. On the 15th March, 1979, a report was received from the Chairman of the Corporation stating that the information furnished earlier was based on the information given by Central Checking Cell of the Corporation and did not contain the information about the checking carried out by the Divisional checking staff of the Corporation in the year 1978 and that this was in inadvertent omission. Immediately steps were taken to prepare the correcting reply, both in English and Hindi, which was sent to the Lok Sabha Secretariat on 29th March, 1979. A delay of 13 days from the period allowed as per Speakers direction thus occurred in this case. The delay is regretted.

11.30 hrs.

RE. MOTION FOR ADJOURNMENT REGARDING ATTACK ON ALIGARH MUSLIM UNIVERSITY STUDENTS AT DADRI RAILWAY STATION ON 9-5-1979.

SHRI VASANT SATHE (Akola): Regarding the atrocities on Aligarh students....

(Interruptions)

MR. SPEAKER: Order, order. I am on my legs. Four adjournment motions and other motions have come before me. I have called for an immediate report.

(Interruptions)

SHRI VASANT SATHE: Why don't you allow the adjournment motion?

(Interruptions)

SHRI VASANT SATHE: Five students, who were brutally beaten up, are in the JP hospital (Interruptions).

MR. SPEAKER: I am directing the Home Minister to make a statement.

SHRI VASANT SATHE: Why are you not allowing the adjournment motion?

(Interruptions)

MR. SPEAKER: I am directing the Home Minister to make a statement in the House.

(Interruptions)

SHRI VASANT SATHE: Unless you admit the adjournment motion, how can we bring all the facts before you? I have gone to the hospital, I have seen the students, I have seen how brutally they have been beaten up and injured, the helpless students coming for the rally from Aligarh. The train was stopped, surrounded by the goondas and they have been mercilessly beaten up.... (Interruptions) Kindly allow the adjournment motion. Let his statement come. Let us have a discussion.

MR. SPEAKER: I am directing the Home Minister to make a statement. Therefore, if necessary, we will have a discussion.

SHRI VASANT SATHE: Members from all sides are agitated. This is not a party matter. Admit the adjournment motion, let us have a full discussion.

MR. SPEAKER: After we get the facts, we can have a discussion. I am not allowing.

SHRI C. M. STEPHEN (Idukki): This is an extremely distressing situation. There is such a clamour in the House, demanding permission for discussing this matter straightaway. Persons belonging to the minority community were coming to Delhi. They were dragged out of the train and attacked. Two persons were seriously injured. Others are still in

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the hospital. The facts are so clear. There is no other fact to be brought in. There is no question of the Minister coming and making a statement at all. Are you not going to permit even this sort of thing? We are here not merely to pass the Bills, we are here to raise issues concerning the people and today there cannot be a more important matter than this.

MR. SPEAKER: After he makes a statement, there can be a discussion.

SOME HON. MEMBERS: No, no.

SHRI C. M. STEPHEN A Member of Parliament was attacked, a privilege motion is given, you are rejecting that. Whatever comes to hurt the Government, we do not get an opportunity to discuss. With this sort of attitude, this Parliament cannot run. In protest against this attitude of yours, I am staging a walk out from this House, in view of your refusal to permit an adjournment motion on this very important issue.

SHRI YESHWANTRAO CHAVAN (Satara): This is not a matter which should be taken as a sort of routine matter. There are certain matters for consideration before Parliament and therefore the Aligarh University students wanted to demonstrate their point of view before Parliament. It is their right to do that. The issues of secularism are involved in this matter. Therefore if we merely take the routine step of referring it to the Government, it does not help in any way. The whole House is exercised over this matter.

MR. SPEAKER: Quite right. The Minister has said that he has asked for information from the U.P. Government.

SHRI YESHWANTRAO CHAVAN: Allow a discussion here. You can get the information on the telephone.

We have done it before many times. I have done it as Home Minister.

MR. SPEAKER: Quite right. Discussion can be had in various ways. There is already one discussion under rule 193 today. We can postpone it and have a discussion on this. If the House so pleases, I am prepared to allow a discussion under Rule 193 today itself. (Interruptions).

SHRI C. M. STEPHEN: We want an adjournment motion. . . (Interruptions).

MR. SPEAKER: This is not a matter for an adjournment motion. (Interruptions) I am allowing a discussion under Rule 193.

SHRI C. M. STEPHEN: We want to censure the Government on this. We do not want a discussion under Rule 193. (Interruptions).

MR. SPEAKER: I must have facts before I decide. I am prepared for a discussion under Rule 193. (Interruptions).

I am prepared to allow a complete discussion on this matter. But if you want an Adjournment Motion, I must say that I should get the facts; without facts, I cannot decide . . . (Interruptions).

SHRI C. M. STEPHEN: What do you mean by saying 'I want the facts'. You are not here as a judicial officer.

MR. SPEAKER: To decide whether there is a *prima facie* case or not.

SHRI C. M. STEPHEN: Nobody needs to place any facts before you. The only fact you should know is whether the matter is recent, whether the matter is of urgent public importance. Then the Adjournment Motion must come. Nobody need

tell you about the facts for you to make a decision. We are not here to present the facts for your decision. What do you mean by saying 'I must get the facts'? You don't have to get the facts. It is for the House to get the facts. Nobody has any liability to give you the facts. It is for the House to get the facts. (*Interruptions*).

SHRI KANWAR LAL GUPTA (Delhi Sadar): On a point of order. This a very serious matter, and every section of the House is concerned about it. I totally endorse what Mr. Chavan has said. I condemn the attack on the boys of the Aligarh Muslim University. They have a right to protest. Those who are guilty should be punished... (*Interruptions*)

SHRI RAJ NARAIN (Rae Bareilly): Mr. Speaker, Sir, I rise on a point of order.

मेरा केवल विनम्र निवेदन यह है कि जब ऐडजर्नमेंट मोशन प्राया है, सदन में ऐडजर्नमेंट मोशन प्रा सकता है कि नहीं यह हम सब जानते हैं, यह ठीक है ऐडजर्नमेंट मोशन प्रा सकता है, प्राप उनको सुनिये और सुनने के बाद प्राप यह कह सकते हैं कि हम ऐडजर्नमेंट मोशन प्रलाक नहीं कर रहे हैं, हम फुल डिस्कशन प्रलाक करेंगे।

But you cannot say that you will not hear the Adjournment Motion.

MR. SPEAKER: I have not said that. My difficulty is this. In the matter of Adjournment Motion, the rulings of my predecessors are that, when the facts are in conflict, you must call for the facts and thereafter decide. I am reading from the ruling (*Interruptions*) I have asked for the facts. I can consider the Adjournment Motion only after considering the facts.

AN HON. MEMBER: We have collected the facts.

MR. SPEAKER: You may have collected the facts. But I have to... (*Interruptions*).

SHRI VASANT SATHE: All the newspapers are full of facts. Hundreds of students have been injured. This is carried by every newspaper. What more facts do you want?

MR. SPEAKER: If you want an Adjournment Motion, I can do it only after considering the facts. If you want a discussion, I am prepared to allow a discussion.

SHRI VASANT SATHE: What are the facts which are in dispute?

MR. SPEAKER: I must get the facts from the Government also. (*Interruptions*)

SHRI C. M. STEPHEN: Then how are you allowing a discussion on this? The very fact that you are allowing a discussion shows that the subject demands immediate attention by the House.

MR. SPEAKER: I hope the Leader of the Opposition is familiar with the Directions and the Rules. One of the Rules is where the Speaker is not in possession of full facts about the matter mentioned therein, he may before giving or refusing his consent read the notice of the motion and hear from the Minister and/or members concerned a brief statement on facts and then give his decision on the admissibility of the motion.

SHRI C. M. STEPHEN: Did you read out that motion? If you resort to that procedure, then you should have read out the motion, you should have asked the member to make a statement, you should have asked the ministry to make a statement and then say that the adjournment motion is not allowed. Now that you have said that the Leader of the Opposition is not aware of the provisions, I am telling Your duty is to read out the motion, ask the Member to give his explanation, ask the Minister to make his statement and then you say you have not allowed it.

MR. SPEAKER: That also is not correct. Decisions are that we can call for facts and not read out the motions.

SHRI C. M. STEPHEN: It is not to be governed by a sort of a Supreme Court decision. It is not that. The present position is that the House acts like the Speaker. That is the present position.... (*Interruptions*).

श्री मधु सिन्घे (बांका) : अध्यक्ष महोदय, आप मेरी प्रार्थना सुन लीजिये। अपोजीशन को स्थगन प्रस्ताव के बारे में अपना केस रखने का अधिकार है, उनको सुनने के बाद आप कह सकते हैं कि स्थगन प्रस्ताव आर्डर में नहीं है, मैं चर्चा के लिये हजाजत देता हूँ, लेकिन यह ठीक नहीं है कि आप उनकी बात सुन ही नहीं रहे हैं। हम लोग अपोजीशन में रहे हैं, पचासों बार हमने अपने केस को प्रार्थ्य-आउट किया है।

The Opposition has a right to argue their case and you must listen to them. Let us proceed in an orderly manner. Let the Opposition make out a case. If you think that the motion is not in order, you rule it out and then you can say, 'I can permit a discussion' and that should be the end of the matter.

PROF. P. G. MAVALANKAR (Gandhinagar): I am on a point of order. Under rule 58, what you have been saying now makes thing rather difficult for us and that is why I am raising a point of order to get your guidance for all times to come.

Any Member of this House and particularly, the members of the Opposition have an inherent and basic right to send a notice for an adjournment motion. Now if you think under rule 58 that the matter is definite, urgent and of public importance, all that is left to you is three things. One is that you will read out or ask the Member concerned who has given the notice to read out the notice and you will also permit the member concerned who has given notice to explain to you and to the House why he thinks that the matter is urgent, definite and of public importance.

(2) If you think that the matter is neither urgent nor of public im-

portance nor definite you can rule it out. But on every matter which is brought to your notice on the basis of information available to us not merely through newspapers but on the basis of direct evidence if you start this practice of referring the matter to the government, then the whole purpose and importance of the adjournment motion debate will be completely lost. The whole idea of an adjournment motion is that the matter is so urgent and of such great importance that not a minute's time can be wasted. If you are sure of your own ground, and on the basis of the motion made by the member you are satisfied, then the government giving information is of secondary importance. What is of more importance is -- government information will come at the time the motion is discussed and the government will come out with information perhaps at the beginning and also at the end—this: to bar the adjournment motion on the plea that the government information is awaited by the Speaker will mean in effect that this rule 58 becomes redundant and, that is not the purpose. ... (*Interruptions*)

MR. SPEAKER: The Minister.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VERMA): Mr. Speaker, Sir, any hon. Member has a right to move an adjournment motion. That is not being contested. Among the many qualifications for an adjournment motion to be admitted is also the question of Central responsibility.

Sir, the question primarily arises when you admit a motion. As far as we understand you have not taken a decision on the admissibility of the motion. According to the Rules of Procedure, it is open to you, when you, Sir, feel that the facts that you need are not available to you or are not adequately available to you to

enable you to take a decision (*Interruptions*)...I am not hurting anyone I am only pointing out the Rules of Procedure. There is no intention to hurt anybody or shut out any discussion on this.

According to the Rules of Procedure, you are within your rights. Under Rule 60(1) it is said:

"Provided further that where the Speaker is not in possession of full facts about the matter mentioned therein, he may, before giving or refusing his consent, read the notice of motion."

Here, you hear from the Minister as also from Members a brief statement on facts and then the decision is given on the admissibility of the motion. (*Interruptions*) I can make my submissions as the hon Members make submissions.

SHRI K. LAKKAPPA: Why do you depend upon Government?

SHRI RAVINDRA VERMA: The question, therefore, is whether you, Mr Speaker, feel that you are not in possession of the full facts to take a decision on the admissibility of the motion which includes the question of Central responsibility. As far as I can understand, you have been pleased to ask the Home Minister to give you full facts because, you feel that full facts are not available to you at this moment. (*Interruptions*)

Therefore, the first point is that you have not given your ruling on the admissibility of the motion; the second point is that you feel that you need more facts and you have asked the Government to provide you with full facts before taking a decision. The third point is: you have said that you are willing to ask the Government to make a statement to-day. The fourth point is that you have said that after the Government makes the Statement, you will allow a discussion today after you decide about the admissibility of the motion. Therefore, the discussion can

this has not been ruled out by you. On the question of admissibility of the motion, you have not given your ruling. Therefore you have agreed to provide an opportunity for a discussion on this. On the admissibility of the adjournment motion, you need fuller facts. Therefore, I appeal to the House to wait for the statement from the Home Minister to enable you to carry on the business.

SHRI C. M. STEPHEN: I am sorry, I have to differ from the Minister for Parliamentary Affairs. We are sitting three days following are holidays. This is an adjournment motion on a matter of extreme public importance. Otherwise, it is not an adjournment motion at all. We are not agreeable to the procedure whereunder we can wait till Monday or Tuesday when it ceases to be an adjournment motion altogether.

With regard to the Central responsibility, this has happened in the Railways. The train was stopped. These are undisputed facts. The persons were dragged out and were beaten up. Those persons who were affected happened to be Muslims belonging to one particular minority community. Therefore, there it is a central responsibility that the minorities have been attacked. This is the Central responsibility. It happened in the railways. This is the 'Central responsibility. A very urgent incident has taken place. That is an admitted fact and that is of a recent occurrence. Nothing more remains to be done at all. Even if the procedure it to be followed, this side has to be heard and that side has to be heard and a total sense of the House has got to be taken. Otherwise, you cannot run this House at all. The total sense of the House has to be taken. All sections of the House--on this as well as on the other sides,--are agitated on this question. In Parliament we must express our feelings. By going

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through the Procedure, precedents, rulings and all that, this House cannot be run that way at all. This House has got a responsibility to the agitated members of the Muslim community. The minorities have got to express their feelings about it. So, an adjournment motion alone will be the answer. The four grounds advanced by the Minister for Parliamentary Affairs cannot be acceptable to us. We want a discussion on the basis of an adjournment motion. No other discussion will satisfy our requirements.

12.00 hrs.

SHRI G. M. BANATWALLA (Pon-nani): Mr. Speaker, you read out the motion right now. We have given the facts after meeting the students. I went to the hospital and met all of them. Many of them are in a serious condition. The matter cannot be left pending. A fascist attack has been made on the students of Aligarh University. *(Interruptions)*.

Muslims are living today under a shadow of death. That is the position and the motion must be taken up right now today. *(Interruptions)*

SHRI M. N. GOVINDAN NAIR (Trivandrum): Sir, I want to draw your attention to the basic fact. This Parliament is meant to reflect the views of the people rather than that of the government on such vital issues. To deny us an opportunity to express ourselves on such a vital and important matter by some rule or other is not proper. It will affect the dignity of our House. It is not just a motion. An adjournment motion is also a censure of the government. That is why we are very keen to see that the adjournment motion should be admitted because things are happening in this country which have been creating feelings of insecurity in the minds of the minority communities. It was only the other day we discussed about Jamsedpur and now if the students had not opened

the door and surrendered themselves the idea was to burn the whole bogie. If such a serious matter is not to be a matter to be discussed here where are we to go and discuss. Therefore, the adjournment motion should be discussed here and discussed today itself.

श्री विजय कुमार मल्होत्रा (दक्षिण दिल्ली) : अध्यक्ष महोदय, फैंटस ग्रुप के पास है कि कांग्रेस (ग्वाह) के बदमाशों ने उन को मारा है। अगर कोई डिस्कशन वह करना चाहते हैं तो कर लीजिए, जिस से पता चल जाय कि कांग्रेस (ग्वाह) के कौन-2 लोग क्या क्या कर रहे हैं और संजय गांधी किस तरह से साजिश कर रहे हैं। इस को डिस्कस कर लीजिए, जिस में फैसला हो जाय।

PROF. SAMAR GUPTA (Contail): Mr. Speaker, Sir, I think there are no two opinions in the House that the matter deserves attention of the House and that the matter is serious and urgent and members are equally anxious and feel concerned that this matter should be discussed. As you are not posted with all facts you feel that certain information should be furnished to you before you could take a decision. Some members feel that they are already in possession of the information and they have direct information. I think these two viewpoints can be re-conciled. The adjournment motion can be taken up at a later time and in the mean time government can furnish the information and after that you can take the decision as to whether the adjournment motion should be admitted or not. I would appeal to my hon'ble friends let the Speaker take his time. *(Interruptions)* I mean today. It is only a question of an hour or two for the Speaker to get the information. After that he will take the decision. We are not afraid of the adjournment motion. *(Interruptions)* If there is a general discussion we can also freely and frankly participate in it. We can also participate and speak. But if you allow Adjournment Motion only, what will be our stand? Naturally we will try to defend the Government we want to have a free and frank discussion in

the matter. Let there be a full discussion, not an adjournment motion.

SHRI SAMAR MUKHERJEE (Howrah): I imagine, when the entire House wants immediate discussion, I don't think, what is the objection having an Adjournment Motion. (*Interruptions*) You accept what Mr. Madhu Limaye has suggested. You read it. Let them make out a case as Mr. Madhu Limaye has suggested.

MR. SPEAKER: Mr. Madhu Limaye's suggestion is the most proper suggestion. When I got the Adjournment Motion, there were three version of it. Immediately I got the motion at 8-30 p.m. in the night I sent for details.

SHRI G. M. BANATWALLA: I sent it in the afternoon itself.

MR. SPEAKER: Why don't you hear me? Immediately I got the motion, I called for information yesterday night itself. I called for the facts. (*Interruptions*) Why don't you hear me?

SHRI C. K. CHANDRAPAN: Afternoon, night and evening are different. (*Interruptions*)

MR. SPEAKER: Why don't you allow me also to speak? There were three different versions.

SHRI G. M. BANATWALLA: Our version is different (*Interruptions*)

MR. SPEAKER: If you don't want to hear me I will not say anything... (*Interruptions*) Why don't you hear me?

SHRI RAJ NARAIN: I requested you, in the morning, don't go by the papers. I have got information in my possession. I had a talk for half-an-hour with the Chief Minister of U.P. He informed me about the position at 1 A.M. in the night and I did accordingly. You know everything.

MR. SPEAKER: You are not my adviser nor can I advise you. I have called for a report from the Minister. (*Interruptions*)

श्री चमन भाई एच० मुखल : ये क्या बोलते हैं ?

श्री राज नारायण : मैं बोलता हूँ कि यह सब प्रार० एस्० एस्० का तिकड़म है।

श्री चमन भाई एच० मुखल : यह सब राज-नारायण ने साक्षि की है। (ब्यवधान)

SHRI T. BALAKRISHNIAH: You please hear us as to what we have got to say. It is a matter of the highest concern to us. (*Interruptions*)

MR. SPEAKER: Let us not waste time on this. I will take up the matter at 2 O' clock. I will hear all the sides and after that I will give my decision.

SHRI VASANT SATHE: No, no Sir.

MR. SPEAKER: I am not going to be dictated to by anybody. If I gave my consent then it can be taken up at 4-30.

SHRI C. M. STEPHEN: The question of Adjournment Motion is different and it has to come up immediately. There are certain procedure. Either you allow and ask the House to give leave, or you do not allow, or you resort to the next procedure which you mentioned, that is first hear the Members and the Minister and take a decision and we go ahead. There is no procedure by which you can say: "I will post the case at 2,00 O' clock; I will hear the parties and give the decision." This is not a court of law; this is the Parliament of India. There are certain procedures. You cannot post it for hearing at 2.00 O'clock; you take it up now. Under the rules it has to come up now, it cannot come up at 2.00 O'

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clock. You dispose it either way; you allow it, reject or hear us and then decide. The rules do not permit posting it up at 2.00 O'clock for a preliminary hearing.

MR. SPEAKER: Not a preliminary hearing.

SHRI C. M. STEPHEN: Under what rule? Rules are supreme in this House... (*Interruptions*)

SHRI K. LAKKAPPA: The adjournment motion should get the priority... (*Interruptions*)

MR. SPEAKER: All right, I will hear Members now itself. The first notice is from Mr. Banatwalla.

SHRI G. M. BANATWALLA: Mr Speaker, I am grateful to you for allowing me to make my submissions on a matter that affects the life, honour and rights of the minorities:

In order that I may be able to make my submissions to you, it is necessary to understand my notice and I quote:

"The unabashed, vigorous and planned armed attack on the Aligarh Muslim University students coming on 9th May by train to Delhi for the protest rally in connection with the Amendment Bill, the free use of even fire arms, the consequent injuries to several students with some still missing and the failure of the Government to protect the students as also to safeguard their constitutional right to protest and the panic among the Muslim minority community."

Sir, the important points are very well borne out from the text of the motion that I have read out. When the students started from Aligarh by the morning train at 6.55 a.m., many miscreants had boarded the train at Aligarh itself. A plan existed and

many further boarded on the way and finally near Dadri railway station, the whole ugly, inhuman fascist attack took place on the students. Some of the coaches were even detached. The students of the Aligarh Muslim university were pulled out of the train and beaten with lathis. Even the faces of some of them could not be recognised. That is the point.

It is said that a black Ambassador car was following... (*Interruption*) It is wrong to blame the villagers for anything. Take the case of one student, Zainulabuddin. He was picked up after beating by those fascist forces, and was taken for being thrown into a well. It was some of the Gujars, it was some of the villagers who came running in order to save Zainulabuddin, in order to save him from being thrown into the well. Why blame the local people? They came even running to protect. If the students got some protection, if the injured got some water, and if the injured got some first-aid, it was because of the local people there.

These students were coming, in order to organize their rally here to protest, in order to have the restoration of the minority character of the Aligarh Muslim University. Now from Belchi to Jamshedpur, a sordid record of the massacre of the minorities.....

MR. SPEAKER: We are only on the admissibility.

SHRI G. M. BANATWALLA : I will be brief; and to-day, an attempt is being made by fascist forces, by the RSS forces, to strangle even the right of the minorities to raise their voice in protest, when their minority rights like the restoration of the minority character of the Aligarh Muslim University, is being refused. This is the seriousness of the whole thing.

The question now comes up, of Centre's responsibility, and of the admissibility of the motion for ad-

journalment. It is rather, I must say, an unabashed statement from the Government, to say that the Centre will not be responsible for the protection of lives and honour of its citizens, especially the minorities. The Government making such a statement must be condemned; it is an unabashed statement, and shows the degree of the unabashed nature of the attitude that exists, where the question relates to minorities.

The House must take due notice of this particular fact. More than 100 students have been treated in the Hospital and sent away. 19 of those students have been admitted. I went and saw them twice yesterday; and to-day morning also, before coming. Some of them are in a very serious condition. I am not naming them here, because it is not necessary. We will take it up during the discussion. (Interruptions) The seriousness is more reinforced because an attempt is being made to wash away the entire incident. (Interruptions)

PROF. SAMAR GUHA: On a point of order. You have asked, Sir, for placing the facts about the incident; and, on the basis of the facts, you have to take a decision on the desirability of admitting the motion. While placing the facts, these political imputations, and political motives... (Interruptions) It is a matter which will come up when a full-fledged discussion is taken up. (Interruptions)

It is being already turned into an adjournment motion. It is a question of the desirability of admitting the motion. You should ask only for facts. These are not facts. These are political imputations, and political discussions. Instead of helping you... (Interruptions)

SHRI VASANT SATHE—rose—

MR. SPEAKER: If I reject it, I will hear you...

SHRI G. M. BANATWALLA: I will conclude by saying that the matter is of the greatest importance. The adjournment motion has been given. Kindly admit it, and allow a full discussion on the adjournment motion. Thank you.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI DHANIK LAL MANDAL) : Sir, we are still awaiting the report from the State Government. (Interruptions). However, according to the information received from the district authorities of Ghaziabad, about 1000 students of Aligarh Muslim University, with banners, were travelling from Aligarh to Delhi by the Aligarh-Delhi Shuttle Passenger Train which leaves Aligarh at 5.50 AM for participating in a rally at Delhi. At Vair Railway station in Bulandshahr District, there was a scuffle between students and some people who sought to board the train. This scuffle in the train continued until the train reached Dankaur railway station. Again, at Dadri Railway station, there was a scuffle and maar-peeet between the students of Aligarh Muslim University on the one hand and passengers and students who joined the train from Dadri to go to Ghaziabad on the other hand. When the train left Dadri Railway Station, some passengers pulled the chain and the train came to a stop near the outer signal. Thereagain, scuffle maar peet and stoning took place. On receipt of information at Police Station Dadri from the Station Master, Dadri Railway Station, police force rushed to the spot and controlled the situation. The students of Aligarh Muslim University complained of having been assaulted and looted by passengers and students who had boarded the train at Vair and Dadri. A case under section 147/323/325/398 IPC was registered at P. S. Dadri. Two AMU students were got medically examined at Dadri and they were found to have received simple injuries. Other students of the AMU who had received injuries continued their journey to Delhi. The police escorted the train up to Ghaziabad.

[Shri Dhanik Lal Mandal]

Four students of Bulandshahr district who were found near the railway track were arrested. There is no information about any fire arms having been used. Investigation of the case registered at P. S. Dadri is continuing.

Seventy one students with injuries reported at the Loknayak Jayaprakash Narain Hospital in Delhi, of whom forty five were discharged after first aid. 20 persons were admitted in the hospital and 6 are reported to have received grievous injuries. Medical reports from the hospital are still awaited. The Lt. Governor Delhi, on my behalf as well as on his own behalf, visited the injured students in the hospital and told the hospital authorities that all necessary medical attention should be given to them and that all expenditure on this will be borne by the Delhi Administration. (*Interruptions*)

The origin and causes leading to this unfortunate incident will be known only after detailed report is received from the Government of Uttar Pradesh.

SHRI HARI VISHNU KAMATH (Hoshangabad) On a point of order, Sir. Under rule 60 there are two provisos. Please have a close look at the second proviso. Rule 60 reads thus:

"(1) The Speaker, if he gives consent under rule 56 and holds that the matter proposed to be discussed is in order, shall the member concerned..."

That stage has not arisen yet. Proviso No. 2 is very relevant and it must be adhered to:

"Provided further that where the speaker is not in possession of full facts"—apparently you are not—"about the matter mentioned therein, he may before giving or refusing his consent read the notice of the motion..."

You have not read the notice of the motion. That is why I am pointing it out. We are having a parliamentary democracy here where Parliament is supreme, not the Government not the executive. We are not an executive democracy. We should not reduce our parliamentary democracy to a pale, anaemic, almost leukaemic shadow of the substance. So, before given your consent, you have to read the notice of the motion, and then the second stage arises "and hear from the Minister". The Minister of State for Home Affairs has made a statement for what it is worth. And then the rule says "and/or". I am sure you will give a liberal interpretation of that as "and" and not as "or"; the rule says "and/or members concerned"; the word used is "members" in plural, not only one member. I presume there are a number of members concerned and it is for the Speaker to decide whom to call. The rule says "and/or members concerned"; a brief statement on facts and then give his decision on the admissibility of the motion". Please read the notice of the motion. You have not read it.

MR. SPEAKER: Mr. Kamath, you are under the impression that all the members have joined together and given a notice; it is not correct. There are separate motions, and not one motion. I have taken up the first one, in point of time, and I have heard the member, so far as the motion is concerned.

(*Interruptions*)

SHRI C. M. STEPHEN: If a large number of members have given notice together, the rule says the first member will be treated as the member who has given the notice and the other members will be ignored. But here separate notices have been given and these separate notices are before you. In that case, this particular rule applies and the members must be given an opportunity. Therefore, the rule

which applies to a notice which is given by all the members together where only one member will be entitled to speak will not apply to the present case. Since they are different notices all members are entitled to be heard under the rule which Shri Kamath has read out.

MR. SPEAKER: The motion given notice of by Shri G. M. Banatwalla reads:

"The unabashed, vigorous and planned armed attack on the Allgarh Muslim University students coming on 9th May, 1979 by train to Delhi for their protest rally in connection with the Amendment Bill, the free use of even firearms, the consequent injury to several students with some still missing, and the failure of the Government to protect the students as also to safeguard their constitutional right to protest, and the panic among the Muslim minority community."

SHRI G. M. BANATWALLA: I rise to seek for leave to move a motion for the adjournment of the business of the House for the purpose of discussion a definite matter of urgent public importance, namely:

"The unabashed, vigorous and planned armed attack on the Allgarh Muslim University students coming on 9th May, 1979 by train to Delhi for their protest rally in connection with the Amendment Bill, the free use of even firearms, the consequent injury to several students with some still missing, and the failure of the Government to protect the students as also to safeguard their constitutional right to protest, and the panic among the Muslim minority community."

MR. SPEAKER: Those hon. Members who are in favour of it may rise in their places.

Some hon. Members stood up

MR. SPEAKER: The requisite number is there. Is there any objection to this motion?—I find there is no objection. Leave is granted. We will take up the adjournment motion at 4 O' Clock.

SHRI KRISHNA CHANDRA HALDER: Sir, I want a clarification. Will the Private Members' Business be taken up and, if so, at what time?

MR. SPEAKER: Under the rules, when the Adjournment Motion is there, it has precedence over all other business.

SHRI HARI VISHNU KAMATH: If I heard you right, you directed that the adjournment motion will be taken up at 1600 hours, i.e., at 4 O' Clock. Is that so?

MR. SPEAKER: Yes.

SHRI HARI VISHNU KAMATH : You directed that it will be taken up today at 4 O' Clock.

MR. SPEAKER: Yes, 4 O' Clock.

SHRI HARI VISHNU KAMATH : Now, Sir, it is for the first time that there would be an inroad into the Private Members' business.

Mr. Speaker: I am told it is not the first time. There were a large number of occasions earlier also.

SHRI DINEN BHATTACHARYA: Never it happened. Why don't you take up the adjournment motion immediately now.

(Interruptions)

MR. SPEAKER Let me read out to you from the *Manual of Business and Procedure in Lok Sabha*, page 48A:

"At 16.00 hrs. on 5th December, 1967, far discussion on adj. motion re. alleged police raj in Delhi

[Mr. Speaker]

and manhandling of two U.P. Ministers etc. After adj. motion was negatived at 1835 hrs., half-an hour discussion was taken up. On objection raised by Shri. S.N. Dwivedy, Speaker observe that under rule 61, adjournment motion had to be taken up at 1600 hrs. irrespective of the fact whether official or non-official business was before the House."

SHRI HARI VISHNU KAMATH: That is not correct. Please see rule 61. It is very clear. It says: "16.00 hours or at an earlier hour". It can be earlier because of Private Members' business.

MR. SPEAKER: That is, of course, a choice.

SHRI DINEN BHATTACHARYA: You cannot snatch our right.

SHRI HARI VISHNU KAMATH: You can have the adjournment motion at 2 O'clock.

MR. SPEAKER: No. Now we come to Papers Laid on the Table.

SHRI KRISHNA CHANDRA HALDER: Sir, what about Private Members' business

MR. SPEAKER: The Private Members' business gets pushed back. There is nothing more about it.

SHRI HARI VISHNU KAMATH: Sir, at 2 O' Clock we can take it up.

(Interruptions)

श्री राज नारायण : आपने कहा कि यह क्वेश्चन है, तो इसको ले लीजिए । 3 दिन की छुट्टी हो रही है बहुत से एम० पी० बर जा रहे हैं।

PROF. P. G. MAVALANKAR: Sir, Friday is a holiday. So, on Thursday the Private Members' business will be taken up. The whole purpose, therefore, of that

rule is that under no circumstances Private Members' time of 2½ hours every week shall be sacrificed.

MR. SPEAKER: There is no such thing. This is a decision in contra.

PROF. P. G. MAVALANKAR: If there is the adjournment motion today at 4 O'Clock, then my submission is that you must find out 2½ hours today before 4 O'clock for Private Members business and the Government business may be postponed.

(Interruptions)

SHRI KRISHNA CHANDRA HALDER: You Can take up Private Members' business at 1.30.

PROF. P. G. MAVALANKAR : Every week there should be 2½ hours for this purpose.

MR. SPEAKER: There is no such mandatory rule. If there is any mandatory rule, you bring it to may notice. (Interruptions). On the other hand, the ruling is otherwise.

PROF. P. G. MAVALANKAR: Friday's Private Members' business is now shifted to Thursday because Friday is a holiday. What does it means? It only means that every week 2½ hours shall compulsorily be given to the Private Members business. If that is done, then my submission is that Government business today between now and 4 O'Clock may be taken in such a way that the Private Members' time of 2½ hours is given and at 4 O'Clock we start the adjournment motion.

MR. SPEAKER: I see no point of order.

(Interruptions)

SHRI HARI VISHNU KAMATH: I can understand your impatience. But you have not seen or observed closely the wording of Rule 61.

Rule 61 says:

"The motion 'that the House do now adjourn' shall be taken up at 16.00 hours or at an earlier hour—you have got ample power—

"...if the Speaker, after considering the state of business in the House, so directs."

MR. SPEAKER: I cannot take it up earlier because I must give Government also sometime to get fuller information. They have not yet got it. Private Members' right is not one of the fundamental rights.

श्री नाथ सिंह (दोसा) अध्यक्ष महोदय, चूंकि कल शुक्रेवार की छुट्टी है, इस लिए प्रावेट मेम्बरज बिजिनेस को आज शुक्रवार को रखा गया है। आज आपने एजानमेंट मोशन की इजाजत की है। आपके सामने दो विकल्प हैं। या तो आप एजानमेंट मोशन को 2 बजे ले लें और उसके बाद प्राईवेट मेम्बरज बिजिनेस को लें, या प्राइवेट मेम्बरज बिजिनेस के बाद एजानमेंट मोशन को 6 या 6½ बजे लें। सरकारी कार्य को आगे बढ़ा दिया जाय। हर सप्ताह प्राईवेट मेम्बरज बिजिनेस के लिए डाई घंटे दिए जाते हैं। आज मेरा स्वयं का एक रेजोल्यूशन कार्य सूची में है अगर आपने आज मुझे समय न दिया, तो चूंकि 18 तारीख को सेशन खत्म हो जावेगा इस लिए मुझे अपना रेजोल्यूशन मूव करने का मौका नहीं मिलेगा। इसलिए आप ऐसी व्यवस्था करें कि आप एजानमेंट मोशन को 2 बजे ले लें या बास में लें, लेकिन प्राईवेट मेम्बरज के रेजोल्यूशन को मूव करने की इजाजत अवश्य दें।

SHRI EDUARDO FALEIRO (Mormugao): Let me make a submission on this very important matter. Why I say it is important is this. The very purpose of the existence of Parliament is to allow Members who represent the people to put their grievances before Government. However, we find that more time is taken by Government.

MR. SPEAKER: That again is not correct.

SHRI EDUARDO FALEIRO: Out of 40 hours on the average per week,

only 2½ hours are given to Private Members. If you are creating this precedent, that also will be taken away.

What is the purpose of this Parliament? Are we here merely as a rubber stamp for Government action and for executive Bills. You may kindly take up Private Members Business instead of Government business at 2 o' Clock. I appreciate that Government have to have some time to get the information, but kindly see that Private Members' Business is taken up at 2 O'clock and given 2½ hours, not because the business of today is important or otherwise, but because you will be creating a precedent which will go a long way in destroying the little that remains.

MR. SPEAKER: I am not creating a precedent, I am only following a precedent.

PROF. P. G. MAVALANKAR: Rule 26, third proviso says:

"Provided that if there is no sitting of the House on a Friday, the Speaker may direct that two and a half hours on any other day in the week may be allotted for private members' business."

Because the House is not sitting tomorrow, you have directed that it must be taken up today. The second proviso says:

"Provided further that the Speaker may, in consultation with the Leader of the House, allot any day other than a Friday for the transaction of private members' business:"

Therefore, please assure us that if you cannot give 2½ hours today, you will give it on any other day. Better, kindly have it from 1.30 P.M. today.

PROF. SAMAR GUHA (Contai): The precedent that you have quoted does not hold in the present case, because the precedent says that all the

[Prof. Samar Guha]
official or non-official business stands cancelled if an adjournment motion is accepted.

There are three categories of business in the House: one is official, another non-official, and the third category mentioned definitely is Private Members' Business. It is undoubtedly non-official business.

Everyday there are some parts of official business and we have non-official business also like half-an-hour discussion, discussion under Rule 184, 193 and many other cases are also there. But Private Members' Business is completely of a different nature and it has been so definitively and purposely. So, that precedent does not apply in this case. You have to provide some time either today or if there is no time today, next week. You cannot simply say that you will cancel it on the basis of the precedent.

MR. SPEAKER: We will consider it.

Papers to be Laid on the Table.

12.40 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER PREVENTION OF
FOOD ADULTERATION ACT, 1954

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND LABOUR
(SHRI RAVINDRA VARMA): On
behalf of Shri Rabi Ray,

I beg to lay on the Table a copy of the Prevention of Food Adulteration (First Amendment) Rules, 1979, (Hindi and English versions) published in Notification No. G.S.R. 55(E) in Gazette of India dated the 31st January, 1979, under subsection (2) of section 23 of the Prevention of Food Adulteration Act, 1954.

[Placed in Library. See No. LT-4446/79].

ANNUAL REPORTS OF NATIONAL AGRICULTURAL COOPERATIVE MARKETING FEDERATION OF INDIA LTD. NEW DELHI FOR 1976-77 AND 1977-78

THE MINISTER OF STATE IN
THE MINISTRY OF COMMERCE,
CIVIL SUPPLIES AND COOPERA-
TION (SHRI KRISHNA KUMAR
GOYAL): I beg to lay on the Table a copy each of the following Reports (Hindi and English versions):—

(1) Annual Report of the National Agricultural Cooperative Marketing Federation of India Limited, New Delhi, for the year 1976-77 along with the Audited Accounts.

(2) Annual Report of the National Agricultural Cooperative Marketing Federation of India Limited, New Delhi, for the year 1977-78 along with the Audited Accounts.

[Placed in Library. See No. LT-4447/79].

SHRI BHANU KUMAR SHASTRI:
On a point of order.

आज के बिन्दु आफ बिजनेस में मेरा हाफ ऐन बचर डिस्कशन है।

What will be the fate of this half-an-hour discussion?

MR. SPEAKER: We shall see when it comes.

12.41 hrs.

COMMITTEE ON PAPERS LAID ON THE TABLE

MINUTES

SHRI KANWAR LAL GUPTA
(Delhi Sadar): I beg to lay on the Table Minutes of the sittings of the Committee on Papers Laid on the Table relating to their Sixteenth to Nineteenth Reports.