

been Mr. Banerjee and his friends and the movement they lead. This particular thing is not a local problem. It is an all India phenomena. The question involved is whether the public are going to be guaranteed their right to travel or not. I want to ask this specific question. If there is gherao what protection the Railway Minister and Railway Ministry are going to give to poor travelling passengers? What protection will they give for security of travel and protecting their life and property?

SHRI MADHU LIMAYE: Abolish the fare increase.

SHRI HARI KISHORE SINGH: My second question is this.

Secondly, is it also a fact that it is because of the union rivalry that this kind of agitation is being launched? May I know whether the hon. Minister has any information that the previous loco-strikes had challenged the recognised unions and they had some political bearings also and whether this present agitation is also a part of that? If so, I request the hon. Minister to refrain from encouraging surreptitious unions in the railways but to strengthen the existing recognised unions and also, if possible, to have one union in the railways and arrange to have as quickly as possible a secret ballot for that purpose. I would request the hon. Minister to consider this suggestion.

There is a controversy about the number of people involved. Such agitations are going to be conducted and going to be launched on a large scales. Therefore, I would request you, Sir, to convene a meeting of the leaders of the political parties represented in this House, on this issue, because this is going to be a permanent problem throughout the year and many things are going to be involved in this, because the violent movements are going to spread throughout the country. It has already started in Gujarat and it has started also in Allahabad, and it may start at other places as well. Therefore, it is necessary to put an end to it, and for this purpose, I would request you to

convene a meeting of the leaders of the political parties represented in this House and try to evolve a code of conduct that on certain issues violent agitations would be permitted and if violent agitations take place, the leaders should also condemn it and not merely Government.

Lastly, I would request the hon. Minister to be more liberal. I know that he is very sympathetic to the victims of the police firing. He has already said in his reply that he would examine the law and see whether it permits the payment of compensation or any *ex-gratia* payment to the victims of the police firing. I would request him that if necessary the law should be amended to give *ex-gratia* payment to the victims of this firing.

SHRI L. N. MISHRA: I have nothing much to say except, as I have already said, that I shall examine the Act and see if there is any provision under which compensation can be paid, but I do not think that there is any at this stage.

12.43 hrs.

MOTION FOR ADJOURNMENT SITUATION IN GUJARAT

SHRI SAMAR GUHA (Contai): I want to draw your attention to the fact that I have tabled an adjournment motion on the situation in Gujarat. Every day reports are coming that our young men are being killed, and every day two or three or four or five young men are being killed. How long will this killing and this savage butchery continue? How long will this House tolerate this continuous butchery of our young men during the last one and a half months?... (Interruptions)

MR. SPEAKER: So many of the hon. Members are speaking together. Order, order.

SHRI SHYAMNANDAN MISHRA (Begusara): We shall speak one by one.

MR. SPEAKER: There is no question of speaking one by one. Every day, in some form or the other, hon. Members get an

Mr. Speaker

opportunity and it comes up before the House.

SHRI P. G. MAVALANKAR (Ahmedabad): We want a discussion here and now.

MR. SPEAKER: If they want the adjournment motion, I can admit it, and I can give my consent, if hon. Members want it.

These are the adjournment motions.

आप रोज इस बात का कहते हैं तो एक दिन तय ही जाय।

These are regarding the Gujarat situation, because of President's rule and so on. Let us follow this procedure. The motions are from Shri Mavalankar, Shri Shyamandan Mishra, Shri P. M. Mehta, Prof. Madhu Dandavate and Shri Samar Guha. Shri Mavalankar's notice has secured the first place in the ballot. You can read your motion. I will put it to the House. If the House gives leave, we can proceed accordingly.

SHRI S. M. BANERJEE (Kanpur): If there is no objection from Government, we can proceed without that.

MR. SPEAKER: I have given my consent to it. This is in order. Let Shri Mavalankar move it and ask for leave.

SHRI SAMAR GUHA: On a point of information.

SHRI DINEN BHATTACHARYYA (Serampore): If the Government agrees to it, then there is no need of asking for leave.

MR. SPEAKER: He will ask for leave. It is for Government to say Yes or No. The procedure is that he will read the motion and ask for leave.

SHRI SAMAR GUHA: On a point of clarification. You in your wisdom directed Government day before yesterday or so to bring forward a motion for approval of the President's rule in Gujarat. We have come to know that this matter will be discussed in the Rajya Sabha tomorrow. If precedence is given to the other place...

MR. SPEAKER: I ask you whether you press for it or not. If you press for it, I have given my consent and Shri Mavalankar can move it.

SHRI SAMAR GUHA: I am drawing your attention to this so that the matter may be discussed in this House as early as possible.

अध्यक्ष महोदय : मैं सीधा सवाल पूछ रहा हूँ कि आप प्रैस कर रहे हैं कि नहीं ? जब मैं कंसेंट देता हूँ तो उस पर भी आप एतराज करते हैं।

SHRI SAMAR GUHA: We are trying to draw your attention to this matter in various forms. The adjournment motion is one of the forms. The other day you had given a directive to Government. If the Government agrees to bring the motion tomorrow, the adjournment motion may not be necessary and we may not press for it.

MR. SPEAKER: You are one of the signatories.

SHRI SAMAR GUHA: Your directive has not been fulfilled by Government.

श्री मधु लिमये (बांका) : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। यह बात सही है कि गुजरात में जो घटनायें हो रही हैं उससे हम लोग चिंतित हैं और उस पर जल्दी से जल्दी बहस चाहते हैं और मांग भी करते हैं। लेकिन मेरी राय में यह चर्चा स्थगन प्रस्ताव के रूप में नहीं होनी चाहिए क्योंकि आप रुल 58 (6) देखें :

"The motion shall not anticipate a matter which has been previously appointed for consideration...."

MR. SPEAKER: I say this every day..

फिर भी ले जाते हैं तो मैं क्या करूँ ?

श्री मधु लिमये : आप सुन तो लीजिये ।

"In determining whether a discussion is out of order on the ground of

anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time".

अब गुजरात में राष्ट्रपति का प्रोक्लेमेशन हो चुका है। मेरी समझ में नहीं आ रहा है अगर ऐडजुडमेंट के बारे में यह नियम बाधक है तो आज रेल बजट के ऊपर जो चर्चा चल रही है उसको स्थगित कर के प्रोक्लेमेशन वाला प्रस्ताव क्यों नहीं लाते हैं? आज और कल उस पर हम चर्चा कर सकते हैं और उस प्रोक्लेमेशन के प्रस्ताव को स्वीकार करना या अस्वीकार करना सदन के हाथ में है। तो उसमें संशय की बात भी आ जायगी, और तीनों बातों का समन्वय हो जाता है।

अध्यक्ष महोदय : आप से कहता हूँ प्रोक्लेमेशन के बारे में। तो प्रोक्लेमेशन इनका बाद में आ रहा है। मैं ने आपसे कहा था कि बजट भी रखा है, उसके बाद और भी मौके आ रहे हैं। इसके बावजूद पिछले सप्ताह से किसी न किसी शकल में आप इस सवाल को ले आते हैं, और फिर मैं भी चुप कर के 5, 7 मिनट का मौका देता रहा हूँ, कभी 377 की शकल में और कभी किसी और शकल में। अब मैंने उनसे पूछा कि प्रोक्लेमेशन कितने दिन आ रहा है? प्रोक्लेमेशन वाला प्रस्ताव काफ़ी दिनों के बाद आ रहा है, 20 मार्च को ला रहे हैं। यहां पर रेलवे बजट रख दिया गया है, राज्य सभा के सामने कुछ नहीं है। मैं बतौर स्पीकर के तो यहां कुछ रख सकता नहीं हूँ। आप ही रखते हैं। आपकी बिजनेस ऐड-वाइजरी कमेटी है।

SHRI S. M. BANERJEE: The Business Advisory Committee is meeting at 3.30. Let us take a decision there.

MR. SPEAKER: Why don't you listen? I would not speak if you go on like this.

SHRI S. M. BANERJEE: It was only a suggestion that I made.

अध्यक्ष महोदय : अगर मैं इसको मना करूँ तब आप नाराज। अब मैं मानता हूँ तो आप कहने हैं कि कैसे करते हैं। मैं तो आप से पहले ही कहता रहा हूँ। हर तरह के मौके आते हैं आप किसी तरह कीजिये। लेकिन आप कुछ नहीं मानते। चार-पांच दिन से लोग इसको ला रहे हैं, कभी किसी शकल में और कभी किसी शकल में।

SHRI S. M. BANERJEE: I was saying that the Business Advisory Committee is meeting today. (Interruptions).

MR. SPEAKER: Let me know if I should give my consent to this or not.

SHRI S. M. BANERJEE: I am giving you guidance, Sir. Of course, we are happy about it, if it is to be decided that way. One may win or lose. But that is not the question now. (Interruptions) Kindly hear me, Sir. One may win or one may lose. But the question is this. Every day men are being shot dead. I want your help. You can ask the Minister to reply. If in the Rajya Sabha it could be discussed, why is this House being treated with such contempt?

अध्यक्ष महोदय : आप मुझको बतलाइये मैं सीधी बात पूछ रहा हूँ। और आप इसको प्रेस करने है। तो मैं कैसेट देता हूँ।

श्री शुभम चन्द्र कछराय (मुरेना), रॉज घटनायें हो रही है। जब सरकार फेमली प्लानिंग को और तरह मिटाने में सफल नहीं हुई तब वह उसको गोली से मिटाने में सफल होना चाहती है।

SHRI SHYAMNANDAN MISHRA: My request to you is to consider, if the Constitution is being violated, what is the duty of the House and whether the House should not immediately proceed with the point that has been submitted. With regard to the violation of the Constitution, article 356 is the relevant clause, according to which the President has taken over the government of the State. (Interruptions). It is the Parliament of India which is supposed to exercise the powers of the legislature. My submission is that the President takes over the administration

[Shri Shyamnandan Mishra]

of the State on the receipt of a report that the government of the State is not being carried on in accordance with the provisions of the Constitution. The government of the State is still not being carried on in accordance with the provisions of the Constitution, the purpose for which the President has taken over.

MR. SPEAKER: Which article are you referring to?

SHRI SHYAMNANDAN MISHRA: The courts are closed; the educational institutions are closed; the Government machinery does not function. The government of the State is not being carried on in accordance with the provisions of the Constitution.

MR. SPEAKER: Which provisions of the Constitution?

SHRI SHYAMNANDAN MISHRA: If all the organs of the State do not function, would it still be the pleasure of the Chair to say that the government of the State is being carried on in accordance with the provisions of the Constitution,—

MR. SPEAKER: Do not give me such wide powers as to interpret the Constitution. I can interpret the rules of the House all right.

SHRI SHYAMNANDAN MISHRA: I should like you to shed your wisdom on this point.

MR. SPEAKER: I have no wisdom to shed on this point.

SHRI SHYAMNANDAN MISHRA: Our minds cease to function when the Chair sheds its light on many deliberations of the House. If all the organs of the State cease to function would it be considered that the governance of the State is being carried on in accordance with the provisions of the Constitution?

MR. SPEAKER: I cannot give an interpretation; it is the authority of the House to do it.

घाप और ढंग से कहें, यह ढंग तो गलत है।

श्री श्यामनन्दन मिश्र : गलत कैसे है ?

हम ने उनको 356 में पावर्स दे रखी है। उसके मुताबिक काम होना चाहिए। 356 के मुताबिक यह सरकार नहीं चल रही है। हम इसके बारे में क्या करें ? क्या हम इसके लिये 21 तारीख तक इन्तजार करें ? हाउस को इसके बारे में तत्काल विचार करना चाहिए।

The point is whether the governance of the State is being carried on according to article 356 of the Constitution. Is it not a matter of great importance? We have given notice of an adjournment motion.

MR. SPEAKER: The immediate motion before me is an adjournment motion. As far as other issues are concerned, none of them is an immediate matter. You have given a motion. Either accept it or say, "I do not want it," and I shall take some other motion to follow it.

SHRI SHYAMNANDAN MISHRA: You have told us that the Government contemplates bringing up before the House a discussion on the 23rd or 30th of this month. Is this a matter which brooks delay?

MR. SPEAKER: When all these programmes are settled, it is not the Speaker who settles it. It is settled by the Business Advisory Committee. Your people are all there; you settle the matters; you know everything. I just keep sitting there and I go by the advice of the Business Advisory Committee.

SHRI SHYAMNANDAN MISHRA: We are charged with the duty of preserving, upholding and defending the Constitution. That is our duty in Parliament.

MR. SPEAKER: Your duty is to bring it to the notice of Parliament in the proper way.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): As far as the date for a discussion of the Proclamation is concerned, provisionally of course 21st is there, but it is possible for us to advance it a little earlier. Today, I believe, there is a meeting of the Business Advisory Committee; let us all put our heads together and see what best can be done. I am entirely in the hands of the Chair.

श्री जगन्नाथराव जोशी (शाजापुर) : राष्ट्रपति शासन लागू होने के बाद भी गुजरात की स्थिति शांत नहीं हो रही है। हर दिन गोली चल रही है। क्या उसके बारे में सदन में चर्चा नहीं होनी चाहिए? रेलवे बजट को स्थगित कर के आप इसको ले सकते हैं। प्रोक्लामेशन पर राज्य सभा में चर्चा हो रही है। यहां भी हम को इस पर चर्चा करने का मौका मिलना चाहिए।

अध्यक्ष महोदय : जब भी आप कोई चीज देते हैं, मैं आप से पूछ लेता हूँ और आपकी तादाद देखता हूँ। लेकिन ऐसा मालूम होता है कि आप इसको ऐम्प्रिगेंट नहीं करते। आप मेरे मुँह से वह बात कहाल करके करना चाहते हैं। आप मुझ से कहलवाना चाहते हैं कि मैं इजाजत नहीं देता, और अगर मैं इजाजत देता हूँ तो कहते हैं कि यह क्यों नहीं करने, वह क्यों नहीं करते।

That is why I have allowed it. You do not give extra-powers to the Speaker that he should express his opinion and he should also speak out how he feels. He is sitting in this Chair as the Speaker.
 13 hrs.

SHRI H. N. MUKERJEE (Calcutta—North-East): Sir, I wish to submit to you one aspect of the matter which relates to the substance, the real spirit, of our procedure. It was very gratifying that you rightly gave permission to the adjournment motion being brought before the House, which means to say that you realise the extreme importance of the fact that in one part of our country, which

happens today to be under President's Rule imposed very recently, shootings and killings are taking place from day to day and, therefore, you thought it proper that Parliament should have the earliest opportunity of discussing this kind of incidents. Then, it appears, on account of the weakness of the opposition, whose number does not appear to be substantial enough for bringing up this discussion in an acute manner which perhaps it deserves, Government takes shelter behind the excuse that the Proclamation and things incidental thereto could be discussed on the 23rd or so. It is a good thing that the Minister has come forward to suggest that it should be expedited, the date should be fixed much earlier. But you, Sir, as custodian of the interests of the House, and of the country in so far as the House represents the country, naturally must have felt that here was a subject for discussion which should have had priority but which, on account of certain procedural hurdles, is not being given that priority, in spite of your own personal desire to have this matter discussed. I fail to understand how it is that the Government could glibly talk to us a little while ago that this matter would be discussed as late as the 23rd, today being the 6th, and for 17 days we should sit idle and suck our thumb and do nothing about the Gujarat proceedings. This is a matter which goes to the very root of the procedure. I am very happy that you interpreted the procedure in a manner which was in conformity with the interests of parliamentary propriety in every sense of the term but, only on account of a very technical default of a minor character, the Government can sit pretty on its enormous majority and the discussion postponed till as long as it likes, and this House which is the House of the people, is being deprived of an opportunity of discussing something which the other House has been able to discuss, and a situation is created parliamentarily speaking, which is very bad, paradoxical

[Shri H. N. Mukerjee]

and, perhaps, pernicious. I hope, therefore, you will go into the whole substance of the matter and see that something is done about it.

SHRI K. RAGHU RAMAIAH: I have already said that all these aspects could be considered in the BAC. I want to fully cooperate with the members. We are not anxious to postpone it, if it is possible to have it earlier.

SHRI K. S. CHAVDA (Patan): Apart from the people of Gujarat receiving bullets every day, there is also the problem of non-availability of foodgrains.

MR. SPEAKER: This matter will be considered in the BAC meeting.

SHRI P. G. MAVALANKAR: Sir, I am not a member of the BAC. I want to make my submission briefly. The President's Rule was promulgated in Gujarat on the 9th of February after the Governor had sent a report to the President on the same day. Since then, even though so much has happened, this House has not been told anything, especially whether the constitutional machinery has been further weakened or not. The constitutional machinery had broken down, as per the report of the Governor on the 9th February. Today is the 6th of March. Between 9th February and 6th March so many developments have taken place. Apart from the senseless and barbaric killings, so many things have happened which are of great constitutional significance. Yet, this House has had no opportunity of discussing all these issues and developments.

MR. SPEAKER: Mr. Mavalankar, let me know what I should do with your motion now.

SHRI P. G. MAVALANKAR: My point is, from the beginning of the Budget Session, i.e. 18th February, up till now....

MR. SPEAKER: So far as this motion is concerned, I think, we anticipate a discussion on it.

SHRI P. G. MAVALANKAR: Let me complete my point, Sir.

MR. SPEAKER: Let me dispose of this one way or the other. Either you ask for leave or you say, no. Mr. Madhu Limaye raised the point that as we are anticipating a discussion on it—may be we settle it in the Business Advisory Committee; maybe at a little later stage..

SHRI P. G. MAVALANKAR: I am not a Member of the Committee.

MR. SPEAKER: You will be invited there.

SHRI P. M. MEHTA (Bhavnagar): Sir, the normal life of Gujarat is completely paralysed. Three or four persons are killed in police firing every day. This House has not been given any opportunity to discuss this matter. This House has been deprived of that opportunity. The Government should not take any objection to this motion. The motion should be taken up immediately without any loss of time.

MR. SPEAKER: Is he moving it then? Please sit down. Everybody is getting up. I am not allowing anybody.

In view of the point raised by Mr. Madhu Limaye—I accept that—we very much hope that we will arrive at some decision in the Business Advisory Committee.

13.07 hrs.

PAPERS LAID ON THE TABLE

IAS (EMERGENCY COMMISSIONED AND SHORT SERVICE COMMISSIONED OFFICERS) (APPOINTMENT BY COMPETITIVE EXAMINATION) 3RD AUDIT REGULATIONS, 1973, NOTIFICATIONS UNDER ALL INDIA SERVICES ACT, 1951 AND MINISTERS' (ALLOWANCES, MEDICAL TREATMENT AND OTHER PRIVILEGES) AUDIT RULES, 1974.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND IN THE DEPARTMENT OF PERSONNEL (SHRI RAM NIWAS MIRDHA):