

(ख) पिछले वर्ष कितनी मन-राशि इकट्ठी की गई थी ?

वित्तमंत्री (श्री मोरारजी देसाई) : (क) और (ख). पूछी गयी बातों का ज्योरा मीचे दिया जा रहा है :

वास्तविक सग्रह
(लाख रुपयों में)

	अप्रैल	१९५९	से जून
राज्य संघीय क्षेत्र का नाम	१९५८-	५९	१९५९ तक
१. आन्ध्र प्रदेश	३,८४	३२	
२. असम	२,७४	४०	
३. बिहार	६,०४	७१	
४. बम्बई	२१,६३	४,८३	
५. दिल्ली	२,४०	७५	
६. हिमाचल प्रदेश	१३	१	
७. जम्मू और काश्मीर	३१	८	
८. केरल	१,३३	२४	
९. मद्रास	२,६६	(—) ८	
१०. मध्य प्रदेश	२,१३	२५	
११. मनीपुर	४	२	
१२. मैसूर	१,८१	३२	
१३. उड़ीसा	१,३३	२७	
१४. पंजाब	५,२४	(—) ५०	
१५. राजस्थान	१,६४	३०	
१६. त्रिपुरा	४	३	
१७. उत्तर प्रदेश	७,७७	(—) १,५९	
१८. पश्चिम बंगाल	८,६३	१,४२	
१९. वेन पोस्ट आफिस	२	१	
जोड़	७०,०३	७,७९	

विषयसूचिका :—(क) पिछले वर्ष के सग्रह में डाकखाना बचत बैंक में जमा रकमों के ब्याज का समयगत ६,६२ लाख रुपया शामिल नहीं है जिसका राज्यवार ज्योरा अभी तक मिल नहीं सका ।

(ख) आकटे अन्दाजिया हैं ।

दिल्ली में अनुसूचित जातियों के लिये मकानों का निर्माण

२५७. श्री पन्ना लाल बाकाल : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५४ और १९५८ के बीच दिल्ली के ग्रामीण और शहरी क्षेत्रों में अनुसूचित जातियों के लिये कितने मकान बनाये गये, और

(ख) इन में अनुसूचित जातियों की कौन सी विभिन्न जातियाँ रहती हैं ?

गृह उपमंत्री (श्रीमती आल्वा) : (क) अनुसूचित जातियों के कल्याण की योजना के मातहत १९५४-५५ से १९५८-५९ के दौरान दिल्ली के ग्रामीणों इलाकों में ८०६ मकान बनाने के लिये आर्थिक सहायता दी गई । इन में से ७४ मकान बन रहे हैं और बाकी बन चुके हैं ।

(ख) बाल्मीकी, चमार, धनक, जलाहा, घोषी आदि ।

12-02 hrs.

RE: MOTION FOR ADJOURNMENT

Mr. Speaker: Now, Papers to be Laid on the Table.

Shri S. M. Banerjee (Kanpur): Sir, I have a submission to make....

Shri A. K. Gopalan (Kasergod): I want to know about the adjournment motion which I had given

Mr. Speaker: I have disallowed it.

Shri A. K. Gopalan: I want to know the reason why you have disallowed it.

Mr. Speaker: I have communicated it to him already. It is open to me to bring up an adjournment motion here and then give the reason, or communicate it to the hon. Member I shall send it to him.

Shri A. K. Gopalan: I want to know why I should not know the reason why you have disallowed my adjournment motion.

Mr. Speaker: I am sending it on to him I have already told him.

Shri A. K. Gopalan: You have not told me the reason. What you have told me is that you have not allowed the adjournment motion, because you said that I had not sent it to the Home Minister. That is not a reason for disallowing the adjournment motion. As far as the adjournment motion is concerned, there is no question of sending it to the Home Minister . . .

Mr. Speaker: It is for me I do not allow. As for the reasons why I disallow, it is for me to find out if it is an adjournment motion that has to be allowed to be talked over here; or even, at the preliminary stage, if I have a doubt, I may ask the hon. Member to explain certain matters to me to enable me to decide whether I should give my consent or not. In other cases, where I am clear that consent ought not to be given, I do not give any reasons, and I disallow them.

It is not open to the hon. Members to scan those things. Hon. Members are not allowed to scan as to why I have disallowed; that will be entering into an argument.

There are three categories. I do not allow in some cases, where I am thoroughly satisfied; in some other

cases where I am not satisfied, I bring them up here for the purpose of finding out whether I should give consent or not. The third category is where when I give consent, I ask some hon. Members to rise in their seats, to find out if the motion is supported by fifty Members.

So, these are the three categories I have adopted the procedure for the first category here, and I have disallowed it. I did not give my consent. It is not open to any hon. Member here to ask me on what grounds I have done so, or to enter into a discussion regarding this I have disallowed this.

Shri A. K. Gopalan: According to the rules, you have to give the reasons here, and state whether it is out of order, or whether there are any other reasons.

Shrimati Renu Chakravartty (Basirhat): After the Proclamation, everything about Kerala can come up in this House.

Shri A. K. Gopalan: And it is not only that. The Legislative Assembly of the State is not there, and, that is the reason why it should be taken up here.

Shri Tyagi (Dehra Dun): What is the wording of the rule?

Mr. Speaker: Which is the rule? Is it rule 56?

Shri Vasudevan Nair (Thiruvella): Now, where are we to go for relief?

Shrimati Renu Chakravartty: You have taken it upon yourself to discuss everything about Kerala here, and every day, you are going to allow a discussion about Kerala here, but we cannot bring up anything here. People are being raped, and you say that everything cannot be discussed. (Interruptions)

Shri A. K. Gopalan: I do not know why you have disallowed it. Even yesterday, I sent you all the material. I sent them to the Home Minister

[Shri A. K. Gopalan]

also. I do not know why you do not allow it. The Legislative Assembly is not there. So, where will the people of Kerala represent, if there are certain matters of arson, loot, murder and other things? You say that I should not raise them here . . .

Mr. Speaker: Order, order The hon Member said that I must give the reasons for disallowing it. I do not find anything to that effect in the rules Rule 58 reads thus

"Subject to the provisions of these rules, a motion for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker"

I have refused my consent

Shri A. K. Gopalan: I want to know the reason for it

Shri V. P. Nayar (Quilon): On a point of order

Shri A. K. Gopalan: I want to raise another point. You have said that you have refused consent I want to know what can be done, when the Assembly is not there, when the Assembly has been dissolved, if you simply say like this? You have, of course, got the right to say everything; that is correct. But what can be done when the Assembly is not there? You simply say that you have disallowed it, without giving any reason. What is the reason? Is it not a matter of urgent public importance? Or is it a matter which is out of order? You simply say that you have disallowed it. I want to know why you say like that, without giving any reason.

Shri V. P. Nayar: I want to raise a point of order on this. My point of order is this, that the scope of admissibility of an adjournment motion on any matter pertaining to Kerala, in this context, has to be determined not on the basis of the rules of procedure of this House, but on the basis of the rules of procedure of the erstwhile

Legislative Assembly of Kerala. My argument is this. (Laughter) why should hon. Members laugh. Let them hear me. If they patiently hear me, they will be educated. Why do they deny themselves a rare opportunity of getting educated? I am posing this question to you. (Interruptions)

Mr. Speaker: The hon. Members is raising a point of order Let me hear him.

Shri V. P. Nayar: I have stated the point We have now assumed the functions of the Legislative Assembly of Kerala, because it has been dissolved by the Proclamation of the President. What does the President say in his Proclamation? If you will please read para V of that Proclamation, you will see that it runs thus:

"Any reference in the Constitution to the Governor shall in relation to the said State be construed as a reference to the President, and any reference therein to the legislature or Legislative Assembly of the State shall, in so far as it relates to the functions and powers thereof, be construed as a reference to Parliament, and in particular, the references in article 213 to the Governor and to the Legislature or Legislative Assembly of the State shall be construed as references to the President and to Parliament respectively."

May I ask what are the references there? There is reference to certain articles of the Constitution in the proviso following it, none of which curtails the powers of the Legislative Assembly.

The point which I want to impress upon you is that in this context, every subject which could have been allowed for discussion in the Legislative Assembly of Kerala, becomes, by

virtue of this Proclamation, admissible for such discussion in the Parliament also, so that the rules which you have applied for not giving consent to our adjournment motion cannot be applied; and you will have to see whether this matter, if raised in the Legislative Assembly of Kerala, would have been admissible there. If it was admissible there, then, merely by virtue of the President's Proclamation, we in this House are entitled to discuss it.

Mr. Speaker: So far as that is concerned, the Proclamation was issued under article 356 of the Constitution, and clause 1(b) of that article reads thus:

"declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament".

Hon Members are aware that under the Constitution, there are subjects which have been absolutely given to the States, there are other subjects given to the Centre, and there are some other subjects which are common to both the Centre and the States.

Now, we have taken over, or this Parliament has taken over jurisdiction over those subjects, which, but for the Proclamation, the State Legislature alone will be competent to discuss. That is the substantive portion of it.

But so far as the procedure is concerned, it is the procedure of this House that will rule, not the procedure of that Assembly. . .

Shri V. P. Nayar: I do not say. .

Mr. Speaker: No, no. Therefore, it is not competent for the hon Member to ask me to look into those rules and be governed by the rules of procedure of the Legislative Assembly. That House has been superseded. All the powers under List II have been taken over here. We are exercising those rights. We are governed by the Rules of Procedure of this

House. I have acted in accordance with the Rules of Procedure of this House. Therefore, there is no point of order.

Shrimati Bena Chakravartty: May I say a few words?

Shri V. P. Nayar: May I seek a clarification? In that case, is it your ruling that although Parliament has assumed the functions of the Legislative Assembly of Kerala, we shall not discuss here any subject which is referred to in the State List? (*Interruption*)

Mr. Speaker: No, no. It is the very negation of what I said. All the subjects in the State List which that Legislature could discuss will be discussed here. But we are not bound by the Rules of Procedure of that Legislature that has been superseded. The Rules of Procedure of this House will govern us. As regards the subject-matter, we will look into that.

Shri V. P. Nayar: You have not understood me properly.

Shri A. K. Gopalan: In this particular case, you did not even hear me. Still you think you are thoroughly satisfied. In the Chamber, you told me something else. Here you say something different.

Mr. Speaker: I am sorry; I do not know how he misunderstood me. I never said I will allow this discussion here. I said, I disallowed it even in the Chamber. I do not know how he understood me wrongly.

Shri A. K. Gopalan: What are the reasons for it?

Shrimati Bena Chakravartty: This is a serious situation.

Shri A. K. Gopalan: I want to know why you did not even say why it is disallowed. I only want to know why there was discrimination here, when, according to me, matter is a very serious one. You did not even hear me. That was not the procedure that you had been adopting till now. What is the reason

[Shri A. K. Gopalan]

why you have done it today? That is what I want to know.

Shrimati Bama Chakravarty: Women are being raped. You are not even allowing this matter to be raised here. It is not Communists alone who have sent telegrams. The Exhava Association, SNDP people, have sent telegrams. You are not allowing it to be raised here, but you will allow people like Dr. K. B. Menon to raise all sorts of things here.

Shri Tyagi: On a point of order.

Mr. Speaker: What is the point of order? There is no point of order.

It was only day before yesterday that Shri A. K. Gopalan brought forward a similar motion here I made my observations then and then he also agreed that these matters must be brought before, or intimated to, the hon. the Home Minister. The Home Minister said that he would always look into them. That is number one. Secondly, every ordinary matter of law and order even in the Union Territories does not come up immediately before Parliament. If so, we will be just flooded only with those matters (*Interruptions*). Should whatever may be happening in Kerala, according to them be repeated on the floor of the House here? (*Interruptions*)

Shri Nagi Reddy (Anantapur): We would like to know what we should do.

Mr. Speaker: All that I am saying is this, that it was only day before yesterday that a similar matter was brought up here.

Shri A. K. Gopalan: You had not the patience to hear why I brought it today. You have not given me an opportunity to explain my reasons ..

Mr. Speaker: Papers to be laid on the Table. Shri Morarji Desai.

Shri A. K. Gopalan: When I brought in an adjournment motion, you did not even allow me to explain why I brought it here. It is my right to

explain that. But you do not allow me two minutes to do so. Still you talk like that.

Shri V. P. Nayar: The Assembly in Kerala is not functioning. Where are we to go to discuss this matter?

Shri Muhammed Elias (Howrah): When the Kerala Assembly was functioning, you allowed an adjournment motion to be brought before the House by some other party. Now we are not allowed that right. Women are being raped. We cannot hear this argument being raised when adjournment motions of other parties are allowed to be brought in. This House should be adjourned this time (*Interruptions*). We shall force you to allow this motion

Mr. Speaker: No.

Shri S. M. Banerjee: Women have been raped (*Interruptions*).

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): May I say a word? It is not for me, Sir, to say anything about your ruling

That is for you to give. But I would like to ask the Leader or the Deputy Leader of the Communist Group who tabled this motion whether he thinks that this type of behaviour is conducive to carry on work in this House (*Interruptions*)

Shri Sadhan Gupta (Calcutta-East): Is rape conducive to democracy?

An Hon. Member: You are telling us about conduct and behaviour.

Shri Jawaharlal Nehru: I should like a quiet, not a noisy but a quiet, answer from the Deputy Leader of the Communist Group if this is his idea of Parliamentary behaviour (*Interruptions*).

Shri Muhammed Elias: You are speaking of parliamentary democracy! You are the man who is destroying democracy in this country.

Mr. Speaker: Hafiz Mohammad Ibrahim.

Shri A. K. Gopalan: The Prime Minister has asked me a question.

You also said something and asked me why I brought it now. I must be given a chance to say why I brought this adjournment motion.

Mr. Speaker: I did not ask him.

Shri A. K. Gopalan: You did not allow me to talk.

Mr. Speaker: I did not ask him any reasons. I said I disallowed it.

Shri A. K. Gopalan: You said that only two days back the matter was brought up here and asked why I was bringing up the matter again.

Mr. Speaker: I did not ask him.

Shri A. K. Gopalan: I sent a letter to Dr. Ramakrishna Rao. I sent a copy thereof to you yesterday. I forwarded a copy yesterday to the Home Minister also. Is this a behaviour which is against parliamentary democracy? Nobody does all these things before bringing in an adjournment motion. But I had been careful enough to do all these things, I had been careful enough to write to the Governor, I had been careful enough to write to the Speaker even yesterday saying that certain things have happened after that. That is what I have done. I did not bring forward the adjournment motion before doing all those things. But what is the reason why I have not been given even two minutes to explain my case? This is not the procedure that is followed everyday here. The Speaker will at least hear, he will ask 'What have you to say?' and then he will say 'I disallow it'. But in this particular case, why is it said that nothing should be said here? That is what I want to know.

I know that the adjournment motion will not be allowed here, I also know that when one telegram was brought here, for ten minutes speeches were made saying that there was insecurity in Kerala, that life and property were not safe etc. Here it is not like that I wanted to press the matter and say why I had brought it here. That was

not allowed. I want to know the reason for that. The Prime Minister asks: is this parliamentary democracy? I do not know how to answer that.

Shri Jawaharlal Nehru: I was not saying anything about the adjournment motion. That is for you to decide. I was merely venturing, in all humility, to ask the Deputy Leader of the Communist Group if the various gestures and noises that were made on the other side were parliamentary (*Interruptions*).

Shri A. K. Gopalan: I want to ask the Prime Minister whether he has not heard the noises from the other side when the Speaker had to intervene.

Shri Nagi Reddy: Bigger noises were made from the other side, he was not here that day (*Interruptions*).

Mr. Speaker: Order, order.

Shri V. P. Nayar: You ask your own people. Even when I raised a point of order, they shouted at me.

Mr. Speaker: I never wanted to make any discrimination regarding this matter. This is, no doubt, a serious matter. The other day I asked Shri A. K. Gopalan to read out a statement. I did not stop him during the course of his statement. He referred to all those matters and showed a bunch of telegrams.

Shri A. K. Gopalan: I did not refer to them. There are other other things that have happened afterwards. I did not want to refer to matters which have already been referred to. But you did not even hear me.

Mr. Speaker: If I allowed the adjournment motion, possibly, he might have referred to all those items *in extenso* but I immediately requested the hon. Home Minister to say what he had to say. He said that from a distance it was not possible to go into those matters. Therefore, he immediately engaged himself in correspondence with the Governor of the State who is in charge of the Administration, to look into those matters; he

[Mr. Speaker]

even advised that Shri A. K. Gopalan should, in the first instance, go to the Governor. All this took place only a couple of days ago. Some other incidents might have occurred after that. But now we have fixed up a discussion of this matter, deciding as to how best it ought to be regulated. This was done when the matter was brought up here.

Secondly, so far I have ruled from time to time that wherever even in a Union Territory there are matters which are to be regulated by way of law and order locally, we do not bring them up here. That is number two. Then, it is a continuing matter. That is number 3. In the circumstances, even accepting all the statements to be true, it is for me to decide whether any discussion here of this matter which has been continuing for some time soon after the Proclamation, would serve any useful purpose or whether it will only create further disturbances there instead of bringing about order. For all these reasons I said I was not going to give my consent. I do not feel that any discussion at this stage will in any way be helpful in removing some of the difficulties that might have arisen soon after the Proclamation was issued. I feel that these matters will be settled ere long and we will have to decide the details later on. Therefore, I would appeal to all hon. Members to wait for a day or two and bring up all matters.

In the meanwhile, I am sure, the hon. Home Minister will once again write to the Governor to see—irrespective of any discussion here—that no such incident takes place there. I would request Shri Gopalan to hand over all these telegrams, and whatever papers have been sent to me so that I shall pass them on to the hon. Home Minister. I shall also be watching this matter from time to time.

I am sure every hon. Member here is interested in this because once a Proclamation is issued, it is this House that is responsible. I am aware of

this responsibility. Therefore, I say that so soon after day before yesterday this need not be taken up. Let us wait and see. Under these circumstances I once again request the Deputy Leader of the Communist Party to be a little patient. If anything happens, I am always here. I do not make any discrimination between.....

Shri A. K. Gopalan: Sir, I have always been patient; for the last 7 years I have been patient; I will also be patient hereafter. I would only say that if you had allowed me at least one-fourth of the time that you have taken, I would have explained that it is not only an instance of murder (*Interruptions*). It is not only one instance of murder. There is a policy of annihilation of the communist party members and sympathisers to see that the elections are not conducted. So, it is a deliberate policy. It is not a question of one murder. It is the duty of Parliament to see whether peace can be restored and what are the ways in which peace can be restored. You did not even hear me and said that it is only a matter of law and order. I am not taking this as only a question of law and order; I am not taking it that way. Violence has been let loose. If you had allowed me a minute or two you would have understood what the leaders of the Vimochan Samara Samiti are saying. They say the communist government must go; the party must be annihilated and that is being followed here (*Interruptions*).

So, I want to ask the Central Government whether they are allowing the policy of annihilation of the communist party or whether they want a policy of peace. If they want peace, the communist party is ready to help them. Let us understand why this is happening. Letters and telegrams have come in. That is why I wanted two minutes to explain. That is why I wanted a discussion and you did not allow me even two minutes to explain.

Mr. Speaker: I will allow him full opportunity. Two days have been allotted for this discussion. Therefore,

we shall have a good discussion in the matter. All that he wants to raise now may be raised then, with reference to the Proclamation.

Shri A. K. Gopalan: It is not a matter of the Proclamation. What steps are going to be taken to see that law and order is maintained?

Mr. Speaker: Along with the Proclamation you may discuss what steps are to be taken to maintain law and order. No particular party shall be annihilated which is entitled to function as any other party in this country.

Now, let us go the next item.

Shri S. M. Banerjee: Sir, what about the other adjournment motion? Three people have died. It is not Kerala and law and order. Three people have died in that area

Shri T. B. Vittal Rao (Khammam): Sir, let us have it tomorrow.

Mr. Speaker: It is fixed for the 17th.

Shri T. B. Vittal Rao: Seventeenth will be too late. Conditions are deteriorating. Let us have it tomorrow. (*Interruptions*).

Shri Vasudevan Nair (Thiruvella): Sir, people have begun to evacuate from a particular area. They cannot live there upto the 17th. Two women have been raped in Ambalapuzha.

Mr. Speaker: Papers to be laid on the Table.

PAPERS LAID ON THE TABLE

ACTUARY'S REPORT ON LIFE INSURANCE CORPORATION OF INDIA

The Minister of Finance (Shri Morarji Desai): I beg to lay on the Table, under Section 29 of the Life Insurance Corporation Act, 1956, a copy of the Actuary's Report on the financial condition of the business of the Life Insurance Corporation of India including a valuation of the liabilities of the Corporation, as on

31st December, 1957. [*Placed in Library, See No. LT-1473/59*].

FLOOD CONTROL PROGRAMME

The Minister of Irrigation and Power (Hafiz Mohammad Ibrahim): I beg to lay on the Table a copy of a Statement regarding the Flood control programme and the flood situation in the country. [*Placed in Library, See No. LT-1474/59*].

NOTIFICATIONS UNDER MINES AND MINERALS (REGULATION AND DEVELOPMENT) ACT

The Minister of Mines and Oil (Shri K. D. Malaviya): Sir, I beg to lay on the Table, under sub-section (1) of section 28 of the Mines and Minerals (Regulation and Development) Act, 1957, a copy of each of the following Notifications:

- (i) G.S.R. No. 387 dated the 4th April, 1959 making certain amendments to the Minerals Conservation and Development Rules, 1958.
- (ii) G.S.R. No. 388 dated the 4th April, 1959.
- (iii) G.S.R. No. 729 dated the 27th June, 1959.
- (iv) G.S.R. No. 862 dated the 25th July, 1959 making certain amendment to the Mineral Conservation and Development Rules, 1958.

[*Placed in Library, See No. LT-1475/59*].

NOTIFICATIONS UNDER ALL-INDIA SERVICES ACT

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, I beg to lay on the Table, under sub-section (2) of section 3 of the All-India Services Act, 1951, a copy of each of the following notifications:

- (1) G.S.R. No. 652 dated the 6th June, 1959 making certain amendments to the All India Services (Provident Fund) Rules, 1955.