

pur on the 26th December, 1963, at the age of 60. He was a Member of the Constituent Assembly of India during the period 1948-49, and of the First Lok Sabha during the years 1952-57.

We deeply mourn the loss of this friend. I am sure the House will join me in conveying our condolences to the bereaved family.

The House may kindly stand in silence for a short while to express its sorrow.

(The Members then stood in silence for a short while)

12.01 hrs.

CONVICTION OF MEMBER

Mr. Speaker: I have to inform the House that I have received the following communication, dated the 7th February, 1964, from the Magistrate, First Class and Additional District Magistrate (Judicial), Bhopal:

"I have the honour to inform you that Shri Homi F. Daji, Member, Lok Sabha.....

Some Hon. Members: He has already come here.

Mr. Speaker: It further reads:

"...was tried in the Court of Magistrate, First Class, Bhopal, Madhya Pradesh (before me), on the charge under section 188 of the Indian Penal Code, for wilfully contravening and disobeying the duly promulgated order of the Superintendent of Police, Bhopal, regarding the prohibition of more than 4 persons passing through the regulated area and creating noise and disturbance, thus causing or likely to cause annoyance and/or disturbance to the Members of the Vidhan Sabha, Madhya Pradesh, in session

The Police presented the complaint at 4.45 p.m. on the 7th February, 1964, and the same day Shri Homi F. Daji, on pleading guilty, was convicted of the offence punishable under section 188 of the Indian Penal Code and was sentenced to pay a fine of Rs. 25 and in default to undergo simple imprisonment for five days. He failed to pay the fine and hence was sent to jail."

Shri A. P. Jain (Tumkur): He must be tried here also for making noise!

12.03 hrs.

Re: MOTIONS FOR ADJOURNMENT

Mr. Speaker: I have got notices of a large number of adjournment motions and in many cases more than one from the same party, as well as a large number of calling-attention-notice.

It has been the rule here, since we started working this new Constitution of ours in 1950 under which the President has been pleased to give us his Address every year, that when the Address is being discussed, no adjournment motion is allowed during that period. That ruling by the Speaker of 1951 since we started this for the first time has gone on.

Shri Hari Vishnu Kamath (Hoshanabad): Not ordinarily allowed.

Mr. Speaker: In our rules, it is laid down that the matters which are mentioned in the Address can be discussed, but we have established a practice that even matters that are omitted in the Address can be discussed here.

There is one other thing. Simultaneously with the notices of those adjournment motions as well as calling attention notices, I have also received

notices of amendments in connection with the Address on the same subjects and, in many cases, by the same Members, where they have given it in the usual form, that they regret that this has not been done or that has not been done or some other situation exists.

Under these circumstances, hon. Members would kindly appreciate that it would only be a duplication if we set apart time first for separate discussions on the same subjects and then deal with them during the debate on the President's Address. What I would put before the House is that first we should discuss the Address of the President to Parliament and then if any particular subject is not sufficiently discussed during that discussion, we can see....

Some Hon. Members: No, no.

Mr. Speaker: Order, order. Let me conclude.

Shri S. M. Banerjee (Kanpur): There were mass killings in Pakistan and exodus from there....

Shri P. K. Deo (Kalahandi): An adjournment motion is a censure motion.

Mr. Speaker: The Opposition has always been claiming that. I have no dispute with them in that assertion, that it has an element of censure, though there is nothing in the rules that says that. But I do not want to join issue on that point. Even if it is so, and the Opposition has greater advantage if they have it in the adjournment motion, I would have no objection. But they would be the losers. They should think over it. I am requesting the hon. Members of the Opposition just to sit with me this afternoon and then decide what would be in their own interest in these circumstances. If they insist on the adjournment motions, probably I would not have any objection in admitting one. But each Group shall have to choose one adjournment

motion that it wants to press and then I will see whether it is in order and whether I can allow it or not.

That is my submission to the House, that probably it would be in the interest of the Opposition themselves, if we have the discussion on the Address first. Then they will have longer time to discuss....

An Hon. Member: No.

श्री बृजराज सिंह (बरेली) : भ्रान ए प्वाइंट आफ आर्डर, सर । इसी आशय का एडजर्नमेंट मोशन हमने दिया । आपने अपने निर्णय में उसे एडजर्नमेंट मोशन के बजाये कालिगएटेंशन मोशन बना कर हम लोगों का नाम उसमें जोड़ दिया है । हमारा मंशा इससे हल नहीं होता है, क्योंकि हम इस प्वाइंट पर गवर्नमेंट की निन्दा करना और उसको सैन्शुर करना चाहते हैं । आप जो राष्ट्रपति के भाषण पर डिस्कशन में हमको समय देना चाहते हैं, वह सैन्शुर के बराबर नहीं होता है । आपने इस विषय की गम्भीरता को समझ लिया है और इसको कालिग एटेंशन मोशन के रूप में ले लिया है । इस लिए मेरा निवेदन है कि आप हमारे एडजर्नमेंट मोशन को मंजूर करे और हम लोगों को इस विषय पर डिस्कशन का समय दें ।

अध्यक्ष महोदय : तो क्या माननीय सदस्य एग्री करेंगे कि अगर हम इसको एडजर्नमेंट मोशन की शकल में ले लें और इसको डिस्कस करें, तो फिर प्रेजिडेंट के भाषण पर जो डिस्कशन होगा, उसमें हम इसको डिस्कस नहीं करेंगे ?

श्री बृजराज सिंह : वह तो हमारा प्रिविलेज है । उस समय तो हम जरूर इसको डिस्कस करेंगे ।

अध्यक्ष महोदय : तो यह किसका प्रिविलेज है ? यह प्रिविलेज भी तो आपको ही मिल रहा है ।

Shri Daji (Indore): Under what rule?

Mr. Speaker: It is simple procedure.

Shri Surendranath Dwivedy (Kendrapara): As you have already observed, there is an element of censure in an adjournment motion.

Mr. Speaker: I do not want to join issue on that.

Shri Surendranath Dwivedy: If we discuss the same matters during the course of the debate on the President's Address, I do not think we get that opportunity. On the adjournment motion, the House itself will vote and the House's opinion will be known on the specific matter, how the Government has failed.

Mr. Speaker: Shri Mukerjee.

Shri P. K. Deo: On a point of order.

Mr. Speaker: Shri Mukerjee.

Shri P. K. Deo: On a point of order.

Shri H. N. Mukerjee (Calcutta Central): There cannot be a point of order in regard to nothing.

Mr. Speaker: Nobody has any point of order when something is repeated.

Shri P. K. Deo: No, Sir. It will not be repeated.

Mr. Speaker: He may resume his seat. Let me hear the point of order.

Shri P. K. Deo: Before you proceed to the Calling Attention, I think you appreciate the importance of the whole issue, and we respectfully bow to your ruling that the leaders of the various parties should meet in the afternoon and decide regarding the fate of the adjournment motion, but before you make any decision on the adjournment motion, you should not allow this Calling Attention to proceed, because it is more or less on the same subject. If you concede the Calling Attention, then it loses all importance.

Mr. Speaker: I am taking up all the adjournment motions and the calling attention notices together at this moment to decide the principle.

Shri H. N. Mukerjee: If I may, I would submit, first of all that it is not so much a question of the convenience in the order of discussion as a matter of principle, a matter in regard to the rights of Members of the House which is involved. It is in regard to that that I would ask for your support. What has happened on this occasion is a very exceptional circumstance.

Mr. Speaker: Let him not go into the merits.

Shri H. N. Mukerjee: I am not discussing the merits of the matter, but in order to point out the kind of decision which the Chair should be assisted to make, I have to refer to that.

You have referred to an older decision of the Chair that when the President's Address is going to be discussed, no adjournment motion is to be permitted in regard to any of the matters mentioned in that Address. My submission is that, with all respect to that particular decision, it cannot be rigid and irrevocable like the laws of the Medes and Persians, because on this occasion very exceptional things have taken place. As we come to this House, we come agitated because of certain things which have taken place in our country as well as in a contiguous country. Therefore, we gave notice of the adjournment motions, and I think to the adjournment motions almost every party in the Opposition have been signatories.

As has been pointed out already, there is a qualitative difference between an adjournment motion and a Calling Attention matter. There is also a qualitative difference between discussion of an adjournment motion

and discussion in the course of the President's Address. The President's Address gives us a complete conspectus of the position, and we have to take the President's Address with all due respect, and we can, of course, concentrate on one or two particular points, but we have to fill the entire picture, and filling the entire picture, we may not be inclined towards censuring the Government in those precise terms which an adjournment motion, by implication, enables us to do. Therefore, it is quite important as a matter of principle, quite apart from the convenience of discussion in this House and the opportunities which more Members might have in regard to participation, quite apart from that, quite apart from the convenience aspect of the matter, it is a matter of principle that adjournment motions, which are the right of the Members to give notice of, should not be made light of.

What happens is that adjournment motions are sometimes converted into calling attention matters, because the idea is that we get information. In regard to information, we are not merely dependant upon what the Ministers choose to say, and you here can take judicial notice of already ascertained reports which have appeared in very reputable newspapers and other sources, and you, off your own bat, can surely assist Members of the Opposition in getting a discussion by way of an adjournment motion. This is a matter of principle involved. That is why I believe you should give permission.

Shri N. C. Chatterjee (Burdwan): With great respect, may I draw your attention to Chapter IX and Chapter XVI of the Rules of Procedure?

You have been good enough to allow this Calling Attention to a matter of urgent public importance. If you look at Chapter IX, the core of the matter there also is of urgent public importance. Having regard to the terrible things that have happened in East

Bengal and the consequent repercussions and other events that have happened, you have rightly pointed out and admitted that it is a matter of urgent public importance. May I point out that rule 58 in Chapter IX states:

"The right to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely,...."

I submit that all these conditions we have fulfilled. When the rule or bylaw prescribes certain condition and if the conditions are fulfilled, it is mandatory, I submit with great respect, that the authority exercising the rule permits the discussion and the right of the hon. Members should not be made light of. I need not read clauses 1 to 8; all these conditions were fulfilled. The general debate on President's Address would not come within clause 6. The motion shall not anticipate a matter which has been previously appointed for consideration. No matter has been previously appointed for consideration at all. Therefore, I submit that the conditions prescribed under rule 58 have been fulfilled and no restriction should be imposed. So, I submit with great respect that our right should be respected. The essence of the matter is urgent public importance, continuing tension and threat to the peace and security of India. Therefore, I respectfully submit that the adjournment motion should be allowed.

Mr. Speaker: There is no doubt about that; I thought it was a matter of urgent public importance and therefore, I admitted it as a calling attention notice. (*Interruptions*). Order, order. Hon. Members should listen to me first. I shall read the ruling of the Chair on 7th August 1951. On a motion tabled by Prof. Shibbanlal Saksena to discuss the failure of Government to take adequate steps to prepare the civil population of India to meet the threatened inva-

sion of our territory by Pakistan, the Deputy-Speaker said while disallowing the motion:

"Only yesterday the President delivered his address to the House and I believe two days have been allotted for the discussion of the address and if hon. Members would like to have another day for the discussion, I hope Government will agree to it. The House has much time at its disposal and I feel that this is not a matter which should be raised in the House by way of an adjournment motion."

Shri Hari Vishnu Kamath: Is it not clear from that that the Deputy-Speaker said that the Members wanted another full day for discussion of that particular matter? That is, apart from the President's Address.

Mr. Speaker: If the House wants it, I will have no objection even to that.

Shri Nath Pai (Rajapur): But what we cannot grasp is the mysterious metamorphosis by which an adjournment motion gets converted into a calling attention motion.

Mr. Speaker: I was going to read that also. There is a proviso to rule 193 under which notices are given for adjournment motions. If an early opportunity is otherwise available for the discussion of the matter, the Speaker may refuse to admit the notice of that adjournment motion. That is provided there. Is there an early opportunity or not? I ask the Members.

Shri Nath Pai: Not in the form in which it is sought.

Mr. Speaker: The hon. Members may insist on the same thing again and again. The rules are very clear; the ruling of the Speaker is very clear. The hon. Minister has already informed me that he is going to make a statement.

Shri S. M. Banerjee: We have heard enough statements.

Mr. Speaker: If the hon. Members want that a particular time might be fixed during that debate for this particular subject alone, it can be done. Otherwise they would get only 2½ hours. They may have 3 or 4 hours.

Shri Hari Vishnu Kamath: The whole day.

Mr. Speaker: If the House wants whole day....

Shrimati Renu Chakravartty: If it is the will of the House—as this is a matter of such urgency, something that has emotionally and politically roused the people of this country—and you are prepared to give us time to discuss that for four or five hours or for a day which may be decided now, I do not understand why we cannot put aside other matters and discuss it today as an Adjournment Motion because it is a matter not only of urgent public importance but it is a matter about which certain acts of omission and commission have been made and on which I submit we want to censure the Government.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): So far as the allotment of time is concerned, the Government is prepared to abide by what you decide. We are thinking of having four days for discussion of this subject on the Business Advisory Committee's decision, but so far as the Government is concerned, we are proposing four days already which is quite enough; but if for this particular purpose, as you say, they want more time, the Government will be prepared to do that.

Shrimati Renu Chakravartty (Barrackpore): We want you to admit this as an Adjournment Motion. (*Interruption*).

Several Hon. Members rose—

Mr. Speaker: Order, order. How can I have it when there is a definite ruling of the Deputy-Speaker. I am not going to overrule that ruling that is there? (*Interruption*).

Shri S. M. Banerjee: The rulings may be there but you know very well, and we very well know—(*Interruption*).

Mr. Speaker: Shri Banerjee knows that much better than I; that the Speaker cannot overrule the Deputy-Speaker's ruling.

Shri S. M. Banerjee: Just a second, Sir. I submit that point for your reconsideration. It is a matter which should not be rejected merely on a technical ground. Lives have been lost and property has been destroyed; but you have said that we cannot discuss it merely because the Deputy-Speaker said something. (*Interruption*).

Mr. Speaker: Order, order. There ought to be respect shown to the ruling, whether it be by the Deputy-Speaker or the Speaker. (*Interruption*). Order, order. I am not able to hear.

Shri Tridib Kumar Chaudhuri (Berhampur): The ruling of the Deputy-Speaker which you have cited does not lay down any general principle as such. As we understand it, in 1950 or 1951, the Speaker had not laid down or given a direction from the Chair that no Adjournment Motion should be allowed at the time of discussion of the President's Address. The ruling that you read out only says that on a particular motion on a particular occasion, the Deputy-Speaker who was then in the Chair did not allow that. But that does not lay down as a general principle that in such circumstances as these, when the whole country is convulsed, when the entire army has to be moved, when the Commander-in-Chief goes to a particular town to see to the deployment of the army for a particular purpose, these things

cannot be discussed and that we cannot censure the Government for all its failure and acts of omission and commission. That is what I wanted to point out.

Mr. Speaker: I do not think there is any further discussion necessary.

Shri Tyagi (Dehra Dun): My party has not spoken at all on this matter and so may I also make a submission?

Mr. Speaker: Shri Surendranath Dwivedy.

Shri Surendranath Dwivedy: Since the Minister of Parliamentary Affairs was prepared to concede that we may get a day for this, may I suggest that we may discuss this specific matter tomorrow and start discussion on the President's Address the next day? I think that that will be all right, because this matter is very urgent and it exercises the mind of the whole country, and so, when Parliament has met, it should first take up that matter, and let us discuss it. The whole of tomorrow may be allotted for it.

Shri Tyagi: May I also make a submission? It is a matter on which not only this House but the whole of India feels concerned. So, I welcome that idea, that suggestion which you gave, namely, instead of an Adjournment Motion—

Some Hon. Members: No, no. (*Interruption*).

Shri S. M. Banerjee: There is agitation in the country.

Mr. Speaker: Order, order.

Shri Tyagi: They can do as they choose. (*Interruption*).

Mr. Speaker: Order, order. He must be heard.

Shri Tyagi: I want to submit humbly that it is a matter which will have an effect on our foreign policy

[Shri Tyagi] and also on foreign countries and their attitude.

Shrimati Renu Chakravartty: Have a secret session.

Shri Tyagi: If an Adjournment Motion on such an important issue is defeated, as it is sure to be defeated, it will have a bad effect, and the effect of that defeat will be against the interest of India. I therefore submit that the Opposition might co-operate. It is a joint effort of the whole nation. Let us come out—(Interruption).

Some Hon. Members: Hear, hear.

Shri Tyagi: Let us come out with a positive proposal which may be universally, unanimously accepted.

Mr. Speaker: Order, order. I do not think there is any further discussion necessary. I have already spent 25 minutes on this and nothing more is necessary. I know that hon. Members from Bengal are very much agitated, rather the whole country is agitated....

Shri S. M. Banerjee: I do not come from Bengal; I come from India.

Mr. Speaker: I know that he comes from India and he takes interest in anything that comes up. (Interruptions). So far as any doubt about the decision is concerned, that is not proper, because the decision is there and we ought to respect it. That is not the only one. There is another by the Speaker as well—I am sorry; it is not by the Speaker; it is also by the Deputy-Speaker.

Shri Nath Pai: What was the occasion when the decision was given? That should also be considered.

Mr. Speaker: Of course, I admit it is extraordinary. There is no doubt about it. But we should not depart from the wholesome practice that we have got. I agree with that ruling that when there is an immediate opportunity to discuss the same thing,

no adjournment motion can be allowed. That is very clear to me and I cannot depart from it. Now a suggestion has been given that it might be taken up tomorrow first of all. I am agreeable that this may be discussed first of all and let it be discussed for the whole day tomorrow. (Interruptions).

Shri Bade (Khargone): It may be in the form of an adjournment motion.

Shri S. M. Banerjee: In what form will it be discussed tomorrow?

श्री रामेश्वरानन्द : (करनाल) : अध्यक्ष महोदय, मेरा निवेदन भी सुन लें ।

अध्यक्ष महोदय : मैंने सब को रोक दिया, अब आप भी बैठ जाइये ।

श्री रामेश्वरानन्द : सब की बात पूरी हो गई, मेरी बात सुन लें ।

अध्यक्ष महोदय : आप भी बैठ जाइये और मेरी बात सुन लीजिये ।

श्री बृजराज सिंह: अध्यक्ष महोदय ...

अध्यक्ष महोदय : जो कुछ मैं कह रहा हूँ उसको कह लेने दीजिये ।

Hon. Members have asked on what motion it will be discussed. Shri Tridib Kumar Chaudhuri has given an amendment that "At the end of the motion the following be added—

"but regret that there was inadequate reference to the communal holocaust directed against the minorities in East Pakistan in Khulna, Narainganj....

Shri Bade: Our request is that it may be discussed in the form of an adjournment motion. If by reading this you want to satisfy us, we will not be satisfied.

Mr. Speaker: If he is really determined not to be satisfied, then I have nothing to say. But I have already said that I stick to the ruling that has been already given that no adjournment motion would be allowed when the President's Address is being discussed.

श्री बृजराज सिंह : जहां तक आपकी व्यवस्था और आपके निर्णय का सवाल है, हम लोग सिर झुका कर उसे मंजूर कर लेते। मगर हमारा तो कहना यह है कि यदि आपने हमें समय दिया और एडजर्नमेंट मोशन की तरह नहीं दिया, तो गवर्नमेंट को सेंसर करने का जो हमारा मूल अधिकार है वह हमें प्राप्त नहीं होता।

अध्यक्ष महोदय : आप बैठ जाएं, मैं इसका जवाब दे दूंगा।

मैं आपको कहना चाहता हूँ कि अगर आप गवर्नमेंट को सेंसर करना चाहते हैं तो उसके लिए एड्रेस की वहस के दौरान भी बाकायदा सेंसर का मोशन क्यों नहीं लाते।

श्री बृजराज सिंह : एडजर्नमेंट मोशन का मतलब यह है कि बाकी जो सदन के सामने कार्रवाई है उसको स्थगित कर दिया जाए। क्योंकि इसको आपने जरूरी समझा है और कालिग एटेंशन मोशन को मान लिया है, तो और कार्रवाई स्थगित करके इसे लिया जाए। अगर और कार्रवाई के बीच में इसको लिया जाएगा तो इसको वह स्थान नहीं मिलता।

Shri A. K. Gopalan (Kasergod): It is not only an urgent matter, Sir, but it is a very serious matter. If it is only discussed during a regular motion and not as an adjournment motion, where is the seriousness of the subject. How can the seriousness of the subject be stressed if it is only taken as a regular motion? Whatever the procedure is and whatever the rulings on the subject may be, this is a very important and serious matter concerning the life and property of

the people and therefore this must be considered on a special footing.

Mr. Speaker: I would appeal to hon. Members one thing. I have taken the decision that I cannot accept it as an adjournment motion. I am sorry, I will stick to that ruling.

Shri S. M. Banerjee: Even if anything may happen in the country, even if people may be slaughtered....

Mr. Speaker: Order, order. He will kindly remain silent. I have heard all sections of the House and I am giving my reaction. Certainly, they may not agree; they may be sometimes right as well. But I am just giving my decision at the moment, that I cannot admit these adjournment motions.

Shri S. M. Banerjee: Should I take it that no adjournment motions will be admitted?

श्री बृजराज सिंह : क्योंकि पूर्वी पाकिस्तान में हत्याकांड हुआ है और गवर्नमेंट ने माइनारिटी कम्यूनिटी को जो प्रोटेक्शन का आश्वासन दिया था उसको पूरा नहीं किया है, इसके विरोध में और इस कारण कि आप हमें आज गवर्नमेंट को सेंसर करने का मौका नहीं दे रहे हैं, हम लोग वाक आउट करते हैं।

श्री त्यागी : आप पाकिस्तान की गवर्नमेंट को सेंसर करते हैं या यहां की गवर्नमेंट को ?

(Shri Brij Raj Singh and some other hon. Members then left the House.)

Shri A. K. Gopalan: We do not agree with this and, therefore, we are also walking out.

Shrimati Renu Chakravartty: We want to make it very clear that we are concerned not only about the minorities in East Pakistan but the failure of the Government to protect the minorities in India.

Shri S. M. Banerjee: This Government has failed....

(*Shri A. K. Gopalan, Shrimati Renu Chakravartty, Shri S. M. Banerjee and others then left the House*).

Shri Surendranath Dwivedy: Sir, I take it that we are discussing this matter tomorrow. There should be a motion either by the Government or by some of us saying that this matter be taken into consideration. Then we can move amendments and all that.

Mr. Speaker: We cannot do that.

Shri Surendranath Dwivedy: Then, how is it to be done?

Mr. Speaker: Amendments have been given already.

Shri Nath Fai: Please give us some guidance in this matter. So far as the ruling is concerned, what we have followed is that there will be a full day debate on this subject and it will be held tomorrow. But it is not yet clear as to in what form we are supposed to raise it. We have also given some adjournment motions. We have not walked out because you have been good enough to allow a full day for this debate instead of 2½ hours which is the normal procedure. May I know in what form the motion is to be moved and whether we are supposed to move it?

Shri Ranga (Chittoor): May I suggest, Sir, that on such important occasions the Government themselves should come forward and say that such and such a situation be taken into consideration?

Shri A. C. Guha (Barasat): Will it mean that this subject will not be discussed in the debate on the President's Address? That has to be clarified.

Mr. Speaker: I have not said anything about it.

Shri Nanda: I am very sorry that some of our friends there have chosen to walk out. If they were really keen to have a proper and full discussion,

after my full statement was before them we could have discussed it apart from any discussion taking place during the debate on the President's Address. If you will permit me, Sir, I shall make that statement and that could be the subject matter for discussion.

Mr. Speaker: He says he is going to make a statement. Then a notice can be given by any Member that this be discussed.

Shri Nanda: I will move it myself.

Mr. Speaker: All right. He offers to move that this subject should be discussed.

Shri Hari Vishnu Kamath: If I remember right, some time ago, during the last session you told the House that, apart from adjournment motion, there is a separate provision in the rules for censure of the Government. So, Sir, will you kindly allow us to table a motion for censure tomorrow?

Mr. Speaker: Not under the present circumstances. At that time, I suggested it but nobody took the hint. Now the Home Minister.

Shri Hari Vishnu Kamath: When did you suggest, Sir? I could not follow.

Mr. Speaker: I made that suggestion when there was so much heat and excitement; but nobody took the hint. Now, papers to be laid on the Table.

12.35 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER THE MOTOR VEHICLES ACT AND MERCHANT SHIPPING (APPRENTICESHIP TO SEA SERVICE) SECOND AMENDMENT RULES

The Minister of Shipping in the Ministry of Transport (Shri Raj