

Lagos Conference, as I have mentioned in the statement. The general consensus of opinion amongst most of the member-countries of the Commonwealth was that some more time should be given to the United Kingdom to see the effect of economic sanctions in bringing down the illegal regime in Rhodesia. We ourselves are not fully in agreement with this decision of the Commonwealth Prime Ministers' Conference. We thought that it is much too mild, but there it is. The position is that we have to function within these limitations.

REPORT OF ENQUIRY COMMITTEE ON
SMALL NEWSPAPERS

The Minister of Information and Broadcasting (Shri Raj Bahadur): Sir, I beg to lay on the Table a copy of the Report of the Enquiry Committee on Small Newspapers. [Placed in Library. See No. LT-5712/66.]

NOTIFICATIONS UNDER PERSONAL INJURIES (COMPENSATION INSURANCE) ACT

The Deputy Minister in the Ministry of Labour, Employment and Rehabilitation (Shri Shahnawaz Khan): Sir, I beg to lay on the Table a copy each of the following Notifications under section 24 of the Personal Injuries (Compensation Insurance) Act, 1963:

- (1) The Personal Injuries (Compensation Insurance) Amendment Scheme, 1966 published in Notification No. S.O. 477 in Gazette of India dated the 9th February, 1966.
- (2) The Personal Injuries (Compensation Insurance) Amendment Rules, 1966 published in Notification No. S.O. 478 in Gazette of India, dated the 9th February, 1966.

[Placed in Library. See No. LT-5713/66].

Mr. Speaker: The Home Minister.

13.29 hrs.

ESTIMATES COMMITTEE

EIGHTY-NINTH AND NINETIETH REPORTS

Shri A. C. Guha (Barasat): Sir, I

beg to present the following Reports of the Estimates Committee:

- (1) Eighty-ninth Report on the Ministry of Irrigation and Power relating to action taken by Government on the recommendations contained in the Thirtieth Report of the Estimates Committee.
- (2) Ninetieth Report on the Ministry of Commerce, relating to action taken by Government on the recommendations contained in the Forty-sixth Report of the Estimates Committee on the erstwhile Ministry of International Trade—Tea Board, Calcutta.

Shri Hari Vishnu Kamath (Hoshangabad): Sir, how is he having precedence over the Home Minister?

Mr. Speaker: Since this item was not in the printed agenda, perhaps he took it that he has been called. Now the Home Minister.

STATEMENT RE: PAROLE OF
SHRI UMANATH

13.03 hrs.

The Minister of Home Affairs (Shri Nanda): Mr. Speaker, Sir, question has been raised whether Shri R. Umanath, MP, a detenu on parole could attend the sessions of Parliament. A detenu, while on parole can normally carry on legal activity if it does not involve any breach of the conditions on which the detenu was released on parole and which he had accepted. In view of this the detenu can attend Parliament provided in doing so he does not violate the terms and conditions on which he was released on parole.

In this particular case, Shri R. Umanath was detained pursuant to an order made by the Government of Madras under clause (b) of sub-rule (1) of rule 30 of the DIR. Some time ago his wife applied to the Chief

[Shri Nanda]

Minister of Madras requesting him to release her husband on parole as she was ailing and required proper medical treatment. The Chief Minister on consideration of this request ordered release of Shri Umanath on parole for a period of one month to enable him to attend to his ailing wife in Tiruchirapalli subject to the conditions which have already been read out in the House.

As the Members will appreciate, under rule 30 B of the DIR it is for the detaining authority to specify such conditions as it considers necessary while granting parole. All the conditions specified by the Madras Government were accepted by Shri Umanath. He had given a written undertaking to report daily before the Police in Tiruchirapalli. So far as the alleged fresh order having been served on Shri Umanath, I have ascertained from the Chief Minister, Madras, that no fresh order of any kind was served on him. Only an elucidation of the existing conditions of parole was conveyed to him by the Collector, on the 2nd of March.

Shri Hari Vishnu Kamath (Hoshanabad): Mr. Speaker, Sir, the Home Minister has tried to put some gloss over the outrageous order—notice or order, call it what you will—served on a Member of the House, Shri R. Umanath, by the Sub-Inspector of Woraiyur, Tiruchirapalli District. It is from an authentic source that I have got the information. It reads as follows.

Mr. Speaker: If the Home Minister says that he has ascertained from the Chief Minister . . .

Shri P. Venkatasubbaiah (Adoni): Still his information is correct!

Shri Hari Vishnu Kamath: You need not interfere.

Mr. Speaker: It is his information that no fresh notice has been served on him.

Shri Hari Vishnu Kamath: He has admitted that by of elucidation some-

thing was conveyed to him. Please judge what it amounts to, elucidation or a fresh order. I wish he had read what the elucidation notice or order was. I have got it with me. It is addressed to the Member. It reads:—

Sir, this is to inform you as per message received from SB Office. . .—

must be, Special Branch

An hon. Member: Superintendent of Police.

Shri Hari Vishnu Kamath: SB, not SP.

“...today a copy of message...”—the number is given, 42743—

“...from the Deputy Secretary, Government of Madras...”—he says, it is not an order; anyway—

“...Public (General) Department, dated 22nd February, 1966...”—

they have antedated the order served on him on the 2nd March—

“...regarding parole to detenu Shri R. Umanath, MP”.

Now, the order comes, which is the relevant part of the notice or order.

“Inform immediately Shri R. Umanath that he should not...”—

what is this? Is this not an order?

“...that he should not go to Delhi under present conditions of parole.”

He is entitled to his own view as to what an order means, what an order does not mean, what is a notice, order, elucidation—I do not know how he will put it. May I submit in all humility because it is a vital matter concerning the rights and privileges of Members of the House that in this notice served on him he has been prohibited from going to Delhi? He is not prohibited from going anywhere else. It is not that he is confined to that area; I could understand that. He is prohibited from coming to Delhi under your aegis; he is not allowed to come under this luminous

"Dharmchakra pravartanaya" and sit here. I do not know whether according to the terms and conditions served on him earlier—you will recollect, namely, subversive, political, kisan, labour—Delhi is regarded a dangerous or subversive place I do not know that is for the Chief Minister of Madras to judge!

Yesterday the Minister did not answer this point; he took time and today without telling us what the order or elucidation is about he just said "by way of elucidation something was set to him". I just now read out what the exact notice was and it is for the House and for you to judge whether it was only elucidation or something else.

Now, may I crave your indulgence and invite the attention of the House to what the famous May says on this matter which is relevant to the issue in debate. Before I come to that, I take it that under rule 368 the original order of the Madras Government served on Shri R. Umanath on the 22nd February, which was read out at that time by the Law Minister and not the Home Minister, was a document within the meaning or ambit of rule 368. I take it, though it was not formally laid, that it became a part of the proceedings because the Law Minister read the full text of it, if I remember aright, and no part of it was concealed from the House, I suppose. Therefore, presuming or assuming that the full text of the order was before the House, the order became the property of the House; it became a part of the proceedings, off the record.

Now, good old Erskine May says on page 114:—

"to falsify or improperly alter any records of, or documents presented to either House or committees thereof will constitute a contempt."

I would gladly concede that the Minister, neither the Law Minister nor the Home Minister altered the

document I do not charge them with that heinous offence.

Shri C. K. Bhattacharaya (Raijang):
Very kind of you.

Shri Hari Vishnu Kamath: But I do say with all the force at my command that in a vital issue of this nature where the rights, privileges and, I might even say, the fundamental rights of a citizen of this country who is a detenu on parole are concerned, the Madras Government by an egregious error, may I say, if not a foolish blunder has altered the conditions of parole and thereby altered the contents of the document which was laid on the Table of the House on the 2nd March. The same evening a sub-inspector, a minion of the law—of course, in his own place he is an important minion of the law—goes to the detenu and serves on him this order of the Madras Government. When the House was seized of this important matter, when the Home Minister was to make a statement to the House conveying the decision of the Government to the House, within a week, in between, during this interregnum the Madras Government shows indecent haste, perhaps seized by a guilty conscience and with a view to preventing the House from taking a decision on the merits of the order passed earlier on the 22nd February and with a view to preventing the Central Government from taking a right decision also served a fresh order on this detenu. The Madras Government has deliberately, wilfully, mala fide altered the conditions of the order served on the detenu on the 22nd February.

Now, before I conclude, may I also point out another aspect, another rather unsavoury aspect of this matter. I am glad that the Minister has gone to the extent of saying that the detenu can attend Parliament provided that it does not violate the conditions of parole that have been imposed on him I would have wished—I am sure, my colleagues on both sides of the House would have wished—

[Shri Hari Vishnu Kamath]

that such a paragon, an exemplar of sadachar, a patron saint of sadhu Samaj....

Mr. Speaker: That has nothing to do with it... (*Interruption*).

Shri Hari Vishnu Kamath: He is. Am I departing from the main issue?

Mr. Speaker: You should confine yourself to the main issue.

Shri Hari Vishnu Kamath: Is it wrong to say that he is a paragon, an exemplar of Sadachar—it is not disparaging—and the patron saint of Sadhu Samaj I would have wished he was more clear, more unambiguous and more unequivocal than he has been. He has left it to the detenu to decide whether he can come to Delhi or not. It is not provided in the conditions of parole. He should have been very clear on that. I do not know whether his hands are bound or whether there have been nocturnal confabulations between the two, the Home Minister here and the Home Minister there, in Madras, about this matter—there might have been some minister confabulations last night. Is the House not entitled to know from the Government a clear enunciation of the proposition, of their view in this matter as to whether under the present conditions of parole, that is under the release order served on him on the 22nd February which was before the House, which is still before the House—we are not bothered with the foolish order, foolish notice, served on him on the 2nd March—he can come to Delhi? We are still concerned with the first order. The second order, the notice, only tries to prevent him from coming to Delhi. It does not say he should not attend Parliament, because that would have been a far greater blunder.

Before I close, I would only submit this: Yesterday, I gave notice of a motion of privilege also on this mat-

ter. I submit that these two issues should be kept distinct. The issue No.1 is whether a detenu on parole is or is not entitled, is or is not within his rights, is or is not at liberty, to attend the House. The second issue is, when the order was being considered by the House, when the House was seized of the matter, whether a fresh order served by the Madras Government is not tantamount to contempt of the House and a breach of privilege of the House. I do submit that whoever is responsible for this should be put in his place, cut to size and brought before the bar of the House and reprimanded.

Shri H. N. Mukerjee: (Calcutta Central): Sir, this is a very serious matter and even though I am tempted, I would not like to hurl the adjectives at the Home Ministry. I would like to make only two submissions.

In the first place, it is quite clear that on the plea of elucidation, the Madras Government, very probably on instructions from the Centre, have put Shri Umanath in a position where he is disabled from exercising a right which he knows and the House knew we were trying to agitate here so that he can come and attend the proceedings of the House. There is no doubt that the mention of the word 'Delhi'—the order says, "You shall not travel to Delhi"—is a most suspicious item and it was put in obviously, deliberately, because the matter was being discussed in Delhi, at that point of time, on the floor of Parliament and attempts were being made to enable him to exercise a right which is a fundamental right which we have to uphold, because otherwise Parliamentary propriety in the country would go by the board. Therefore, it is most undesirable, and it is tantamount, I submit, to contempt of the House, when a Government agency, Central or provincial or whatever else it might be, acts in order to prevent Parliament from acting in a way that Parliament thinks fit. From that point of view, I believe, you can have further

investigation in regard to this matter and refer this matter to the Committee of Privileges because I do submit that contempt of Parliament has been committed. That is my first submission.

My second submission is that quite apart from the first matter of contempt of Parliament, on the facts of the case, I submit that Parliament, through you, Sir, be enabled to secure the attendance of Shri Umanath in Parliament I say this because in spite of certain conditions being incorporated in the parole or release order, in spite of those conditions being presumably accepted by the detenu concerned, there have been cases whereby on an intervention at the Centre a detenu has been enabled to have those conditions altered.

I had referred last time to the case of a person who was released on parole and was confined under the conditions of that release order to a particular area in Punjab, and it was on your very gracious intervention that the Home Ministry perhaps cooperated in the matter and he was enabled to come before a Parliamentary Committee to give evidence.

We know also another case of a former Member of Rajya Sabha, Mr. Sundarayya, who is Member of the Andhra Legislative Assembly, who was given a release order so that he could go to the Soviet Union for medical treatment and come back by a specified period. He did come back but he was held up in Delhi and his parole period was going to expire. Even so, certain influences were brought to bear on the matter and the Prime Minister herself received Mr. Sundarayya at a point of time which was beyond the point of expiry of the period envisaged in the parole release order.

There are these cases for us to refer back to. Therefore, it is conceivable that Parliament, if it wishes to do so, can in this particular case secure the expansion of the ambit of the release order, the conditions therein. We can easily do it if the Home Ministry is willing to abide by the wishes of Parliament when a matter of grave

Parliamentary propriety is involved. If the Home Ministry offers slight co-operation, this whole matter can easily be put at a level where we can function in a dignified manner as Members of Parliament.

Sir, I am not going to repeat what Mr. Kamath has said. It is a matter of serious import. There are my two submissions for your consideration. I do believe that the Home Minister also would take a grave view of the situation because it involves not merely a person who happens to be in the bad books of the Home Ministry but it involves all Members of Parliament. If the right of any one of us is put in jeopardy for wrong reasons, it would some day recoil on the whole House and Posterity.

Shri Nanda: There is a reflection on the Home Ministry, the Government of India, that we sent some instructions to the Government of Madras to arrange for this order, etc. In the first place, I categorically repudiate all that. Secondly, this discussion was going on on the 2nd and that order, that intimation, was given also on the 2nd. (Interruptions).

Shri Hari Vishnu Kamath: The very same evening.

Shri Nanda: I do not know the exact time. (Interruption).

Shri Hari Vishnu Kamath: I know it. You find it out.

Shri Vasudevan Nair (Ambala Puzha): Let us know the time at which the order was served.

Shri Hari Vishnu Kamath: They have got a better machinery than I have. But I have got the information.

Shri Nanda: The Chief Minister told me on the telephone that no fresh order had been issued. It was only an elucidation. It was only explained that, in view of the conditions laid down, it would not be possible for him to go to Delhi. The conditions have already been read out. Therefore, it is really the terms of the old order and he can say, "No; the conditions which are accepted permit me to go to Delhi." Nobody can prevent him from coming to Delhi.

Shri Hari Vishnu Kamath: How?

Shri Vasudevan Nair: Then, you will put him in jail again.

Shri Nanda: As I read the papers, that is what I understand..... (*Interruptions*).

Mr. Speaker: Order, order.

Shri Vasudevan Nair: Let him clarify when the order was served. It is a very pertinent point.

Shri Nanda: I do not know about the exact hour. I know it was on the 2nd. I do not know the precise hour..... (*Interruption*).

Shri Hem Barua (Gauhati): At what time was it served? He can make enquiries.

Mr. Speaker: This information is also very pertinent.

Shri Nanda: We shall do that. Apart from that information, whatever it may be, the facts of the case are that it does not, even if it were an earlier hour or a later hour, make any kind of difference. That is my submission. Of course, the Speaker will decide and give a ruling on this. There was no question of doing something or evading some kind of obligation on the part of the State because of the discussion in Parliament. I do not see, I do not read, in the order that there was anything specially done. It was only an elucidation of the existing conditions (*Interruptions*).

श्री मधु लिमये (मुंगेर) : यह विवाद का सवाल नहीं है। आप मेरी बात सुन लीजिये।

अध्यक्ष महोदय : मैं डिबेट एलाऊ नहीं करता हूँ।

Shri Hari Vishnu Kamath: By your leave, we want to have a clarification about this wording:—

“Information immediately Shri R. Umanath that he should not

go to Delhi under the present conditions of parole.”

Mr. Speaker: I will look into the whole matter and see if I can interfere in that. I am not sure. But I shall look into the matter.

श्री मधु लिमये : मैं विवाद नहीं करना चाहता। मैं एक मुद्दा आपके सामने रखना चाहता हूँ। यह बहुत महत्वपूर्ण सवाल है।

अध्यक्ष महोदय : सभी महत्वपूर्ण सवाल हैं।

Shri Hem Barua: It is a very relevant thing.

Shri Nanda: I want to tell the members for their information that the Chief Minister himself has said that he had no intention of altering the conditions of the parole order.

Shri Vasudevan Nair: Do you believe that the conditions are not altered by this fresh order?

श्री मधु लिमये : संविधान की 105 धारा के अन्तर्गत मेरा विशेषाधिकार सम्बन्धी एक व्यवस्था का प्रश्न है। इस में यह कहा गया है कि इस सदन के और इसके सदस्यों के वही विशेषाधिकार होंगे जो कि हाउस आफ कामन्स के हैं। उसके बारे में हाउस आफ कामन्स की यह वाद-विवाद की किताब मेरे पास है। उस में से एक छोटा सा जुमला मैं आपके सामने रखना चाहता हूँ। वहाँ के अध्यक्ष महोदय ने इसके बारे में निर्णय किया है जिस का सीधा सम्बन्ध इस उदाहरण से है। आप कृपया मुझे इसको पढ़ने की इजाजत दें। उसके बाद वो ही वाक्य मैं कहूँगा और बैठ जाऊँगा। यह स्पीकर साहब ब्रिटेन के कट रहे हैं

“The origin of the doctrine of freedom from arrest which atta-

ches to all Members of Parliament during a Session of Parliament lies in the fact that this House is entitled to have a first claim upon their services and that any person who, by any action of arrest or hindrance...."

"हिंड्रेंस" में अघोरेखित करना चाहता हूँ।

"...prevents a Member from attending in his place to do his duty is guilty of contempt of the whole House." (H.C. Debates, 1958-59, 601).

मेरा यह निवेदन है कि इन्होंने खुद कहा है कि जो पहला हुक्म था 22 फरवरी का वह अलग था। 1 मार्च को यह सवाल उठाया गया था। 2 मार्च को स्पष्टीकरण दिया गया है। मेरा निवेदन है कि - यह स्पष्टीकरण उनके कर्तव्यों की पूर्ति में और उनके इस सदन में हाजिर होने में बाधा डालता है, रुकावट डालता है, हिंड्रेंस पैदा करता है। इसलिए कामत साहब के प्रस्ताव का मैं जोरदार समर्थन करता हूँ। और प्रार्थना करता हूँ कि यह विशेषाधिकार का सीधा प्रस्ताव समिति के सामने रखा जाए।

अध्यक्ष महोदय : जो कुछ मधु लिमये साहब ने कहा सिर्फ उस हद तक अगर देखा जाए तो कोई विशेषाधिकार का सवाल नहीं पैदा होता है। इस हाउस के हर एक मम्बर को और इस हाउस को पहला हक है कि सविस मम्बर को यहाँ दी जाए। लेकिन अगर किसी मम्बर को किसी ला के अंडर डिटेन किया जाए या कोई वह जुर्म करे और पकड़ा जाए—

श्री मधु लिमये : उन्होंने कहा है कि आ सकते हैं, पुराने अर्डर के मातहत आ सकते हैं, इसलिए मैंने कहा है। यह तो उस हुक्म का स्पष्टीकरण हुआ रुकावट नहीं....

अध्यक्ष महोदय : अगर कोई लाफुल प्रायोरिटी, कोई लीगल प्रायोरिटी, कोई कोर्ट, कोई और एग्जैक्टिव, कोई दूसरा करे तो वह हिंड्रेंस कंटम्प्ट आफ पार्लियामेंट तो नहीं हो सकती है।

श्री शिव नारायण

Shri Hari Vishnu Kamath: When shall we have your directive or ruling or order?

Mr. Speaker: In a day or two.

The Minister of Law (Shri G. S. Pathak) rose—

Shri S. M. Banerjee: The Law Minister wants to say something.

Mr. Speaker: Yes.

Shri G. S. Pathak rose—

Shri Kapur Singh (Ludhiana): I rise on a point of order.

Mr. Speaker: Another point of order has arisen; on the Minister's rising?

Shri Kapur Singh: It is not on his rising; it arose before he rose.

My point of order is under Rule 225(2) which contemplates that, when a matter for a privilege has been discussed or talked about in the House and then if an objection is taken to its being referred to the Privileges Committee, then there is only one course open to the Speaker.

"If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-five members rise accordingly, the Speaker shall declare that leave is granted."

This provision of the rules has been contravened by you.

Mr. Speaker: No; first, my consent is necessary.....

Shri Kapur Singh: Your consent is presumed.

Mr. Speaker: Before giving my consent, I can allow the matter....

Shri Hari Vishnu Kamath: To ascertain the facts.

Mr. Speaker: Yes; to ascertain the facts.

Shri G. S. Pathak: As you have been pleased to indicate that you will reconsider this matter, I wish to point out one thing, just to assist the Chair. I wish to point out that the Supreme Court recently in the case of Mr. Umanath himself has decided that the privilege under Article 105 does not avail against detention under D. I. R. and the Supreme Court referred to the British practice also, both in the case of criminal laws as well as in the case of detention laws. That is all I wish to point out. (*Interruptions*).

Shri Hari Vishnu Kamath: You do not need this kind of light from him, Sir. Let the Home Minister give the date and time of the Madras Government order.

Mr. Speaker: I always need light from all quarters.

Shri Hari Vishnu Kamath: But not this kind of obscure light.

Mr. Speaker: Mr. Sheo Narain.

13.57 hrs.

RAILWAY BUDGET—GENERAL DISCUSSION—Contd.

श्री शिव नारायण (बांसी): अध्यक्ष महोदय, मैं आपका बड़ा अनुगृहीत हूँ कि आपने मुझे रेलवे बजट पर बोलने का अवसर दिया है। मैं उस इलाके से आता हूँ जो कि बार्डर पर है। मैं सरकार का ध्यान इस ओर दिलाना चाहता हूँ कि आज चार बरस से मैं लगातार कहता आ रहा हूँ कि लखनऊ से सिलीगुड़ी तक जो लाइन जाती है और जो नैरो गेज की है, जो सिंगल लाइन है। और जिस को हमारी तरफ छोटी लाइन कहा जाता है उस को डबल लाइन कर दें। आज फिर मैं

आप से अपील करता हूँ कि इस लाइन को आप डबल लाइन कर दें। हमारी सीमाओं के पार दुश्मन ने अपने पंजे जमाये हुए हैं। मिजो हिल में आज झगड़ा चल रहा है। अगर हमारे बीच आफ कम्युनिकेशन ठीक नहीं होंगे तो हमारे लिए बड़ी कठिनाइयाँ पैदा हो जायेंगी। आज भी बड़ी कठिनाई में से हम गुजर रहे हैं। और तब और भी इन में वृद्धि हो जाएगी। नेपाल के किनारे पर हम लोग बसते हैं। हमारे और भाई दूसरे कंट्रियर पर बसे हुए हैं। इस वास्ते बार्डर तक आने जाने के जो बीच आफ कम्युनिकेशन हैं वे बहुत अच्छे होने चाहिये। हमारे रेल मंत्री बहुत स्ट्रॉंग आदमी हैं। उनको रेल विभाग मिला हुआ है। मैं आशा करता हूँ कि कम से कम वह इस लाइन को तो डबल कर दें। ऐसा कर के वह देश के प्रॉटेक्शन में अपना हाथ बंटा सकेंगे। देश की प्रॉटेक्शन के लिए यह बहुत जहुरी है।

Shri Priya Gupta (Katihar): When will the Railway Minister reply?

Mr. Speaker: I would request the Railway Minister to reply at 2.45 P.M.

श्री शिव नारायण : दूसरा एक इम्पा-टेंट प्वाइंट मैं यह अर्ज करना चाहता हूँ कि सहजन्मा, मेहदावल, बांसी होते हुये गोंडा तक के इलाकों को आप लाइन से मिला दें, यहाँ रेलवे लाइन बिछा दें तो नेपाल के बार्डर से हमें प्रॉटेक्शन मिल जायगी। हमारे रेल मंत्री मजबूत आदमी हैं। स्ट्रॉंग आदमी हैं, आनेस्ट आदमी हैं। अगर उन के हाथों से रेल विभाग में सुधार नहीं हुआ तो दूसरे किसी के हाथों नहीं हो सकता है। इन पर हमें बहुत गुमान है। हम इन को बधाई भी देते हैं। अभी हाल में मिलिटरी के लिये बहुत अच्छा काम किया है। है और रेल विभाग ने भी हाल की लड़ाई में बहुत अच्छा काम किया है। इस के लिए मैं रेल विभाग को बधाई देता हूँ। लेकिन साथ ही साथ मैं डा० राम सुभगसिंह जी को सेवा में निवेदन करना चाहता हूँ कि इस लाइन