

held negotiations with the Government to explore possibilities of expanding Indo-Australian trade; and

(b) if so, the outcome of these negotiations?

The Minister of Industry (Shri Kanungo): (a) Yes, Sir,

(b) The recent talks held in New Delhi constituted the second round of Consultations on matters of trade and economic cooperation between India and Australia. As a result of this series of talks areas of economic cooperation have been identified and possibilities of diversification and expansion of trade are being pursued. The third round of Consultations is scheduled to take place in or around September 1964.

12.09 hrs.

NOTICE FROM SUPREME COURT

Mr. Speaker: I have received this letter from the Supreme Court signed by the Deputy Registrar:

"I am enclosing herewith a notice which this Court has directed to be issued to the hon. Speaker and I shall be grateful if you could place this notice before the hon. Speaker for such action as hon. Speaker may deem necessary."

There is the notice and at the end it says:

"Whereas the matter was accordingly called on for directions before the Court on the 1st April, 1964, when the Court upon hearing the Attorney-General for India, was pleased to make the following order:

'Notices by telegram individually to be sent to all the parties mentioned in the list (annexed hereto) and, also to the Lok Sabha, Rajya Sabha, the judicial commissioners of the Union Territories, the Attorney-General for

India, asking them to be present in this Court on Monday the 6th April 1964, in order to enable this Court to fix a date for early hearing of this matter.'

Notice is hereby given to you that the Special Reference will be listed before the Court on Monday, the 6th April, 1964 and will be taken up by the Court on that date at 10.30 O'clock or so soon thereafter when you may appear before the Court through counsel duly instructed by you and take such part in the proceedings before this Court as you may deem fit."

I have received notice and I have requested the Leaders of Groups as well as the Minister of Parliamentary Affairs to meet me in my room at 4 O'clock, and then, after discussing with them, I will inform the House as to what action is possible or what action we should take.

Shri S. M. Banerjee (Kanpur): As I had suggested already, since this matter has been referred to the Supreme Court, we cannot possibly discuss this constitutional aspect. But it was suggested by me and some other hon. Members that in this particular case, because the whole matter was referred to the Attorney-General, the Attorney-General's advice should be communicated to us. I welcome your suggestion, but if it is possible, the opinion of either the Attorney-General or the Solicitor-General may be had—

Mr. Speaker: We should get the advice first and then we should go to the court?

Shri S. M. Banerjee: No, Sir. I am not saying that. We are to go to the court. (*Interruption*).

Mr. Speaker: It would not be advisable to have the advice here first, so that the people will know what he has to argue there. It would not be proper.

Shri S. M. Banerjee: No, Sir. My point is this. Unfortunately, this

constitutional aspect was not discussed in this House; for various reasons we could not discuss it here. If we could have a secret session to discuss the matter that may be possible, because there are divergences of opinion, and so, at least the Attorney-General should be present.

Mr. Speaker: It is for the Supreme Court. It is no use discussing it. (*Interruption*).

Shri S. M. Banerjee: The advice should be sought. Otherwise, what they are going to discuss, when you have called a meeting....

Mr. Speaker: Order, order. I cannot agree with Shri Banerjee in this respect.

श्री राम सेवक यादव (बाराबंकी) : अध्यक्ष महोदय, मेरा निवेदन है कि सदन की स्थिति होगी एक मुबकिल की। जब हम कोई वकील देंगे तब जो भी निर्णय हो लेकिन इस सदन की स्थिति एक मुबकिल जैसी हो जायगी। कुछ दल हैं, कुछ स्वतन्त्र सदस्य हैं और दलों के अलावा और भी सदस्यों की कुछ राय हो सकती है। यह भी हो सकता है कि सदन के सदस्य अपने अधिकारों की रक्षा करना चाहें और कुछ माननीय सदस्य यह कहें कि जो सदन है या यह जो संसद है यह सर्वोपरि है, हाई कोर्ट या सर्वोच्च न्यायालय को इसमें हस्तक्षेप का कोई अधिकार नहीं है। ऐसी स्थिति में मेरा निवेदन है कि इस विषय के मेरिट पर नहीं, जो केस हई कोर्ट में गया है, उस पर चर्चा नहीं, लेकिन संविधान की धाराओं पर अगर सदन की राय ली जाये तो ज्यादा उत्तम होगा . . .

अध्यक्ष महोदय : आप भी मीटिंग में भा सकते हैं और वहां अपना मत व्यक्त कर सकते हैं।

Shri Hari Vishnu Kamath (Hoshangabad): On a point of information only.

Shri S. M. Banerjee: I may be heard. (*Interruption*).

Mr. Speaker: I will invite him. He can come. Shri Kapur Singh.

Shri Kapur Singh (Ludhiana): Now that the matter is before the Supreme Court, and the Leaders of Groups are going to consider it, whether we should be represented there when the case is listed for hearing, I wish to say that in case the Leaders and you decide that we should be represented there by a counsel, it would be only fair and proper that this matter, in some form or other, in a secret session or otherwise, is discussed here, so that our counsel is made aware of our general reaction and sentiments.

Mr. Speaker: I do not think it is necessary that it should be discussed here and we should go into the arguments which can be given on the one side or the other.

Shri Kapur Singh: How else could it be done then?

Mr. Speaker: If my opinion is wanted, we will only ask him just to represent that case, what privileges we have got under the Constitution, what rights we enjoy; the law is there; the Constitution is there; and it is to be interpreted by the Supreme Court. That is all.

Shri Nath Pai (Rajapur): The matter is not so simple as that, Sir. (*Interruption*).

Mr. Speaker: Order, order. Shri Kapur Singh.

Shri Kapur Singh: If I may submit most respectfully, the matter is not so simple. It is not a matter of mere constitutional privileges. The matter is far wider, and it touches, ultimately, upon the sovereign status of this House. The Members of this House have a right to be consulted by our counsel who is going to represent us before the Supreme Court.

Shri Frank Anthony (Nominated—Anglo-Indians): May I with great respect submit that we are in a considerable quandary. I do not know what sort of opinion the Leaders of Groups will arrive at, but assuming there is a consensus that we should be represented there, the matter will hardly rest at that, because, in my own case, quite frankly, I suffer from dichotomy; as a Member of this House, I am all in favour of the greatest amplitude of privileges, just as a member of the Bar is anxious that the rights of the Bar are maintained, the rights of the judiciary are maintained. I would not be in favour of canvassing our privileges to such an extent that we must send a person to the jail for any length of time. What is involved is the quantum and extent of our privilege (*Interruption*). It is not only whether we should be represented, but what attitude the counsel will take. After all, there is no doubt about it that each one will canvass his case to the maximum extent. The case on behalf of the legislature will be canvassed to the extent of asking for the maximum of privilege and the case on behalf of the judiciary will be canvassed for the maximum of exercise of power by the judiciary. As a member of the Bar I cannot merely canvass on behalf of the petitioner. How will this be resolved unless we have some kind of a discussion here?

Mr. Speaker: After consulting the leaders, I will refer it to the House. But I do not agree that there should be a discussion on the merits of the case.

Shri Hari Vishnu Kamath: Sir, I rise on a point of clarification. This, Sir, is an issue to which the history of Parliaments elsewhere or of the judiciary hardly affords a parallel. The original parties to the dispute are the U.P. Vidhan Sabha and the Allahabad High Court. Now, Sir, the Government is seized of the matter, in the sense that they have got the advise of the Attorney-General. The

Attorney-General has submitted his opinion to the President, and the President made a reference to the Supreme Court. Has Government made arrangements for the proper representation of the U.P. Vidhan Sabha, which is a party to the dispute, before the Supreme Court? I would like to know whether they have done so, or whether they are going to make proper arrangements for that?

Mr. Speaker: That is not my concern at this moment. After my meeting with the leaders of all parties I will refer the matter to the House.

12.18 hrs.

CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE

FLIGHT OF UNIDENTIFIED PLANE
OVER JAMMU

Shri Swell (Assam-Autonomous Districts): Sir, I call the attention of the Minister of Defence to the following matter of urgent public importance and I request that he may make a statement thereon:—

“The flight of an unidentified plane over Jammu on the 27th March, 1964.”

The Minister of Defence Production in the Ministry of Defence (Shri Raghuramaiah): Mr. Speaker, Sir, on the 27th March, 1964, at 10.15 hours, one jet aircraft was visually observed flying near Chhamb, 30 nautical miles west-north-west of Jammu: It flew at an approximate speed of 400 miles per hour and at a height of about 3,000 feet. The aircraft came from north-north-east direction and went towards the south-west direction. The aircraft penetrated 5 nautical miles into the Indian territory. It was also observed that Pakistan Forces on the other side of the ceasefire line had put up flags to help the aircraft to go to the Pakistan territory. Since there was no Indian aircraft flying in the vicinity at that time, and in view of the above