

Reports of Commissioner
for Scheduled Castes &
Scheduled Tribes

—is too small. It should be ensured that the persons belonging to these communities get a fair share of overseas scholarships granted under other general schemes. For that purpose, it is desirable to have a column in the prescribed application form whether a particular person belongs to a Scheduled Caste or a Scheduled Tribe. If nothing else, at least preference should be allowed to these communities in the grant of general overseas scholarships, other things being equal.

Lastly, as far as possible, Scheduled Caste and Scheduled Tribe boys and girls should be given admission in the general hostels. To enable them to bear the cost of living in such hostels, they should be given sufficient financial help. It is noticed that at present the difference between a day scholar and a hostler in the grant of post-matric scholarship is only Rs. 13. One cannot obviously join a really good hostel with that meagre amount.

मैं आप का बहुत आभारी हूँ कि आप ने मुझे इस पर बोलने का समय दिया ।

14.43 hrs.

THE PUBLIC PREMISES (EVICTION
OF UNAUTHORISED OCCUPANTS)
AMENDMENT BILL, 1963—contd.

Mr. Deputy-Speaker: Before I call upon the next speaker we will finish the business that has been held over. I shall now put to the vote of the House amendment No. 1 by Shri Banerjee to the motion for consideration. The question is:

“That the Bill be referred to a Select Committee consisting of Shri Bhagwat Jha Azad, Shri Ramachandra Vithal Bade, Shri K. L. Balmiki, Shrimati Renu Chakravartty, Shri Tridib Kumar Chaudhuri, Shri Homi F. Daji, Shrimati Subhadra Joshi, Shri Hari Vishnu Kamath, Sardar Kapur Singh, Shri Mehr Chand Khanna, Dr. Ram Manohar Lohia, Shri Bibudhendra Misra, Shri Dewan Chand Sharma and Shri S. M. Banerjee, with instruction to report by the 1st day of the next Session.” (1).

The Lok Sabha divided.

Division No. 5]

[14.46 hrs.

—do—No. 6

AYES (10 Sets)

15.22 hrs.

Banerjee, Shri S.M.
Bhattacharya, Shri Dinen
Chakravartty, Shrimati Renu
Gupta, Shri Indrajit
Gupta, Shri Kashi Ram
Jha, Shri Yogendra

Kamath, Shri Hari Vishnu
Krishnapal Singh, Shri
Lahri Singh, Shri
Maurya, Shri
Mehta, Shri Jashvant
Mukerjee, Shri H.N.

Mamu, Shri Sarkur
Roy, Dr. Saradish
Sen, Dr. Ranen
Swamy, Shri Sivamurthi
*Yadav, Shri Ram Sewak

NOES (10 Sets)

Akamma Devi, Shrimati
Alvi, Shri A.S.
Aney, Dr. M.S.
Arunachalam, Shri
Bal Krishna Singh, Shri
Balmiki, Shri
Barkataki, Shrimati Renuka
Barupal, Shri P.L.
Basappa, Shri
Basumatari, Shri
Berwa, Shri Onkarlal Kotah,
Besra, Shri

Bhattacharyya, Shri C.K.
Bist, Shri J.B.S.
Brij Basi Lal, Shri
Chandak, Shri
Chandrasekher, Shrimati
Chaturvedi, Shri S.N.
Chaudhuri Shri D. S.
Chaudhuri, Shrimati Kamala
Chavda, Shrimati
Daljit Singh, Shri
Das, Shri N.T.
Dasappa, Shri
Dass, Shri G.
Dubey, Shri R.G.

Dwivedi, Shri M.L.
Gupta, Shri Shiv Charan
Hansda, Shri Subodh
Harvani, Shri Ansar
Jadhav, Shri M.L.
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jena, Shri
Joshi, Shrimati Subhadra
Jyotishi, Shri J. P.
Kajrolkar, Shri
Kanakasabai, Shri
Karuthiruman, Shri

*One name could not be recorded. (10 Sets)

Kedaria, Shri C.M.	Niranjan Lal, Shri	Shankaraiya, Shri
Khanna, Shri Meher Chand	Pandey, Shri R.S.	Sheo, Narain, Shri
Kisan Veer, Shri	Parashar, Shri	Shinde, Shri
Kon jalgi, Shri H.V.	Patel, Shri Chhotubhai	Shyam Kumari Devi, Shrimati
Kirpa Shankar, Shri	Patel, Shri P.R.	Siddananappa, Shri
Lalit Sen, Shri	Patel, Shri V.T.	Singh, Shri D.N.
Laskar, Shri N.R.	Prabhakar, Shri Naval	Singh, Shri K.K.
Laxmi Bai, Shrimati	Pratap Singh, Shri	Sinha, Shrimati Ramdulari
Mahishi, Shrimati Sarojini	Raghunath Singh, Shri	Sumat Prasad, Shri
Mallick, Shri	Rai, Shrimati Sahodrabai	Thimmaiah, Shri
Mandal, Shri J.	Rajdeo Singh, Shri	Tiwary, Shri K. N.
Marandi, Shri	Ram, Shri T.	Tripathi, Shri Krishna Deo
Maruthiah, Shri	Ram Sewak, Shri	Uikey, Shri
Matcharaju, Shri	Ram Swarup, Shri	Upadhyaya, Shri Shiva Dutt
Mirza, Shri Bakar Ali	Rao, Shri Ramapathi	Varma, Shri M.L.
Mishra, Shri Bibhuti	Rao, Shri Thirumala	Varma, Shri Ravindra
Mohsin, Shri	Rattan Lal, Shri	Venkatasubbaiah, Shri P.
Morarka, Shri	Reddy, Shri K.C.	Verma, Shri Balgovind
More, Shri S.S.	Roy, Shri Bishwanath	Vidyalankar, Shri A.N.
Munzin, Shri David	Sadhu Ram, Shri	Virbhadra Singh, Shri
Murti, Shri S.M.	Saha, Dr. S.K.	Wadiwa, Shri
Muthiah, Shri	Sahu, Shri Rameshwar	Wasnik, Shri Balkrishna
Naik, Shri D.J.	Saigal, Shri A. S.	Yadava, Shri B.P.
Nasker, Shri P.S.	Shah, Shrimati Jayaben	

Mr. Deputy-Speaker: The result is:
Ayes 18; Noes 110.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take the Bill clause by clause. There are no amendments to clause 2. I shall put it to the vote of the House. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Deputy-Speaker: There is an amendment by Shri Kamath to clause 3. Is he moving it?

Shri Hari Vishnu Kamath (Hoshangabad): Of course, I am moving it.

Sir, I beg to move:

"Page 2,—

omit lines 3 and 4.

Because, Sir, the *raison d'être* of the amendment is so obvious, I wonder why the Minister, unless he stands on a pedestal of false prestige, should refuse to accept it. Will you please, Sir, turn your attention to the Annexure. The Annexure gives the section as it is. The existing section of the Act reads as follows:

"The Central Government may, by notification in the Official Gazette,—

(a) appoint such persons, being gazetted officers of government, as it thinks fit to be estate officers for the purposes of this Act; and . . ."

The amendment proposed by Government in this Bill is to sub-clause (b) of this section which reads:

(b) define the local limits within which, or the categories of public premises in respect of which, each estate officer shall exercise

the powers conferred, and perform the duties . . .”

Now, the amendment sought to be moved by the Government in clause 3 of this Bill is that for “each estate officer”, “the estate officer” be substituted. I do not understand why this amendment is necessary at all, it is redundant and my hon. friend and colleague, Shri H. N. Mukerjee, who is more or less an expert in the English language will, I am sure, agree with me here.

Shri Indrajit Gupta (Calcutta South West): Only “more or less”?

Shri Hari Vishnu Kamath (Hoshangabad): Suppose this amendment is not accepted. What will happen? It now reads:

“define the local limits within which, or the categories of public premises in respect of which, each estate officer shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under this Act.”

If this amendment is accepted, how will it read? It will read as follows:

“define the local limits within which, or the categories of public premises in respect of which, the estate officers shall exercise the powers conferred, and perform the duties imposed on estate officers by or under this Act.”

I think the usage of the term “the estate officers” makes it worse; it makes it indefinite and will mean all the state officers cumulatively. What will that mean? I think the present term is much better English, much better form and in conformity with the terms used here. Instead of saying “each estate officer shall exercise the powers”, if the amendment is accepted it will read “the estate officers shall exercise the powers”. What does it mean? It makes no sense, neither legal nor linguistic, and I am sure the Minister will see his way to

accepting the amendment for the deletion of this sub-clause, which is unnecessary, absolutely redundant and superfluous.

The Deputy Minister in the Ministry of Works, Housing and Rehabilitation (Shri P. S. Naskar): Shri Kamath wanted to know the reason for this amendment and asked what will happen if we had not moved this amendment. It may well happen that in a particular zone there may be more than one estate officer. Therefore, this is only a routine amendment to overcome such difficulties. The only limited object is to cover cases of areas where there may be more than one estate officer.

Shri Hari Vishnu Kamath: May I point out with all respect that the language in the present Act is much better than the one suggested in the amendment?

Mr. Deputy-Speaker: No speeches now.

Shri Hari Vishnu Kamath: There can be no speeches but arguments can be given. “the estate officers” will include “each estate officer”; not *vice versa*.

Mr. Deputy Speaker: Does Shri Kamath press his amendment?

Shri Hari Vishnu Kamath: Yes, of course.

Mr. Deputy-Speaker: The question is:

Page 2,—

omit lines 3 and 4

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clause 3 stand part of the Bill”.

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Clause 6.— (Amendment of section 7).

Shri A. S. Saigal (Janjgir): Sir, I want to withdraw my amendment.

Mr. Deputy-Speaker: What about the amendment of Shri Kamath?

Shri S. M. Banerjee: Sir, Shri Saigal has asked for permission to withdraw his amendment.

Shri Hari Vishnu Kamath: Before he has moved his amendment, how can he withdraw it? Now, I move my amendment. I beg to move:

Page 2,—

omit line 12 (5).

In doing so, may I say a few words on this rather, according to me, vital issue? It is an amendment of substance and not merely of form or language. May I invite your attention and the attention of the House to sub-section (2) of section 7 of the present Act? It reads:

"Where any person is, or has at any time been, in unauthorised occupation of any public premises, the estate officer may, having regard to such principles of assessment of damages as may be prescribed, assess the damages on account of the use and occupation of such premises and may, by order, require that person to pay the damages within such time and in such instalments as may be specified in the order."

So far so good. Now, there is a very good proviso, a salutary proviso by way of safeguard in the Act and the Minister, by seeking to delete the proviso will give a *carte blanche* for the highhandedness and arbitrariness of estate officers. Normally, there may be some good estate officers, but we have had also experience as Members of Parliament of some not so good estate officers, and some of them have been guilty, not in the law courts I mean, but of arbitrariness and highhandedness and this will merely give free scope for their high-handedness

in such matters. What does the present proviso state? It says:

"provided that no such order shall be made until after the issue of a notice in writing . . ."

Please note that it is a very important safeguard against misuse of authority, and we in this country during the last fifteen years have been very well conversant with misuse of power and abuse of authority in various high places, and low places too. . . .

"...in writing to the person calling upon him to show cause within such time as may be specified in the notice why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by these state officer."

I think that most of the legislation in a parliamentary democracy incorporates such safeguards against abuse of powers and if this salutary provision in the proviso is deleted, it will lead to abuse of authority by the estate officers. If this proviso is deleted from the Act, I am sure the gates of hell will be let loose on the poor unauthorised occupants. Some of them may be really unauthorised occupants, but even if it is so, when damages are assessed against them, why should they not be given an opportunity to state their case and satisfy the officer concerned that the order made against them is unlawful, unjust and unfair and, therefore, should not be made. Therefore, I move the amendment standing in my name and commend it for the acceptance of the House.

Shri P. S. Naskar: Shri Kamath in his speech has stated that this is perversion of justice. I should like to mention that it is just the contrary. If Shri Kamath looks at the amendment he will find that better arrangements are being made. If he looks at the proviso in section 7, it applies only to sub-section (2). What we are now doing is that we are deleting the proviso and sub-section (3) and are bring-

*Unauthorised Occupants)
Amendment Bill*

ing forward another provision in their place. At present no show-cause notice is required to be given before the estate officer passes an order for recovery of arrears of revenue under sub-section (1) of section 7. Our intention is to make provision for show-cause notice in such cases also, not only under sub-section (2) but under sub-section (1) also, in keeping with the principles of natural justice. I wonder why Shri Kamath says it is perversion of justice. when it is actually liberalisation of the principles.

Mr. Deputy-Speaker: Is he pressing it for a vote?

Shri Hari Vishnu Kamath: I know it will be lost. Even then I want it to be put formally.

Mr. Deputy-Speaker: The question is:

Page 2,—

omit line 12 (5).

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 6 stand part of the Bill".

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.— (amendment of section 9).

Shri Hari Vishnu Kamath: I beg to move:

(6) Page 2,—

omit lines 23 and 24.

The effect of my amendment will be to substitute the words "fifteen days" wherever the words "thirty days" occur. It talks of the period within which an appeal could be filed.

The existing section 9 of the Act reads as follows:—

"An appeal under sub-section

(1) shall be preferred—

(a) in the case of an appeal from an order under section 5, within thirty days from the date of publication of the order under sub-section (1) of that section; and

(b) in the case of an appeal from an order under section 7, within thirty days from the date on which the order is communicated to the appellant."

15 hrs.

It is all very well for the Government with an army of legal officers at their command to get legal advice perhaps within a day or even an hour. but that is not the case of the hapless common man who has sometimes to knock from door to door in search of a lawyer who will suit his pocket also. It is not that any lawyer will take up their case. There are some public-spirited lawyers—I am glad to say that—but there are others also who will not take up a case—from their professional point of view they may be quite right—unless they are given a decent fee. Therefore it is not easy for a common man to get a lawyer to suit his own case from different points of view. Therefore the time allowed, under the present Act, of thirty days, I think, is definitely reasonable and any curtailment of that right, I think, would be regarded by the House, I am sure, as unfair encroachment upon the right of an aggrieved person to seek legal advice properly and as best as he can. I hope, may I am sure, that my hon. colleagues will agree with this amendment wholeheartedly and I commend it for the acceptance of the House.

Shri S. M. Banerjee (Kanpur): rose

Mr. Deputy-Speaker: The hon Minister.

Shri Hari Vishnu Kamath: We must have some discussion on this.

Mr. Deputy-Speaker: Yes, Shri Banerjee.

Shri S. M. Banerjee: I support Shri Kamath's amendment and would like to know from the hon. Minister what specific objection he has got to accept this amendment. It is very simple. They want to reduce the period from thirty days to fifteen days. As very ably explained by Shri Kamath, the difficulty lies only with those who have no means. First of all, a person who has to face eviction under this Act naturally has no place of his own, otherwise he would not stay in a particular slum or a *jhuggi* or *jhopri* from where he is being evicted which is on Government land of course or public premises. If he is given thirty days, what difference does it make? So, I would like to know definitely what specific objection has the hon. Minister got and what is in his mind when he wants to reduce the period from thirty days to fifteen days and why it should not be thirty days as it is.

Mr. Deputy-Speaker: The hon. Minister.

Shri U. M. Trivedi (Mandsaur): I would also like to speak in support of this amendment.

Mr. Deputy-Speaker: I am sorry; I have called the hon. Minister.

Shri Hari Vishnu Kamath: You cannot hustle the business. It is hardly proper for Parliament to hustle the business.

Mr. Deputy-Speaker: All right, I am allowing him.

Shri Hari Vishnu Kamath: That is all right.

Shri U. M. Trivedi: Sir, in these days when people go about . . .

Mr. Deputy-Speaker: There should not be any prompting also in the House.

Shri Nath Pai (Rajapur): There should be, but it should not be audible.

Shri Hari Vishnu Kamath: We are merely talking, not prompting.

Shri U. M. Trivedi: I do not think I need their prompting.

Mr. Deputy-Speaker: I saw the Bill being passed on to Shri Trivedi.

Shri S. M. Banerjee: Because there are very limited number of copies.

Shri U. M. Trivedi: Unfortunately I left my copy of the Bill at home.

The question for consideration by the Government is as to what reasons are there for them to advance that the number of days should be curtailed to this extent that the appeal can be filed only within fifteen days. I see absolutely no reason for that. It becomes difficult for a man to get himself apprised of the order, consult some lawyer or some person who is well conversant with it and then make up his mind whether he should or should not make an appeal. All that takes time. Nowhere except in cases of murder or sentences for murder has this time limit been cut down to the extent of being less than one month. When a man has to approach a higher authority, for example, if he has to go to the High Court, the time limit for appeal to the High Court is three months. For going to smaller courts it is one month; but for going to a higher authority it is always three months.

Now, a man who has got to go and file an appeal against an executive officer's order may not also know about the writing of it. I do not know whether you have got experience of it or not, but these people who pass an order in the estate office generally treat it as if they are doing something confidential and they would not even allow an advocate to look into it as to what order they have passed. Then, how can one know what exactly are the words that have been used unless a certified copy of the order is obtained? If a certified copy is not furnished, he would not know

definitely what it is. Therefore it is all the more reasonable that the time limit must be kept at what it is. I would request the hon. Minister to reconsider this position. The amendment that is now being sought is very reasonable. It will not oppress the Government in any manner and it will not do any harm to the Government. Heavens are not going to fall if it is thirty days. I think, a reasonable attitude must be adopted by the Government and this reasonable request to accept this amendment may be accepted.

Mr. Deputy-Speaker: The hon. Minister.

Dr. Ranen Sen (Calcutta East) rose—

Mr. Deputy-Speaker: I am not allowing him. He is the fourth Member.

Shri Hari Vishnu Kamath: What is the procedure that you are following?

Mr. Deputy-Speaker: Order, order.

Shri Hari Vishnu Kamath: What 'order, order'? I can also say 'Order, order'. Everything cannot be done by "Order, order". I am sorry to say that... (*Interruption*). You need not interfere. I am addressing the hon. Deputy-Speaker; I am not addressing you. May I know, Sir, what procedure you are following in regard to Bills? If an hon. Member wants to participate in the discussion, you are disallowing that.

Mr. Deputy-Speaker: I cannot allow prompting like that in the House.

Shri Hari Vishnu Kamath: No prompting, I am sorry. There should be no reflection upon us. We are not prompting anybody at all.

Mr. Deputy-Speaker: Dr. Sen did not stand up when I called the hon. Minister earlier. Only Shri Trivedi stood up.

Dr. Ranen Sen: As soon as Shri Trivedi sat down, I got up.

Shri Hari Vishnu Kamath: This woodenness would not do. It is rigidity.

Mr. Deputy-Speaker: Even Shri Trivedi did not stand up. Shri Kamath passed on the Bill to him.

Shri Hari Vishnu Kamath: I am sorry, you are not telling the truth—I will not say that you are telling a lie; but you are not telling the truth. He asked for it. I did not tell him a single word.

Mr. Deputy-Speaker: I cannot allow him.

Shri Hari Vishnu Kamath: It is very bad. This should not be the attitude of the Chair. The Chair is guilty of this.

Shri U. M. Trivedi: I did request him for the Bill.

Mr. Deputy-Speaker: I have allowed the greatest amount of latitude.

Shri Hari Vishnu Kamath: What latitude? The hon. Speaker gave us so much latitude and not you. I am sorry to say that.

Mr. Deputy-Speaker: Let us have some. . .

Shri Hari Vishnu Kamath: Some what?

Mr. Deputy-Speaker: Some procedure.

Shri Hari Vishnu Kamath: You are not following the procedure.

Shri S. M. Banerjee: I want to make a submission.

Mr. Deputy-Speaker: All right, I will call Dr. Ranen Sen to speak.

Shri S. M. Banerjee: Is it not open to us to pass on copies of Bills to others?

Shri Hari Vishnu Kamath: Is it wrong to pass on copies of the Bill to another hon. Member?

Shri H. N. Mukerjee (Calcutta Central): Could I make a submission? You have made an observation about Shri Kamath and his conduct and you have stated—it must be on record—that he was prompting other hon. Members in order to do something right or wrong.

Shri Hari Vishnu Kamath: It is wholly unworthy of you.

Shri H. N. Mukerjee: As a matter of fact, there was no prompting. If there was an exchange of documents between one hon. Member and another, it was perfectly in order. Quite apart from that, Shri Kamath says—and he very correctly said that—that he never prompted anybody and Shri Trivedi also said the same thing. Will you please, therefore, order that those words are not permitted to be put on the record?

Mr. Deputy-Speaker: I saw Shri Kamath pointing out the clause to him and passing on the Bill.

Shri Hari Vishnu Kamath: How can you see from there? I am sorry, you are passing unworthy aspersions upon us.

Mr. Deputy-Speaker: I have seen it with my own eyes.

Shri Hari Vishnu Kamath: I know what I do.

Mr. Deputy-Speaker: I am sorry.

Shri Hari Vishnu Kamath: I am very sorry. You have cast aspersions upon us. I agree with Shri Hiren Mukerjee that you expunge these remarks. Shri Ayyangar has done it before.

Mr. Deputy-Speaker: I am not going to expunge them.

Shri H. N. Mukerjee: If one hon. Member passes one document to another hon. Member, you cannot—with

all respect to you—say that he is prompting the other hon. Member.

Shri Hari Vishnu Kamath: Then, the Official Gallery prompts the hon. Ministers.

Mr. Deputy-Speaker: The proceedings must be there for what they are worth. If it is a reflection upon me, I take it. I do not mind taking that reflection upon me.

Shri H. N. Mukerjee: When the Chair goes out of its way to make an observation, we want to have a clarification of the matter.

Mr. Deputy-Speaker: I have not gone out of my way. I have seen it with my own eyes.

Dr. M. S. Aney (Nagpur): I want to make a submission.

Shri Hari Vishnu Kamath: You can trust your eyes more or my statement? Who is more credible—your eyes from there or my statement from here?

Mr. Deputy-Speaker: Dr. Ranen Sen.

Shri Nath Pai: What has happened is rather distressing. We are very sorry that such a thing should have transpired. But it does hurt a little. You said, "I saw it with my own eyes." What was it that was being done? What was wrong about it? The drawing of the attention of the fellow hon. Member that this is the clause under discussion and all that—because there are not enough copies—is a very legitimate activity in Parliament. That should not. . .

Mr. Deputy-Speaker: If it is legitimate, let it stand.

Shri Hari Vishnu Kamath: You cannot say, it was a prompting.

Mr. Deputy-Speaker: I did not. All that I said was that there should not be any prompting on the floor of the House.

Shri Hari Vishnu Kamath: That was not a prompting at all. Ministers go to the Official Gallery. Is that prompting? (Interruption). You get a prompting from the Secretary.

Mr. Deputy-Speaker: In my opinion, it is.... (Interruption).

Shri Hari Vishnu Kamath: Secretary prompts you; Joint Secretary prompts you.... (Interruption). Is that prompting? If you say, 'yes', it is all right.

Dr. M. S. Aney: I want to submit this. You saw him passing the paper and I also saw that. But the paper was passed on after it was asked by Mr. Trivedi.

Shri Hari Vishnu Kamath: You did not hear. You only saw. Your ears were not attentive. (Interruption).

Mr. Deputy-Speaker: It may be so. Dr. Ranen Sen.

Dr. Ranen Sen: I wanted to speak for two minutes, but unfortunately this altercation came in.

Mr. Deputy-Speaker: You can have four minutes.

श्री रामसेवक यादव (बाराबंकी) :
उपाध्यक्ष महोदय, एक व्यवस्था का प्रश्न है ।

उपाध्यक्ष महोदय : इस में कोई व्यवस्था का प्रश्न नहीं है ।

श्री रामसेवक यादव : पहले आप मून लें ।

उपाध्यक्ष महोदय : फ़रमाइये ।

श्री रामसेवक यादव : मेरा सीधा सा निवेदन यह है कि आप ने इतना ही देखा कि एक डॉ. कुमेंट माननीय सदस्य, श्री कामत, के हाथ से माननीय सदस्य, श्री त्रिवेदी, के पास गया । इस में दो राय नहीं हैं । इस को वे भी स्वीकार करते हैं । हमारे सदन के सब से बड़े और बाइज्जत सदस्य

अपने साहब, ने कहा है कि कोई किसी प्रकार की प्रॉम्प्टिंग या बातचीत नहीं हुई । मैं निवेदन करूंगा कि जब माननीय सदस्य स्वयं कहते हैं और इन्होंने भी कहा है और आप ने केवल एक किताब या विधेयक को पास होते देखा है, तो इस में झगड़े की कौन सी बात है ? अगर इन शब्दों को निकाल दिया जाये, तो अच्छा होगा । यह अच्छा नहीं लगता कि किसी माननीय सदस्य के बारे में कहा जाये कि उस ने किसी दूसरे माननीय सदस्य को प्रॉम्प्ट किया है । (Interruption).

Mr. Deputy-Speaker: If it is a reflection on me, I take it. Dr. Ranen Sen.

Dr. Ranen Sen: My point is simple. This clause of the amending Bill seeks to substitute the words '15 days' for the words '30 days'. I fail to understand this. Where is the necessity for this? Unless the Government desires that those helpless creatures must not have the facilities to appeal, then alone the Government can try to reduce the number of days from 30 to 15. Now, they will be evicted. In other places, after their eviction, they are given proper time so that they can go in for appeal. The period of 15 days is not proper time. In Calcutta, as the hon. Deputy Minister knows, there have been a large number of evictions. In that area, where he used to stay, a large number of people have been thrown out—people who were unauthorisedly occupying places or who are properly speaking, so to say, not squatters that way. Even then, under the Calcutta Improvement Trust Act and under the Slum Clearance Act and whatever the Acts that have been passed in the States, they are getting more than 30 days' time. Here, in the principal Act, there was a provision for 30 days. Now, I fail to understand—it is for the Deputy Minister to explain—why it is necessary for the Government to reduce the time limit to 15 days. Where is the difficulty for the Government? Who

[Dr. Ranen Sen]

will benefit? This is the main point that I wanted to ask the Deputy Minister in support of Mr. Kamath's amendment that there should not be any change now.

Shri P. S. Naskar: One of the main purposes to bring forward this Bill was to expedite the eviction proceedings and we do not want to give a premium to the unauthorised squatters. What Dr. Ranen Sen said, that under the Calcutta Improvement Trust Act and other Acts they are given more time, is all right, but they are authorised owners and occupiers, whereas this deals with unauthorised persons. Just to expedite the eviction proceedings, we want to decrease the period from 30 days to 15 days. But I draw the attention of the hon. Members to this, that there is a proviso in the original Act itself. In section 9, sub-section 2, there is a provision like this:

"Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time."

Then, the appellate officer can give more time. That proviso is there.

Mr. Deputy-Speaker: Does the hon. Member press for it?

Shri Hari Vishnu Kamath: Yes.

Mr. Deputy-Speaker: I am putting the amendment to the vote of the House. Do you want a division on this?

Shri Hari Vishnu Kamath: Yes. We want a division on it.

Mr. Deputy-Speaker: Let the lobbies be cleared.

Shri Sinhasan Singh (Gorakhpur): On a point of order, Sir. Just now the question was raised about promptings.

Mr. Deputy-Speaker: We have passed that point.

Shri Sinhasan Singh: I want to submit this for your judgment. Maybe, I may not have the chance to speak or catch your eye. The hon. Member may be speaking there and I pass my ideas to him. I want to know, will that be banned? If there is no ban on passing my ideas to the hon. Member, while he is speaking....

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

Shri Sinhasan Singh: You have ruled that that the passing of certain papers is a prompting. And you have said, Sir, that you have seen it with your own eyes. Where is the question of prompting in it? Nowhere is it laid down in the Rules of Procedure that a Member's passing on an idea to another Member who is speaking amounts to prompting and it is out of order.

Suppose an occasion arises when the hon. Member sitting before me is speaking on a particular point, and that point strikes me, and I pass on a paper to him asking him to please speak on that point. Is it to be banned? If that be banned, then many of the ideas will remain unrepresented in the House because the hon. Member who passes on or wants to pass on an idea to a Member who is speaking may not get a chance to speak at all. So, I want your guidance on this point.

Shri Hari Vishnu Kamath: The officers at the Table prompt the Chair, and the Official Gallery prompts the Ministers. Let this also be on record.

Mr. Deputy-Speaker: There is no point of order in this.

Shri S. M. Banerjee: He wants your guidance on the procedure.

Mr. Deputy-Speaker: Probably, he is saying it for my guidance.

Shri Hari Vishnu Kamath: Is prompting unparliamentary?

Mr. Deputy-Speaker: I shall consider about it.

Shri Thirumala Rao (Kakinada): We are in the midst of voting now.

Mr. Deputy-Speaker: We are in the midst of some other business now.

I shall now put amendment No. 6 of Shri Kamath to vote. The question is:

Page 2,—

omit lines 23 and 24. (6).

The Lok Sabha divided.

Division No. 6]

AYES

[15.22 hrs.

Banerjee, Shri S.M.
Barua, Shri R.
Berwa, Shri Onkar Lal Kotah
Bhattacharya, Shri Dinan
Bheel, Shri
Gulshan, Shri
Gupta, Shri Indrajit

Gupta, Shri Kashi Ram
Kamath, Shri Hari Vishnu
Mate, Shri
Maurya, Shri
Mukerjee, Shri H.N.
Murmu, Shri Sarkar
Nath Pai, Shri

Reddy, Shri Yallamanda
Roy, Dr. Saradish
Sen, Dr. Ranen
Swamy, Shri Sivamurthi
Trivedi, Shri U.M.
Utiya, Shri
Yadav, Shri Ram Sewak

NOES

Akkamma Devi, Shrimati
Alva, Shri A.S.
Ancy, Dr. M.S.
Arunachalam, Shri
Bal Krishna Singh, Shri
Barkataki, Shrimati Renuka
Barupal, Shri P.L.
Basappa, Shri
Basumatari, Shri
Besra, Shri
Bhattacharyya, Shri C.K.
Chandrasekhar, Shrimati
Chaturvedi, Shri S.N.
Chaudhuri, Shrimati Kamala
Chavda, Shrimati
Daljit Singh, Shri
Das, Shri B.K.
Das, Shri N.T.
Dasappa, Shri
Deshmukh, Dr. S.
Guha, Shri A.C.
Gupta, Shri Shiv Charan
Hansda, Shri Subodh
Harvani, Shri Ansar
Hem Raj, Shri
Jadhav, Shri M.L.
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jena, Shri
Kajrolkar, Shri
Karuthiruman, Shri
Kedaria, Shri C.M.

Khanna, Shri Mehar Chand
Koualgi, Shri H.V.
Krishnamachari, Shri T.T.
Laskar, Shri N.R.
Mahishi, Shrimati Sarojini
Mallick, Shri
Maruthiah, Shri
Mitra, Shri Bakar Ali
Mishra, Shri Bibhuti
Mohsin, Shri
Morarka, Shri
Munzni, Shri David
Murti, Shri M.S.
Muthiah, Shri
Naik, Shri D.J.
Naskar, Shri P.S.
Niranjan Lal, Shri
Pandey, Shri Vishwa Nath
Patel, Shri Chho
Patel, Shri P.R.
Patil, Shri V.T.
Patel, Shri Vasant Rao
Prabhakar, Shri Naval
Raghunath Singh, Shri
Rai, Shrimti Sahodrabai
Rajdeo Singh, Shri
Ram, Shri T.
Ram Sewak, Shri
Ram Swarup, Shri
Ramdhani Das, Shri
Rao, Shri Ramapathi
Rao, Shri Thirumala

Rattan Lal, Shri
Reddy, Shri K. C.
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saha, Dr. S. K.
Sahu, Shri Rameshwa
Saigal, Shri A. S.
Shah, Shrimati Jayaben
Shankaraiya, Shri
Mastri, Shri Ramanand
Sheo Narain, Shri
Shinde, Shri
Shyamkumari Devi, Shrimati
Siddananappa, Shri
Siddheshwar Prasad, Shri
Sinha, Shrimati Ramdular
Sinhasan Singh, Shri
Surendra Pal Singh, Shri
Thimmaiah, Shri
Tiwary, Shri K. N.
Tripathi, Shri Krishna Deo
Uikey, Shri
Verma, Shri M. L.
Varma, Shri Ravindra
Venkatasubbaiah, Shri P.
Verma, Shri Balgobind
Vidyalankar, Shri A. N.
Wasnik, Shri Balkrishna
Yadav, Shri Ram Harkh
Yadava, Shri B. P.

***One name could not be recorded.

Mr. Deputy-Speaker: The result is:

Ayes: 21; Noes: 9

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"Clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Amendment of section 10)

Mr. Deputy-Speaker: I shall now put clause 8 to vote.

Shri S. M. Banerjee: I want to speak on clause 8. This relates to injunction, and this is the worst clause in the Bill. So, we want to speak on it.

Shri Mehr Chand Khanna: There are no amendments to this clause.

Shri S. M. Banerjee: Why not pass the Bill in our absence? We are prepared to go out.

Shri Mehr Chand Khanna: No, no. My hon. friend can sit here, and bring some more friends also into the House.

Mr. Deputy-Speaker: The hon. Member may be very brief. We have already exceeded the time allotted for this Bill by one hour.

Shri Hari Vishnu Kamath: What does the hon. Minister mean by 'bringing in some more friends' here?

Shri S. M. Banerjee: He must withdraw that remark.

Shri U. M. Trivedi: It is just possible that the hon. Minister is conscious of the fact that there is a brute majority here. And there is absolutely no doubt about it. It is very unparliamentary on his part to say that the hon. Member can bring his friends also. What is the idea? We cannot bring outsiders here to vote on the Bill.

Mr. Deputy-Speaker: By 'friends' he means Members. Every Member has got a right to come here. It is

as unparliamentary as the hon. Member calling the majority as brute majority.

Now, let us proceed with the clause.

Shri U. M. Trivedi: I have used the term 'brute majority' not in the sense that they are brutes, but in the sense that the majority is brutal.

Mr. Deputy-Speaker: There is nothing unparliamentary.

Shri S. M. Banerjee: I am really sorry for the expression that the hon. Minister has used. I thought that after six Ministers had been removed from the Cabinet, he would have come to his senses.

So far as this particular clause is concerned, I totally oppose it, because, after all, the aggrieved person should have the right to get an injunction from a court of law. Anyone who is thrown from his hutment or from the place where he has just got a shelter should have the right to approach the courts of law and get an injunction and get his case argued out.

In the course of the general discussion, I have already pointed out how in some of the places in the Mizo Hills and other such areas those who had rehabilitated themselves without any aid from Government had been thrown out, and how they were mercilessly beaten, and I learn that elephants were used to uproot them from their hutments.

So, I would request the hon. Minister to be a bit generous and not press for this. This Bill can wait, and he can bring forward another amendment. After all, the heavens are not going to fall, and this Bill can wait. Let the hon. Minister bring forward a suitable amendment or let him delete this particular clause, because the provision which is already there

Amendment Bill

in the principal Act is enough. I do not see why it should be made more rigid and why the hon. Minister should take away the right of any person to approach the court of law and get an injunction. I hope he will kindly accept my suggestion.

Hari Vishnu Kamath: I strongly oppose this clause of the Bill. If you would kindly turn to the Statement of Objects and Reasons, you will find that among the main features of the Bill listed therein is this one, namely that no court or other authority shall have power to grant any injunction in respect of any action taken or proposed to be taken by or under the Act. That is to say, it seeks to effect a complete ouster of the jurisdiction of any court.

15.26 hrs.

[MR. SPEAKER in the Chair]

Thereby, executive officers, not high executive officers, but petty executive officers, petty panjandrums strutting in brief authority will be clothed with dictatorial authority and no safeguard will be provided to the poor hapless people, some of whom will be really aggrieved, while others may perhaps be real or genuine squatters who might have to be evicted; some of them, who, I am sure, will be aggrieved by the orders passed by the petty panjandrums of the Estate Office, or of the Ministry who will seek to expel these affected people, will be left without any remedy provided to them for making that order justiciable and questioning it in a court of law. As you very well know, Sir, our Constitution has sought to make so many provisions, even the provisions in regard to Fundamental Rights, and the encroachment on the Fundamental Rights justiciable, and I do not see why the authority with which the estate officers or other officers are sought to be clothed should not be curbed by the power of courts to interfere in such cases as where such interference or such intervention by them is necessary. Knowing the whole administration of authority and the misuse

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of authority that has been going on all over the country unfortunately since the achievement of Independence, not merely in this Ministry, but in many other Ministries, knowing, as we very well do, what is happening in many Ministries about the misuse of power and the gross abuse of authority, I shudder to think what will happen if the power of the court to issue injunctions is taken away.

We know very well that there were cases in which the Supreme Court had finally to intervene. You know very well the case where Dr. Syama Prasad Mookerjee and Shri N. C. Chatterjee were involved. In that *cause celebre* when the Supreme Court judge asked the police officer or the police dignitary to say where the warrants were, he said that the warrant was not served on them, and he added that it must have been in his pocket. That was the incident that was reported in the papers at that time. If this kind of thing could happen to such Members of Parliament as Dr. Syama Pradhad Mookerjee and Shri N. C. Chatterjee, I shudder to think what will happen in these cases where the petty martinets, the petty officers clothed in brief authority, who are estate officers—some of them may be good; some of them are not so good, and some of them perhaps are very bad and will only love to exercise the little authority that they are clothed with—will issue the orders. Therefore, I submit that the authority conferred on the courts to issue injunctions in desirable and necessary cases should not be ousted by any means.

Shri U. M. Trivedi: It is a novel thing that we find being enacted into a law. Although it may be that Government must have been guided by very *bona fide* principles, yet, to say that the court will not be allowed or authorised to issue any injunction on an action contemplated to be taken or purported to be taken under this Act will be virtually negating the powers of many courts, civil courts

[Shri U. M. Trivedi]

as well as munsif's courts in our country. In other words, we will be negating the provisions of the Specific Relief Act by the back door. A special provision exists in the Specific Relief Act to the effect that if a man's rights are threatened in any manner, then if he satisfies the court, the court will certainly be guided to grant him an injunction. That is the fundamental principle obtaining in all countries all over the world. In India, at least this is the law which we have always learnt, always obeyed and always respected. I do not know why this particular provision of granting an injunction is being taken away.

I do not know whether the word 'court' will also include the High Court—The hon. Minister shakes his head. Perhaps he will say that it will not include a High Court. It is a different thing. But the whole position still remains, that ordinarily the word 'court' will include the High Court. There is a constitutional provision in article 226. The Constitution cannot be amended by way of this law. But still the argument may be available for somebody to say that here it is. But why make it necessary for a man who is living far away from any High Court—he may be in Hissar, he may be in Rewari or Bansiwara—to run to that High Court instead of letting him have recourse to the district court nearby? Why should such a provision be necessary for the protection of an order which *prima facie* will be an unauthorised order?

That is why I submit that Government should consider this matter. The hon. Minister should consider this proposition of the *ad hoc* authority being given which deprives a man of his right to proceed in a court of law, which assumes for the time being that all our judicial officers are just boobies who do not apply their mind to the work before them or who cannot

distinguish the right from wrong. I think that will be putting too much of a discount upon the sagacity, honesty, integrity and ability of our judicial officers. I will, therefore, say that even if this power remains with them to grant an injunction, nothing wrong will happen to anybody.

Shri Mehr Chand Khanna: I have dealt with this matter at length when I was replying to the debate. I do not want to take the time of the House by covering that very ground again. My only regret is that the leader of the Jan Sangh group was not present in the House then. When he delivered his speech, I listened to him patiently and I, in my reply, answered all those points made by him.

Shri S. M. Banerjee: We are not convinced.

Shri H. N. Mukerjee: On a point of order. Since it is not incumbent on all Members of the House to be present all the time, is it not proper for the Minister, when a question has been actually and tangibly raised, to have the courtesy towards the other Members at least who were not here and who want to know what was the reply given, to give the reply in as short a form as possible? Or is it in order to proceed in the hectoring fashion that the Minister is taking up this matter?

Mr. Speaker: We ought to take all circumstances into consideration. If an hon. Member is not present at the time when that reply is made and those points are answered, and he comes back and raises the same questions over again, could Shri Mukerjee expect.....

Shri H. N. Mukerjee: What about us? We are very ignorant about what happened. We want to find out something about the Bill. I have got a responsibility to the country to vote one way or the other, but before that I must be clear in my mind.....

Mr. Speaker: Order, order. There is only one opportunity given to him. He has had his chance. Now it is my turn.

I put it to him again: there must be some Members absent at every moment. If those Members come in later and want the whole thing to be said again, would it be possible?

Shri H. N. Mukerjee: It is not that. My submission related to a point of procedure which was that during the clause by clause consideration, a certain question was raised; the other Members of the House, who may or may not have been present during the earlier part of the proceedings have a right to understand the position at a particular point of time when they are actually present. It so happens that Shri Trivedy raised a matter which seems to some of us to be important. We were not present here in the House to hear whatever the Minister had condescended to say earlier, but here and now I have the right, as a matter of courtesy—he might refuse that to the House, to me—to expect an answer from the Minister. I think we can expect that courtesy from the Minister of being able to give, at least in a very short way, the answer to whatever problem he has raised. It is not a very important matter, but I was submitting it as a matter of procedure during the clause by clause consideration.

Shri Mehr Chand Khanna: There is no amendment.

Mr. Speaker: The Minister has only said that he has answered in detail those arguments and he has nothing more to add. But I would also advise the Minister, if he could in a few words, to just say that again. That would be a good courtesy shown to Members also.

Shri H. N. Mukerjee: That was all I wanted.

Mr. Speaker: If he can say very summarily what his speech was, probably that might benefit.

Shri Mehr Chand Khanna: While replying to the general debate, I touched upon this point fully for the obvious reason that no amendment had been tabled and there was no motion at all regarding this. Some Members had made a reference to it; so I thought I would cover that ground then, but as advised by you, I will just say a few words in this connection.

The section, as at present stands, reads:

“Save as otherwise expressly provided in this Act every order made by an estate officer under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding”.

But during the course of the working of the Act, the experience we have gained is that a number of persons have gone and obtained temporary injunctions during the pendency of the cases. Even after an order has been passed by the estate officer, it goes to the appellate authority, a district Judge who is not of less than 10 years standing. I even quoted about two dozen cases where I gave information to the House that in all those cases dilatory proceedings had gone on for periods of two years and three years. So I stated before the House that if the idea is that these people should be removed from the public premises, there should be orderly development and they should be provided with alternative accommodation, this must be done. The census has been taken in June-July 1940; there should be orderly development; this dilatory procedure has gone on and the problem has to be tackled. So the idea is not to freeze the problem, not to deal with it in an inhuman manner, but the idea is to deal with it so that we can rehabilitate those people, give them alternative accommodation, a site, if they are eligible and entitled to it.

Amendment Bill

Shri Hari Vishnu Kamath: It completely upsets the judicial process.

Mr. Speaker: Is it intended to have division? Should I put clauses 8 and 9 separately or together?

Shri Hari Vishnu Kamath: Clause 8 may be put separately.

Mr. Speaker: The question is: "That clause 8 stand part of the Bill".

The Lok Sabha divided.

Division No. 7]

AYES

[15.42 hrs.

Akkamma Devi, Shrimati
Alva, Shri A. S.
Aney, Dr. M. S.
Bal Krishna Singh, Shri
Balmiki, Shri
Barkataki, Shrimati Renuka
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Beera, Shri
Bhattacharyya, Shri C. K.
Brij Basi Lal, Shri
Chandrasekher, Shrimati
Chatruvedi, Shri S. N.
Chaudhuri, Shrimati Kamala
Daljit Singh, Shri
Das, Shri B. K.
Das, Shri N. T.
Dasappa, Shri
Das, Shri G.
Deshmukh, Dr. P. S.
Gupta, Shri Shiv Charan
Hansda, Shri Subodh
Harvani, Shri Ansar
Jadhav, Shri M. L.
Jadhav, Shri Tulshidas
Jamunadevi, Shrimati
Jyotishi, Shri J. P.
Kajrolkar, Shri
Karuthiruman, Shri
Kedaria, Shri C. M.
Khanna, Shri Mehr Chand
Koujalji, Shri H. V.
Kripa Shanker, Shri
Krishnamachari, Shri T. T.

Laskar, Shri N. R.
Mahatab, Shri
Malhotra, Shri Inder J.
Mallick, Shri
Mandal, Shri J.
Marandi, Shri
Mirza, Shri Bakar Ali
Mishra, Shri Bibhuti
Mohsin, Shri
Morarka, Shri
Munzni, Shri David
Murti, Shri M. S.
Muthiah, Shri
Naik, Shri D. J.
Nasker, Shri P. S.
Niranjan Lal, Shri
Pande, Shri K. N.
Paundey, Shri R. S.
Pandey, Shri Vishwa Nath
Pant, Shri K. C.
Parashar, Shri
Patel, Shri Chhotubhai
Patel, Shri P. R.
Patil, Shri Vasantao
Raghunath Singh, Shri
Rai, Shrimati Sahodrabai
Rajdeo, Singh
Raju, Dr. D. S.
Ram, Shri T.
Ram Sewak, Shri
Ram Swarup, Shri
Ramdhani Das, Shri
Rao, Shri Krishnamoorthy
Rao, Shri Ramapathi

Rao, Shri Thirumala
Rattan Lal, Shri
Reddy, Shri K. C.
Roy, Shri Bishwanath
Sadhu Ram, Shri
Saha, Dr. S. K.
Sahu, Shri Rameshwar
Satyabhama Devi, Shrimati
Shah, Shrimati Jayaben
Shankaraiya, Shri
Sharma, Shri A. P.
Shastri, Shri Ramanand
Sheo Narain, Shri
Shyam Kumari Devi
Siddananjappa, Shri
Sidheshwar Prasad, Shri
Sinha, Shri B. P.
Sinha, Shri Satya Narayan
Sinha, Shrimati Ramdulari
Sinha Singh, Shri
Sumat Prasad, Shri
Sundera Pal Singh, Shri
Thimmasiah, Shri
Tiwary, Shri K. N.
Uikey, Shri
Upadhyaya, Shri Shiv Dutt
Verma, Shri M. L.
Verma, Shri Ravindra
Venkatasubbaiah, Shri P.
Verma, Shri Balgovind
Verma, Shri K. K.
Wadiwa, Shri
Wasnik, Shri Balkrishna
Yadava, Shri B. P.

NOES

Banerjee, Shri S. M.
Bhattacharya, Shri Dinen
Barua, Shri Hem
Berwa, Shri Onkar Lal
Chakravarti, Shrimati Renu
Gulshan, Shri
Gupta, Shri Indrajit
Gupta, Shri Kasu Ram

Jha, Shri Yogendra
Kachhavaia, Shri
Kamath, Shri H. V.
Mate, Shri
Maurya, Shri
Mukerjee, Shri H. N.
Murmu, Shri Sarkar
Reddy, Shri Yallamanda

Roy, Shri Saradish
Sen, Dr. Ranen
Suraj Lal, Shri
Swamy, Shri Sivamurthi
Trivedi, Shri U. M.
Yadav, Shri Ram Sewak
Utiya, Shri

***Two names could not be recorded.

Mr. Speaker: The result of the Division is: Ayes 103; Noes 25.

The motion was adopted.

Clause 8 was added to the Bill.

Mr. Speaker: The question is:

"That Clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

Mr. Speaker: The question is:

"That Clauses 10 and 11 stand part of the Bill."

The motion was adopted.

Clauses 10 and 11 were added to the Bill.

Mr. Speaker: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Mehr Chand Khanna: I beg to move:

"That the Bill be passed."

Shri S. M. Banerjee rose—

Mr. Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

Shri S. M. Banerjee: He has not accepted a single amendment. I wanted to say something on the third reading.

Mr. Speaker: I thought every one had had enough opportunity.

Shri S. M. Banerjee: On the third reading, we should have got some opportunity.

15.44 hrs.

REPORTS OF COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES—Contd.

Mr. Speaker: Further consideration of the motion:

"That this House takes note of the Tenth and Eleventh Reports

of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1960-61 and 1961-62, laid on the Table of the House on the 15th June, 1962 and 16th August, 1963, respectively."

Shri Sinhasan Singh (Gorakhpur): Sir, before you call on the next speaker, I may bring to your notice that there was a row in the House and then I submitted to the Deputy Speaker about.....

Mr. Speaker: The hon. Member knows very well that when he is in the Chair he has all the powers and nobody else can review or revise or modify or alter anything that has been done.

Shri Sinhasan Singh: He did not give a ruling; he said he would consider.

Shri Hari Vishnu Kamath: The Deputy Speaker did not give a ruling. He said he would consider it later; he may seek your advise. I hope he will benefit by your advice and that you will advise him properly.

Mr. Speaker: Let him consider. Was Mr. Kajrolkar on his legs?— No. Shri Subodh Hansda.

Shri Subodh Hansda (Jhargram): Sir, while initiating the debate the Deputy Home Minister referred to some of the points and some suggestions of the Commissioners in their reports. She said that these suggestions had been sent to the State Governments for implementation. There are two reports to be discussed. The Tenth report was written by the ex-Commissioner, Shri L. M. Srikant while the 11th report was written by Mr. A. K. Chanda. I do not find that there has been any change in the observations contained in the 11th report written by Mr. A. K. Chanda, who has made certain remarks and observations from which it is clear that the State Governments responsible for implementation of all the welfare schemes have not done their duty properly.