

Mr. Deputy-Speaker: Let him please sit down. He is obstructing the proceedings of the House.

श्री मधु मिलये : उपाध्यक्ष महोदय...

Mr. Deputy-Speaker: I shall not hear the hon. Member. Let him resume his seat.

ANNUAL REPORT OF NATIONAL RESEARCH DEVELOPMENT CORPORATION OF INDIA

The Deputy Minister in the Ministry of Education (Shrimati Soundaram Ramachandran): I beg to lay on the Table a copy of Annual Report of the National Research Development Corporation of India, New Delhi, for the year ending the 31st March, 1965, along with Audited Accounts and the comments of the Comptroller and Auditor-General thereon, under subsection (1) of section 619A of the Companies Act, 1956. [Placed in Library. See No. LT-5644/66].

श्री रामसेवक यादव : यह व्यवस्था का प्रश्न है...

Mr. Deputy-Speaker: Shri Ram Sewak Yadav is obstructing the Proceedings of the House. I ask him to go out. Let him please go out.

श्री रामसेवक यादव : आप सुनिये तो सहा...

Mr. Deputy-Speaker: I ask the hon. Member to go out. Let him please go out. We cannot go on like this.

(Shri Ram Sewak Yadav left the House)

श्री बागड़ी (हिसार) : डिप्टी स्पीकर साहब, आप सुनिये तो सहा। आपके कान पर ईयरफोन लगा हुआ है, इस लिये आप सुन नहीं सके।

Mr. Deputy-Speaker: Shri Bagri is obstructing the proceeding of the House. Let him please go out.

श्री बागड़ी : इस तरह से सब को निकाल दाजिये, अकेले आप रह जायेंगे।

Mr. Deputy-Speaker: Let Shri Bagri go out. We cannot go on like this. This is not a fish-market. There must be some dignity in the House and some order in the House.

श्री बागड़ी : लेकिन आप को सुनना चाहिये।

Mr. Deputy-Speaker: Shri Bagri may please go out. Is he obeying the Chair or not?

श्री बागड़ी : सुनने में कोई हर्ज नहीं है।

Mr. Deputy-Speaker: I do not want to hear him. I have asked him to go out. Let him please go out.

श्री बागड़ी : यह तो ज्यादाती है।

(Shri Bagri left the House)

श्री मधु लिमये : नियम सं० 376 के अन्दर मैं एक व्यवस्था का प्रश्न उठाता हूँ।

Mr. Deputy-Speaker: I am not going to hear the hon. Member. It is all over now. If there is anything, the hon. Member may please come and discuss it with me. We cannot go on like this.

श्री मधु लिमये : लेकिन मेरा व्यवस्था का प्रश्न है ?

Mr. Deputy-Speaker: I have considered all that. Now, the hon. Law Minister.

12-19 hrs.

STATEMENT RE. RIGHT OF MEMBER ON PAROLE TO ATTEND HOUSE

The Minister of Law (Shri G. S. Pathak): I am making a statement in

[Shri G. S. Pathak]

obedience to the Chair's order which was given yesterday. It is well established that a person who is detained under a valid detention order cannot enjoy his right to attend the Parliament so long as the detention order is in force.

Shri S. M. Banerjee (Kanpur): Under what rule?

Shri G. S. Pathak: How far this position is affected by the fact that the detenu is on parole is the question. A parole order operates as a conditional release and is in its nature of a temporary character.

An hon. Member: What are the conditions?

Shri G. S. Pathak: It may limit the temporary freedom to a specified place or to a specified purpose. A parole order by its operation and effect may take away the freedom to attend Parliament. In such a case, the Member of Parliament is deprived of his right to attend the House in the same way as in the case of detention under a detention order when the detenu is on parole. The principle is that the right of a Member cannot prevail against the operation of criminal laws or detentions. The parole order is passed under Rule 30B of the Defence of India Rules.

In the present case. . . .

श्री मधु लिमये (मुंगेर) : वह नियम पढ़ डालिये ।

Shri G. S. Pathak: How does he know that I do not want to read it?

श्री किशन पटनायक (सम्बलपुर) : नए मंत्री बने हैं, इसलिए गुस्सा आ रहा है ।

श्री मधु-लिमये : मैं ने क्या अनुचित बात कही है ? इन्होंने नियम का उल्लेख

किया और मैं ने कहा कि नियम को पढ़ डालिये हमारी जानकारी के लिए । वह बहुत गुस्सा हो गए ।

डा० राम मनोहर लोहिया (फरुखाबाद) : जरा दिमाग ठंडा रखो । उनके लिए एक पैग बरफ का मंगा दोजिए तो अच्छा होगा ।

Mr. Deputy-Speaker: If he does not read, afterwards the hon. Member can raise that point.

Shri G. S. Pathak: There is no question of my being angry. I am merely suggesting that if the hon. Member waits, he will hear the order also.

In the present case, the conditions imposed on the detenu under the parole order—which I will read out presently—are inconsistent with the claim of the MP to attend the House, and in their effect and operation prevent him from doing so. Consequently, Shri R. Umanath, MP, cannot claim the right to attend Parliament even during the period when he is on parole.

Now I will read the order:

"The Government"—

that is, the Madras Government. . . .

श्री मधु लिमये : मैं चाहता हूँ कि पहले जिस नियम के अन्दर हुकम निकाला गया वह पढ़ा जाए और बाद में हुकम पढ़ा जाए ।

Shri Priya Gupta (Katihar): Has the Madras Government a separate status and separate rules?

Mr. Deputy-Speaker: He may read the rule also.

Shri G. S. Pathak: May I read the rule first or order first?

I am reading Rule 30B:

"The Central Government or the State Government, as the case may

be, may, by order, direct that any person detained in pursuance of an order under clause (b) of sub-rule (1) of rule 30 may be released for any specified period either without conditions or upon such conditions specified in the order as that person accepts, "and may at any time by order cancel his release. (2) In directing the release of any person under sub-rule (1), the Central Government or the State Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction. (3) Any person released under this rule shall surrender himself at the time and place and to the authority specified in the order, directing his release or cancelling his release as the case may be. (4) If any person fails without sufficient cause to surrender himself in the manner specified in the order referred to in sub-rule (3) he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both. (5) If any person released under this rule fails to fulfil any of the conditions specified in the order directing his release or in the bond entered into by him, the bond shall be declared to be forfeited to Government and any person bound thereby shall be liable to pay the penalty thereof."

Now I shall read the order which was passed by the Madras Government under the rule which I have read just now.

Shri Maurya (Aligarh): I would like to know the interpretation of "with or without condition".

Mr. Deputy-Speaker: Let us hear him fully.

Shri G. S. Pathak: The order reads.

"The Government direct that security prisoner Shri R. Umanath, detained in the Central Jail, Cuddalore, under the Defence of

India Rules, 1962, be released temporarily on parole for a period of one month to enable him to attend to his ailing wife in Tiruchirapalli, subject to the conditions that:

- (1) he gives a written undertaking that he will surrender himself to the Superintendent, Central Jail, Cuddalore, immediately on the expiry of the parole period or immediately on "the cancellation of his release on parole;
- (2) he will report daily before the concerned police authorities.

Shri Vasudevan Nair (Ambalapuruzha): Is it daily?

Some hon. Members: Shame.

Shri S. M. Banerjee: A man of his calibre would never have accepted it. He should have asked the Madras Government.

Shri G. S. Pathak: I am merely reading it.

"(3) he will not during the period of parole take part in any political, labour or kisan activities or any subversive activities either directly or through intermediaries or address any public meeting; and

"(4) he will at any time during the period of his parole be liable to be arrested by the District Magistrate, the Additional District Magistrate or the Commissioner of Police, Madras, if the said officer is satisfied that he failed to fulfil any of the above conditions of temporary release.

"The Superintendent of Police, Tiruchirapalli, is requested to keep a close watch on the movements and activities of the security prisoner

Dr. L. M. Singhvi (Jodhpur): The Law Minister has made out the strongest case against DIR by reading these orders.

Shri G. S. Pathak: "...during the period of his parole and to send a report to Government regarding his conduct during the parole period."

Now, Sir, so far as the position emerging from this parole order is concerned, I have read that order also—this was the statement which I promised to make yesterday.

Shri Hari Vishnu Kamath: (Hoshangabad): Mr. Deputy-Speaker, Sir, I raised the issue yesterday. May I submit that there is before the House an issue of great constitutional importance with which is inextricably linked the issue of Members' rights and privileges. The hon. Minister has the advantage of many years of experience at the bar and on the Bench. I am suffering from a handicap so far as that is concerned but as regards Parliament, I suppose I have a little more experience than he has.

May I at the outset read from the Concise Oxford Dictionary, 1964 edition, to show what is parole. 'Parole' is defined as follows:

Shri G. S. Pathak: I have seen it; I have got the extract from the Oxford dictionary and Jouritt's Legal dictionary as to what is meant by 'Parole'.

Shri Hari Vishnu Kamath: You did not read it then?

May I for those who are interested in knowing it read out what it exactly means?

Mr. Deputy-Speaker: He may go on.

Shri Hari Vishnu Kamath: If you have some patience, you will understand; kindly bear with me. 'Parole' comes etymologically, from a french word, meaning word. 'Parole' means word of honour, especially military,

it is stated here in the dictionary; prisoner's promise that he will not attempt escape or will return to custody if liberated; so the main content of parole is that he should return to custody if liberated; he will not attempt to escape.

Now, the Minister has read out in the House an order passed under rule 30(B), capital B, as he says. The conditions imposed also are now known to the House. Now, may I refer to article 105 of the Constitution? Please take up your copy of the Constitution, Sir....

An hon. Member: He knows it by heart.

Shri Hari Vishnu Kamath: I am glad he knows it by heart, if so, he need not take the trouble of looking into the Constitution. It is too late in the day to labour the proposition that the privileges, rights and immunities of Parliament Members are coterminus with those of the Members of the House of Commons under article 105(3). The hon. Minister said at the outset that a security prisoner or a detenu once he is detained under the DIR Act or the rules thereunder is deprived of his rights and privileges as a Member of the House. Let us examine this matter a little more closely. All detainees as far as we are aware served with or receive the President's summons to attend Parliament. That has been going for the last one year or more since the DIR came into force. Every Member, who is detenu or security prisoner receives the President's summons to attend Parliament and in pursuance of that presidential writ of summons, every Member who is detained or who is a security prisoner in any part of the country is entitled, has got the right to send notices of questions. You will see almost every day my hon. colleague Shri A. K. Gopalan's name in this list.

Shri S. M. Banerjee: Today it is here also.

Shri Hari Vishnu Kamath: It tops the list of unstarred questions.

Shri Tyagi (Dehradun): Clerical error. (*Interruption*).

Shri Hari Vishnu Kamath: I am sorry something has happened to my hon. friend Shri Tyagi since he resigned. It is not so much clerical error as something worse. Now, the President's writ summons, having reached the Members, they are re-invested, so to say, if they have been deprived earlier, with the right to attend the session of the House of which he or she is a Member at the time. The President, the executive head of the Indian Union, summons a Member to attend the session of the House at the place and on the date aforesaid. You know the wording of the summons and so I do not want to quote the wording here; it is well known. His questions are admitted; the Member sends the questions and the answers are given. I do not know whether the answers are sent to him in jail or wherever he is. I hope they are sent by the Secretariat of this House to the Member—the written answers to the questions.

Now, where do we go from here? Let us see what good old MAY has got to say. Erskine MAY's *Parliamentary Practice*, 17th edition—

An hon. Member: Date of publication?

Shri Hari Vishnu Kamath: When I mentioned the edition its quite sufficient. 17th edition. Is that enough?

Shri Shashi Ranjan (Pupri): The place at which it was printed?

Shri Hari Vishnu Kamath: I am sorry he does not know MAY at all. I would not go very far—(*Interruption*).

Mr. Deputy-Speaker: Order, order.

Shri Hari Vishnu Kamath: I am sorry that he has been in the House for four years, yet he has not heard of Erskine May. (*Interruption*).

Shri G. S. Pathak: If my hon. friend Shri Kamath has no objection—

Shri Hari Vishnu Kamath: I am not yielding. (*Interruption*). Let him point out the rule. Under what rule he is intervening, Sir?

Shri C. K. Bhattacharyya (Rai-ganj): May I put a question? Under what rule is Shri Kamath speaking here?

Shri Hari Vishnu Kamath: Debate. The debate is going on. He is sleeping or somnolent.

Shri C. K. Bhattacharyya: A Daniel has come to judgment! (*Interruption*).

Shri Hari Vishnu Kamath: I will quote the page from MAY's *Parliamentary Practice*, for Shri Shashi Ranjan; not the year but the page. It is page 121. At page 121 it is held very clearly. "It is a breach of privilege to molest a member of either House while attending such House or when coming to or going from it".

Shri Hem Barua (Gauhati): Was he a woman Member?

Shri Hari Vishnu Kamath: Man includes woman. Now, the order read out by the Minister—

Shri C. K. Bhattacharyya: The whole House is being molested now.

Shri Hari Vishnu Kamath: I think my hon. friend Shri Bhattacharyya should come to the rescue, and if he is also molested he should quit the House. Now, the Member concerned, Shri Umanath, was served with an order. I wish the Minister had laid a copy of that order on the Table of the House, because we would have had access to it readily. But anyway, I have made some notes. He has been released on parole to attend on his ailing wife and he has been debarred from participating in any political activity, political labour, kisan and subversive activity. I hope we have not come to that stage where it may be held by any sensible, reasonable person, that attending the session of

[Shri Hari Vishnu Kamath]

Parliament is subversive activity! Nor is it stated in the orders specifically, categorically, clearly, unequivocally, unambiguously....

Shri C. K. Bhattacharyya: Emphatically.

Shri Hari Vishnu Kamath:... that he has been released only to attend on his ailing wife. It is also, negatively, not specified in the order that he should not take part in the sessions of the Lok Sabha. The activities tabooed are political activity, kisan activity, labour activity and subversive activities.

An hon. Member: Attending Lok Sabha is a political activity.

Mr. Deputy-Speaker: When he is not prohibited, why does he not come here?

Shri Hari Vishnu Kamath: I do not know whether you were here when we raised it yesterday.

Mr. Deputy-Speaker: When he is not prohibited, why does he not attend?

Shri Hari Vishnu Kamath: That is exactly what he wants to know, through a ruling of the Speaker. The President having summoned him, he has got a right to attend the Parliament, as he has been released on parole during the session. He has held himself responsible for surrendering after the period of parole—one month or whatever it is. What will happen to our great democracy, Sir, if the Presidential summons is sought to be set at naught by some petty panjandrum functioning in a State or elsewhere? Is that our conception of a great democracy? The President summons a member; he is detained somewhere. And, he is released on parole. The Oxford Dictionary makes it clear what parole means. I am sure the Law Minister knows what parole means equally well or even better than that. He must have examined many cases of parole.

I warn you, Sir, if this issue is not decided correctly, properly and after careful consideration, the future will judge us for what we are. I hope the judgment will be favourable to us. (Interruptions). It is not a laughing matter. Shri Jaganatha Rao is getting impatient. If he is feeling hungry, he may go out.

The Minister of State in the Ministry of Parliamentary Affairs and Communications (Shri Jaganatha Rao): No, No.

Shri Hem Barua: Hungry for promotion!

Shri Hari Vishnu Kamath: In England also, it has been held in the House of Commons that so far as detention is concerned, under their Defence of the Realm Act, 1939, that does not constitute a breach of privilege. But here he has been released on parole and he has given a bond that he will go back to the jail after the period of parole is over. Except for the conditions mentioned specifically and categorically in that order of parole, he has freedom....

An hon. Member: No.

Shri Hari Vishnu Kamath: You may shout no, but that would not make it no. Except for the conditions laid down in the order namely political activity, kisan activity, labour activity and subversive activity....

Shri Shinkre (Marmagao): He has to report daily to the police.

Shri Hari Vishnu Kamath: There is police here also; he can report to them. Police does not mean Madras police. Delhi police is also part of our police.

Therefore, I for one venture to suggest that if he attends the session, during which he has been released on parole, he will not be committing a breach of any of the conditions that he has accepted when the order of parole was served upon him. I therefore, request you to rule that during the period of parole, he is permitted,

he is at liberty, he is entitled, if his ailing wife permits him to do so, to come to Delhi and take part in the session, and go back after the period of parole is over.

Shri H. N. Mukerjee (Calcutta Central): Sir, we cannot leave the matter at this stage where the Law Minister has thrown it. Mr. Umanath, the member concerned, in spite of whatever prohibitions are there on him as a detenu, has today figured in our Question List: in Unstarred Questions Nos. 1333, 1395 and 1396. He is there. Here, to-day he is taking part in parliamentary activities. Therefore, the inclusion of the clause that he is not to perform any political work should not be extended to mean parliamentary work.

Secondly, Sir, I referred, yesterday, to a matter which I am repeating and more clearly. In the case of a detenu in the Punjab, a member of the Punjab Legislative Assembly belonging to my party, who was released on parole conditionally, in the way in which Shri Umanath is being released, who was asked to confine himself to a certain area in the Punjab, he was permitted by our own Speaker, as the Chairman of the Punjabi Suba Committee, to come before the Committee under necessary police escort and give evidence. The Government of India, when told by the Speaker about his intention, immediately secured the concurrence of the Government of the Punjab and arranged that, in spite of whatever conditions there might or might not have been in the parole order, that member of the Punjab Assembly was to be enabled to come to Delhi and take part in the discussion before the Committee. This is what has happened already in one case. Here a Member of our House is being released on parole for a long enough period. He is being released primarily to look after his ailing wife. It may very possibly be that the climate of Delhi in this particular time would be very suitable for his ailing wife. Particularly when he is a Member of Parliament and he is in a posi-

tion to bring her up here to this salubrious climate, it may very well be in the interest of all concerned and completely in conformity with the terms of the order if he comes to Delhi in order to look after his ailing wife. It would be, in the nature of things, better for him to come to Delhi, where he can come with a railway pass in his pocket, where he has got the dates etc., and where he can come to this House and take part in the proceedings provided the Speaker and this House provide facilities in favour of him.

In view of, therefore, what our own Speaker has already done by a very courageous gesture, in view of what the Government of India has already done with regard to persuading the Government of Punjab in very quick time—in a matter of 24 hours changes were made in the order—what transpired behind the scenes I do not know—so that Shri Harikrishen Singh Surjeet, M.L.A., was enabled to come before the Punjabi Suba Committee, talk to all of us, to give evidence, to answer question and to do whatever was necessary—at that point of time there was no police escort inside the Committee room, there were only the members of the Committee—this is what happened—in view of all that, it is very necessary that the Speaker and this House takes this matter into consideration. Law should not be degenerated into logomachy playing with technical terms here and there. Law does not continue to be, in the Republic of India, the same sort of thing which it was envisaged to be in the Indian Penal Code and whatever other legislations were fashioned on that pattern. Therefore the spirit of the law, not merely the letter of it, is very much to be taken into consideration, particularly in matters of parliamentary propriety, and here is something which the Speaker and the House should decide in conformity with parliamentary interest.

Dr. L. M. Singhvi: Sir, the matter is of profound significance. It should

[Dr. L. M. Singhvi]

be looked at from two points of view. One is the strict legal position in this case and the other is the larger jurisprudential question as also the political question brought with it. It is evident that by the very reading of the order of parole the hon. Law Minister built up a powerful case against the DIR and its continuance, and that our citizens and Members of Parliament should be subjected to these humiliating, to these unwarranted conditions is a matter of abiding shame for us. The law of parole as expounded by the Law Minister is evidently draconian and out-dated. There is no need for the law and practice of parole in this country to continue to stick to the precedents of an age when we were a colony of a foreign country. It is a fact that even in the instant case it is not incumbent upon a person released temporarily on specified conditions to be precluded from attending the House. Take the instance of a Member who happens to reside in Delhi and who is in detention in Delhi. He would be able to report to Delhi police as required by the parole order. He would be able to fulfil the various conditions laid down in the parole order and there would be nothing to preclude him from coming to this Parliament as a Member to participate in the proceedings of this House. Therefore, the order in so far as it prevents him from participating in the proceedings of the House because he happens to live in a distant place is wholly inconsistent and unjustified. It is only proper that by and large the practice of parole in our country, particularly for Members of Parliament and other Legislators should be such that they should be permitted to participate in the proceedings of the House. If parole can be granted to enable him to attend to his ailing wife, there is no reason why parole cannot normally be granted to a legislator to attend to his parliamentary or legislative duty. I think it is in the light of these considerations that the question should be decided. I also hope that

the Government would see to it that the letter and practice of parole in this country is suitably and, if necessary, radically amended and modified.

Shri P. K. Deo (Kalahandi): I associate myself with the sentiments expressed by my friends, Shri Kamath, Professor Mukerjee and Dr. Singhvi. Yesterday we moved an amendment to the Motion of Thanks on the President's Address that it is high time that the state of emergency is lifted and this black Act is removed from our statute book. The very wording of the order of parole is so nauseating and suffocating that we are all unanimous in our demand that it is high time that the Defence of India Rules are revoked. The parole order very clearly says that Shri Umanath is not to take part in any subversive activity or political activity. That does not bar him from attending this House for which he has been summoned by the President. If it is interpreted that he is to be barred from participating in the proceedings of the House it would amount to flouting the summons of the President who has ordered him to be present here. In a sense, he has already been participating in the proceedings of the House as can be seen by the unstarred questions given notice or by him. So, I most respectfully submit to you, and through you to the Government, that Shri Umanath may be given permission to participate in the proceedings of the House.

Shri Tyagi: I would suggest that the Government should take a liberal view in this matter.

श्री मधु लिमये : उपाध्यक्ष महोदय, नियम पढ़ने पर मैं ने इसलिए जोर दिया क्योंकि नियम की क्या परिभाषा है यह मैं जानना चाहता था न कि मंत्री महोदय का भाष्य । उन्होंने जो भाष्य किया है उस में उन्होंने दो चीजों को मिला दिया । उस से एक मिक्स अप हो गया । दो चीजों को मिला दिया । एक तो जिस को

शर्त कहा जाता है, "कंडीशन", और उन्होंने जिस शब्द का इस्तेमाल किया वह "परपज", यानी उद्देश्य, हुक्म में उद्देश्य बतलाया गया है। उस का कोई मतलब नहीं है क्योंकि नियम में यह बात नहीं है। नियम में केवल दो बातें हैं। पैरोल त्रिशिष्ट अवधि के लिए दिया जा सकता है और बिना शर्त या शर्तों के साथ दिया जा सकता है तो हुक्म में क्या उद्देश्य बताया है इस का नियम से कोई मतलब नहीं है। हो सकता है कि अपना बावों का सेवा करने के लिए उन को छोड़ दिया गया है लेकिन साथ साथ बाका अगर कोई वह काम करना चाहें, जिस के बारे में कोई रोक नहीं है तो मेरा खयाल है वह नियम के अन्दर कर सकते हैं। इसलिए मेरा यह निवेदन है कि इस नियम के अन्दर उन को सदन में आकर सदन को कार्य-वाही में हिस्सा लेने का पूरा अधिकार है। उस से उद्देश्य का कोई सम्बन्ध नहीं है, शर्तों से मतलब है और उन शर्तों का पालन करते हुए अगर वह इस सदन में आ सकते हैं तो मेरा खयाल है कि आ सकते हैं। रह जाता है एक हा सवाल कि पुलिस को रपट देने के सम्बन्ध में शर्त लगाई गई है। अब मैं ने तो पूरा तरह ठोक से सुना नहीं कि क्या खुद जाकर पुलिस स्टेशन पर रपट देने का बात है... (इंटरपज्शन)

कई माननीय सदस्य : हां है।

श्री मधु लिये : या पत्र द्वारा, तार द्वारा भा वह रपट दे सकते हैं ? दिल्ली में आकर हर दिन तार भेज सकते हैं, स्पोकर साहब तार भेज सकते हैं। इसलिए शर्तों का पालन करते हुए अगर वह इस सदन में आना चाहें तो मेरा खयाल है कि उन को खुली छूट देनी चाहिए और इस सदन का संरक्षण और

इस सदन के कानून का संरक्षण उन को जरूर मिलना चाहिए।

Shri Harish Chandra Mathur (Jabre): Mr. Deputy-Speaker, Sir, I think the Government would be well-advised to consider this question in the light of what the Prime Minister stated yesterday, in the light of background of the discussion on the Defence of India Rules themselves and in the light of the strong opinion expressed on the floor of this House, in courts and outside by the leading citizens. Government have already made a statement that they are going to liberalise its rigours and that they are not going to apply it even against profiteers and that type of people. That background should be borne in mind. I think the Law Minister will concede that anybody who is participating in the proceedings of this House cannot be termed as participating in any undesirable activity. When a man is released on parole certain conditions are imposed. The object of those conditions is to ensure that he may not exploit his release on parole for indulging in undesirable activities. I think by no stretch of imagination can anybody say that participation in the proceedings of the House is an undesirable activity.

Shri G. S. Pathak: I will not say that.

Shri Harish Chandra Mathur: If it is not an undesirable activity by any stretch of imagination, then, in the light of the strong criticism offered in this House, both by this side as well as by the Opposition, in the light of the great concern expressed by all the leading lights in the country, in the light of the fact that the prime Minister herself has felt saying that she will have to review the entire matter, this matter has got to be examined, particularly in a very limited sense whether the legislators who are on parole cannot participate in the proceedings of the House. We are not to go very rigidly by the rules. As

(Stt.)

[Shri Harish Chandra Mathur]

a matter of fact, who will be able to support such an order of parole in respect of a Member of Parliament if it imposes such a restriction? Therefore, Government have got to consider it in that line.

The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha): Very strong feelings have been expressed in this House, by both sides and we have already spent about an hour on it. So, I would request the House through you, Sir....

Shri Hari Vishnu Kamath: Not wasted the time, I hope.

Shri Satya Narayan Sinha: I said that we spent one hour. We have already spent it. In view of the opinions expressed here, I would make a suggestion to the House through you that it is not necessary to have any further discussion on this. Let the Government consider this matter. We shall contact the Madras Government on this matter and take a decision soon.... (Interruptions).

Dr. L. M. Singhvi: A report should be made available to the House in respect of the outcome of the consideration of this matter by Government.

Shri Satya Narayan Sinha: Certainly.

Shri Hari Vishnu Kamath: I want an assurance that this will be taken up as a separate issue, because Government might take two or three months to consider the general question; I do not know how long they will take. It is separate from the general issue of lifting the emergency. Their decision should be made known well before the period of parole expires, not after some months.

Dr. L. M. Singhvi: Tomorrow or the day after.

Shri Satya Narayan Sinha: I think it is only ordinary common sense....

Shri Hari Vishnu Kamath: Government is not always guided by common sense.

Shri Satya Narayan Sinha: What is the use of coming to a decision after the period of the parole order has expired?

Shri Hari Vishnu Kamath: That is what you do mostly.

13 hrs.

Mr. Deputy-Speaker: The Law Minister will make a report at the earliest possible opportunity, say, next Monday.

Shri Satya Narayan Sinha: On Tuesday—Monday is a holiday—after Holi, when we meet, you will have the statement.

Shri S. M. Banerjee: What about your observation?... (Interruption) I am not going to be dictated to by them. You cannot control them.... (Interruption).

Mr. Deputy-Speaker: Order, order.

Shri S. M. Banerjee: You cannot control them. You can control us only.

Mr. Deputy-Speaker: What is it that you want?

Shri A. P. Sharma (Buxar): After the statement of the Leader of the House there should be no discussion.

Shri S. M. Banerjee: I want to say something on your observation.

Mr. Deputy-Speaker: Is it about the same thing?

Shri S. M. Banerjee: It is about the same thing.

Mr. Deputy-Speaker: No, no; now we will go on to the next business.

Shri S. M. Banerjee: Is this a House or a *bucharkhana*?

Mr. Deputy-Speaker: Order, order.

Shri S. M. Banerjee: Is it democracy?

Shri S. M. Banerjee (Kanpur): What about my point of order? You said that it will be taken up after some time.

Mr. Deputy-Speaker: What is your point of order?

Shri S. M. Banerjee: My point of order is this.

Mr. Deputy-Speaker: On what?

An hon. Member: Let him say what it is.

Shri S. M. Banerjee: I want to raise an issue . . .

Mr. Deputy-Speaker: What issue?

Shri S. M. Banerjee: My calling-attention notice is pending and it has not been rejected. I was asked by the hon. Speaker to show cause how this can become a Central matter. I gave another calling-attention notice quoting article 353 of the Constitution. Before I read out article 353, may I tell you the background of it?

I and some of my friends gave notice of an adjournment motion and also of calling attention on the general strike of textile workers in Bombay involving more than two lakhs of workers. That was rejected and I was asked to give reasons how this can become a Central matter. I stated in my note addressed to the hon. Speaker that this is arising out of two issues. One was bonus dispute arising out of the Central legislation which we passed in this House giving what the quantum of bonus should be and so on. The second thing was loss of production affecting the target of the Fourth Plan.

Shri P. K. Deo (Kalahandi): There is nobody on the Treasury Benches.

Mr. Deputy-Speaker: Dr. Ram Subhag Singh is there.

Shri S. M. Banerjee: This is how we are treated in this House. The

13.01 hrs.

PRIVATE MEMBERS' BILLS AND RESOLUTIONS COMMITTEE

SEVENTY-NINTH REPORT

Shri A. S. Alva (Mangalore): Sir, I beg to present the Seventy-ninth Report of the Committee on Private Members' Bills and Resolutions.

13.1½ hrs.

BUSINESS ADVISORY COMMITTEE

FOURTY-FOURTH REPORT

The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jaganatha Rao): Sir, I beg to move:—

"That this House agrees with the Forty-fourth Report of the Business Advisory Committee presented to the House on the 1st March, 1966."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Forty-fourth Report of the Business Advisory Committee presented to the House on the 1st March, 1966."

The motion was adopted.

13.02 hrs.

RE: CALLING ATTENTION NOTICE (Query).

Mr. Deputy-Speaker: The House will now take up General Discussion on the Budget (Railways) for 1966-67.