

**Committees in Ministry of Defence**

1412. **Shri Daljit Singh:** Will the Minister of Defence be pleased to state:

(a) the total number of Committees and sub-Committees working under his Ministry at present; and

(b) the total number of members on those Committees?

**The Minister of Defence (Shri Y. B. Chavan):** (a) I presume the hon'ble Member desires information about the number of Standing Committees and sub-Committees (but excluding Working Groups or Study Groups etc.) that advise the Ministry. The number of such bodies is 39.

(b) The total members of these Committees are 414.

**Compulsory Notification of Vacancies**

1413. { **Shri A. V. Raghavan:**  
**Shri Pottekkatt:**

Will the Minister of Labour and Employment be pleased to state:

(a) whether a large number of employers in the private and public sectors have failed to notify their vacancies and to submit returns under the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959;

(b) the number of such failures notified State-wise, during the past three years; and

(c) the steps taken to implement the provisions of the Act?

**The Minister of Labour and Employment (Shri Sanjivayya):** (a) No.

(b) Not available.

(c) The first step is that the provisions of the Act are brought to the notice of the defaulting employers so as to educate them in regard to the requirements of the Act. In case of persistent defaulters, the records and documents maintained by them are examined and show-cause notices issued where appropriate. In addition, special studies of the working of

the Act have been taken up in various States to ensure proper implementation of the Act.

**Mis-directions to I.A.F. Planes by Pakistan**

414. { **Shri Hari Vishnu Kamath:**  
**Shri P. C. Borooah:**  
**Shri D. C. Sharma:**

Will the Prime Minister be pleased to state

(a) whether the Government of Pakistan have replied to Government's note protesting against radio mis-directions to I.A.F. planes flying over our own territory;

(b) if so, the contents thereof;

(c) whether it has been replied to; and

(d) whether the entire correspondence will be laid on the Table?

**The Prime Minister, Minister of External Affairs and Minister of Atomic Energy (Shri Jawaharlal Nehru):** (a) to (d). Copies of communications exchanged between the Governments of India and Pakistan on the subject are placed on the Table of the House [Placed in Library. See No. LT-2568/64].

12 hrs.

**RE. CALLING ATTENTION  
NOTICES AND MOTIONS FOR  
ADJOURNMENT**

**Mr. Speaker:** I have received notices of 13 calling attention and 4 adjournment motions regarding the U.P. matter. I cannot appreciate how an adjournment motion can be tabled in this context. There is no Centre's responsibility. Incidentally, I got notice of a motion at my house from Dr. Lohia yesterday. I would rather request the hon. Members not to send notices there, to my house because if

they are to be given here in the office, that delivery would not be considered as proper if they are sent to my House.

**डा० राम मनोहर लोहिया :** (फरखा-बाद) : मैं माफ़ा चाहता हूँ लेकिन इतना अर्ज कर देना चाहता हूँ कि छः सात दिन से यहां मैं सवाल उठाने की कोशिश कर रहा हूँ। अगर यह चीज़ पहले आ गई होती तो शायद यह मामला इतना तूल न पकड़ता

**अध्यक्ष महोदय :** अगर छः सात दिन से कोशिश कर रहे हैं तो नया नहीं है और ऐसा मामला नहीं है जो एडजर्नमेंट मोशन में आ सके।

**डा० राम मनोहर लोहिया :** नई बातें हो रही हैं।

**अध्यक्ष महोदय :** एडजर्नमेंट मोशन का कोई सवाल नहीं है। अगर कोई माननीय सदस्य कांस्टिट्यूशन की कोई प्राविजन मुझे बता सकता है तो मैं सुनने के लिए तैयार हूँ।

**डा० राम मनोहर लोहिया :** कुछ अर्ज करूंगा ...

**अध्यक्ष महोदय :** प्राविजन बतायें।

**डा० राम मनोहर लोहिया :** सिर्फ एक आर्टिकल हमारे संविधान में है जिस के आधार पर जो कुछ उत्तर प्रदेश या मध्य प्रदेश में विधायकों ने किया है, उसकी वेशरण से सकते हैं और वह आर्टिकल १९४ है, उसकी उप-धारा ३ है। उस में साफ़ साफ़ लिखा हुआ है कि जो कुछ भी विधायकों के अख्तियार और विशेषाधिकार होंगे, उनको विधायक कानून की माफ़तें बता देंगे, उनकी परिभाषा दे देंगे। जहाँ, ऐसी परिभाषा नहीं होगी, पार्लियामेंट के,

हाउस आफ कामन्स के नज़ीर रहेंगे। पहली बात तो मुझे यह कहनी है।

**अध्यक्ष महोदय :** मेरी बात को सुन लें। अगर स्टेट लैजिस्लेचर कोई काम करे तो यह पार्लियामेंट कुछ कर सकती है, वह मैं पूछना चाहता हूँ। कोई आर्टिकल है, यह मैं जानना चाहता हूँ।

**डा० राम मनोहर लोहिया :** इसके लिए बहुत से आर्टिकल हैं। सब से पहले जो कनकरेंट लिस्ट है, केन्द्र और प्रान्तों के अधिकारों की सूची है, उस में आप एक बात पायेंगे एक्शनेबल रांग। इसको आप वहाँ लिखा हुआ पायेंगे। उसको कहिये तो दे दूंगा।

इस वक्त उत्तर प्रदेश में कोई वैधानिक सरकार है ही नहीं।

**Shri Tridib Kumar Chaudhuri (Berhampur):** I was going to submit that whatever has taken place in Uttar Pradesh in regard to the summoning of the high court judges before the Bar of the legislature has been in contravention of article 211 of the Constitution, and that comes within the purview of the second part of article 355 where it is laid down, "to ensure that the government of every State is carried on in accordance with the provisions of this Constitution."

**डा० राम मनोहर लोहिया :** जब केन्द्रीय सरकार ....

**अध्यक्ष महोदय :** वह सवाल इस एडजर्नमेंट मोशन में नहीं आ सकता है कि वहाँ संवैधानिक सरकार है य नहीं है।

**डा० राम मनोहर लोहिया :** केन्द्रीय सरकार के कुछ कर्त्तव्य हैं और खास तौर से संकट काल में और भी अधिक हैं। केन्द्रीय सरकार अगर संविधान की हत्या को नहीं

[डा० राम मनोहर लोहिया]

रोकती या रोकने के लिए सलाह नहीं देती है तो वह सरकार की असफलता हो जाती है . . . . .

**अध्यक्ष महोदय :** सुन लिया है मैंने आपको । आपके लीडर भी खड़े हैं । एक आदमी खड़ा हो ।

**श्री राम सेवक यादव :** (बाराबंकी) : उत्तर प्रदेश में जो घटनायें घटी हैं, उसकी मुझे पूरी जानकारी है । आज सबेरे मैं वहां से आ रहा हूँ . . . . .

**अध्यक्ष महोदय :** मैं उसको सुनना नहीं चाहता हूँ । मैं तो लीगल पोजीशन के बारे में . . . . .

**श्री रामसेवक यादव :** उन चीजों को जब सुनेंगे तभी जो . . . . .

**अध्यक्ष महोदय :** नहीं ।

**श्री राम सेवक यादव :** सुन तो लें जो मैं कह रहा हूँ । मेरी बातों को सुनेंगे नहीं तो कैसे किसी निष्कर्ष पर पहुंच सकते हैं । घटनाओं की बात रख रहा हूँ . . . . .

**अध्यक्ष महोदय :** घटनायें मैं सुनना नहीं चाहता ।

**श्री राम सेवक यादव** संविधान की . . . . .

**अध्यक्ष महोदय :** अगर एडर्जनमेंट मोशन एडमिट हो जाये तो फिर घटनाओं को सुनने की बात होगी ।

**श्री राम सेवक यादव :** संविधान की बात रखूंगा । संविधान टूट रहा है, जिस में भारत सरकार आती है । वही मैं निवेदन कर रहा हूँ ।

**अध्यक्ष महोदय :** कौन सा आर्टिकल है ?

**श्री राम सेवक यादव :** इस सम्बन्ध में हमें तीन बातें कहनी हैं . . . . .

**अध्यक्ष महोदय :** आर्टिकल बतायें ।

**श्री राम सेवक यादव :** संविधान के मुताबिक किसी राज्य में तभी सरकार होगी जब वहां मंत्रिमंडल होगा, मंत्रिमंडल के प्रति पूरा विश्वास होगा बहुमत का . . . . .

**अध्यक्ष महोदय :** यह सब कुछ मैं नहीं सुन सकता । अगर कोई आर्टिकल है तो मुझे बतायें ।

**श्री राम सेवक यादव :** मैं बता रहा हूँ . . . . .

**श्री रामेश्वरानन्द (करनाल) :** उनकी प्रार्थना आप सुन तो लें ।

**अध्यक्ष महोदय :** मैं सुन लूंगा । वह अच्छी तरह से कर सकते हैं । वह लीडर एक ग्रुप के हैं ।

**श्री रामेश्वरानन्द :** मैं तो इतना ही कहना चाहता हूँ कि अगर इतना समय जो इस समय में चला गया है उनको मिल जाता तो वह अपनी बात कह कर खत्म भी कर देते ।

**श्री राम सेवक यादव :** संविधान की उस धारा की जिसकी हत्या हुई है और जिस के कारण केन्द्र का हस्तक्षेप हो सकता है, अगर एक-दो बातें न बताई जायें तो कोई रेलवेंसी नहीं रह जाती है ।

**अध्यक्ष महोदय :** संविधान की वह धारा बतायें तो कोई समझ में बात आये ।

**श्री राम सेवक यादव :** मैं आपका ध्यान ३५५ और ३५६ की ओर खींचूंगा । किसी भी राज्य में संविधान के अनुकूल सरकार तब होगी जब उसे बहुमत का विश्वास हासिल होगा . . . . .

**अध्यक्ष महोदय :** इस बात का फैसला इस वक्त नहीं कर सकते हैं।

**डा० राम मनोहर लोहिया :** उससे संबंधित है।

**अध्यक्ष महोदय :** नहीं।

**श्री राम सेवक यादव :** आप सुन लें।

**अध्यक्ष महोदय :** मैं उस बात पर नहीं जा सकता हूँ। वह दूसरा सवाल है। एडजर्नमेंट मोशन का कोई सवाल नहीं है। घोंई नहीं बता सका है कि संविधान की किस धारा के अनुसार पार्लियामेंट को अखत्यार है कि अगर वहाँ कोई एक्शन ले तो उसका हम नोटिस लें। जब तक वहाँ गवर्नमेंट काम कर रही है, जब तक लैजिसलेचर काम कर रही है तब तक हमें अखत्यार नहीं है।

एक नोटिस मुझे मिला है तमाम १३ कालिग एटेंशन नोटिसिस में जो मि० सिधवी का है जिस में उन्होंने लिखा है कि क्या कोई रेफ्रेंस यहाँ आई है सेंट्रल गवर्नमेंट के पास और अगर आई है तो सेंट्रल गवर्नमेंट का क्या रिएक्शन है, उसके बारे में उसने क्या किया है और मैं चाहता हूँ कि सरकार इस बारे में कुछ बता सकती है तो बताये।

**डा० राम मनोहर लोहिया :** धारा ३२ की उप-धारा ४ की जरा आप देख लें।

**Shri Tyagi (Dehra Dun):** On a point of order. I have also given a Calling Attention Notice in which I had only wanted an information with regard to the decision of the Uttar Pradesh Legislative Assembly summoning the two judges at the Bar. About that I feel that the Home Ministry is involved because

the high court judges come under its purview. Therefore, could he not make a statement as to what the attitude of the Central Government is in this matter?

**Mr. Speaker:** I would appeal to the hon. Member and to others also that the situation is already grave and complex and we should not make it more complicated and confused. We should not discuss it here. Only I can see some relevancy in the notice of Dr. Singhvi where he has asked whether any reference has been made to the Central Government and if so, what is that reference.

**Shri Tyagi:** I submit the question is strictly of procedure. I feel that this Parliament is entitled at least to go so far. Your ruling is all right that we should not make matters worse. But we are constitutionally entitled to have information on this issue and I would appeal to you not to bind this question.

**Shri Nath Pai (Rajapur):** Before you call the hon. Home Minister, may I make a humble submission? Are we sure, after very carefully going through the proceedings of that august Assembly of Uttar Pradesh that that august body in its own conception of its sovereignty, may not summon you and this Parliament also for discussing this matter? I want some protection in regard to this matter.

**Shri Bade (Kharagone):** High Court Judges are involved and in the Press it has appeared that the Union Minister is referring the matter to the Attorney-General. We are anxious to know whether the Union Minister is referring this matter.

**श्री राम सेवक यादव :** इसलिये भारत सरकार आ जाती है।

**Mr. Speaker:** That is what I referred to, and I was calling on the Home Minister.

**Dr. L. M. Singhvi (Jodhpur):** I would submit that other hon. Members who have given somewhat different notices may also be heard.

**Mr. Speaker:** Why should he appeal on their behalf?

**Dr. L. M. Singhvi:** So that, we may really know the various aspects.

**Shri Bade:** I have given a calling attention notice.

**Shri Harish Chandra Mathur (Jalore):** According to your own ruling, I think the notice which I have given is well within the purview of this House and should be accepted. I have only stated in my notice that it is a grave situation. We do not want to discuss it here, but I have asked what assistance and advice the Central Government is giving in this matter.

**Mr. Speaker:** What I said, was that the situation is grave. I agree there, but should we discuss it here?

**Shri Tyagi:** No discussion.

**Mr. Speaker:** Therefore, the only thing that we can address ourselves to is whether any reference has been made and what is the reaction of this Government, whether they have given any advice or not.

**Shri Harish Chandra Mathur:** Even if there is no reference, is the Minister acting *suo motu*?

**Shri Ranga (Chittoor):** Why should he?

**Shri Harish Chandra Mathur:** I do not say he should; I just want to know if he is acting *suo motu*.

**The Minister of Home Affairs (Shri Nanda):** The question of acting or not acting *suo motu* arises after a consideration of what has happened and where we come in at all. Naturally those important developments occur-

red there and we received intimation. Immediately we thought that we should be prepared regarding what our role could be at all and we referred the matter to the Attorney-General, who is considering the legal implications of it. That is all.

श्री राम सेवक यादव : अ यज्ञ महोदय, मैं निवेदन करूंगा कि जिन लोगों ने इस पर ऐडजर्नमेंट मोशन दिये थे आप कम से कम उनको तो सफाई के तौर पर कुछ जानकारी का मौका दें ।

**Shri Nath Pai:** Do Government contemplate making a reference to the Supreme Court under article 143?

**Mr. Speaker:** They have sought advice from their legal advisers. Let the advice come first.

**Shri Nath Pai:** My question is very simple, because the President can refer a matter to the Supreme Court under article 143.

**Mr. Speaker:** Hon. Members should have some patience.

**Shri Tyagi:** I am sorry I am not satisfied with the ruling, and I want a clarification, because the ruling will go down into the record. Article 211 says:

"No discussion shall take place in the Legislature of a State with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties."

That is one side of it. On the other side, there is Item 78 which says that it is a central subject. I, therefore, want a clear ruling. I do not want to rake up the question just now in view of what the hon. Minister has said. But, will you make the way clear?

**Mr. Speaker:** I do not think there is any ambiguity so far as what I

have said is concerned. If the conduct of judges cannot be discussed in any legislature, that applies equally to us and to the State legislature as well. They also know that the provisions of the Constitution are to be observed. Now, the question is, supposing—I do not say that they have; I do not give any opinion on that this way or that way—they have transgressed any provision of the Constitution, should we pass here our own dictum that this has been done there? State legislatures are independent in their own sphere, and it would not be advisable for us to do that. Then, tomorrow they will begin to discuss what we do here. That is not proper. Therefore, I will advise hon. Members just to have patience. Let the Government seek the advice. Then, whatever advice is given to them, certainly, can come before the House and that we can discuss.

**Shri Nath Pai:** Sir, I rise to a point of order. In view of the Statement made by the hon. Home Minister, may I ask of you whether in pursuance of the powers that he concurrently enjoys under article 353 which says:

“(a) notwithstanding anything in this Constitution, the executive power of the Union shall extend to the giving of directions to any State as to the manner in which the executive power thereof is to be exercised;”

they will direct the executive government in Uttar Pradesh not to proceed with the arrest of the judges and bringing them before the legislature?

**Shri Ranga:** Nobody can arrest them.

**Mr. Speaker:** Unless they get the advice what can we say? Let them get the advice first.

**Shri Nath Pai:** At least we are expected to know what they are thinking.

**Mr. Speaker:** How can that be done before they get the advice?

**श्री रामेश्वरानन्द :** मेरा एक व्यवस्था का प्रश्न है ।

**अध्यक्ष महोदय :** ठहर जाइये । मैंने श्री जैन को बुलाया है । अगर इस पर व्यवस्था का प्रश्न हो कि मैंने उनकी बुलाया है तो पहले आप बोल लीजिये ।

**Shri A. P. Jain (Tumkur):** I want to seek one clarification from the hon. Home Minister. What are the terms of reference to the Attorney-General? What is the nature of the reference to the Attorney-General?

**Shri Nanda:** On the basis of whatever the facts are—and these facts are being ascertained—the Attorney-General will consider. He will consider the proceedings in the Assembly and the judgment of the High Court. These papers have been called for. On the basis of this information we will come to a conclusion as to whether any kind of action can be taken here.

**Shri A. P. Jain:** The question is whether the case can be referred to the Supreme Court or not (*Interruption*).

**Dr. L. M. Singhvi:** Sir, usually you call the hon. Member whose Calling Attention Notice is admitted to read the notice, then you call the Minister concerned to make a statement and after that you allow the hon. Members whose names appear on the notice to put supplementary questions. But now, in the garb of points of order, while other hon. Members are allowed to raise questions, the Member in whose name the Calling Attention Notice stands is not permitted to put a question.

**Mr. Speaker:** If they are being raised in the garb of points of order . . .

**Dr. L. M. Singhvi:** Because you throw them out of order.

**Mr. Speaker:** He should tell his hon. friends also not to raise points of order like that.

**Shri Nath Pai:** I do not use any garb; I am straightforward.

**श्री रामेश्वरानन्द :** मैं कहना चाहता हूँ कि अगर राज्य सरकारों को इतना स्वातन्त्र्य है कि इस प्रकार के विवादों में केन्द्र हस्तक्षेप नहीं कर सकता तो कभी राज्य सरकार यदि यह कह बैठें कि हम तो केन्द्र के अधीन नहीं रहेंगे तो आप क्या करेंगे? यदि उनको इतना स्वातन्त्र्य होगा तो आप क्या करेंगे उनके सम्बन्ध में ?

**अध्यक्ष महोदय :** मैं तो यह नहीं बतला सकता ।

**Dr. L. M. Singhvi:** I wanted to ask a specific question. I want to know when and from whom was this intimation received by the Union Home Ministry, and whether in the reference to the Attorney-General this question of the operation of article 143 in invoking the advisory jurisdiction of the Supreme Court has been specifically or generally referred to?

**Shri Nanda:** Yes, Sir. We have requested the Attorney-General to give advice on the point whether it would be appropriate to make reference to the Supreme Court.

**Shri Tyagi:** In the meanwhile, have the summons been stopped or not?

**Mr. Speaker:** Order, order. I am not allowing questions on this.

**Dr. L. M. Singhvi:** It has not been answered as to from whom and when the intimation was received.

**Shri Nanda:** It was from the Government of Uttar Pradesh.

**Shri J. B. Kripalani (Amroha):** I want to know from the Home Minister whether it is in his power to ask the Vidhan Sabha to suspend the execution of the order that they have passed.

**Mr. Speaker:** Legal questions cannot be asked.

**Shri Harish Chandra Mathur:** May I know under what provisions this intimation was received and what is the purpose of this intimation?

**Shri Nanda:** I would not be able to answer the question as to under what provision they gave us the intimation. We can give information only on the point whether we can act.

12.21 hrs.

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

INCIDENTS OF VIOLENCE IN WEST BENGAL, ORISSA, BIHAR AND MADHYA PRADESH

**Shri Hem Barua (Gauhati):** Sir, I call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:

"the recent incidents of violence in Belghoria (West Bengal), Rourkela (Orissa), Jamshedpur (Bihar), Raigarh (Madhya Pradesh) and other places resulting in deaths."

**The Minister of Home Affairs (Shri Nanda):** Sir, it is with deep distress that I rise to make this statement on the incidents of violence that have occurred in some parts of the country during the last week.

As the House will doubtless remember, the communal situation in West