

(श्री कंवरलाल गुप्त)

टैक्स आफिसर आर्डर पास कर देता है, यह भी लिख देता है कि रिफंड ईश्यू कर दो लेकिन दफ्तर वाले नहीं करते। जब तक उनकी पूजा नहीं होती तब तक नहीं करते। इसलिए मैंने यह अमेंडमेंट दिया है कि अगर रिफंड नहीं दिया जाता तो जिनका 6 महीने से ज्यादा ड्यू होता है और इन्टरेस्ट ड्यू होता है, अगर वह इन्टरेस्ट नहीं देते तो पीनल इन्टरेस्ट उनको देना चाहिए। मन्त्री महोदय से मैं कहना चाहता हूँ, मैं समझता हूँ कि वह योग्य आदमी हैं, रीजनेबल भी हैं, बैलेंस भी हैं, अगर आप को अपनी मशीनरी पर विश्वास है कि इन्टरेस्ट देंगे, पहले तो छः महीने तक रिफंड करना चाहिए, उसके बाद इन्टरेस्ट शुरू होता है, लेकिन अगर कोई इन्टरेस्ट न दे तो आप पीनल इन्टरेस्ट देने की मेरी मांग को मान लीजिए। यह बड़ी रीजनेबल चीज होगी। इससे कम से कम जो डिपार्टमेंट की घाँघली है, इन-एफिशियेंसी है, वह तो आपके सामने आयेगी, जब आपको पीनल इन्टरेस्ट देना पड़ेगा तो आप पूछ सकते हैं कि आपने यह रिफंड के साथ इन्टरेस्ट क्यों नहीं दिया।

MR. DEPUTY-SPEAKER : Now, hon. Member may continue after lunch.

'13-01 hrs.

Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok-Sabha re-assembled after Lunch at four minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

RE: SITUATION IN WEST BENGAL

MR. DEPUTY-SPEAKER : Shri Kanwar Lal Gupta may resume his speech.

श्री मधु लिमये (मुंगेर) : उपाध्यक्ष महोदय, मेरा एक प्रस्ताव भी है और व्यवस्था का प्रश्न भी है—अपने नियमों के अनुसार। मैं आपका ध्यान दो नियमों की ओर खींचना चाहता हूँ—एक नियम 109 है और दूसरा 340। मैं इस वक्त बहस को मुलतवी रखने का प्रस्ताव ला रहा हूँ—क्योंकि पश्चिमी बंगाल विधान सभा के जो अध्यक्ष हैं, उन्होंने

कहा है कि गवर्नर के द्वारा जो सरकार बनाई गई है, वह गैर-कानूनी है, अवैध है, असंवैधानिक है और उसको . . .

MR. DEPUTY-SPEAKER : I will read the Rule.

श्री मधु लिमये : मैं खुद पढ़ने वाला हूँ। एक मिनट मुझे दीजिये, इसमें कुछ नुकसान नहीं होगा। मैं यह अर्ज कर रहा था कि उसके बाद उन्होंने पश्चिमी बंगाल विधान सभा की बैठक को अनिश्चित काल के लिये स्थगित कर दिया। यह इतनी महान घटना है कि इस नियम के अन्तर्गत मेरा प्रस्ताव कैसे आता है—यह अब मैं आपको बतलाता हूँ—109 नियम इस प्रकार है—

“At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.”

MR. DEPUTY-SPEAKER : With the consent of the Speaker.

श्री मधु लिमये : मैं तो आपकी सम्मति ले रहा हूँ। मैं कोई ज्यादाती नहीं कर रहा हूँ, आपसे सम्मति मांग रहा हूँ।

MR. DEPUTY-SPEAKER : Already, Shri Tridib Kumar Chaudhuri has approached me. If you raise it, I will consider it. I have not given my consent to anyone.

श्री मधु लिमये : तो ठीक है अब मैं नियम 340 के अन्तर्गत प्रस्ताव पर बहस चला रहा हूँ—

“At any time after a motion has been made, a member may move that the debate on the motion be adjourned.”

इसमें तो आपकी सम्मति की बात नहीं है। तो यह प्रस्ताव भी है और यह बिल भी है। इस लिये, उपाध्यक्ष महोदय, मैं चाहता हूँ कि पश्चिमी बंगाल में जो असाधारण स्थिति उत्पन्न हो गई है, उस पर तत्काल बहस की जाय। इस बहस को इस वक्त स्थगित रखा जाय तथा तत्काल बंगाल की परिस्थिति पर यह मंत्री महोदय बैठे हुए हैं, वह बयान दे दें और हम लोगों को अपनी बात कहने का मौका मिले।

शुरू से ही हम लोगों का यह कहना था कि गवर्नर के द्वारा संविधान की हत्या की गई है और गवर्नर ने यह हत्या केन्द्र सरकार के आग्रह पर की है। इसलिये केन्द्र सरकार भी उसके लिये जिम्मेदार है। इस लिये भेरा निवेदन है कि 340 के तहत मुझे स्पगन प्रस्ताव रखने की आप इजाजत दें।

SHRI TRIDIB KUMAR CHAUDHURI (Berhampur) : Sir, we have just heard the news broadcast on the All India Radio—the P.T.I. has also carried it—that the West Bengal Assembly has been adjourned *sine die* by the Speaker of that Assembly. Secondly, he has declared that the entire proceedings of summoning of the Assembly, the appointment of the new Chief Minister by the West Bengal Governor are constitutionally invalid. I am not entering into the merits of the case. But an extra ordinary situation has arisen. We do not know whether the Constitution or the legal Government is functioning in the State or not.

श्री मधु लिमये : अब तो स्पीकर साहब ही ने कह दिया है और हम उसको मान रहे हैं।

SHRI TRIDIB KUMAR CHAUDHURI : Everybody agrees that West Bengal, because of its geographical location, its border situation and all that, is a vital State. The House has also discussed this thing over a certain length of time. We want to know from the Government what has happened. If the Government is not in a position to make any statement, I support the motion of adjournment moved by Shri Madhu Limaye.

MR. DEPUTY-SPEAKER : While making a motion, Shri Madhu Limaye has raised the matter. I will consider it. But there should not be any feeling of concern or jubilation about it. We are only concerned with this Rule.

श्री मधु लिमये : आपके बारे में कुछ नहीं है, अगर गर्मी आई है तो आपकी वजह से नहीं, बल्कि इनके गन्दे कामों की वजह से आई है।

SHRI KANWAR LAL GUPTA (Delhi Sadar) : You please don't adjourn the House.

MR. DEPUTY-SPEAKER : I am hearing and then I will give my ruling.

SHRI S. M. BANERJEE (Kanpur) : Rule 340 says :

“At any time, after a motion has been made, a member may move that the debate on the motion be adjourned.”

My learned friend, Shri Madhu Limaye, has moved a motion which does not require your consent. We have heard the All India Radio and we have also read the teleprinter message which has come and you have also heard it and that is Mr. B. K. Banerjee, the Speaker of West Bengal Assembly has adjourned the House *sine die* on three grounds.

One is, according to him, summoning of the Assembly at the instance of the illegally instituted or thrust as Chief Minister. (Interruption) the polluted political pigmy, Dr. P. C. Ghosh—his calling of the Assembly with the consent of the Governor. . . .

MR. DEPUTY-SPEAKER : Is he quoting the language of the Speaker or is it his own language ?

SHRI S. M. BANERJEE : I have simply taken the substance. I am not educated enough like the Speaker to express it in that language; I am using my own language, the language of the land. As I said, he has given three grounds : one is summoning of the Assembly is illegal; secondly, that particular Government headed by Dr. P. C. Ghosh, the political pigmy, is absolutely wrong and illegal; and thirdly, the Speaker was never consulted for any business of the House. A serious situation has arisen there. . . .

MR. DEPUTY-SPEAKER : I have followed him; he may sit down.

SHRI S. M. BANERJEE : We want a discussion on this.

श्री जार्ज फरनेन्डीस (बम्बई दक्षिण) : श्री मधु लिमये ने अभी जो प्रस्ताव पेश किया है उसका समर्थन करते हुए मैं इतना ही कहना चाहता हूँ कि अखबारों में आज सुबह यह खबर छपी थी कि कलकत्ते के पुलिस कमिश्नर ने

[श्री जार्ज फरनेन्डीज]

होम सेक्रेटरी के कहने पर ऐसी भी एक विनती की थी स्पीकर साहब से कि वहां असेम्बली के अन्दर पुलिस रखने की उनको इजाजत दे दी जाय (शेन, शेन) । मैं समझता हूँ कि इससे गन्दी और इससे खराब चीज हिन्दुस्तान के 35, 40 वर्षों के प्रजातन्त्रीय इतिहास में कहीं भी नहीं हुई होगी कि पुलिस कमिश्नर यह मांग करे स्पीकर को यह सुझाव दे कि मैं पुलिस को असेम्बली के अन्दर भेज रहा हूँ ताकि कांग्रेस के सदस्यों का संरक्षण हो जाय . . .

MR. DEPUTY-SPEAKER : The hon. Member should remember that what the Speaker has said there . . . (*Interruption*) that the Press reports are correct or not is not known. He should keep this in mind.

श्री जार्ज फरनेन्डीज : मैं एक ही जुमला कह कर खत्म करूंगा और वह यह है कि भले ही स्पीकर साहब ने उसको ठीक ढंग से अपनी जगह पर निभाया हो लेकिन मेरा कहना है कि जब होम सेक्रेटरी वहां के नये मुख्य मंत्री जिनको यहां पोलिटिकल पिग्मी कहा गया उस चीफ मिनिस्टर के कहने पर काम करते हैं, मुख्य मंत्री के कहने पर काम करने वाला होम सेक्रेटरी जब इस बात को पुलिस कमिश्नर के द्वारा करा सकता है तब मामला कितना बिगड़ गया है कि अगर कल को इस सदन में उस तरफ के चंद लोग इस तरफ आ जायें और फिर हम सब उस तरफ जाकर सरकार चलाने की बात करें तब मुझे डर लगता है कि यहां भी पुलिस और पल्टन को लाकर इस सदन को भी बंद करने और प्रजातंत्र को खत्म करने की बात हो जायगी ।

SHRI V. KRISHNAMOORTHY rose—

MR. DEPUTY-SPEAKER : I am calling Mr. Surendranath Dwivedy. I will give everybody a chance. But they should not repeat the same arguments; they should be very brief and should not take more than two minutes.

Mr. Surendranath Dwivedy.

SHRI SURENDRANATH DWIVEDY (*Kendrapara*) : So far as this House is con-

cerned, we have to consider whether in a situation like this it is possible for us to continue the business before the House. Some extraordinary situation has happened; there is Constitutional breakdown in one part of our country, namely, West Bengal; no Government exists there because the Speaker of the Assembly has made the announcement that the dismissal of the Government was unconstitutional. (*Interruption*), that the installation of the new Government was also not constitutionally valid, and the Speaker has adjourned the Assembly *sine die*. Then, what happens in that part of the country, namely, West Bengal ? There is no Government there, there is no Constitution; nothing can function in such a situation. Should not the Parliament immediately take notice of this situation, which has been announced on the Radio, and discuss this matter ? I do not think there is anybody here to deny that this has not happened. If the Government comes forward with a statement saying that what we say here is not correct and there is some other situation prevailing there, then, of course, we can carry on the normal business. But this provision in the Rules is there only to meet such situations. Of course, in the past this has not happened. Therefore, on that account, you should not hesitate to postpone or adjourn this debate and to permit this matter to be discussed here and now.

श्री शशिरंजन (पपरी) : उपाध्यक्ष महोदय, विधान सभा की कार्यवाही जो होती है वह इस सदन के जो रूल्स आफ प्रोसीज्योर हैं उसके मुताबिक नहीं होती है । वह दो ढंग से होती है । एक तो वह जो हमारे संविधान में धाराएं हैं उनके मुताबिक होती है और संविधान की धारा 174 अगर आप पढ़ेंगे तो वह कहती है :

“The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit . . .”

SHRI SURENDRANATH DWIVEDY : It is not a discretionary power.

SHRI SHASHI RANJAN : So the Governor thought it fit to call the Assembly.

विधान सभा की कार्यवाही चलाने का एक ढंग तो यह है कि संविधान के मुताबिक उसे चलाया जाय और दूसरा ढंग यह है कि समया-नुसार जब पार्लियामेंट का स्पीकर रूलिंग देता है तो उस रूलिंग के ऊपर विधान सभा का अध्यक्ष काम करता है। इस सदन में गत पार्लियामेंट में सरदार हुक्म सिंह ने यह कहा है :

“The Speaker is a mere umpire”. Here, he has not behaved like an umpire. He has behaved like a partisan man.

MR. DEPUTY-SPEAKER : You cannot discuss the ruling given by the Speaker in West Bengal Assembly, here.

SHRI SHASHI RANJAN : I have only two submissions to make. The conduct of the business in the Assembly is to be done only on two bases—either by the Ruling given by this House or by the.....

AN HON. MEMBER : We are not concerned with that.

SHRI SHASHI RANJAN : The Speaker should behave only like an umpire or should go by Article 174.

MR. DEPUTY-SPEAKER : The main ground, as I consider it, was advanced by Mr. Dwivedy. A certain thing has happened there. They have a right to demand further information, but just they have got (*Interruptions*). He has provided some valid ground, then further he asserted—we are not perhaps in that mood today. But I think this House should keep its composure. Whatever happens outside the House, we will take cognizance of it within the framework of the Rules. I am prepared to do it. I will give my ruling. As hon'ble Mr. Dwivedy said, the only point at issue is : not the conduct of the Speaker or what he said—I do not know—and even if he has said anything, we are not concerned. We are not supposed to refer to it or approve or disapprove of it.

SHRI SHASHI RANJAN : Approve or disapprove—we cannot do.

SHRI H. N. MUKERJEE (Calcutta North-East) : As my friend, Shri Dwivedy, has already pointed out, certain historic

incidents have taken place. The Speaker of one of our leading Legislative Assemblies, following, I can say, in the tradition of the late Vithalbhai Patel, has said and done something which goes to the root of the matter of parliamentary functioning in this country. And this has happened in an atmosphere surcharged with passion on account of certain violent and bandit things having been perpetrated by those in authority and it was against that the Speaker of the West Bengal Assembly had to bring to bear the constitutional proprieties of the case. We are not discussing at this moment the merits of the matter.... (*Interruptions*)

AN HON. MEMBER : Sir, he is going into the merits.

MR. DEPUTY-SPEAKER : He is not doing. Nobody should enter into the merits of the decision given by the West Bengal Assembly Speaker.

SHRI H. N. MUKERJEE : I am not entering. Sir, I said I am not entering into the merits of the matter. But, something has happened which, as Mr. Dwivedy says, has shaken the country to its depths and those of us here in Parliament are disturbed so deeply that without a thorough-going discussion of the implications of this historic step, I can hardly proceed in a composure which you rightfully demand. I do not mind Parliament continuing in the normal fashion.

MR. DEPUTY-SPEAKER : Mr. Mukerjee, you are a senior Member. . . .

SHRI H. N. MUKERJEE : I do again submit that something very extraordinary, something of a nature which is unprecedented in parliamentary history has taken place. (*Interruptions*)

SHRI SHASHI RANJAN *rose*.—

SHRI H. N. MUKERJEE : Sir, he has no business to interrupt me like this.

MR. DEPUTY-SPEAKER : You have had your say. Now let him finish.

SHRI SHASHI RANJAN : In Madras the same thing has happened. (*Interruptions*)

SHRI H. N. MUKERJEE : It is so extraordinary, so unprecedented because the powers of the Speaker had to be requisitioned to resist something which executive

[Shri H. N. Mukerjee]
 authority had tried to impose on a leading State in our Country. Having been an unprecedented incident, this is a matter pertaining to parliamentary business of a sort which requires interruption of the proceedings for a thorough-going discussion, and, therefore, I agree entirely with Shri Surendranath Dwivedy that at this particular point of time it is not possible for us to have a discussion on any thing else with anything like a composure which it is the duty of Members to bring to bear upon their work, and, therefore, there should be interruption of the proceedings now.

SHRI V. KRISHNAMOORTI (Cuddalore) : In support of the motion raised by Shri Madhu Limaye, I would like to submit that a very serious and extraordinary thing has happened in West Bengal. As you know, the Speaker is the constitutional head in the democracy. . . .

SOME HON. MEMBERS : He is not the constitutional head in democracy, but it is the Governor.

SHRI V. KRISHNAMOORTI : I am saying that he is the constitutional head within the Legislative Assembly premises. My hon. friend may talk of anybody as the head outside, but inside the Legislative Assembly he is the constitutional head. The Speaker of West Bengal has stated that the Ministry which exists there is not at all a recognised Ministry. A very serious situation has taken place. The Constitution is a very important thing to be observed. As you know, West Bengal is a very sensitive area and it is surrounded by foreign countries which are enemies. So, we must know and the country must know what sort of rule is prevailing in West Bengal, whether it is the Ministry's rule or it is President's rule. When once the Constitution has failed, it is the utmost duty of Members of this House as well as of Members elsewhere to know what sort of rule is prevailing there. So, I am supporting my hon. friend and saying that this motion must be taken up first before any other discussion is permitted.

SHRI P. RAMAMURTI (Madurai) : You will please realise that a very serious situation has been created in West Bengal. Here is a situation where the Speaker elected by the people of West Bengal has declared that the Government nominated by the

Governor is an illegal government. Therefore, it is now a fight between the elected representatives and the nominated Governor who has been nominated by the President. That is the real question that is before us. After this declaration by the Speaker there, what is going to happen in West Bengal ? The people who should be there to respect the elected representative bodies are not there to respect it now. Therefore, in this situation, a very extraordinary thing has happened, and there is no government existing there. When the head of the elected representatives says that there is no government existing there, what are the people of West Bengal to do ? Therefore, the people of West Bengal will challenge the right of Dr. P. C. Ghosh to exist as the Chief Minister. Therefore, we have to immediately discuss that question. We cannot allow any other business to be transacted in this House. That is of little importance compared to the magnitude of the situation that has arisen in West Bengal. This question is of fundamental importance to the entire country. Therefore, I would urge upon you to see to it that the other subject is adjourned and this subject is immediately taken up for discussion.

SHRI UMANATH (Pudukkottai) : Dismiss that Governor.

MR. DEPUTY-SPEAKER : Dr. Sushila Nayar.

SHRI PILOO MODY (Godhra) : Without Sheo Narain or Randhir Singh, what are they going to do ?

डा० सुशीला नैयर (झांसी) : उपाध्यक्ष महोदय, बंगाल में जो कुछ हुआ उसकी चर्चा यहाँ पर काफी जोरों से हुई। अविश्वास प्रस्ताव भी सरकार के खिलाफ इस बिना पर लाया गया, और दो तीन, चार दिन की चर्चा के बाद वह बात समाप्त हुई। यह सब जानते हैं।

अब सवाल यह होता है कि बंगाल में आज वहाँ के स्पीकर ने कुछ कहा। हमारे पास पूरी जानकारी भी इस वक़्त नहीं है। यह तो हाउस मांग कर सकता है कि पूरी जानकारी सरकार हमें दे, लेकिन सरकार को भी पूरी जानकारी प्राप्त करने के लिये कुछ थोड़ा बहुत समय चाहिये। (ब्यवधान)

SHRI UMANATH : Government has got the information.

डा० सुशीला नैयर : मैं तो माननीय सदस्यों के बोलते समय नहीं बोली थी, अब उनको भी मेरी बात सुन लेनी चाहिये । सवाल यह है कि इस देश का निजाम इस कांस्टिट्यूशन के मुताबिक चलेगा या हंगामा कर के चलेगा । (ब्यवधान) अब माननीय सदस्य यहां पर भी बात सुनने के लिये तैयार नहीं हैं तो वहां पर जो हो रहा है वह तो हम जानते हैं । सवाल यह है कि सरकार बनाने का कार्य, सरकार सही है या गलत है, मैं जारिटी की है या माइनारिटी की है, यह तय करने का अधिकार लेजिस्लेटर्स को है, न कि स्पीकर को (ब्यवधान) ।

SHRI UMANATH : That is what we are telling Ghosh.

श्री मधु लिमये : डा० सुशीला नैयर के एक वाक्य पर मेरा व्यवस्था का प्रश्न है ।

SHRI RANGA (Srikakulam) : Would you allow her to discuss the ruling of the Speaker there in this House ?

MR. DEPUTY-SPEAKER : I have already ruled that we cannot discuss the ruling of the Speaker here.

DR. SUSHILA NAYAR : I am not discussing his ruling.

MR. DEPUTY-SPEAKER : The only point for our consideration is whether what has happened justifies an adjournment of our business.

श्री मधु लिमये : उपाध्यक्ष महोदय, मेरा प्वाइंट आफ आर्डर है आप की मदद करने के लिये और उन लोगों की सहायता करने के लिये क्योंकि उन की जानकारी बहुत कम है । (ब्यवधान) आप के इतना चिल्लाने से मैं दबने वाला नहीं हूँ । मैं एक मिनट भी नहीं लूंगा अगर यह लोग चिल्लाएंगे नहीं ।

जिस प्रकार हमारे नियमों में नियम 15 है, आप देख लीजिए, उसी प्रकार यह पश्चिम बंगाल विधान सभा की नियमावली में ने

मंगवाई है, हम पूरी तरह से तैयार हैं, तो पश्चिम बंगाल विधान सभा के रूल्स आफ प्रोसीचर में हमारी तरह का नियम है :

"The Speaker shall determine the time when a sitting of the House shall be adjourned *sine die* or to a particular date or to an hour or part of the same day. "

गवर्नर को सरकार की राय पर समन करने का, बुलाने का अधिकार है, प्रोरोग करने का, सत्र का अवसान करने का अधिकार है, लेकिन हमारे लायक दोस्त प्रोरोगेशन और ऐडजर्नमेंट में क्या फर्क है यह नहीं जानते हैं । ऐडजर्नमेंट का अधिकार अध्यक्ष को है ।

MR. DEPUTY-SPEAKER : We are not concerned whether he has correctly followed the rule or not; we are not concerned here with their rules of procedure because every State Assembly has its own rules of procedure. We have our own.

श्री मधु लिमये : मैं एक मिनट में खत्म कर रहा हूँ ।

MR. DEPUTY-SPEAKER : We are not concerned with the ruling, nor the rules.

श्री मधु लिमये : मैं पश्चिम बंगाल का नियम बतला रहा हूँ (ब्यवधान) आप रूलिंग दे दीजिये । आप मेरा एक वाक्य सुन लीजिये । पश्चिम बंगाल के अध्यक्ष को भी ऐडजर्न करने का अधिकार है और उसी अधिकार के अनुसार उन्होंने ऐडजर्न किया है । हमारा नियम 15 है, उन का भी नियम 15 है । उन्होंने पूरी तरह से वैधानिक काम किया है । प्रोरोग न करके ऐडजर्न किया है । इस लिये अगर स्पीकर की नुक्ताचीनी की जायेगी तो मैं व्यवस्था का प्रश्न उठाऊंगा । आप माननीय सदस्या को चेतावनी दे दीजिये । अगर वह पश्चिम बंगाल के स्पीकर के बारे में कुछ कहेंगी तो मेरा प्वाइंट आफ आर्डर होगा । स्पीकर ने अपने अधिकार के अन्तर्गत ऐडजर्न किया है ।

MR. DEPUTY-SPEAKER: I am not going into the merits.

श्री मधु लिमये : तब फिर वह नुक्ताचीनी क्यों कर रहीं हैं ?

MR. DEPUTY-SPEAKER: I have already ruled that we are not concerned with the rules of procedure adopted by the West Bengal Assembly, nor whether those rules were correctly interpreted by the Speaker. The only point for our consideration is whether there is a case for adjournment of our business, as is urged by them, because something has happened in West Bengal and something has appeared on the news screen. Beyond that there is no information.

डा० सुशीला नैयर : उपाध्यक्ष महोदय, मैं वही बात कह रही हूँ। उन्होंने जो कुछ किया, प्रोरोगेशन वगैरह उस का मैं ने कोई जिक्र नहीं किया। मैं तो केवल इतना ही कह रही हूँ कि वहाँ पर क्या बात हुई। घोष सरकार को बहुमत प्राप्त है अथवा नहीं, यह जानने के लिये असेम्बली बुलाई गई थी।

कुछ माननीय सदस्य : नो, नो।

डा० सुशीला नैयर : माननीय सदस्य चिन्ताते क्यों हैं? अब अगर स्पीकर उस को बन्द करता है तो पता नहीं लग सकता है कि वहाँ पर जो सरकार चल रही है उस की क्या स्थिति है।

श्री मधु लिमये : बन्द करने का क्या मतलब है? इसलिये मैं व्यवस्था का प्रश्न उठा रहा हूँ। वह कहती हैं कि बन्द कर दी है।

MR. DEPUTY-SPEAKER: She is not referring to any incident.

डा० सुशीला नैयर : मेरा कहना यह है कि अगर इस बात पर यहां चर्चा होनी है तो सरकार को तरफ से जब पूरी जानकारी प्राप्त करली जाती है और सरकार की तरफ से स्टेटमेंट यहां पर आ जाता है तो उसके बाद ही ऐसा किया जा सकता है। तब अगर चर्चा की जरूरत महसूस होती है तो बेशक आप

चर्चा करें। लेकिन मैं समझती हूँ कि जो कार्रवाई इस वक्त चल रही है इसको रोकने की कोई वजह नहीं है, कोई जस्टिफिकेशन नहीं है।

श्री अटल बिहारी वाजपेयी (बलरामपुर): इस बात से इन्कार नहीं किया जा सकता कि पश्चिमी बंगाल में एक नई और असाधारण परिस्थिति पैदा हुई है। परिस्थिति नई है इस अर्थ में कि आज वहाँ विधान सभा की बैठक होने वाली थी जिस में शक्ति परीक्षण के बाद यह निश्चित होना था कि नए मंत्रिमंडल को बहुमत का समर्थन प्राप्त है या नहीं है। लेकिन वहाँ विधान सभा के अध्यक्ष ने विधान सभा की बैठक को अनिश्चित काल के लिए स्थगित कर दिया है। उन्होंने ठीक किया है या गलत किया है इस में मैं जाना नहीं चाहता हूँ। लेकिन उनके निर्णय के परिणामस्वरूप पश्चिमी बंगाल में एक असाधारण परिस्थिति पैदा हुई है जिस के द्वारे में केन्द्रीय सरकार को वक्तव्य देना चाहिये और उस पर सदन को विचार करने का मौका मिलना चाहिये।

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH): This point has been raised under rules 109 and 340. According to rule 109 you are supposed to give consent. So, it is entirely within your competence to dispose of this point.

As regards the West Bengal Assembly, that Assembly was convened, as you know, with a view to judging who is in a majority, but that opportunity was not given to the Assembly.

This news has come, I do not deny it, and I would request the Home Minister, I have already sent word to him, to make a statement.

MR. DEPUTY-SPEAKER: I would draw the attention of the Home Minister. A demand has been made. Before I give my ruling, would you like to say something ?

A demand has been made on the floor of the House, and a plea has been advanced, that something unprecedented in procedural and constitutional history has taken place in Bengal, and therefore, Shri Dwivedy said, that we at this juncture must take immediate note of it, our minds may not be so well composed as to dispose of the other business, and unless we get all the necessary information as to what really happened, we would like this House to be adjourned.

I said the news has come, and certainly the Government, if necessary and if it is obligatory on the part of the Government to make a statement after taking note of events in West Bengal, would come forward at the proper time with a statement of facts.

As you are here, would you like to say something? Otherwise, I want to give my ruling.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): I would only say that as the news is coming—I do not know if the news that is coming in is true—it is certainly a matter, a procedural matter for the Bengal Assembly, I do not think a special constitutional position has arisen. I personally do not think so, I must give my own view about it, because whether the Speaker has the right to make a judgement on the constitutionality of a certain thing is the basic thing, really speaking, that is raised. If at all the House is adjourned *sine die*, it is a procedural matter of a particular House, of a State legislature. I do not think a very extraordinary situation has arisen. As far as I can see, there is no extraordinary situation. (*Interruptions*)

MR. DEPUTY-SPEAKER: I have given sufficient latitude, he has also replied, I am going to give my ruling.

SHRI S. M. BANERJEE: 340.

MR. DEPUTY-SPEAKER: I am taking both the rules into consideration.

SHRI SURENDRANATH DWIVEDY: One thing is clear. He has not disputed the facts, that no Constitution actually is in operation in West Bengal at the present moment.

MR. DEPUTY-SPEAKER: No, no. You are interpreting. (*Interruption*) So far as rule 340 is concerned, it is absolutely inapplicable for this proposition. It is not that. You can just bandy about any rule or section. But this does not apply so far as the motion for adjournment is concerned. (*Interruption*). I will explain it to the House.

श्री मधु लिमये : आपको स्पष्टीकरण मांगना चाहिये था। आपने 340 के बारे में मुझ से नहीं पूछा।

MR. DEPUTY-SPEAKER: I have given enough time for this motion. Now, regarding rule 109 you might raise this issue; that is my personal view, after going through the rules. There, you have some ground to raise this issue and bring it to the notice of the House. Rule 109 reads like this:

“At any stage of a Bill which is under discussion.....”

It is a Bill that we were discussing. Rule 340 deals with motions, and so it does not apply. When we are discussing a motion and an adjournment of it is brought, that applies to a motion, and so it does not apply here. We are in the midst of a Bill, and rule 109 might apply here. It says:

“At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker.”

So far, some people approached me, but I said I cannot give consent. The only thing is.... (*Interruption*)

श्री मधु लिमये : यह भी मोशन है।

MR. DEPUTY-SPEAKER: I have given enough latitude. (*Interruption*)

SHRI SURENDRANATH DWIVEDY: The Chief Minister there has been assaulted inside the Assembly and the Assembly has been adjourned.

MR. DEPUTY-SPEAKER: This event has happened outside the precincts of this House. (*Interruption*)

SOME HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER: There is no question of any more arguments. I will not

[Mr. Deputy-Speaker]
take up any more argument. Please resume your seats.

SHRI TRIDIB KUMAR CHAUDHURI: All matters of public importance occur outside this House. Do you want them to occur inside this House? (*Interruption*)

MR. DEPUTY-SPEAKER: The only point is, should we at this hour take cognizance of an event—of course it is a very important event in the constitutional, procedural history; it is most important, I admit. But the question is whether this House should adjourn its business because certain events have taken place. (*Interruption*)

SHRI SURENDRANATH DWIVEDY: Will it adjourn only when one dies? (*Interruption*)

MR. DEPUTY-SPEAKER: Another point is, is this House so weak-minded according to the hon. Member, that when certain things have taken place—we here are in Parliament, in the central body and a certain information has come—are we so weak-minded in this House to lose our balance of mind (*Interruption*) to discuss any matter here at this juncture? I cannot accept that argument, and this House should never accept that argument. Therefore, I will rule it out of order. I do not give consent to it. We proceed with the business on hand.

SHRI H. N. MUKERJEE rose—

MR. DEPUTY-SPEAKER: Order, order. I have given my ruling. Mr. Mukerjee, you are a senior Member of the House. You are almost the father of this House. I request you not to rise like this.

श्री मधु लिमये : फिर पितामह की इज्जत कीजिये। इस तरह से इनके साथ व्यवहार न कीजिये।

MR. DEPUTY-SPEAKER: Is it regarding my ruling?

SHRI H. N. MUKERJEE: Sir, you have been pleased to say that some very extraordinary events have taken place in West Bengal. But the Home Minister has treated the whole position in a cavalier fashion.

He has not even given thought to this question.

MR. DEPUTY-SPEAKER: No, no. He has not dealt with it in any cavalier fashion. He said he would apply his mind and if necessary he will come up. There is no question of any cavalier attitude. (*Interruption*)

SHRI H. N. MUKERJEE: My friend Mr. Limaye wanted to bring about a certain stage in which the whole thing can be discussed in this House. We have got no indication from Government that they are ready to come with a statement in regard to this matter. When shall we take cognizance of it. (*Interruption*)

MR. DEPUTY-SPEAKER: Are there no provisions in the rules to get any information from the Government? I think you are just ignoring it; excuse me. After I have given my ruling, there is no point in hon. Members rising again. (*Interruption*) It is not fair.

श्री मधु लिमये : असाधारण परिस्थिति में असाधारण इलाज करना पड़ता है। एक्सट्राऑर्डिनरी सिचुएशन, एक्सट्राऑर्डिनरी रेमेडी।

SHRI H. N. MUKERJEE: I cannot just understand. Either formally or informally, let this matter be discussed.

MR. DEPUTY-SPEAKER: By departing from the procedure, we should not bring down the dignity of the House. I would appeal to the members on this side as well as that side. Whatever their hysterical jubilation, I am not concerned with that. (*Interruptions*).

SHRI UMANATH: We are not hysterical; we are talking with a full sense of responsibility.

SHRI RANGA: Is it not within your privilege, Sir, to call upon the Home Minister to choose his own time—either sometime in the evening today or tomorrow morning—to make a considered statement about all the facts in regard to what has happened in West Bengal and what they propose to do?

MR. DEPUTY-SPEAKER: This is a very constructive suggestion. The Home Minister is present. Whatever is obligatory on him under the Constitution in the given situation, certainly he will come before the House with a statement. (*Interruptions*).

SHRI KANWAR LAL GUPTA: You may also dismiss the Government and adjourn the House *sine die*.

SHRI PILOO MODY: Don't miss this opportunity, Sir.

MR. DEPUTY-SPEAKER: It is not a light-hearted thing. This House is the Central Parliament, a sovereign body. Here we cannot arrogate to ourselves—whoever maybe in the Chair—powers which under the Constitution or Rules of Procedure we are not competent to exercise.

SHRI KANWAR LAL GUPTA: The Speaker of West Bengal has shown you much light, if you can take it.

SHRI HEM BARUA (Mangaldai): The Constitution has broken down in West Bengal and we are concerned with that.

MR. DEPUTY-SPEAKER: You have come a little late. Please resume your seat. We will continue the clause-by-clause consideration.

14.42 hrs.

TAXATION LAWS (AMENDMENT) BILL—*contd.*

श्री कंवर लाल गुप्त: अध्यक्ष महोदय, मैं यह कह रहा था कि जो सरकार ने रिफंड के ऊपर आज तक ब्याज दिया है वह केवल 262 रुपये है एक साल का जबकि सारा रिफंड सरकार की तरफ 31-3-66 को 73 लाख रुपये था और 73 लाख के ऊपर केवल 262 रुपये इन्टरेस्ट का दिया है। मंत्री महोदय यह कह सकते हैं कि शायद इतना ही वाजिब होगा। अध्यक्ष महोदय, मैं और आंकड़े देना चाहता हूँ मंत्री महोदय की सेवा में कि जो रिफंड इन का एक और दो साल के बीच में था वह 12 लाख 91 हजार रुपये एक साल में था। इस का रिफंड नहीं दिया गया एक और

दो साल के बीच में। अगर आप इतने ही पर इन्टरेस्ट लगा लीजिये तो मैं समझता हूँ कि कई हजार रुपये होगा। इसलिए यह जो कहना डिपार्टमेंट का है कि केवल 262 रुपये इन्टरेस्ट का होता है यह कभी भी ठीक नहीं हो सकता। इस में एक साल से कम जो रिफंड वाजिब था 31-3-66 को वह 57 लाख 61 हजार रुपये था। जो एक साल और दो साल के बीच का था वह 12 लाख 91 हजार था और जो दो साल और उस से ज्यादा का था वह 2 लाख 31 हजार था। मतलब यह है कि करीब करीब 75 लाख रुपया ऐसा था 31-3-66 को जिस का कि ब्याज असेसीज़ को इनकम टैक्स डिपार्टमेंट के द्वारा मिलना था। लेकिन दिया गया केवल 262 रुपये। तो मेरा जो अमेंडमेंट है वह इसलिए है कि ताकि सरकार के ऊपर दबाव पड़े कि वह जो भी अगर देरी करती है रिफंड में तो उस का उस को ब्याज देना पड़ेगा। और अगर आप ब्याज भी नहीं देंगे तो आप को उस के ब्याज के ऊपर पेनाल्टी इन्टरेस्ट देना पड़ेगा। इसका एक फायदा यह भी होगा कि आप अगर पता लगायें कि कौन अफसर हैं या कौन लोग हैं जिन की वजह से ऐसा होता है तो उन को पिन डाउन करने का मौका आपको मिल जायगा कि जिस में रिफंड नहीं किया उस की जिम्मेदारी किस के ऊपर है और मैं मंत्री महोदय से कहूंगा कि अगर उन का एडमिनिस्ट्रेशन यह कहता है कि मेरे आंकड़े गलत हैं, अगर फिर भी वह इस को गलत कहते हैं और आप समझते हैं कि रिफंड यह समय से दे देंगे तो पीनल इन्टरेस्ट देने की जरूरत ही नहीं पड़ेगी। पीनल इन्टरेस्ट देने की जरूरत तभी पड़ेगी जब आप इन्टरेस्ट नहीं देंगे। इसलिये मेरी जो यह तरकीब है, मैं सदन से प्रार्थना करूंगा कि वह मानी जाय। इस में दो संशोधन हैं, दूसरा भा में पेश कर दूँ।

दूसरा संशोधन मेरा यह है कि जो ऐन्युइटी है उस की दर मैंने कहा है कि 40 हजार के ऊपर के लोगों के ऊपर लगायी जानी चाहिए।