

नई दिल्ली में सुभाष नगर स्थित, आर्य समाज मन्दिर में जूते पहने हुए ही घुस गये थे;

(ख) क्या यह सभी सच है कि उन्होंने स्थानीय आर्य समाज मंत्री द्वारा रोके जाने पर कोई परवाह नहीं की और उसे बुरी तरह मारा-पीटा;

(ग) यदि हां, तो पुलिस अधिकारियों द्वारा उक्त मन्दिर की पवित्रता भंग किये जाने के क्या कारण थे; और

(घ) इस सम्बन्ध में सरकार ने क्या कार्यवाही की है ?

गृह-कार्य मंत्रालय में राज्य मंत्री (श्री विद्या चरण शुक्ल) : (क) जी नहीं, श्रीमान्।

(ख) जी नहीं, श्रीमान्, स्थानीय आर्य समाज मन्दिर के सचिव ने मंदिर के मुख्य द्वार पर दिल्ली प्रशासन के वरिष्ठ अधिकारियों के कर्तव्य पालन में रुकावट डाली थी। उनको मौके पर गिरफ्तार कर लिया गया।

(ग) और घ). प्रश्न नहीं उठते।

#### CENTRAL ASSISTANCE TO UNION TERRITORIES

4963. SHRI GADILINGANA GOWD: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the Union Territories which depend on the Centre for their development without having their own resources; and

(b) the assistance given to them during 1966-67 ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): (a) All the Union Territories with Legislatures namely Himachal Pradesh, Tripura, Manipur, Goa, Daman & Diu and Pondichery—who have their own Consolidated Funds depend on the Centre for their development as their own resources are not adequate for the purpose. The remaining Union Territories do not have separate Consolidated Funds. Their revenue receipts are credited into, and all their expenditure is met from, the Consolidated Fund of India.

(b) A statement indicating the Central assistance given to the Union Territories

with Legislatures during 1966-67 for implementation of Plan schemes is laid on the Table of the House. [Placed in Library. See No. LT-575/68]. The budgets of the other Union Territories which do not have separate Legislatures form part of the Central Budget itself; therefore, the question of giving any Central assistance to them does not arise.

#### STATEMENT CORRECTING ANSWER TO UNSTARRED QUESTION No. 1362 ON 22-11-1967 REGARDING/S.C. S.T. STUDENTS IN DELHI ENGINEERING COLLEGE

THE MINISTER OF EDUCATION (DR. TRIGUNA SEN): While answering parts (b) and (c) of Unstarred Question No. 1362 on 22-11-1967 I had stated that "22 students of the Delhi College of Engineering [B.Sc. Engg. 13, B.E. (Tech) 2 and N.D. in Engg. 7] had not been given freeships since the parents' income of the students concerned exceeded the upper limit prescribed for freeships and according to rules they were not eligible for the awards".

The correct position is that there is no income limit for the award of freeships to Scheduled Castes and Scheduled Tribe students. All the students concerned (17 and not 22) are being awarded freeships.

12.11 hrs.

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

OBSTRUCTION OF TWO MPs PROCEEDING TO BRITISH HIGH COMMISSION IN NEW DELHI

SHRI SURENDRANATH DWIVEDY (Kendrapara): I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and request that he may make a statement thereon:

Two Members of Parliament having been prevented by the police to proceed to the British High Commission in New Delhi on the 19th March 1968 to present a memorandum.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Sir, the Sub-Divisional Magistrate, Tuglak Road, New Delhi had promulgated prohibitory orders under Section 144 Cr. P.C. on March 18,

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1968 covering certain specified areas within the jurisdiction of Chanakya Puri Police Station. (*Shri Hem Barua* : Why should Delhi be perpetually under section 144.) On March 19, at 11.15 A.M., 18 persons led by Sarvashri S. Kundu, M.P., Ram Charan, M.P. and Shri Brij Mohan Toofan assembled at Teenmurti and marched in a procession along the Teenmurti Marg. They were shouting slogans to protest against the execution of freedom fighters in Rhodesia. They were stopped by the police at the intersection of Teenmurti Marg and Kautilya Marg where the prohibitory orders were in force. They were told by the officers present that in view of the prohibitory orders they should disperse. The Sub-Divisional Magistrate also told them that there would be no objection if a smaller group of 3 or 4 persons took the memorandum to the British High Commission. The demonstrators, however, insisted that they would go to the British High Commission in a procession. After the warnings given by the Sub-Divisional Magistrate had been ignored, the Police arrested the demonstrators under Section 188 I.P.C.

**SHRI SURENDRANATH DWIVEDY:**

This is one of the instances where this Government do not actually even give freedom to our citizens to represent the nation's anger against executions like that in Rhodesia. The fact that they were going to present a memorandum was notified. The British High Commission themselves were reported to send a representative to receive it at the gate. They asked us by which route they were actually coming so that they could meet them at the gate to receive the memorandum. This was on the 19th. But on the 18th this Government promulgated Sec. 144 preventing them from going there. If there was Sec. 144 previous to that, I can understand it. When it was already made known that it would be a peaceful demonstration only to present a memorandum by two MPs, may I know why section 144 was promulgated in the area just on the previous night? Am I to take it that this Government would only encourage lawlessness and nothing else? Do they want that these matters should never be agitated peacefully, and they will only encourage lawlessness, and breaking of laws, by promulgating such prohibitory orders in an arbitrary manner?

**SHRI Y. B. CHAVAN:** It is not a question; it is only a comment.

**SHRI SURENDRANATH DWIVEDY:** What was the necessity to promulgate section 144 on the previous night?

**SHRI Y. B. CHAVAN:** It is not a very happy matter for anybody to promulgate such orders, but the difficulty is.....

श्री मधु लिमये (मुंगेर) : दफा 144 खत्म की जाय ।

**SHRI Y. B. CHAVAN:** That is the right of this House; I cannot personally say abolish section 144.

श्री मधु लिमये : कम से कम दिल्ली में तो खत्म कीजिये ।

श्री रवि राय (पुरी) : आप प्रस्ताव लाइये, हम आप का समर्थन करेंगे ।

श्री जार्ज फरनेन्डोस (बम्बई दक्षिण) : आप यह बतलाइये कि क्या आप इस के लिये तैयार हैं ?

**SHRI Y. B. CHAVAN:** As far as this particular cause is concerned, hon. members know that their attitude and our attitude are identical in this matter. But when it is a question of allowing processions right up to the office of the missions, sometimes we find that it develops into violence. Instead of trying to deal with the violent trouble, it is much better to prevent it. At the same time, we wanted to facilitate the delivery of the memorandum and therefore, the Sub-Divisional Magistrate offered that 3 or 4 persons could go to the mission office and hand over the memorandum. But they insisted on taking a procession. Therefore, this rather unhappy and unfortunate duty had to be performed.

**SHRI B. K. DAS CHOWDHURY (Cooch-Bihar):** The statement says that the Sub-Divisional Magistrate, Tuglak Road, New Delhi promulgated it. This is a fine example of the Tughlaki type of administration being administered by the Tughlaki Road Sub-Divisional Magistrate. The attention of the whole world today has been focussed on the execution of freedom fighters in Rhodesia. We say we are the

[Shri B. K. Das Chowdhury]

people of a great nation and we have our democracy. But we have not seen any report in the newspapers that any such restrictions were imposed even in London on the Asian demonstrators who demonstrated before the Prime Minister's residence, i.e. 10 Downing Street. But here on the 19th at 11.15 A.M. when the All India Samajwadi Yuvak Sabha wanted to raise a protest and express the indignation of the whole world against the Rhodesian affairs, our Government stood in the way and promulgated section 144. We have our Constitution and our rights of freedom of association and freedom of expression. Where are those rights? If every time the officers come forward with section 144 and some other restrictive orders, where are our rights guaranteed by the Constitution? I want to know whether the Government will start an enquiry against all those officers who restricted this most legal and *bona fide* demand and freedom of movement, freedom of association and freedom of expression of opinion not only of the members of the House, but of the citizens of India. May I know whether this Government will enquire why all those illegal and unreasonable orders were promulgated by the Sub-Divisional Magistrate, Tughlak Road?

**SHRI Y. B. CHAVAN:** As the orders are not illegal, there is no question of any enquiry.

**SHRI M. L. SONDHI (New Delhi):** Sir, I want to quote from the *Biography of Khan Abdul Ghaffar Khan*, to which the Prime Minister has given a Foreword and Dr Zakir Hussain has given a Preface, whose language must be familiar to the person who was once known as the Hero of Satara in 1942.

Jam quoting Khan Abdul Ghaffar Khan: "Do not fear death. Section 144 is your test. If you cannot oppose this order, how will you come out to the battlefield? Pay no attention to this order. Be ready and come out to the non-violent battlefield. Non-violent war means a kind of war your ancestors fought 1400 years ago. Show the people that you are their descendants."

"Rule yourselves, and as long as you live, do not submit to the rule of anybody else. Be prepared and free your-

selves from the *zalim hakumat*. If you perish on the battlefield, what does it matter? It is your duty to gain freedom from this *zalim hakumat* for the sake of your descendants.

If you have not done your part, how will you answer to God and the Prophet on the day of judgment?"

Opportunities for expression of political protest in the capital city is necessary for the fulfilment of democracy through the activity of public associations and political parties. Section 144 is condemned by the foremost freedom fighters of India much in the same way as the Salt Tax was condemned and finally removed from the statute-book.

May I know whether Government would agree to declare a certain public place in New Delhi as an area where unrestricted freedom of speech and expression will be allowed analogous to the Poet's Corner of Hyde Park in London? May I know whether Government is considering the repeal of Section 144? May I know whether if the Jan Sangh Administration, to which the hon. Minister devoted some attention yesterday, advises against Section 144 he will fall in line with the Jan Sangh Administration?

**SHRI Y. B. CHAVAN:** Sir, the only question which looks like a question in the long speech of Shri Sondhi is a very novel idea whether we can have a place like Hyde Park in Delhi, I will have it examined. (*Interruptions*)

**MR. SPEAKER:** Shri Sondhi can take care of himself.

**SHRI M. L. SONDHI:** Sir, the speech was not really my intention; it was only to pose the problem and the problem is opportunity for expression. Here is the Jan Sangh Administration. The hon. Minister yesterday said that he cannot deny that there is Jan Sangh Administration. If there is Jan Sangh Administration and since there are Jan Sangh members here also and there is dialogue between us, why not agree? If the Jan Sangh Administration says that there is no need for Section 144 will the hon. Minister also say that there is no need for Section 144?

**SHRI Y. B. CHAVAN:** I think the hon. Member is raising a very interesting problem of having some sort of coordination

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between the Jan Sangh Administration and the Central Government. I think, as he does not give up his right of differing with me on points I also cannot give up my right of differing with him. (*Interruption.*)

श्री मधु लिमये : दफा 144 के बारे में उनका स्पेसिफिक प्रश्न है और निश्चित उत्तर आना चाहिये ।

SHRI S. KUNDU (Balasore): Mr. Speaker, Sir, this is a little embarrassing job for me, but I am called upon to discharge my duty because I was involved in this demonstration and also in this arrest. The question is, when a few of these young men of my party and the youth organisation decided to portray the nation's anger and the nation's feeling against the execution of the freedom fighters of Rhodesia, the Government intervened and did not allow the peaceful demonstrators to do their job. The Government only gives lipservice and their intention was clear when they intervened in this peaceful demonstration. On the 19th morning we read in the paper that section 144 had been promulgated. Even after coming to know that two Members of Parliament were involved and the procession was going to be peaceful, nobody took care to make sure whether it was really going to be peaceful or not. I rang up the Delhi Commissioner, Shri Anand. I told him that it was going to be peaceful and asked him to withdraw section 144. I told him also that it was only to portray the nation's feelings of anger and it was not at all going to be violent. But he said that he could not withdraw Section 144. The procession consisting of about hundred people marched on peacefully. They were stopped. There also we told the SHO that we did not have any arms and there was going to be no violence. The British High Commission Office also informed us that they were prepared to receive us and take the memorandum from us. I will tell you what this memorandum says.

The memorandum says :

"The British Government must give a stern warning to Ian Smith that if he does not stop further execution of freedom fights it will March its army to Rhodesia to restore democratic rule."

This is what we wanted to be done. Now, the Congress Government does not allow it.....(*interruptions*) I am coming to the point. Then we pleaded you at least allow a few men to go to the gate or you go and find out whether they are prepared to receive us. They refused to do it. Then we said: if you want to stop our democratic way of expressing things, then we are going to march, whatever may come, you may do whatever you like. Then we requested them at least to hand over this memorandum. I do not believe they have done it. Till now it has not been done. The worst thing is in the court; the placards like "Hands off Rhodesia" "Stop hanging freedom-fighters", they were seized from and they have not been returned. The police officers said: now that they have been seized, we would not return them. It is the most unfortunate thing. The placard is not directed against government; it is directed against the most inhuman treatment of the Rhodesian government.

MR. SPEAKER: He has taken too much time. Let him come to the question.

SHRI S. KUNDU: Finally, my question is whether the Government would make it a policy not to use arbitrarily section 144, wherever they like; secondly, whether they would return the placards and, thirdly, whether Shri Chavan will kindly take this memorandum and lay it on the Table.

SHRI Y. B. CHAVAN: The hon. Member has raised two or three questions. My information is that they were offered that two or three of them can go to the High Commission Office and hand over the memorandum but they insisted on leading a procession. That is exactly where the difference of approach came. Now the hon. Member says "We are MPs; they ought not to have stopped us in this manner". I do not dispute that the intention was to lead a peaceful procession. (*Interruptions*) It is not a question of their willingness to receive the memorandum. It was not prohibited because they were unwilling to receive the memorandum. The position is this. Often the experience is, I hope hon. Members would bear with me, that even when MPs or some other responsible citizens were associated with demonstrations, sometimes demonstrations go out of hand.

[Shri Y. B. Chavan]

That has been our experience. I think Shri Sondhi will bear me out.

**SHRI M. L. SONDHU:** That is not the position. Violence takes place because very often there are some agent provocateurs also; it is not done by the MPs.

**SHRI Y. B. CHAVAN:** May be; I cannot say "No" to that. May be, it is quite possible. But our main responsibility is to see that trouble does not start, peace is not broken, it does not become unlawful. That is the responsibility of the police.

**SHRI SURENDRANATH DWIVEDY:** Responsibility was taken by us.

**SHRI Y. B. CHAVAN:** I do not think anybody can depend on that. About the placards, I would certainly help him to get them back. . . . (Interruptions)

**SHRI J. B. KRIPALANI (Guna):** The Home Minister can have section 144 in front of the Chinese and Pakistani Embassy.

**MR. SPEAKER:** Now, Papers to be laid on the Table.

12.28 hrs.

#### PAPERS LAID ON THE TABLE

**ANNUAL REPORT OF NATIONAL INSTITUTE FOR TRAINING IN INDUSTRIAL ENGINEERING, BOMBAY**

**THE MINISTER OF EDUCATION (DR. TRIGUNA SEN):** I beg to lay on the Table a copy of the Annual Report of the National Institute for Training in Industrial Engineering, Bombay, for the year 1966-67, [Placed in Library. See No. LT-546/68]

**UTTAR PRADESH BIKRI-KAR (SHANSHODHAN) ADHYADESH, 1968 AND DELHI SALES TAX (AMENDMENT) RULES, 1968 AND NOTIFICATION UNDER DELHI SALES TAX (AMENDMENT) RULES**

**THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. C. PANT):** I beg to lay on the Table:—

- (1) A copy of the Uttar Pradesh Bikri-kar (Sanshodhan) Adhyadesh, 1968 (U.P. Ordinance No. IV of 1968) promulgated by the Governor of Uttar Pradesh on the 30th January, 1968, under article 213 (2) (a) of

the Constitution read with clause (c) (iv) of the Proclamation dated the 25th February, 1968, issued by the President in relation to the State of Uttar Pradesh. (Hindi and English versions). [Placed in Library. See No. LT-547/68]

- (2) A copy of the Delhi Sales Tax (Amendment) Rules, 1968, published in Notification No. F.4(83)/67/Fin. (M) (1) in Delhi Gazette dated the 7th March, 1968, under sub-section (4) of section 26 of the Bengal Finance (Sales Tax) Act, 1941 as in force in the Union territory of Delhi. [Placed in Library. See No. LT-548/68].

**NOTIFICATIONS UNDER ALL INDIA SERVICES ACT, UTTAR PRADESH OFFICIAL LANGUAGE (SUPPLEMENTARY PROVISIONS) ORDINANCE AND UTTAR PRADESH PUBLIC MEN INQUIRIES ORDINANCE**

**THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA):**

- (1) I beg to re-lay on the Table a copy each of the following Notifications under sub-section (2) of Section 3 of the All India Services Act, 1951:
  - (i) The Indian Administrative Service (Appointment by Promotion) Sixteenth Amendment Regulations, 1967, published in Notification No. G.S.R. 1738 in Gazette of India dated the 15th November, 1967.
  - (ii) The Indian Police Service (Appointment by Promotion) Fourteenth Amendment Regulations, 1967, published in Notification No. G.S.R. 1739 in Gazette of India dated the 15th November, 1967.
  - (iii) G.S.R. 1786 published in Gazette of India dated the 9th December, 1967, making certain amendments to the Schedule to the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955.
  - (iv) G.S.R. 1787 published in Gazette of India dated the 9th December, 1967, making certain amendments