[Mr.Speaker]

tions presented to the House on the 20th March, 1968."

The motion was adopted.

16.02 Hrs.

RESOLUTION *RE* ACTIVITIES OF LEFT COMMUNIST PARTY—contd.

SHRI S. M. BANERJEE (Kanpur): On the 8th March, 1968, when the ill-conceived and wrongly worded Resolution of my learned friend, Shri Prem Chand Verma, was moved in this House I raised a point of order and when I was developing it the hon. Deputy-Speaker adjourned the House.

I may invite your kind attention and, through you, the attention of hon. Members to the wording of the Resolution. The Resolution reads :

> "This House is of opinion that the Left Communist Party of India be declared unlawful as its activities have posed a danger to the unity, integrity and security of the country."

These are the two aspects of the Resolution.

My first objection to this is that there is no party in the country known as the Left Communist Party of India.

SHRI CHENGALRAYA NAIDU (Chittoor): Then, why are you worried ?

SHRI S. M. BANERJEE : This House cannot discuss anything in abstract. Suppose, I say, instead of Prem Chand Verma Ghrina Chand Verma, will he accept it ? He will never accept it. His name is Prem Chand Verma and he can call himself either P. C. Verma or Prem Chand Verma, not anything else. This Resolution says, "the Left Communist Party of India."

Then, I draw your attention to rule 186. It says :

"In order that a motion may be admissible it shall satisfy the following conditions, namely :—

> it shall raise substantially one definite issue ;
>
> it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements ;
>
> it shall not refer to the conduct or character of persons except in their public capacity ;
>
> it shall be restricted to a matter of recent occurrence ;
>
> it shall not raise a question of privilege ;"

and so on.

Then, Rule 173 clearly says :

"It shall be clearly and precisely expressed ;"

Now, I have before me the Manual of Election Law, 5th Edition. What does it say ? It says :

"Multi-State Party means any of the following recognised parties, namely, the Indian National Congress . . . .

—it has become anti-national—

> "..the Swatantra Party, the Communist Party of India, the Communist Party of India (Marxist), the Bhartiya Jana Sangh, the Praja Socialist Party, the Samyukta Socialist Party, the Republican Party of India in relation to such and such symbols."

According to the Election Manual, one Party fought elections along with others called the Communist Party of India (Marxist). They call themselves Marxists and Leninists. But it has been accepted as Marxist. What I say is we cannot discuss in this House anything in abstract.

MR. SPEAKER : Your point is clear ; make it short.

SHRI S. M. BANERJEE : I am coming to that. I am not concerned with other ironical expressions which have been very well covered by my hon. friend, Shri H. N. Mukerjee. I am concerned only with this : Can this House discuss a Resolution like this ? The Resolution, if it is amended, can be as follows :

> "This House is of the opinion that those who left the Communist Party of India be banned."

That amendment can be accepted. But under no circumstances this Resolution, as it is, should be admitted.

Sir, I seek your guidance and I appeal to your sense of justice and impartiality not because of any other reason. They may move thousand Resolutions. We are not concerned with that ; they have the righ

to do so. Let them do it. But we cannot accept what is not there. We cannot have a shadow-fighting.

SHRI P. VENKATASUBBIAH (Nandyal) : On a point of order, Sir. Shri S. M. Banerjee has raised a point of order with regard to the admissibility of this motion. If you go through the amendments, he has moved an amendment..

SHRI S. M. BANERJEE : I have not moved any amendment.

SHRI P. VENKATASUBBAIAH : He has given notice of an amendment. When he thinks that this Resolution could not be admissible, how can he move an amendment ? (*interruption*) When the notice of a motion is given to the Speaker, when it has been accepted and it is before the House for discussion, whether the Speaker's ruling or the Speaker's decision in admitting the motion can be questioned is the point.

MR. SPEAKER : Suppose something is being discussed. Cannot any hon. Member raise a point of order ? Afterall, when something is being discussed and at some stage, as you raised just now, he can raise a point of order bringing to the notice of the Speaker what is being done is not regular or proper. Can it not be done ? I think it can be done.

SHRI P. VENKATASUBBIAH : He may raise a point of order. I have no objection to that. Once it is admitted and is before the House for a discussion, it is deemed to be within the rules prescribed and it becomes the property of the House. So, in that context, this point of order cannot be sustained. It may be ruled out.

SHRI M. R. MASANI (Rajkot) : Sir, I do not altogether agree with Mr. P. Venkatasubbiah in the way he has stated his position. I think you are perfectly free, if you are brought to that conclusion, to say that you made a mistake in admitting this motion. In admitting it, as you have done already, you have held it is not in contravention of the rules because, when this motion was admitted by you under Rule 174, you have said that it is not in contravention of these rules. That is how the rule reads. But, I think, you are free, if you are convinced to the contrary, to change your opinion.

In my own view, your judgment has been perfectly sound. I believe this motion has been perfectly correctly admitted and that there is no reason whatsoever why you should be expected to change your view.

Rule 171 says that the Resolution may be in the form of a declaration of opinion or a recommendation.

There is no doubt that this Resolution, as drafted, is no the form of an opinion. Rule 172 says that it should refer to a matter of general public interest. Nobody denies that this is a matter of general public interest ; it has evoked enough public interest here and elsewhere. Rule 173 says what kind of Resolution shall or shall not be admitted. There is one definite issue ; it does not contain arguments, inferences, ironical expressions, imputations or defamatory statements ; it does not refer to the conduct or character of persons except in their official or public capacity ; and it does not refer to anything which is under adjudication. Therefore I am of the view that this Resolution is absolutely in order.

It seems to me that a discussion is sought to be burked on a matter of public interest in which every one is interested because of bad conscience and a refusal to submit the conduct of a party to public scrutiny. If there is no such Party as the Left Communist Party, then nobody need wear that cap, but seeing what is happening, it is obvious that there are people who know which Party is being referred to.

श्री मधु लिमये (मुंगेर) : अध्यक्ष महोदय, अभी श्री मसानी ने बैंड कांशिएन्स की बात कही। मैं इस पार्टी का सदस्य नहीं हूं और न उन की नीतियों का समर्थन करता हूं। लेकिन यह बैंड कांशिएन्स का सवाल नहीं है। यह नियम, संविधान और प्रक्रिया का सवाल है। अगर संविधान, नियम और प्रक्रिया के अनुसार यह प्रस्ताव ठीक है तो इस पर जरूर बहस हो क्योंकि आप तो जानते हैं कि मैं हमेशा इस हक में रहा हूं कि इस सदन को सभी प्रश्नों पर बहस करने का अधिकार है।

मैं आप से कहना चाहता हूं कि असल में यह प्रस्ताव 184 के तहत नहीं बल्कि 170 से ले कर आगे जो नियम हैं, उन के अन्दर

[श्री मधु लिमये]

है अभी श्री मसानी ने 171 का हवाला दिया :

"A Resolution may be in the form of a declaration of opinion or a recommendation."

अब आप शब्दावली देख लीजिये । शब्दावली यह है, जो मैंने ऊपर बतलाई । यह न तो सिफारिश है, न यह राय है । यह सरकार को आदेश है । अब आदेश कैसे है यह मैं आप के सामने रखना चाहता हूं ।

"This House is of opinion that the Left Communist Party of India be declared unlawful ... ..."

क्या यह ठीक नहीं है कि अगर यह पास हो जाता है तो सरकार को वैसा करना पड़ेगा ? मेरी राय यह है कि अगर यह प्रस्ताव पास कर देता है सदन तो वह सरकार को निर्देश होगा और सरकार नहीं कह सकती है कि वह उस का पालन नहीं करेगी । कारण यह है कि सरकार को इस में कुछ करने के लिये कहा गया है । यह एक बात रही ।

अब यह संविधान के अनुसार है या नहीं इस के बारे में आप मेरी दलील सुन लीजिये । 174 में क्या है ? अध्यक्ष किसी मोशन की ऐडमिनिसिबिलिटी निश्चित करेगा । अभी आप ने प्रिमा फेशी मान लिया है, आप ने कोई अंतिम फैसला नहीं किया है । आप पहले प्रिमा फेशी मान लेते हैं, उस को बाद सदस्यों को सुनते हैं । अगर आप ऐसा मानते हैं कि मेरी दलीलों में कुछ तथ्य है, तो मैं कहना चाहता हूं कि अभी आप ने फैसला नहीं किया है, अभी यह खुला सवाल है । 174 इस तरह है :

"The Speaker shall decide whether a resolution or a part thereof is or is not admissible under these rules and may disallow any resolution or a part thereof when in his opinion it is an abuse of the right of moving a resolution or calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules."

अब मैं यह बतलाना चाहता हूं कि यह नियमों के कैसे बखिलाफ है । नियम संविधान के खिलाफ नहीं जा सकते हैं न कानून के खिलाफ जा सकते हैं । नियमों को संविधान और कानून के अनुरूप होना चाहिये । पहले मेरा मुद्दा यह है कि अगर यह पास हो जाता है तो सरकार कुछ करने के लिये बाध्य हो जाती है । इस में कहा गया है कि:

'be declared unlawful'.

पर यह हमारी लोक सभा तो नहीं करेगी । सरकार को ही करना पड़ेगा ।

अब आप संविधान की धारा 19 देख लीजिये । 19(1)(सी) में दिया हुआ है कि:

'to form associations or unions'.

लेकिन इस के साथ साथ कुछ रीजनेबल रेस्ट्रिक्शन्स की बात भी संविधान में कही गई है, और मेरा ख्याल है कि यह 19(4) में दिया गया है :

"Nothing in sub-clause (c) of the said clause shall affect the operation of any existing a law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause."

संस्थाओं को गैर कानूनी करार देने के बारे में एक ही कानून बनाया गया है इस संविधान के अनुसार, जिस पर यहां पर भी बहस हो चुकी है, और वह है अनलाफुल ऐक्टिविटीज (प्रिवेंशन) एक्ट । इस रेजोल्यूशन में जो कहा गया है उस के शब्दों को देखिये :

"....the Left Communist Party of India be declared unlawful as its activities have posed a danger..."

इस अनलाफुल ऐक्टिविटीज बिल की दो व्याख्याओं की तरफ मैं आपका ध्यान दिलाना चाहता हूं । एक व्याख्या में तो यह है कि अन-

लाफुल ऐसोसिएशन क्या है और दूसरी में यह है कि अनलाफुल ऐक्टिविटी क्या है :

" 'Unlawful association' means any association which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity."

अनलाफुल ऐक्टिविटी की जो डेफिनिशन इसमें है वह बहुत ही महत्वपूर्ण है :

" 'Unlawul activity', in relation to any individual or association, means any action taken by such individual or association whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise :

(i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the session of a part of the territory of India or the secession of a part of the territory of India from the Union...."

SHRI RANGA (Srikakulam) : This is not adequate. That is what is suggested.

श्री मधु लिमये : तो फिर इसको बदलना पड़ेगा । मेरा यह कहना है कि अगर यह इस तरह का सवाल उठाना चाहते हैं और प्रस्ताव रखना चाहते हैं तो वह इसको दुबारा ड्राफ्ट करें । उनको इस तरह बतलाना चाहिये था और अगर इस तरह होता तो मुझे आपत्ति न होती :

"This House recommends to the Government to examine whether it is possible to declare the CPI (Marxist) unlawful on the ground that it advocates cession or secession of parts of Indian territory."

अगर इस तरह का प्रस्ताव होता तो इस पर बहस हो सकती थी । लेकिन जिस तरह से यह प्रस्ताव आया है वह हमारे संविधान के खिलाफ अनलाफुल ऐक्टिविटीज (प्रिवेंशन) ऐक्ट के खिलाफ और नियमों तथा प्रक्रिया के खिलाफ है । इसलिये इस शक्ल में इस पर बहस नहीं हो सकती ।

SHRI HEM BARUA (Contai) : Mr. Speaker, Sir, may I draw your attention to Rule 173? Rule 173 (iii) says categorically :

"It shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements."

Rule 174 which gives you the power to decide about the admissibility of a resolution says :

"The Speaker shall decide whether a resolution or a part thereof is or is not admissible under these rules and may disallow any resolution or a part thereof when in his opinion it is an abuse of the right of moving a resolution or calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules."

Sir, now according to Rule 173 (iii) the Resolution must not contain ironical expressions, imputations, inferences or defamatory statements, but, unfortunately, this Resolution contains defamatory statements.

AN HON. MEMBER : It is a statement of fact.

SHRI HEM BARUA : In the Resolution there are inferences, there are innuendoes, there are ironical expressions and so many things. May I submit, Sir, that this resolution is faultily drafted? Even if this resolution is passed, which is the Left Communist Party of India? How can you ban it because there is no political Party called 'the Left Communist Party of India'.

MR. SPEAKER : It was said by Mr Banerjee. You are repeating it.

SHRI HEM BARUA : My submission is : even if this resolution is adopted in its present form, how can you ban a political Party which does not exist? At the same time, may I submit that this resolution is faulty? If it has been framed like this....

MR. SPEAKER : You need not worry about that. It is his job to frame his resolution.

SHRI HEM BARUA : This is your job also, Sir. May I say that it has been clearly said in Rule 174 that it must not obstruct or prejudicially affect the procedure of the House.

[Rhri Hem Barua]

Therefore, it is your duty also to see whether the Resolution is all right.

MR. SPEAKER : You should not suggest how it should be framed. It is his job.

SHRI HEM BARUA : The fact remains that you have to examine....

MR. SPEAKER : If it is not good it will be rejected. Why should anybody suggest that?

SHRI HEM BARUA : Sir, fortunately you have the power to examine the Resolution, whether the Resolution prejudicially affects the procedure of the House or not. That is your power. In that context, Sir, I have pointed out reference to Rule 173(iii) saying that it should not contain inuendos and other references. Therefore, I said, Sir, that this resolution is not in the right form.

MR. SPEAKER : What I feel now is this. If everybody wants to say something, it will be repetition. Somebody said there is no left community party. That has been said and everybody might again repeat it, and again under Rule 173, imputing motives and all that. The same thing can be repeated therein. Therefore, if you can throw some light without repetition, I would like to hear those points, for one or two minutes.

SHRI H. N. MUKERJEE (Calcutta North East) : I would not have asked your indulgence if I had not felt that either on account of a certain levity which might have been introduced or on account of a certain amount of political vindictiveness which I have unfortunately heard expressed, the whole issue might be clouded over. You may please forgive me in saying so because I have a fear that we are perhaps running away from the real issue which, to my mind, is that we have here a segment of the House, a segment of the country, legitimately functioning in Parliament who have been defaced; and according to the Rules of Parliament—I need not quote the Resolution or the Motion—it has to be properly worded. Defamations or slanderous statements should not be there. I am not going into the question of the wording left communist party being a proper appellation or otherwise. That is not the real substance of the matter. But, I ask, are we, Sir, sitting in this House, to get into the practice of giving notice of Resolutions condemning one party or the other functioning in the House? I can understand that in the heat of political argument one party may accuse the other even of treachery to the country. But, deliberately to phrase a Resolution in such way amounting to treason to the country is not proper, and if that is done, that is a reflection on the House. that is a contempt of the House, and that is something which you, as Speaker, cannot allow. Therefore, I feel, you should rectify this in very strong terms.

SHRI SEZHIYAN : (Kumba Konam) Shri Venkatasubbaiah raised the question. It is put down in the Order paper. Many times such things have happened. Even when the Bill was introduced, just as on the occasion when the Unlawful Activities Bill was introduced, which was put down on the Order Paper, you were kind enough to allow us to raise objections. We can argue on that point. That is not the point.

MR. SPEAKER : The Speaker also has the right to revise his own opinion.

SHRI SEZHIYAN : This Bill which has been enacted, the Unlawful Activities Act is there, by which anything can be declared unlawful. That function is left purely to the courts. The legislature cannot arrogate to itself a function which has already been made clear in a Bill which has got the assent of the President and it has become an Act. It is for the court to decide such things. This Resolution amounts to arrogating to the legislature some function of the courts.

In this way, we are arrogating to ourselves a function which is not ours and which is that of the courts. I do concede that in some cases Parliament has got the power and jurisdiction, such as in cases of contempt or breach of privilege of Parliament; in those cases only Parliament can exercise the jurisdiction of a court, but in other matters we cannot arrogate such judicial functions to ourselves.

श्री कंवर लाल गुप्त (दिल्ली सदर) : अध्यक्ष महोदय, रूल 171 में रेजोल्यूशन का फार्म बताया गया है और उसमें यह कहा गया है कि उसकी फार्म क्या होनी चाहिये। उसमें यह है कि उस प्रस्ताव में या तो ओपि-

नियन एक्सप्रेस की जाये या रिकोमेंडेशन की जाये । लेकिन यह जो प्रस्ताव है इसमें दोनों बातें हैं । यह प्रस्ताव कोई बाइंडिंग नहीं है । वैसे इसमें ओपिनियन भी एक्सप्रेस की गई है और रिकोमेंडेशन भी की गई है ।

आप आर्टिकल 19 जो हमारे संविधान का है उसको देखें उसमें फंडेमेंटल राइट्स दिये गये हैं । एसोसियेशन बनाने का राइट दिया गया है और दूसरे राइट दिये गये हैं । इसके साथ-साथ अनलाफुल एक्टिविटीज जो एक्ट है उसको भी हमने पास किया है । उसके अन्दर भी हम किसी पार्टी पर इस आधार पर पाबन्दी नहीं लगा सकते हैं । केवल एक चीज उसमें है कि अगर कोई पार्टी देश के किसी भाग को अलग करने की बात करे तभी उस पर पाबन्दी लगाई जा सकती है । लेकिन इस प्रस्ताव में जो बात कही गई है वह सिक्योरिटी और इंटेग्रेटी की बात कही गई है । मेरे खयाल से यह न तो अनलाफुल एक्टिविटीज एक्ट में आता है और न ही यह फंडेमेंटल राइट्स में आता है । इनके अन्दर कुछ रेस्ट्रिक्शन्ज लगाने की बात कही गई है लेकिन पाबन्दी की बात नहीं है । अब इस प्रस्ताव में जो रिकोमेंडेशन की गई है उसका मतलब यह है कि सरकार अगर इस प्रस्ताव के पास हो जाने के बाद अगर समझती है कि कोई नया कानून लाया जाये तो वह वैसा करे और अगर और कोई कार्रवाई करने की जरूरत महसूस करती है तो वह कार्रवाई करे । लेकिन मैं इस बात को नहीं मानता हूं कि लैफ्ट कम्युनिस्ट पार्टी कोई पार्टी ही नहीं है । सभी जानते हैं कि अगर यह कहा जाये श्री बनर्जी, तो यह श्री बनर्जी हैं । इस बात में मैं नहीं जाना चाहता हूं । लेकिन एक बात जरूर मैं साफ कहना चाहता हूं--

श्री स० मो० बनर्जी : गुप्त से मालूम नहीं होता है कि आप हैं या सी० बी० गुप्त ।

श्री कंवर लाल गुप्त : कम्युनिस्ट पार्टी के बारे में आप ऐसा नहीं कह सकते हैं । जनसंघ के लिये तो शायद पूरा कहना पड़े । वैधानिक रूप से चाहे आप इस प्रस्ताव को ला सकते हैं, इसको मैं मानता हूं, लेकिन प्रोप्राइटी के लिहाज से यह चीज मेरे खयाल से गलत है । कल तो यह प्रस्ताव भी, वामपंथी कम्युनिस्ट पार्टी के खिलाफ आने के बाद, कोई ला सकता है कि कांग्रेस पर पाबन्दी लगनी चाहिये क्योंकि इस पार्टी ने इस देश के कई हिस्सों को दूसरे देशों को दे दिया है, चीन को दे दिया है, पाकिस्तान को दे दिया है, औरों को दे दिया है । मेरे खयाल से यह चीज प्रोप्राइटी के लिहाज से ठीक नहीं होगी और यह उचित नहीं होगा कि इस प्रकार की बातों को हम सदन के सामने लायें और इन पर डिसकशन करें । अगर कांग्रेस पार्टी यह समझती है कि यह देशद्रोही पार्टी है तो उसकी सरकार है वह आवश्यक कार्रवाई कर सकती है । यह सदन होम मिनिस्टर का कोई सेक्रेटेरिएट नहीं है । उनको चाहिये कि वह सारे सम्बन्धित तथ्य जो हैं उनको देश के सामने रखें, एक व्हाइट पेपर हमारे सामने रखें और हमें विश्वास में लें । उसके बाद ही इस प्रकार का प्रस्ताव लाना मेरे खयाल से ठीक होगा ।

SHRI NAMBIAR (Tiruchirappalli) : I do not want to repeat the earlier arguments, but I would only request you to read rule 173. Shri Kanwar Lal Gupta has said that it can be assumed that the Left Communist Party is only this party and all that. But the rule does not allow such things; there is no such chance given to the Speaker also. Rule 173 says :

> "In order that a resolution may be admissible, it shall satisfy the following conditions...."

The phrase is 'it shall'. There is no question about it. The language is 'It shall'. The first condition is :

"It shall be clearly and precisely expressed. Now, is this resolution precisely expressed. Is there a Left Communist Party as a party? So, the resolution is not precisely and clearly expressed. So,

[Shri Nambiar]

on that ground this resolution goes. Another condition that the resolution should satisfy is :

> "it shall not contain arguments inferences, ironical expressions, imputations or defamatory statements."

Therefore, there is no latitude given even to you, the Speaker, to admit such a thing. If the resolution contains such things, then automatically it goes out because as is clear from the wording of the resolution, it is clearly defamatory in character.

Anyone who reads it can understand.

> "This house is of opinion that the Left Communist Party of India be declared unlawful as its activities have posed a danger to the unity, integrity and security of the country".

Can anything be more defamatory than this? No.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. A. GUJRAL) : Can there be a better statement of fact?

SHRI NAMBIAR : Another point. This is prejudging the issue. It says it is prejudicial to the unity and integrity of the country. Section 3 of the Unlawful Activities (Prevention) Act says : 'If the Central Government is of opinion that any association is or becomes....' The Central Government must have the opinion, and for it to have that, there are certain clarifications given, what is unlawful activity etc. etc. So this House cannot have an opinion unless and until all those conditions are satisfactorily fulfilled. Therefore, it cannot prejudge the issue as this Resolution seeks to do. So it cannot be admitted.

SHRI BIBHUTI MISHRA; *rose—*

MR. SPEAKER : Let me hear the Left Communist Party first.

SHRI RANGA : Left Communist Party?

MR. SPEAKER : I am sorry I made a mistake—the Communist Party (Marxists) Shri Umanath.

SHRI UMANATH (Pudukkottai) : I am on an entirely different point. Of course, when the Resolution was being moved, there was a dispute whether it was moved at all. This side has contended that it was not moved. Anyway, it is there on the record that it was moved.

I would like to have your guidance while raising the point of order also because it will be covering all such matters in private members' Resolutions. I come to rule 29 :

> "Private members' business set down for the day allotted for that class of business and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day :
>
> 'Provided that notwithstanding anything contained in rules 27 and 28 any such business which is under discussion at the end of that day shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day".

Here you will have to determine about 'that day', whether 'that day' is to be conditioned by the rules laid down here in this book or whether should be conditioned by the consideration that somehow the resolution was moved and then we called it the end of the day. I am seriously on this point of 'that day'.

Rule 26 clearly says :

> "The last 2½ hours of a sitting on Friday shall be allotted for the transaction of private members' business...."

Then there are so many proviso empowering the Speaker to take certain action, but they do not contain any provision which will empower the Speaker to extend the 2½ hours to 3 hours. It can be fixed on another day but we cannot go beyond 2½ hours. This is also confirmed by the fact that during the past so many years when a resolution next on the order paper was pending and was to be moved, if already one resolution was under discussion and the time was 6·30, we used to request the hon. Member whose resolution was under discussion to just allow us to move the other resolution a minute before 6·30 so that it could come on the record and could be continued the next day. This was what has been happening ever since the House started.

This question of 2½ hours is specifically mentioned here. Where it is not specifically mentioned and where time limit and other things are mentioned, even there it is said that no variation in the allocation of time shall be made except on a motion made with the consent of the Speaker and accepted by the House, provided that the Speaker may after taking the sense of the house increase the time not exceeding one hour etc. Even if the Business Advisory Committee has specified some time, if it has got to be extended, according to the rule, there must be a formal motion or the Speaker must take the sense of the House to extend it.

But here it is specifically mentioned 2½ hours for private members' resolutions. So it is not even a question of taking the sense of the House. But you will have to move for suspending that particular rule if you want to go beyond that.

On *that day* at 6·30 a division was going on on the previous Resolution. So just at 6·26 or 6·28, the previous Resolution was put to vote.

Because the House was in the midst of a division, it could not be finished by 6·30. It went on till 6·35 or 6·38. So, it means it is over on that day with the division and any subject on the agenda under the private members' business undisposed of on that day should be balloted again.

SHRI P. RAMAMURTI (Madurai) : Sir, I am not on technical grounds I know. that when they refer to left communist party, they refer to my party I do not want to run away from that. Mr Masani said that my party does not want to be judged. Our party is prepared to be judged by our people. But that is not the question. In a two hour discussion, so many people will allege so many things. My party is going to get about 10 minutes. When specific charges are not made, but a general charge is made that this party is acting in an anti-national way, will it be proper to admit a resolution of this type? Is it not unfair to a party fuctioning in this House? That is my broad point. I am not opposing it on technical grounds. I am prepared to defend myself, but let the accusers place all the facts before the House and give us an opportunity. Then we will prove that we will be the accusers and not the accused.

MR. SPEAKER : Technicalities apart, after all this Parliament must be able to discuss serious matters. I have verified and I find it was started at 4·10 and it continued till 6·40. Sometimes we start 10 minutes late and it is extended by that time. Whatever may be the understanding of all the sections of the House about the words 'left communist party', I would like to have some enlightenment from the Government also. After all, it is the Government that will have to implement it ultimately. I would put just two questions to the Home Minister. The Deputy Law Minister need not trouble himself. These are not legal points. I want to know whether there is a party called the left communist party which is recognized by the Government and whether, if the resolution is passed, it will be possible for Government to implement it.

श्री मधु लिमये : यही तो मैं पूछ रहा था ।

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : I do not want to be misunderstood, because I am not expressing my views on the merits of the resolution. If at all, I have to give an indication on the merits, I am going to ask the mover to withdraw the resolution. I have no doubt about it. Whether it is right or wrong to discuss such matters in the House, whether a party has the right to raise such an issue or not—these matters are of a legal nature. I have not studied this question and I am not competent to express any view on that.

श्री मधु लिमये : नहीं, स्पीकर साहब ने आपसे पूछा है ।

श्री यशवन्तराव चह्वाण : स्पीकर साहब ने पूछा है तो स्पीकर साहब को मैं जवाब दूंगा । आप तकलीफ मत उठाइये ।

श्री मधु लिमये : यह आप दोनों के बीच का मामला नहीं है, सदन का मामला है ।

SHRI Y. B. CHAVAN : Technically speaking, there is no party like left communist party.

There are two Communist Parties. One is the Communist Party of India, and the

[Shri Y. B. Chavan]

other is the CPI(M)—the Marxist Communists. But popularly in all our conversations we refer to them as Right Communists and Left Communists. I am making a factual statement.

Regarding the other point, if the Parliament gives any direction to this Government the Government will have to find out ways to implement it. How to implement it is a matter for consideration. I really do not know.

श्री रवि राय (पुरी) : नक्सलबाड़ी कम्युनिस्ट पार्टी भी बन गई है ।

SHRI Y. B. CHAVAN : So, this is my position. On the merits, I personally feel that banning of parties is not the right way of doing things in politics.

MR. SPEAKER : I do not want to go into the legality of it and give a ruling. I would request the hon. Member in whose name this resolution stands to tell me what he has to say on these points that have been raised. He may say that he has committed a mistake. After hearing the Home Minister I do not know what he will say.

श्री प्रेम चन्द वर्मा (हमीरपुर) : अध्यक्ष महोदय, मैंने जो यह प्रस्ताव लैफ्ट कम्युनिस्ट पार्टी को अवैध घोषित करने के बारे में रखा है, यह एक महत्वपूर्ण प्रस्ताव है । मैं इस सम्माननीय सदन के सामने सभी सदस्यों से कहना चाहता हूं कि मेरे नम्र निवेदन को दल-बन्दी से ऊंचे उठ कर विचार करें, क्योंकि प्रस्ताव का सम्बन्ध पार्टी पोलिटिक्स से नहीं है बल्कि इसका सम्बन्ध देश की एकता, अखण्डता सुरक्षा और प्रजातन्त्र की रक्षा से है । इस प्रस्ताव पर एतराज करने वाले कुछ भी कहें, पर मैं निवेदन करूंगा कि वे मेरे तथ्यों को जो कि मैं रखने वाला हूं, उन को सुन लें और यदि उनमें वजन न हो, सच्चाई न हो, झूठा साबित कर सकें . . . . (व्यवधान)

अध्यक्ष महोदय, मैं आपका संरक्षण चाहता हूं । इस सदन का सदस्य होने के नाते इस प्रस्ताव पर मुझे स्वतन्त्रता से बोलने की इजाजत दीजिये, क्योंकि सदन की मर्यादा का विशष ध्यान रखने वाले . . . . (व्यवधान) . .

MR SPEAKER : I want him to give his opinion about the points of order raised and not to give his speech on the resolution.

श्री प्रेम चन्द वर्मा : मैं वही कह रहा हूं । मैं प्रस्ताव पर बोल रहा हूं, मैंने प्रस्ताव मूव किया हुआ है ।

MR SPEAKER : Then I have to give my ruling. I have considered all the points that have been raised. As the Home Minister himself has said, though the understanding of the people may be 'Left Communists' and 'Right Communists', the correct way of addressing them is 'Communist Party of India' and 'CPI(M)' or 'Marxist Communist'. I do not also accept the suggestion that the resolution cannot be discussed. After all this House has a right to discuss any resolution. Supposing tomorrow the Government takes some action against some party, then has not this House a right to discuss it. Therefore, I am not prepared to accept that this House has no right to discuss. This is the forum to discuss. If you drop discussion in this House, then you can discuss it in the streets. I would only suggest to the hon. Member that if there is some mistake that has crept in he can amend it and then bring it before this House after giving fresh notice. We shall now go to the next item.

16·45 Hrs.

RESOLUTION RE QUITTING THE COMMONWEALTH

श्री जार्ज फरनेन्डीज (बम्बई दक्षिण) : अध्यक्ष महोदय, मैं यह प्रस्ताव करता हूं कि--

> "यह सभा दक्षिण रोडेशिया में आयन स्मिथ की गैर-कानूनी सरकार द्वारा स्वतन्त्रता-सेनानियों को फांसी दिये जाने की निन्दा करती है और भारत सरकार से अनुरोध करती है कि वह आयन स्मिथ की गैर-कानूनी अल्पसंख्यक सरकार के विरुद्ध ब्रिटेन की सरकार की निष्क्रियता की दृष्टि से राष्ट्रमण्डल से तुरन्त अलग हो जाये ।"

16·45 Hrs.

[MR DEPUTY SPEAKER *in the Chair*

उपाध्यक्ष महोदय, रोडेशिया के मामले पर और कोमनवेल्थ से बाहर आने के मामले