

has been supervised by railway staff or not, if the prescribed packing condition has been fulfilled or not and so on.

(b) Claims are not repudiated on the plea that water entered through door crevices. Each individual claim is dealt with on merits and in the light of railways liability as laid down in the Indian Railway Act.

(c) Wagons which allow water to creep inside are not considered water tight.

In view of the answer to part (b) above, the question of Railways shirking responsibility for payment for the losses does not arise.

Stainless Steel Sheets

7295. SHRI K. N. PANDEY : Will the Minister of STEEL AND HEAVY ENGINEERING be pleased to state :

(a) the quantity of stainless steel sheets for the manufacture of utensils placed at the disposal of the Directors of Industries in each State by Central Government during the years 1967-68 and 1968-69 ; and

(b) the details thereof ?

THE MINISTER OF STATE IN THE MINISTRY OF STEEL AND HEAVY ENGINEERING (SHRI K. C. PANT : (a) and (b). No quantity of stainless steel sheets for the manufacture of utensils was allotted during the year 1968-69. The quantities allotted in various States in the year 1967-68 are indicated in the Statement laid on the Table of the House. [*Placed in library. See No. LT-858/69.*]

12 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

REPORTED COURT ORDERS RE.
ARREST OF DEFENCE SECURITY
CORPS SEPOYS OF COSSIPORE
FACTORY

SHRI S. M. BANERJEE (Kanpur) :
Sir, I beg to call the attention of the

Minister of Defence to the following matter of urgent public importance and request that he may make a statement thereon :

"Reported Court Orders regarding the arrest of Defence Security Corps Sepoys who were responsible for firing in Gun and Shell Factory, Cossipore, Calcutta, on the 8th April, 1969 and Government's reaction thereon."

THE MINISTER OF DEFENCE (SHRI SWARAN SINGH) : Mr. Speaker Sir, the Magistrate, Sealdah Police Court, had forwarded a warrant of arrest to the Commander, Calcutta Sub-Area to arrest and produce before the Magistrate by 23rd April, 1969 the three Defence Security Corps personnel concerned in the firing at the Cossipore Gun & Shell Factory on the 8th April, 1969, for offences alleged to have been committed under Sections 302/307 Indian Penal Code. The warrant has been received by the Sub-Area Commander.

The local Army authorities have moved the Calcutta High Court against the order of the Magistrate and also for a stay order. The Calcutta High Court is likely to consider the petition today.

SHRI S. M. BANERJEE : Sir, before I put my question I may inform the hon. Minister that this sad incident, the most tragic incident, which took place in Cossipore has resulted not only in the death of some workers but another worker, Shri Vishwanath Banerjee, who was a concealed spectator of the whole thing has become mad, he has been admitted to the hospital and no compensation has yet been paid. From the statement it appears that warrants were served on the Sub-Area Commander, Calcutta for the arrest of these sepoys. It is also said that the local army authorities have moved the Calcutta High Court against the order of the Magistrate and also for a Stay Order. I want to know whether it is open to the army officers to defy the orders of the court, whether right or wrong, and

not to hand over these sepoys to the civil authorities for proper action. The hon. Minister when he was answering this question in this House quoted the Army Act. Section 9 of the Act reads like this :

"Notwithstanding anything contained in clause (i) of section 3, the Central Government may, by notification, declare that any person or class of persons subject to this Act shall, with reference to any area in which they may be serving or with reference to any provision of this Act or of any other law for the time being in force, be deemed to be on active service within the meaning of his Act."

The hon. Minister's argument was that in 1962, after the Chinese aggression, a notification was issued. The Notification reads :

"In exercise of the powers conferred by Section 9 of the Army Act, 1950 (46 of 1950), the Central Government hereby declares that all person subject to that Act, who are not on active service under clause (i) of section 3 thereof, shall, wherever they may be serving, be deemed to be on active service within the meaning of that Act for the purposes of the said Act and of any other law for the time being in force."

After that, when the emergency was withdrawn, I want to make it clear that the service conditions applicable to the regular armed forces are not applicable to the Defence Security Corps. I can say that because I have knowledge about it. The hon. Minister may contradict if it is not like that.

In 1967, when the emergency was withdrawn, there were certain relaxations made and the army Act was made applicable only to those personnel who were in the strategic, sensitive areas, and it was also made applicable to people like cooks, barbers, etc., who were serving in the units. But Cossipore was not in the

sensitive area. It has been clearly conceded by law that in the case of rape or murder, even an army officer can be arrested and tried by the civil court. I would like to know why the magistrate's orders were not complied with and why these people were not handed over to the civil authority for proper action.

SHRI SWARAN SINGH : I would not like to go into the legal aspect although I had made the position clear. There is an added reason because the matter is now the subject-matter of adjudication by the High Court.

As to why the order has not been complied with, it is in a sense compliance with the order that we go to the High Court and seek that the order should be vacated. There cannot be a better compliance. Compliance does not mean that whatever any court does, I have no, right of appeal against the order. It is really in compliance with that order that I go to the High Court to get that order changed. So, this is the best compliance with the order. Compliance with the order does not mean that the right of appeal or the right to go to a higher tribunal is barred. That is not the understanding of law, as I understand it.

SHRI S. M. BANERJEE : May I seek your guidance, Sir ? Supposing there is a warrant against me. There is a charge of murder under section 302, and a charge of attempt to murder under section 307. If these charges are tried and there is a warrant pending against me, and if I do not surrender, I am declared an absconder by the court. My property is attached and even my family will be in trouble. In this particular case, the obedience of the orders or the compliance with the order meant that they should have surrendered and then action taken.

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय मेरा व्यवस्था का प्रश्न है...

MR. SPEAKER : Shri Madhu Limaye must sit down now. There is no point of order.

SHRI S. M. BANERJEE : The order is that these men should have been surrendered to the legal authority. Whether the judgement is right or wrong, I am not going into that question of judgment of the court.

MR. SPEAKER : I am sure this point will be raised before the High Court.

SHRI S. M. BANERJEE : I am putting the question before that stage is reached there. Now, it is in the High Court. I am not going to question the High Court. I am only saying about the lower court. In his wisdom, the magistrate issued warrants against these persons who are supposed to be under the jurisdiction of that court. Whether it is right or wrong, it is for the High Court to judge. But the point is why they have not been surrendered to the civil authority. Does it mean that in future, an army man, an army personnel, can commit a murder or any such offence and he can never surrender himself before the court ?

SHRI SWARAN SINGH : In the scheme of the Army Act, without going into the details or the niceties of the legal matters, I can say that it is provided that when the court makes a move to the commander to surrender any person, then he has got the authority under the Army Act to refuse to comply with that order on the ground that there will be a court-martial which will be the appropriate authority to try it and action taken on that basis. But in this case, a further precaution is being taken to get that order itself vacated by moving the High Court. I do not see what else can be done in this case.

श्री मधु लिमये : अध्यक्ष महोदय, मैं केवल इतना ही पूछना चाहता हूँ इसमें औचित्य का सवाल है—मान लीजिये लोगों को गैर कानूनी ढंग से गिरफ्तार किया जाता है, जैसे हम को गिरफ्तार किया जाता है क्या हमने भागने की कोशिश की है या हमने कहा है कि हम हवालात में नहीं जायेंगे ? हमने वहाँ जा कर हैवियस-कारपस की पेटिशन दी है इसी तरह

क्या इन लोगों के लिए नहीं किया जा सकता था। अध्यक्ष महोदय, आप इसमें अपना निर्णय दीजिये, नहीं तो इस तरह से अदालतों की कोई इज्जत नहीं रहेगी।

MR. SPEAKER : Is that the point of order ? It is for the courts to decide. It is not for the Speaker. I do not know how the Speaker can come in here.

श्री हरदयाल देवगुण (पूर्व दिल्ली) : अध्यक्ष महोदय, 9 अप्रैल को गन फ़ैक्ट्री में जब गोली-काण्ड हुआ, तो मृतकों के साथ और मजदूरों के साथ जनसाधारण की सहानुभूति थी। और वह अब भी है। लेकिन उसको जो रंग रूप दिया है उससे यह प्रश्न और ही रूप धारण कर गया है। केन्द्रीय सरकार ने इस गोलीकाण्ड के लिये एक जांच आयोग नियुक्त किया है और वहाँ की प्रदेशीय सरकार ने यह मामला अदालत के सुपुर्द कर दिया है और वह इस प्रकार से किया है जैसे कि यह कोई प्राइवेट भगड़ा हो। इसमें प्रश्न यह है... (ब्यबवान)... यदि कोई निजी भगड़ा हो तो किसी को कत्ल करने के जुर्म में गिरफ्तार कर लिया जाय तब तो दूसरी बात है लेकिन दफ्तर में काम करते हुए, किसी ने कोई कार्य गलत किया या ठीक किया, उस पर भगड़ा हुआ उसको एक आर्डनरी क्रिमिनल की तरह से ले जाया जाये, एक तरफ आपका जांच आयोग बैठे और दूसरी तरफ वहाँ अदालती कार्रवाई की जाए और हथकड़ी लगाकर उनको ले जाया जाये तो इसमें मूल रूप से अधिकार क्षेत्र की बात है—वहाँ पर आपकी फ़ैक्टरी है उसमें जो कर्मचारी काम करते हैं, उनका अधिकार क्षेत्र क्या है और उनके अधिकार क्षेत्र का आप किस हद तक बन्दोबस्त करते हैं ? और आपने जो जांच आयोग नियुक्त किया है क्या उसमें आपने यह बात साफ कर ली है कि जांच करने का अधिकार आप को ही है, प्रदेशीय सरकार को नहीं है ? और अगर आपका ही अधिकार है तो उसमें

प्रदेशीय सरकार आपको पूरा सहयोग दे, उसमें कोई रुकावट न डाले, उसकी क्या व्यवस्था है और आपके आयोग का काम पूरा हो सके उसके लिए आप क्या कर रहे हैं ?

SHRI SWARAN SINGH : Sir, this is a matter which is somewhat outside the scope of the present Calling Attention Notice, but as this is a matter which is before the country and which has aroused certain feelings of emotion I would like to clarify the position.

The Central Government is fully competent to appoint a Judge under the Commission of Inquiry Act. It is true that it has concurrent jurisdiction and if the State Government had appointed or constituted a Commission of Inquiry then it would not have been necessary for the Central Government to appoint a Commission of Inquiry. But you might recall that when I answered the Calling Attention Notice, soon after this unfortunate incident, on the floor of this House, this matter was raised in a form in which it was urged that the Centre should constitute a Commission of Inquiry. I responded to that and the Commission of Inquiry was constituted. I hope that the State Government would cooperate with this inquiry because the State Government is equally interested in coming to a finding about the exact details of the incident, how it happened, who are involved in it, who was at fault, what is the quantum of fault of those people and so on. All these are complicated questions of law and fact and it is hoped that the State Government also would cooperate in this. As a matter of fact, when the Chief Minister of West Bengal and the Deputy Chief Minister were here they did discuss this matter with me. They told me that they will go back and consider all these aspects, after which the West Bengal Government will take a decision. If this matter is being discussed in this form I would not like to add anything further by taking a stiff attitude one way or the other.

श्री हरबयाल देबगुण : दोनों कार्यवाहियां साथ साथ चलेंगी या इनमें से एक ही

चलेगी ? अगर आपका अधिकार नहीं है तो वह करें और अगर उनका अधिकार नहीं है तो आप कीजिए—इसका फैसला कीजिए ।

MR. SPEAKER : They are negotiating now. I do not think you an embarrass them now when they are talking about the matter.

श्री कंबर लाल गुप्त (दिल्ली सदर) : अध्यक्ष महोदय, यह जो मामला है इसमें मैं मंत्री जी से इस बात में सहमत हूँ कि यह स्ट्रिक्टली लीगल है। प्राया स्टेट गवर्नमेंट को अधिकार है, यह चीज कानून से ही तय होनी चाहिए। इसमें सबसे बड़ी बात यह आयेगी कि प्राया जिन लोगों ने गोली चलाने का हुकम दिया था वह मिलिट्री की एक्टिव सर्बिस में हैं या नहीं...

SHRI S. M. BANERJEE : They are not.

श्री कंबरलाल गुप्त : और भी काम्प्ली-केटेड मामले हैं। लेकिन अदालत ही इस बात पर फैसला करेगी कि कौन सी चीज जायज है और कौन सी नहीं है। आपके द्वारा मुझे यह कहना है कि इसमें प्रेस्टीज की बात नहीं आनी चाहिए। स्टेट गवर्नमेंट और सेन्ट्रल गवर्नमेंट के रिलेशंस इस कारण से खराब नहीं होने चाहिए। यह कानूनी चीज है, अगर आप के पक्ष में है तो आप उसकी इन्क्वायरी करें और अगर स्टेट गवर्नमेंट के पक्ष में है तो आप उसके साथ पूरी तरह से कोऑपरेट करें। यही एटीट्यूड दोनों तरफ से होना चाहिए—स्टेट गवर्नमेंट की तरफ से भी और सेन्टर की तरफ से। यह ठीक है कि स्टेट गवर्नमेंट इसको पोलिटिकल कलर देना चाहती है। खास तौर से रबीन्द्र सरोवर में जो कांड हुआ उसको छिपाने के लिए स्टेट गवर्नमेंट इसको और ज्यादा मैग्नीफाई कर रही है। यह बहुत बड़ी चीज है इसलिए आप उनके बुंगल में न फंसें बल्कि जो भी कानूनी ठीक बात हो वही करें। ... (व्यवधान) ...

SHRI S. M. BANERJEE : A commission has been appointed for inquiring into that incident.

MR. SPEAKER : Let him come to the question.

SHRI KANWAR LAL GUPTA : Sir am I not relevant ?

चूँकि स्टेट गवर्नमेन्ट उसको हाईलाइट करना चाहती है इसलिये मेरी आप से प्रार्थना है कि स्ट्रीटली लीगल सेन्स को देखकर ही आपको कार्यवाही करनी चाहिए ।
...(व्यवधान)...

SHRI JYOTIRMOY BASU : (Dianond Harbour) Sir, irresponsible utterances should not be allowed in this House.

SHRI KANWAR LAL GUPTA : Sir, you should control them.

SHRI JYOTIRMOY BASU : What he is saying is highly irresponsible.

SHRI KANWAR LAL GUPTA : I say it with a full sense of responsibility. इन्होंने सैकड़ों महिलाओं की इज्जत लूट ली है । इनको शर्म आनी चाहिए । औरतों की इज्जत लूटने के बाद अब उस पर परदा डालना चाहते हैं ।...(व्यवधान)...

MR. SPEAKER : I would request all of you, including Shri Jyotirmoy Basu, to resume your seats. If anything is said which is not palatable to Shri Basu, he should not object to it...

SHRI JYOTIRMOY BASU : Sir, I am sorry I have to hear such things from you... (interruptions)

MR. SPEAKER : Shri Hiren Mukerjee.

SHRI TRIDIB KUMAR CHAUDHURI (Berhampur) : I stood up earlier. I am on my legs.

MR. SPEAKER : I have called Shri Hiren Mukerjee.

SHRI H. N. MUKERJEE (Calcutta North East) : sir, I was expecting you to intervene. When patently irrelevant accusations were made against a State Government, highlighting a certain deplorable incident which, by the way, is completely contrary to facts, I was expecting you to intervene and now you are suggesting, I am very sorry to have to say, that the provocation came from our side.

MR. SPEAKER : Not provocation.

SHRI H. N. MUKERJEE : Will you please regulate the debate and prevent members like Shri Kanwar Lal Gupta from making this sort of statements and wild allegations ?

श्री हुकम चन्द कछवाय (उज्जैन) : जो आपने किया है, उसको कहने से हमें आप रोक नहीं सकते हैं ।...(व्यवधान)...

श्री कंवर लाल गुप्त : स्टेट गवर्नमेन्ट के बारे में मेरी जो राय है वह मुझे कहने का अधिकार है ।...(व्यवधान)... ये लोग सेंटर को रोजाना कोसते हैं और दूसरी स्टेट गवर्नमेंट्स को कोसते हैं । इनकी स्टेट गवर्नमेंट्स के बारे में हमारी क्या राय है, वह कहने का हमें हक होना चाहिए ।

MR. SPEAKER : I would request both sides to remain calm.

SHRI H. N. MUKERJEE : This cannot go on. I do not intervene unless it is so very important...(interruptions)

श्री हुकम चन्द कछवाय : हमें भी उतना अधिकार है जितना कि इनको है ।

SHRI H. N. MUKERJEE : Who the hell are you to question me ? I also represent a party.

SHRI KANWAR LAL GUPTA : I am also a member of this House and a member of a political party...*(Interruptions)*

SHRI H.N. MUKERJEE : Do not talk about such incidents so light-heartedly.
(Interruptions)

MR. SPEAKER : I would request Shri Jyotirmoy Basu to resume his seat. Shri Gupta has asked the question. Let the reply come.

SHRI JYOTIRMOY BASU : What question are you talking about ? Which judicial inquiry ? Sir, he is using the House for maligning a State Government and you are allowing it...*(Interruptions)*

MR. SPEAKER : I am definitely allowing the question. It is my right to allow that question. You cannot control me... *(interruptions)* Please sit down. You want to control me also ? No, that would not be allowed here in this House. Every hon. Member has equal right in this House ; it is not his prerogative alone to interrupt and ask questions...please sit down... *(interruptions)* I have heard Hiren Babu. *(Interruptions)* Please sit down now.

SHRI JYOTIRMOY BASU : You encourage these things... *(Interruptions)*

MR. SPEAKER : After All if some body makes some allegation, some dignified objection, by some leader of the party doing it, I can understand...*(Interruptions)* No please. I am warning you again. You must sit down. I am on my legs.

SHRI JYOTIRMOY BASU : I don't care less for you...*(Interruptions)*

SHRI D. N. PATODIA (Jalore) : On a point of order, Sir. Is any hon. Member of the House permitted to tell the Chair that he does not care less for the Speaker? I want a ruling on that. *(Interruptions)*

श्री कंवर लाल गुप्त : आप जो लेटी-ट्यूड दे रहे हैं उस का नाजायज फायदा उठा रहे हैं। आप कोई सक्ती से कदम उठाइये।

SHRI JYOTIRMOY BASU : There is a judicial inquiry being held. you are allowing these things on the floor of the House. He has on right to do so.
(Interruptions)

SHRI SAMAR GUHA (Contai) : This gentleman called me a C.I.A. agent when I raised the issue of instituting an inquiry into the Rabindra Sarovar affairs...*(Interruptions)* Will he call Mr. Jyoti Basu a C.I.A. agent because he has now agreed to judicial inquiry ? *(Interruptions)*

MR. SPEAKER : Will you kindly sit down now ? May I request all of you to sit down ?

SHRI SAMAR GUHA : At any mention of the Rabindra Sarovar affairs, why do these people flare up ? It is a shame for all. It is not a political matter. Why should these people flare up at the mention of it ? It is a national shame ; it is a shame for Bengal ; it is a shame for all... *(Interruptions)*

MR. SPEAKER : Order, order. May I request all of you to sit down ?

SHRI JYOTIRMOY BASU : You are a party to this...*(Interruptions)*

SEVERAL HON. MEMBERS *rose.*—

MR. SPEAKER : I request all of you to sit down ?

SHRI NATH PAI (Rajapur) : Has the so-called leader got anything to say ?
(Interruptions)

SHRI M. L. SONDHI (New Delhi) : Let the prime Minister speak... *(Interruptions)*

SHRI KANWAR LAL GUPTA : He says that the Speaker is a party to this. It is a serious allegation. He must with draw it. You name him, Sir...*(Interruptions)*

MR. SPEAKER : Order, order. Shri Hem Barua wanted to say something. Will you kindly sit down ? How can I hear if 10 or 15 people shout like this ? I have called shri Hem Barua.

SHRI HEM BARUA (Maugaldai) : We have noticed this noise and we find Mr. Jyotirmoy Basu has been insulting the Chair like anything.

SEVERAL HON. MEMBERS : Shame, shame !

SHRI HEM BARUA : May I, therefore, submit that all the remarks that have been made against the Chair should be expunged from the proceedings of the House ?

SOME HON. MEMBERS : No, no. (*Interrptions*)

श्री कंबर लाल गुप्त : अभी माननीय ज्योतिर्मय बसु ने यह कहा कि चेयर इस में पार्टी है जो कुछ हो रहा है। यह बात सीरियस ऐलीगेसन है। जो कुछ भी हो चेयर की रूनिंग हमारे लिये मान्य होनी चाहिये और हमें उसका आदर करना चाहिये। इनके खिलाफ कार्यवाही होनी चाहिये।

श्री स० मो० बनर्जी : मेरा पॉइंट ग्राफ़ आर्डर यह है कि रवीन्द्र सरोवर के बारे में जो क्वेश्चन रेज किया गया उसके बारे में कोई एतराज नहीं है कि वहां जो कुछ हुआ उससे शर्म से सिर झुका जाता है। एक इनक्वायरी एपॉइंट की गयी है वह अच्छा ही है।

सवाल सिर्फ इतना था, मैंने इंटरप्ट किया था माननीय कंबर लाल गुप्त को उन्होंने कहा कि कासीपुर इंसीडेंट...

MR. SPEAKER : Why are you going to that ? That is a different point Let me finish this.

This has become a bad habit. I do not know how to deal with it. (*Interruption*) I do not want any suggestions I am on my legs.

श्री शिवचन्द्र झा (मधुबनी) : आप कुछ लोगों को छूट दे देते हैं। (व्यवधान)

MR. SPEAKER : Order, order. It is a question of individual. I do not blame

any party for this. I am sure... (*Interruptions*) I do not know what he is talking. Every time he gets up and says something. He does not want to hear what I am saying. I want to eliminate the party from some elements who are irresponsible and go on talking irresponsible things in the House. I want to eliminate the parties. Parties will not encourage this, I know. Mr. Basu, in particular, I have been noting, has been repeatedly doing this against the Chair also. I regret about it. I will only reprimand him. I do not want that the party must take note of this. I only reprimand him. This is regrettable, unfortunate, and this should not be repeated in future ; otherwise, a serious notice will be taken by the whole House. (*Interruptions*)

SHRI JYOTIRMOY BASU : Please give me a chance to speak. You have made an one-sided statement. you must give me a chance to speak. (*Interruptions*)

श्री इसहाक सम्मली (धमरोहा) : इन लोगों के बारे में चार्ज लगाया गया है उस को वह ऐक्सप्लेन करेंगे।

श्री स० मो० बनर्जी : माननीय ज्योतिर्मय बसु को मौका दें बोलने के लिये हमें कोई एतराज नहीं है। मैंने जो इंटरप्ट किया था यह इसलिये नहीं कि उन को डिरेल करने कर्न। हालांकि उन्होंने क्वेश्चन किया हमको डिरेल के लिए उस मूल प्रश्न से जो कि सदन के सामने था। लेकिन अभी सरदार स्वर्ण सिंह जवाब दे रहे थे, उनके स्टेटमेंट को अगर पढ़ें तो उन्होंने कहा था कि चूंकि यह मामला हाई कोर्ट में चला गया है लिहाजा उस के बारे में मैं कुछ कहना नहीं चाहता हूं। पार्लियामेंट के क्लर्क ग्राफ़ प्रोसीजर को देखें, और मैं समझता हूं कि माननीय कंबर लाल गुप्त मुझ से ज्यादा पढ़े लिखे हैं, स्याने भी हैं, चालाक भी हैं। (व्यवधान) पार्लियामेंट में जाने की उम्र को बढ़ाइये।

मैं कह रहा था कि रवीन्द्र सरोवर का मामला एक जांच कमीशन के पास है, हाई कोर्ट के जज के पास है और माननीय कंबर लाल जी की पार्टी ने अभी हाल में दिल्ली

माननीय ज्योति बसु के खिलाफ डेमॉन्स्ट्रेशन भी किया। लेकिन मैं कहना चाहता हूँ कि हमारे देश की स्त्रियों की इज्जत उन्हीं के हाथ में नहीं है। जब गोंडा में... (व्यवधान)

SHRI KANWAR LAL GUPTA : On a point of order.

SHRI M. L. SONDHI : What is this ? There is no leadership here. The Leader is not making any efforts to assert the dignity of the House. I make a submission, I make a point of order. Let the Leader of the House get up and say something. (Interruptions)

श्री कंबरलाल गुप्त : श्री बनर्जी को रोका जाय।

श्री रबि राय : अध्यक्ष महोदय, आप सब कुछ रोक कर सवाल पूछने दीजिए श्री कंबरलाल गुप्त को।

श्री स० मो० बनर्जी : मैं आप से कहना चाहता हूँ... (व्यवधान)

श्री कंबरलाल गुप्त : यह नहीं हो सकता कि इस प्रकार की बात यहाँ की जाय। यह बड़ा गलत है। वह इस तरह से सारी बात पर पर्दा डालना चाहते हैं, यह नहीं होगा।

श्री स० मो० बनर्जी : गोंडा में 18 साल के लड़के से अपनी 80 साल की माँ से व्यभिचार करने को कहा गया। (व्यवधान) मैं आप की रूलिंग चाहता हूँ (व्यवधान)।

MR. SPEAKER : There is bound to be a little excitement now and then. After all we should not cross the limits. There was some reason for excitement. Now at least let us restore calm in this House.

SHRI JYOTIRMOY BASU rose—

MR. SPEAKER : I am still on my legs. My only fear is whatever you want

to say tomorrow, you can say, not to-day. I know Mr. Jyotirmoy Basu for two years. I have studied him. Tomorrow whatever you want to say think about it calmly. You will kindly put the question without insinuating.

श्री कंबरलाल गुप्त : मेरे तीन स्पेसि-फिक सवाल हैं जो मैं मंत्री महोदय से करना चाहता हूँ। पहला सवाल यह है कि इस तरह से जो डिफेन्स प्रोजेक्ट्स बंगाल और दूसरे राज्यों में हैं, उनकी ठीक व्यवस्था हो और राज्य सरकारों और केन्द्र में इस प्रकार के मतभेद न आयें, इस के लिए मंत्री महोदय क्या कदम उठा रहे हैं ? क्या वह कानून में परिवर्तन करने वाले हैं जिस से केन्द्र को और अधिक पावर मिले ? दूसरा सवाल यह है कि जो केन्द्रीय सरकार के कर्मचारी राज्यों में काम करते हैं उनमें जो डिमार-लाइजेशन आ गया है वह न आये और वहाँ पर वह लोग ठीक से काम कर सकें, इस को सेफगार्ड करने के लिए मंत्री महोदय क्या कदम उठा रहे हैं ? तीसरा सवाल यह है कि मंत्री महोदय ने वेस्ट बंगाल की सरकार के साथ जो बात की वह क्या थी और क्या वह इस सदन को ऐश्वर्य करेगे कि जो लीगल कार्रवाई होगी... (व्यवधान)

SHRI SAMAR GUHA : Mr. Jyotirmoy Basu is instigating everybody from here. It is not decorum on the part of any member to do like that. Unless you control such a member, even a dignified man will become undignified.

MR. SPEAKER : There is bound to be difference of opinion in a parliamentary democracy. I know Mr. Samar Guha. If you call some one as CIA agent, naturally he will get angry. They even fall out with the Speaker at times. Let us calm down a little. After all you have to tolerate each other. There can be no complete agreement. What else can the Chair do ? I would appeal to you. There are bound to be differences. Even then you will have to tolerate each other.

श्री कंबरलाल गुप्त : मेरा आखिरी सवाल यह है कि सेंटर और स्टेट्स के रिलेशनस ठीक हों, इसके लिए क्या सरकार यह एश्योरेंस देगी कि जो भी कानूनी कार्रवाई ठीक समझी जायेगी, वह की जायेगी, कोई प्रेस्टिज का मामला बीच में नहीं रक्खा जायेगा?

SHRI SWARAN SINGH : I am glad that the hon. Member has raised this question of the functioning of Control projects in various States. It is true that there are several projects in the industrial sector, in the defence sector and several financial institutions which function in various States. And, the whole of our constitution, the whole of our federal structure, is based essentially on this, that both the Centre and the State Governments are to discharge their responsibilities in a conscientious manner, according to the constitution and it is on that basis that we should expect the State Governments to ensure that they discharge their responsibilities and they also recognize the scope and the area of jurisdiction of the Central Government. There cannot be any cut and dry solution. Some new problems have been thrown up. Some new strains have developed and I don't think that it should be beyond the genius of our country's statesmen and publicmen to find a satisfactory equilibrium which might be answer for the various strains. I am not pessimistic. I think it is possible, even within the present Constitution, within the present framework of law and exercise of authority and jurisdiction to find a satisfactory answer to meet the type of situation which has been mentioned by the hon. Member.

On the second point, he has again raised a very important question as to whether the functioning of executive authority in any particular State or in any particular area is likely to result in the Central Sector employees getting demoralised. It will be extremely bad if that situation develops and the State Governments, even in the exercise of whatever type of executive functioning, have to function in a legal and constitutional manner.

I do not see any difficulty if their functioning is within law and within

constitution as to why anybody should feel demoralised. It is true that if the functioning is in a high-handed or extra-legal or extra-constitutional manner, then another situation can develop. We are proceeding on the basis that the functioning will be within the law and within the Constitution.

That is what we have been assured by the Chief Minister and the Deputy Chief Minister of West Bengal.

Now, on the third question as to whether we will continue to pursue in the courts and according to the constitution and law the various remedies that are open to us, obviously, we are all wedded to do that. We are committed to do that. All of us have taken the oath for that and we will continue to pursue the solution of these problems according to law and according to Constitution; but we would continue our endeavour to get the fullest cooperation of the State Governments also.

SHRI MATI ILA PALCHOUDHURI (Krishnagar) : I would like to know one or two things about this regrettable affair in Cossipore...

श्री हुकमचन्द कडवाय : उन के मत-लब की बात करो तो अच्छा है।

SHRI MATI ILA PAL CHOUDHURI : Sir, there was one thing that their Lordships, in the Calcutta High Court, observed. They were Mr. Justice Amaresh Roy and Mr. Justice S. N. Bagchi and others of the Calcutta High Court. Their Lordships wanted to know from the state Government counsel whether there was any necessity for the police to handcuff Mr. Chakravarti as was alleged by him in his petition. Handcuffing is a serious thing. This incident happened inside the Cossipore factory, the jurisdiction of which is entirely with the Centre. What did the Central Government do? (*Interruptions*). I want to know what steps the Centre proposes to take to see that the employees belonging to the Centre are not subjected to such indignities as to be handcuffed when nothing has yet been proved against them... (*Interruptions*).

Is there any dialogue between the State and the Centre in regard to Central jurisdiction over the various factories. There is not only one, but there are many factories. Otherwise, people will be demoralised, if they can just be treated like this by the State Government and handcuffed? They have a right to be court-martialled; otherwise the law must take its own course

SHRI SWARAN SINGH : I agree with the hon. lady member that law should take its course. She asked me what do we propose to do? In this particular case, the action that we took has enabled now the lady member to quote a sentence from the observation of the High Court Judge. We took up these cases in courts of law. Four persons were arrested. One of them was released by the Magistrate. We had to go to the Sessions Court and two were released on bail. For the fourth officer, we had to go to the High Court. He has also been released on bail. I have seen the press report. I have not seen the certified copy of the judgment. But I have seen the press report of the observations which are said to have been made by the hon. Judge of the Calcutta High Court. This is really a pursuit of legal remedies that are open to the Government—Central Government and State Government—and we will be perfectly satisfied if the State Government also pursues legal remedies. Even about interpretation of law, there can be a difference of opinion. But that is capable of being sorted out by the High Court, by the Supreme Court, and by the functioning of the Courts which interpret the legal aspect.

About hand-cuffing, if the press report is correct, the Judges of the High Court have already given their opinion and it is for the West Bengal Government to be the wiser as a result of those observations.

12.42 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORTS OF DEVELOPMENT COUNCILS FOR INORGANIC CHEMICAL

INDUSTRIES AND HEAVY ELECTRICAL INDUSTRIES

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS (THRI BHANU PRAKASH SINGH) : On behalf of Shri F. A. Ahmed, I beg to lay a copy each of the Annual Reports of the following Developments Councils for the year 1967-68, under sub-section (4) of section 7 of the Industries (Development and Regulation) Act, 1951 :—

- (1) Development Council for Inorganic Chemical Industries.
- (2) Development Council for Heavy Electrical Industries.

[Placed in Library. See No. LT-841/69]

SHRI N. K. SOMANI (Nagpur) : May I say something on item No. 3?

MR. SPEAKER : Unless there is something objectionable, there is no discussion usually on Papers laid on the Table.

SHRI N. K. SOMANI : If you allow me, I would like to say something. Yesterday, Shri George Fernandes made an observation that the reports of the various Ministries, delegations and Development Councils are being unduly delayed and the Government of India is very careless in its ways. I would like to bring it again to your notice that 1967-68 expired at the end of March 1968. I know that these Developments Councils have absolutely no status because their recommendations are always ignored. Now after thirteen months, their reports are placed here. May I know from the hon. Minister why he took thirteen months to lay these reports on the Table of the House when most of other Ministries have already filed their reports for 1968-69?

SHRI BHANU PRAKASH SINGH : I shall try to find out the reasons and inform the hon. Member.