

and Broadcasting and Health Ministries. Hon. Members themselves in the Business Advisory Committee suggested only three hours, but on the floor of the House I found that a large number of Members wanted to speak. Therefore, no Ministry will be disposed of in less than five hours or a full day. Some Ministries will have two days. The Government have never stood in the way. Hon. Members who are members of the Business Advisory Committee themselves felt that the time allotted was sufficient. And if some more time is necessary, as suggested by Dr. Krishnaswami, I think Government will be only too willing to agree to it, and to the best of my ability I shall see that no restriction is placed on the discussion and that it is allowed in as great a detail as is necessary and proper.

**Shri Tangamani (Madurai):** This time the Law Ministry was left out, and also Planning...

**Mr. Speaker:** Planning is not a separate Ministry by itself. Anyhow, if it is the desire of the House, I shall consider it.

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### SITUATION IN ORISSA

**Mr. Speaker:** Now, Mr. Mahanty has written to me and I understand that before I came to the House this morning he raised this point as to whether, regarding the affairs in Orissa, the hon. Minister is going to make a statement.

The other day, when this matter was brought up, I asked the hon. Minister and he said, "We are also in possession of only as much material as is available in the Press" and he said that as soon as fuller material is gathered he will place it before the House. I myself, like hon. Members, have looked into these papers recently and I myself thought that everything is settling down in Orissa. The Members who were arrested have gone into the Assembly and an adjournment motion on either side is not likely to

be pressed. These are all things. When the Assembly is there, full of representatives for a shorter area and a smaller number of people, they can claim representation in the Assembly as much as we do, if not a little more, and when they are there on the spot and are interested in the subject, why not they settled it themselves? That was what was passing in my mind. Otherwise I would have asked the hon. Minister to make a statement in the matter. I myself felt that nothing should be done here from Parliament with respect to any matter which arises in the State Legislature and which they could settle themselves. Far from easing the situation possibly by some remarks here we may be disturbing the situation and once again creating or reviving a situation that has lapsed. That was what was passing in my mind. It is not as if the Minister at any time refused to accept or carry out any direction from the Chair. The Home Minister has always been ready to accommodate and give more information than what is being asked for.

If, however, the hon. Member Mr. Mahanty wants any statement from the hon. Minister and if the hon. Minister is in possession of new ideas or new facts he may give them to the House.

13 hrs.

**The Minister of Home Affairs (Pandit G. B. Pant):** Sir, I have hardly any new facts except the text of the complaint that was made to the police. If Mr. Mahanty wants me to place it on the Table or to read it to the House, I shall submit to his wishes. Apart from that, as he knows, some persons who were arrested on the 27th were released on bail on the 28th. The Orissa Legislative Assembly has been sitting from day to day. Some Adjournment Motions, one perhaps by Members belonging to the Congress Party and another by the Opposition, or the Gantantra Parishad, were notified on the 28th. The Congress Party Members complained about the subject matter of the reports that were

[Pandit G. B. Pant]

made to the Police, saying that such things should not happen and in a way blaming the Government for those incidents. On the other hand, the Opposition also gave notice of an Adjournment Motion about the abuse of authority. But I understand that both the motions were withdrawn and were not pressed by the movers concerned. Official Bills have since been considered and passed from day to day. The Members who had been arrested were released, as I said on the 26th—27th, the day on which they were arrested was a Sunday.

**An. Hon. Member:** By the High Court.

**Pandit G. B. Pant:** By a very eminent court and not by the Magistrate. If that adds to their dignity,—I am prepared to mention the High Court. They have been attending the Assembly and I think business has been transacted in a normal way. The Appropriation Bill is to be considered today.

Shri Mahanty knows more about the facts than I do. If he wants me to go deeper into these facts, I will do that, but I myself would not like to say more than what I have said. I hope he will appreciate my anxiety not to cause any embarrassment to him.

**Shri Mahanty (Dhenkanal):** With all humility, may I make a submission?

I am deeply grateful to the hon. the Home Minister for the candid statement that he has made, except for the facts which he does not want to give us at this stage. I can appreciate that. But our concern is not, as you have understood, to discuss a matter which comes within the purview had jurisdiction of the State Government, namely, maintenance of law and order.

Sir, we are concerned when we find that article 355 of the Constitution is being alleged to be violated. I can say only that much. Article 355 of

the Constitution lays an obligation on the Government of India to see that the administration in a particular State is carried according to the provisions of the Constitution. Now all that had happened during that most unfortunate week created an impression that the constitutional machinery was crumbling and it was being sought to be propped by arrests by intimidation, by suppression of civil liberties and the rest of it. I say in all humility that our object is not to make broadside against anybody. We should not abdicate this responsibility which devolves on us under article 355 of the Constitution to see that the administration of a State is carried on according to the provisions of the Constitution. It is out of that concern that our submission for a discussion arose. It does not matter if I am embarrassed, or anybody is embarrassed. After all we have the tradition of calling a spade a spade. We are always prepared to admit our defeats, mistakes and shortcomings and that too to no less a person than the Home Minister. There is no question of making a broadside against anybody. We still maintain that our request is not for discussing the arrests. They are within the State's jurisdiction; we are not concerned about it. We are only concerned with examining whether the constitutional machinery in that State has not crumbled and whether it has not been propped up by all this kind of intimidation, arrests, so on and so forth. That is my submission. It is for you to consider whether there is an occasion for it or not.

**Shri P. R. Patel (Mehsana):** I want to know whether the offences were bailable and whether the bail application was tendered before an executive magistrate or a judicial magistrate?

**Pandit G. B. Pant:** The offences, I understand, were not all bailable. Some were and some perhaps were not. The magistrate did not accept bail. The persons concerned went

to the High Court. In the High Court there was a difference of opinion between the two judges who heard the bail application. The matter was referred to a third judge and then bail was granted. It shows that when there is difference of opinion between the Judges, there was some substance in the order passed by the Magistrate, *prima facie*.

I am not going to express any opinion on the merits of the complaint, because I am not in a position to do that. It is only after the complaint has been investigated and a decision has been given, in case the matter goes to court, by a competent tribunal that I can say one way or the other on the basis of the judgment of the court. Apart from that I have no opinion of my own about the matter.

But I am as anxious as anybody can ever be about the maintenance of the democratic system in our country in its absolute purity and I would not myself encourage any activity which would in any way impair the growth of our democracy. So far as facts go, as I said, I have little more to add.

**Shri P. K. Deo (Kalahandi):** Mr. Speaker, Sir, as a reference has been made to my name in the complaint which has been laid on the Table by the Home Minister, I beg to submit my personal explanation to that.

**Mr. Speaker:** When has the complaint been laid on the Table?

**Pandit G. B. Pant:** So far as I am concerned, I have not even referred to the contents of that complaint. I have refrained from doing that myself. But if Mr. Mahanty so wants, I can place it on the Table of the House, so that it may not be said that I was withholding it. This is the only document which is concerned with this affair. I am not placing it on the Table of the House myself. But if he says "place it" then I am prepared to do that. I think you will appreciate my approach to this matter.

**Shri Yajnik (Ahmedabad):** May I know whether all these arrests, including the arrest of a Member of Parliament and the arrest of Members of the Legislative Assembly, were made without reference to, or without the consent of the Ministry of Orissa?

**Pandit G. B. Pant:** So far as I am aware, the Ministry of Orissa did not pass any orders for the arrest of any person.

**Raja Mahendra Pratap (Mathura):** May I also say a few words about this matter? \*

**Mr. Speaker:** This is not a general discussion about this case.

**Raja Mahendra Pratap:** On a point of order, I want to say a word about it.

**Mr. Speaker:** What is the point of order.

**Raja Mahendra Pratap:** You never allow me to speak.

**Mr. Speaker:** The hon. Member speaks inspite of me.

**Raja Mahendra Pratap:** Is it not very unfortunate that such a thing has happened in Orissa and instead of saying "our democracy," "our this system" and all that why should we not say "our culture, our religion, our tradition." I think it is not our tradition that we should fight like dogs and cats.

**Mr. Speaker:** Cats and dogs have no meaning in this context, except that it is an expression which is used wherever differences arise. There is nothing more to be said. There is no point of order. The hon. Member wanted to say something as an elder. He has given an advice so far as this matter is concerned. The whole of this matter, whatever might be the opinion regarding them, is under investigation. Therefore, advisedly the hon. the Home Minister has not given the details, though he may be in possession of them as the executive in charge of the administration.

[Mr. Speaker]

Regarding the point raised by Shri Mahanty about the application of article 355, while he admits that law and order and other things are not sought to be brought up here, he says that it is a constitutional issue whether the visitorial jurisdiction of the Central Government as envisaged in article 355, according to his interpretation, ought not to be exercised and whether the aid of this House ought not to be invoked for this purpose. That is the point he raised on that day and he has raised it today also.

The terms of this article are:

"It shall be the duty of the Union to protect every State against external aggression...

There is no external aggression here.

...and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution."

Hon. Members are aware that there was a distinction between Part A States and Part B States and there was a kind of jurisdiction vested in the Central Government to give direction and see that the Governments in the Part B States are run in an orderly manner. However, the Part B States protested against this power and one after another, they got out of this. Ultimately, after the States Reorganisation Act, the difference between the Part A and Part B States disappeared. During the course of ten years, every State has come into Part A.

In these circumstances, what are the limits within which article 355 can be invoked? Of course, in the case of external aggression, the aid of this House can be invoked, and that comes within the jurisdiction of this House. In the case of failure of the Constitution, the provisions are contained in the next article, 356. These articles 355 and 356 have to be read together. The internal disturbance should be of

such a grave nature that the President's jurisdiction, as if an emergency has taken, is to be invoked. Normally, the President's jurisdiction under article 355 ought not to be invoked. These two articles have to be read together. The whole thing has cooled down.

Some hon. Members: No, no.

Mr. Speaker: There is not even such difficulty here as in Ramanathapuram. Article 356 is an emergency provision in case of failure of constitutional machinery in States. There is no failure. The Government is going on there. In these circumstances, article 355 does not apply to a case of this kind.

#### EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) BILL

The Deputy Minister of Labour  
(Shri Abid Ali): Sir, I beg to move:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, be taken into consideration."

As the House is aware, the parent Act was enacted in 1952. It originally applied to six important industries, covering about 2000 establishments, with about 15 lakh members. During the last two years, it has been extended to 32 additional industries including sugar, matches, heavy and fine chemicals, edible and non-edible oils and fats, plantations, manganese, gold, limestone, etc. At present, the Act applies to 6375 establishments employing about 29 lakh workers. About 24 lakh people are members of Employees Provident fund. The average monthly contribution in respect of these above establishments comes to over Rs. 2.3 crores. The total accumulations for the covered employees is nearly Rs. 104 crores. The provident fund moneys are exclusively invested in Central Government securities. In fact, the exempted establishments have also to comply with this condi-