

THE
PARLIAMENTARY DEBATES

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(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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HOUSE OF THE PEOPLE

Friday, 14th November, 1952

The House met at a Quarter to Eleven of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

Shri Syed Ahmed (Hoshangabad): On a point of order, Sir. I draw your attention again to the poem which has been distributed by Shri Harindranath Chattopadhyaya, who is a Member of this House, which is a low, scurrilous, below-belted attack upon Pandit Jawaharlal Nehru. Is it permissible to distribute private bills in this House which are attacks upon other Members of the House?

Mr. Speaker: Order, order. I cannot be expected to decide this question and give my ruling, unless I have an opportunity of knowing the position and the facts from the Member whose name he has mentioned. I have called for the pamphlet which was distributed. I shall consider it and then after I give an opportunity to the Member who distributed it. Mr. Mukerjee.....

Shri Syed Ahmed: Not Mr. Mukerjee but Mr. Chattopadhyaya.

Mr. Speaker: Mr. Chattopadhyaya. He has to be given an opportunity. I must ask him whether he himself distributed the pamphlet. It may be that some other person may have done it. I can only give a ruling after ascertaining the facts. It is no use raising this question till facts are ascertained and further taking up the time. The hon. Members need not be so touchy about this question. Let them have a stronger faith in their leader so that no scurrilous attacks as described by the hon. Member might affect them.

The Minister for Revenue and Expenditure (Shri Tyagi): I submit, Sir, that it is a matter for ruling—not only in this case, but as a general rule—as to whether Members of this House are privileged to distribute any type of literature without taking your approval.

Mr. Speaker: I have already said that. Perhaps the hon. Minister was absent from this House, when a statement was made to me that somebody distributed it. I said it was very wrong on the part of the hon. Member who distributed it.

Sardar A. S. Saigal (Bilaspur): Mr. Nambiar distributed it. It was handed over by Mr. Nambiar.

Mr. Speaker: Whatever it may be, it is a matter which requires some investigation for the ascertainment of facts. And that cannot be done in this way by two Members standing up at the same time.

Shri Gadgil (Poona Central): That is perfectly true. But what I respectfully urge is that the Chair may issue directions for future conduct that no distribution, unless it is authorised by the Secretariat, should be made on the floor of the House or for that matter, within the precincts of the Parliament House.

Mr. Speaker: That is a standing rule in this House. That has been the practice and so many people have been informed about it. Immediately, my attention was drawn to the matter of distribution. I said it was very wrong. Now a different question is being sought to be raised. Certain Members of this House are named as persons who have been guilty of breach of that particular rule. There, it is not possible for me to give any decision unless I have an opportunity of hearing what the Members have to say. It is very clear that it cannot be decided by two people standing up and saying 'It is true' and two other Members standing up and saying 'It is not true' and all that kind of thing.

Shri Syed Ahmed: The Member is present here. He can make a statement.

Mr. Speaker: That is not the practice.....

Sardar A. S. Salgal: I will put it in writing.

Mr. Speaker: That makes no difference. Even if he puts it in writing, it does not do away with the necessity of giving the person, against whom an allegation is made, an opportunity of answering the allegation. And then I have to be satisfied on that point.

Shri Syed Ahmed: When should we expect this matter to be taken up?

M. Speaker: I cannot say. (Interruptions). Order, order. I must have ample time and ample opportunity. The matter is not at all urgent in any sense of the term.

Shri Gidwani (Thana): Sir, I had given notice of a Short Notice Question. What about that.....

Mr. Speaker: Will the hon. Member please enquire at the office. There are so many Short Notice Questions for different days.

MOTIONS FOR ADJOURNMENT

PROMULGATION OF SECTION 144 IN AND AROUND AGARTALA

Mr. Speaker: Now, I have received notices of two adjournment motions. I will take them up in the order I got them. One is from Shri H. N. Mukerjee. It reads thus:

"This House be adjourned to discuss the situation arising out of the promulgation of Section 144 in and around Agartala, Tripura State, which has prevented the holding of the Communist Party's Conference at Agartala".

Now, in this connection, it has been the standing practice of this House from very old times not to entertain any adjournment motion in respect of orders passed in the ordinary course of administration, and particularly orders under Section 144. I do not think I need refer to the previous rulings of the Chair on this question, given so far back as 1944 by my predecessor and this is one of those which follows up the strings of rulings on that point.

Shri H. N. Mukerjee (Calcutta North-East): May I submit.....

Mr. Speaker: He may submit as regards admissibility, not as regards the merits.

Shri H. N. Mukerjee: My submission is that in regard to Part C States where the public opinion has no forum for ventilating grievances against the operation of the administration, this is the only place where questions of this description can be agitated. So I would appeal to you to reconsider your decision.

Mr. Speaker: Well, it will be a matter for some other occasion. I am inclined to think that the argument that he is urging may perhaps be good for one occasion, but if that is accepted—I am speaking without deciding the question; I am giving my *prima facie* reactions—we shall be flooded with '144' notices every day about Part C States. Even in advanced provinces there are always areas which are very much backward, and the argument of 'backward' as against 'advanced' might create difficulties. I do not propose to entertain this unless a case is made on some other ground. The hon. Member may, if he likes, come and discuss it with me.

Shri H. N. Mukerjee: May I submit that I have got a telegram from a Member of Parliament, Mr. Biren Dutt, who is absent in the House because of his association with the organisation of this Conference, and he as a Member of Parliament wishes to see that the rights of the people of his constituency and his State are not invaded in this fashion by executive orders.

Mr. Speaker: Why he only? He by his absence, but all others by their presence here are keen to see that the rights of the people are protected, including the Chair, of course.

Shri Nambiar (Mayuram): That being a Part C State and this being the Parliament which has something to do with the Government there, we are making the submission that it may be discussed here.

Mr. Speaker: The point is not as to whether there is any responsibility, finally, immediately or remotely, of the Central Government. The point is that it is an administrative order—in the due course of administration—and further, if I remember aright,—I have not been able to verify the point—there is by an amendment of the Criminal Procedure Code, a remedy given by an application to the court. Am I right there? I have not verified it.

Shri M. A. Ayyangar (Tirupati): To the subordinate court..... Even to the High Court.