

16.28 hrs.

MOTION FOR ADJOURNMENT

AMBUSHMENT OF INDIAN POLICE PATROL
MEN BY ARMED PERSONNEL OF PAKIS-
TAN OCCUPIED KASHMIR ON THE INDIAN
SIDE OF CEASE-FIRE LINE

Mr. Speaker: The hon. Minister of Defence to make a statement.

Shri Nath Pai (Rajapur): Is it about the missing plane or about the adjournment motion re: ambushing of Indian soldiers?

Mr. Speaker: It is about the adjournment motion, to decide on its admissibility. This was to be taken up at 4.30 today.

The Minister of Defence (Shri Y. B. Chavan): A patrol, consisting of one Sub-Inspector, six Head Constables and 18 Constables of the U.P. Provincial Armed Constabulary, going on its routine duties on our side of the cease-fire line was ambushed by POK (Pakistan-occupied Kashmir) armed personnel and armed civilians between 1000 hours and 1100 hours on February 21, 1964, in the vicinity of Keran. Two Constables managed to return. The remainder of the patrol is missing. It is feared that some of the missing persons must have been killed and the others captured.

The ambush has taken place clearly on our side of the cease-fire line. According to the Cease-fire Agreement, troops of both sides are prohibited from entering the zone of 500 yards from the cease-fire line. But, police patrols are permitted to go up to the cease-fire line for normal police duties. Our patrol was ambushed while going along the track Keran-Bor in this zone on our side of the cease-fire line.

A complaint for breach of the cease-fire has been lodged with the Chief Military Observer of the United

Nations. The U.N. team of observers is expected to reach Keran today to investigate into the matter.

Shri Nath Pai rose—

Mr. Speaker: From what I have been able to follow, our patrol was within our territory. They have been ambushed and taken away. It is believed that some of them might have been killed, and others might be in their custody. Our patrol was on their lawful duty, patrolling our own territory. What does Shri Nath Pai want?

Shri Nath Pai: I think even after the statement

Mr. Speaker: He may ask for the leave of the House.

Shri Nath Pai: I beg to ask for leave to move for the adjournment of the House.

Shri Daji (Indore): Not now.

Shri Nath Pai: I would like to be guided by you, though I am very grateful for the advice in procedural matters that my friends are offering.

I would like also to plead that the adjournment motion be admitted. Your questions also have not elicited the basic thing.

Mr. Speaker: He has asked for leave to be granted.

Shri Nath Pai: I would like to plead for its admissibility also.

Shrimati Renu Chakravartty (Barrackpore): May I also support Shri Nath Pai on this, because the Pakistan news agency has already given out that 25 people were killed, and our Minister says that they have no information. Therefore, it is a most unsatisfactory state of affairs.

Mr. Speaker: Is there any objection to leave being granted?

Shri Y. B. Chavan: Yes. Whatever information is available to us, I have given to the House.

Shri Frank Anthony (Nominated—Anglo-Indians): May we get one or two clarifications before we decide either to support it or not?

I wanted to know....

Mr. Speaker: That is a different thing. If it is admitted, it would be admitted as an adjournment motion. Otherwise, it would be taken as calling attention notice.

Shri Nath Pai: The Chair was very fair to us, and may I point out that at the time when we moved it in the morning, the Deputy-Speaker told us that a statement would be made—that was what he said—and then you would decide about the admissibility?

Shri Ranga (Chittoor): He said if there were 50 people, he would agree.

Mr. Speaker: I have got here what the Deputy-Speaker said:

"There is an adjournment motion and Calling Attention Notices about the Indian police patrol men being ambushed by Pakistani troops. I will ask the Defence Minister to make a statement at 4.30 p.m. today and the admissibility of the adjournment motion will be considered after he makes that statement. Now, papers to be laid on the Table."

So, it had been made clear that at 4.30 the Defence Minister would make the statement, and then, after that statement was made, it would be determined whether it was admissible or not.

Shrimati Renu Chakravarty: My submission is this, that after the statement which has been made by the Minister, we would like to submit something further, that is, that both the Pakistan news agency as well as the French press agency have already, two days ago, circulated to the world....

Mr. Speaker: She is going into the merits.

Shrimati Renu Chakravarty: The news has been suppressed for two days by our Minister, and we would like to know the source from which he has got the information.

Mr. Speaker: She would realise that either it can be taken up in the form of a Calling Attention notice in which case I would allow questions to be put, or, if leave is granted, the adjournment motion can be allowed.

Shri Hari Vishnu Kamath (Hosangabad): I would draw your attention to Rule 60 of the Rules of Procedure which requires that 50 Members should support the motion for leave being granted. Unfortunately, as you know, this is the fag end of the day, and I would very earnestly plead with you that this motion for leave being granted moved by my colleague, Shri Nath Pai, may kindly be put off till tomorrow, till after the Question Hour tomorrow when the matter can be decided. It will be rather unfair to the House. I submit in all humility, to put the motion just now because most Members are in the habit of not being in the premises at the fag end of the day.

Mr. Speaker: I want to put it to the Member himself: if notice has been given that it will be taken up at 4.30, is there any justification now....

Shri Ranga: It is only a small consideration. As you know, it is not a usual thing that when notice of an adjournment motion is given, the time is fixed in this manner at 4.30, because either it is admitted then and there, or the question would be put to us whether there are 50 people who would like to stand up in favour of it, or it would be dismissed. Now this extraordinary thing has happened. I do not blame anyone. I am glad that the Deputy Speaker has given us this opportunity. At the same time, you kindly pardon us for

saying that the possibility of the Chair, or the Speaker putting the question, whether there are fifty people in favour of it, did not strike us then.... (Interruptions).

Mr. Speaker: Should it go on record and should it be understood by all those people who read this debate that I gave time so that the Opposition might muster that strength which they did not have at the moment when I put the question?

Shri Ranga: No harm, Sir.... (Interruptions).

Shri Nath Pai: Sir, I am not going into the other points, since you are now taking up this question. Only last week, when the question of the adjournment motion on the Shillong affair was there, when the Armed Forces were called you gave two opportunities to the Government. Now, of the shining impartiality which you have always observed, we want to be the beneficiaries today. I want, therefore, that I should be permitted to move for the leave of the House—I am asking for only one opportunity—tomorrow immediately after the Question Hour.

Shri Frank Anthony: Sir, there has been a very grave failure on the part of the Government. I cannot understand why we are always beaten to the publicity tape, whether it is Pakistan or China. Yesterday, I heard the Pakistan News, saying that they had inflicted heavy casualties on our troops. 24 hours later we get an incomplete version from our side. Nobody is going to believe us if you give a belated version. Why are we always beaten to the publicity tape in vital matters?

Shri Harish Chandra Mathur (Jalore): Mr. Speaker, you have to decide whether this adjournment motion may be admitted or whether you may take the calling attention notice. There is also the third alternative to it—just a discussion. Everybody is here anxious only for a discussion.

The need for that discussion has been highlighted by Mr. Chagla's statement that Pakistan is out for mischief and we must be very vigilant about it. In that context, you will understand the anxiety not only of the Members on this side but also of the Members on that side to have a fair discussion. It need not be an adjournment motion... (Interruptions.)

Mr. Speaker: Order, order, I am asking whether the hon. Minister has any objection to our having a discussion for two hours or so.

Shri Y. B. Chavan: I have no objection; we can certainly consider that matter.

Shri H. N. Mukerjee (Calcutta—Central): Mr. Speaker, when you, representing the House, and having sensed the desire of the House not only of one party but of the entire House, ask the Minister to agree to this, it is very ungracious on his part to say that he would consider it.... (Interruptions.)

An Hon. Member: He has agreed.

Shri H. N. Mukerjee: He said that he could consider that matter.

Shri S. M. Banerjee: Are we having a discussion tomorrow?

Shri Sham Lal Saraf (Jammu & Kashmir): Sir, my point is that, firstly, the situation on the borders of Kashmir, particularly, is very grave. Secondly, for the last three months now, we have been hearing and knowing all that has been happening on the other side of the cease-fire line. Thirdly, as Shri Chagla has very correctly pointed out, this morning, he does not know what might happen and what might flare up on that side. Therefore, it would be in the fitness of things if some time is certainly given as Shri Mathur suggested for discussing these matters. We should discuss the whole thing, because it is not just only one aspect to which the Government has not been alive; it is

[Shri Sham Lal Saraf]

not a question of, say, one minute, to give the information on a particular thing at a particular time. The entire matter has to be discussed. Therefore, I would support Shri Mathur. (*Interruption*).

Mr. Speaker: Order, order. Shri Swell.

Shri Swell (Assam-Autonomous Districts): I must say, with all respect, that it is not very clear this morning what the Deputy-Speaker said. I had tabled a Calling Attention Notice and I could understand that the Calling Attention Notice would be taken up at 4.30 p.m. But I am sure that the majority of the Members of this House, if they knew that the question of admitting the Adjournment Motion will be taken up at 4.30, would have been present, and the House would not be empty as it is now. It would be full.

Mr. Speaker: That is not my fault. It is not possible on this ground to postpone it to tomorrow. (*Interruption*).

Shri Hari Vishnu Kamath: With your permission, may I appeal to you again? Under rule 389, the discretion is vested in you. Now, you have in action modified sub-rule (1) of rule 60 which normally requires that "after the questions and before the list of business is entered upon, call the member concerned who shall rise in his place and ask for leave to move the adjournment of the House." Please refer to sub-rule (1) of rule 60. It says categorically:

"The Speaker, if he gives consent under rule 56 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned who shall rise in his place and ask for leave to move the adjournment of the House."

You have modified that. (*Interruption*).

Mr. Speaker: No; it is not modified (*Interruption*).

Shri Nath Pai: I was not called in the morning.

Mr. Speaker: There was no need.

Shri Nath Pai: There has been a slight modification (*Interruption*).

Mr. Speaker: No; it is being mixed up. It is very clear. There are three stages: one is, first the Speaker has to satisfy himself whether he is prepared to give consent or not. If he gives his consent, then, for giving consent, he might try to find out some facts whether he should give his consent or not. Then, if he gives his consent, he asks the Member in whose name that stands, that he might ask for leave of the House. That is the second stage. If, when he asks for the leave of the House, there is objection from the other side, he can ask the Members to stand in their places, and if there are fifty, then that is admitted and then that is taken up for discussion. Now, the Deputy-Speaker, in order to enable himself to find out whether he should consent or not, said that the Defence Minister would make a statement. Now that the statement has been made, I have given that consent, and I have said that the Member might ask for the leave of the House....

Shri Hari Vishnu Kamath: There is one little hiatus; that should come chronologically, after the Question Hour.

Mr. Speaker: After the Question Hour, it did come. It was taken up at the proper time, but it does not mean that when it is taken up after the Question Hour it cannot be postponed to some other time. (*Interruption*).

Shri Hari Vishnu Kamath: But tomorrow. (*Interruption*).

Shri Nath Pai: I thank the Minister for the gracious way in which he

has agreed to hold a debate. (*Inter-ruption*). May I have your attention also on this side?

Mr. Speaker: I am glad that Shri Nath Pai also had the same complaint, about which I think he would exercise his influence!

Shri Nath Pai: I have sought your guidance on one issue: in the last week, when we had this question of Shillong, in order to suit the convenience of the Treasury Benches you were pleased to allow them two occasions. All that we are today pleading is that my Adjournment Motion may be held over till tomorrow morning.

Mr. Speaker: I am sorry I missed that point, because he had raised that earlier also. That is not the correct interpretation that is being put on my attitude,—the time in allowing the Treasury Benches to give me the facts. That was simply the same thing as was done by the Deputy-Speaker today, because the Adjournment Motion can only be admitted on facts admitted or established. Unless the facts are known it is not possible to give the consent. Therefore, I did the same thing and asked the Government to give me those facts, and because the facts were confusing I gave them further time with the consent of the House.

Shri S. M. Banerjee (Kanpur): How can the motion be taken up at four o'clock?

Shrimati Renu Chakravartty: The facts are still confusing. My point is exactly that, that because the facts which have been given here are quite contradictory to all that has been flashed throughout the world we would like him to tell us exactly why it is that this is our information whereas the rest of the world has completely different information. I would, therefore, request you to direct him to make a proper statement tomorrow after the Question Hour when the question may be put.

Shri S. M. Banerjee: Sir, I want to raise a point on the Rules of Procedure.

Shri Swell: The facts have been..

Mr. Speaker: Order, order. It is not good that every hon. Member should speak from his place while some other hon. Member has been identified by me.

Shri S. M. Banerjee: Some portion of rule 60 was read out by my hon. friend, Shri Kamath, Rule No. 61 says:

"The motion shall be taken up at 16.00 hours or, if the Speaker so directs, at any earlier hour at which the business of the day may conclude."

Shri Daji (Indore): Not earlier.

Shri S. M. Banerjee: Not earlier. My submission is only this, that when the Deputy-Speaker said that the hon. Minister will make a statement at 16.30 hours, we never knew that taking advantage of this rule you were going to ask for leave of the House. It is not 16.00 hours. According to this, had this motion come up at 12.00 or 12.30....

Mr. Speaker: That is a different thing altogether. As to when it is to be taken up would be fixed separately when it comes up.

Shri S. M. Banerjee: Sir, nothing should be done in this House contrary to the rules unless there is a convention. What I feel is this that this adjournment motion should rightly come up tomorrow morning and it should be taken up for discussion at 16.00 hours if admitted.

Mr. Speaker: When it should start is a different thing altogether. First of all leave has to be granted. Leave has been asked for by the hon. Member. Now I would ask those hon. Members who are in favour of leave being granted to rise in their places.

Shri Nath Pai: Before you do that, Sir, may I make a plea to them? I would like to reiterate....

Shri S. M. Banerjee: This is a violation of the rules.

Mr. Speaker: Order, order. This is not fair, after I have given my ruling, to say that this is a violation of the rules.

Shri S. M. Banerjee: Please hear me.

Mr. Speaker: I have heard him twice. I have heard him thrice. I am not going to hear again what I have heard twice. Would the hon. Members who are in favour of leave being granted rise in their places.

Shri Nath Pai: May I ask for quorum?

Mr. Speaker: Is quorum not there?

Shri Hari Vishnu Kamath: The division bell may be rung.

Mr. Speaker: Quorum is already there. I will have it counted—I see that the quorum is there.

Shri Ranga: Sir, it is an obvious fact that we are not 50 here. We ask you only for this small accommodation—I do not know how you have come to this conclusion—the same kind of accommodation, as has already been stated by Shri Nath Pai, which you have been good enough to show to the Treasury Benches the other day. Give us that accommodation of taking it up tomorrow after Question Hour. Then you will have certainly the privilege of asking us to rise in our places.

Mr. Speaker: I cannot just take upon myself that I have been partial to one side and I am being just . . .

Shri Ranga: I have not said that. You are jumping to that conclusion rather too soon. Why do you think that I am suggesting that you are par-

tial? I have only said that the same kind of accommodation which you were good enough to show to the Treasury Benches the other day, you may be pleased to show to us also. If you are not pleased to show that accommodation, then I might form my own opinion. That is a different matter.

Mr. Speaker: Of course, he is entitled to form his own opinion, nobody can obstruct him from that (*Interruptions*). He can form his own opinion.

Shri Daji: It should be taken up on the same day at 4 o' Clock. The whole sequence must be seen.

Shri Nath Pai: Ultimately, it is the essence of the rule, not the letter of the rule that matters.

Mr. Speaker: Shri Nath Pai should first let me clarify the position. Shri Ranga has jumped to the conclusion that I have been partial. I have already explained that I am not going to depart from any practice that I have followed when I gave that opportunity to the Treasury Benches to find out the facts. Because they could not give me the facts, I could not give my consent or take a decision. It is being interpreted in this manner that I had shown some concession to them at that moment which I am not giving to the opposition just at this moment. That is not the position. First that should be realised. Let that be clarified. That is a different thing altogether. If the House wants, desires and agrees, I would not have any objection to that; but firstly, it should not be imputed to me that I gave a concession to the Government.

Shri Ranga: I am only saying that I do not want you to come to any conclusion just at this moment. I have not imputed anything. Even then you are not prepared to accept it.

Shri Frank Anthony: With great respect, I feel it is mandatory and the rule makes it abundantly clear.

It says "if he gives consent under rule 56 and holds that the matter proposed to be discussed is in order". You may be pleased to ask for a statement to hold that the matter proposed to be discussed is in order, but the time when he has to rise in his seat is fixed mandatorily, for the rule says "shall, after the questions and before the list of business... call the member concerned". So, it is after the questions and before the list of business. That is the only time that is mandatorily fixed for him to rise. If you are pleased to decide that it is not in order, that is a different matter; but if you decide that it is in order, then it can be taken up only after the question hour.

Mr. Speaker: I cannot agree with that interpretation. I am very sorry and it is my misfortune, that I have to disagree with the learned lawyer, but the rule is very clear. There is no ambiguity about it, so far as the rule is concerned. If the House just gives that consent, because there is so much....

Shri Nath Pai: I am glad that you are now trying to do it like this, but the issue had to be properly framed. Our request to the Treasury Benches is, that since the Speaker is convinced that there is a case....

Mr. Speaker: Order, order. Nothing should be put in my mouth.

Shri Nath Pai: Have you not given me permission to seek the leave of the House? Now the question....

Mr. Speaker: Now I have to put the question.

Shri Nath Pai: My submission is, that the issue now before the House is that our request that the matter be taken up tomorrow after question hour be granted. That is the issue. We are making a request to the House, through you, that I be allowed to move my adjournment motion tomorrow morning after question hour.

Mr. Speaker: If the House is agreeable, we might give them the time. We should not stand on technical grounds, if that is the desire of the House. Is it the sense of the House that it should be taken up tomorrow? But this ought to be made very clear—and I am convinced in that—that what I am doing is wrong.

Shri Harish Chandra Mathur: Sir, it is not the desire of the House.

Mr. Speaker: If the question comes up in the morning, it can be postponed to any time later in the day. There is no harm in that. I am again being confronted with this fact that it must be after the question hour. If the Minister at that time asks for time saying that he could supply the information only after two hours, can that time not be given to him? (*Interruptions*).

Shri Harish Chandra Mathur: We are in full agreement with you. I do not think it is the desire of the House that it should be adjourned till tomorrow.

Dr. M. S. Aney: You said, Sir, you can put it at any time. You can put it at an hour at your convenience when the House may or may not have quorum.

Mr. Speaker: The hon. Member should realise that when a particular hour has been fixed for that purpose, it is the duty of hon. Members to remain present at that time. I cannot choose that hour. It is not I who would choose it. The hour was specified as 4:30—in the morning itself—and it was the Members' duty to keep other Members present in the House... (*Interruption*).

Dr. M. S. Aney: I agree.... (*Interruption*).

Shrimati Renu Chakravartty: If it is admitted, according to the Rules it will be taken up at 4 o'clock. When will 4 o'clock come?

Mr. Speaker: That we can see.

Shrimati Renu Chakravartty: How? The rule is clear . . . *(Interruption)*.

Shri Daji: You cannot break the whole sequence . . . *(Interruption)*.

Some Hon. Members rose—

Mr. Speaker: Order, order. When he can rise, others also can rise. That is why I am asking him and others also to resume their seats.

Shri S. M. Banerjee: There has been a raid.

Mr. Speaker: Order, order. I was pleading rather on behalf of the Opposition but I have not been allowed to do that. I have tried my best but I have been interrupted even in that. The House does not agree to that.

Some Hon. Members: No.

Some Hon. Members: We agree.

Mr. Speaker: If that is the position, I have to ask hon. Members to rise in their seats.

Shri S. M. Banerjee: I rise on a point of order.

Mr. Speaker: Nothing has arisen.

Shri S. M. Banerjee: Without hearing me how can you say that?

Mr. Speaker: I have heard him. I will request hon. Members to rise

in their seats. There are not fifty Members rising. Therefore leave is not granted by the House . . . *(Interruption)*.

Shri Nath Pal: May I say that in spite of your fair guidance to the House hon. Members are going to use the Rules of Procedure in such a technical and rigid manner . . . *(Interruption)*. I am constrained and I repeat it, if the rule is to be so strictly followed, knowing why we are asking for its postponement—whenever they have wanted a postponement it has been graciously given by the House and we have never come in their way and, as you say, there has been occasions, recently three times a concession was extended to them and even today it came at 4:30 to suit the Government . . . *(Interruption)*. I do not know why they are feeling so much hurt . . . *(Interruption)*. If this request for concession is to be turned down by taking shelter under a particular rule, we are very sorry. In that case as a protest we shall have no alternative but to walk out.

Shri Hari Vishnu Kamath: We do not wish to participate in the voting . .

Mr. Speaker: The House stands adjourned to meet again tomorrow at 11 o' clock.

16.59 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 25th February, 1964/Phalguna 6, 1885 (Saka).