

12 hrs.

## OBITUARY REFERENCES

**Mr. Speaker:** I have to inform the House of the sad demise of six of our friends, namely Chaudhari Paragi Lal, Shri Devanapalli Rajiah, Shri P. B. Gole, Shrimati Radhabai Subbarayan, Shri C. P. Matthen and Shri A. Dharam Dass.

Chaudhari Paragi Lal was a sitting member of Lok Sabha from Sitapur—Reserved—Scheduled Castes Constituency of Uttar Pradesh. He was also a member of the Constituent Assembly of India, the Provisional Parliament and the First Lok Sabha. He passed away at Sitapur on the 18th May, 1960 at the age of 62.

Shri Devanapalli Rajiah was also a sitting member of Lok Sabha from Nalgonda—Reserved—Scheduled Castes Constituency of Andhra Pradesh. He passed away at Hyderabad on the 9th July, 1960, at the age of 56.

Shri P. B. Gole was a member of the former Central Legislative Assembly during the years 1945-47. He passed away at Akola on the 21st May, 1960 at the age of 75.

Shrimati Radhabai Subbarayan was also a member of the former Central Legislative Assembly during the years 1938-45. She passed away at New Delhi on the 2nd July, 1960 at the age of 69.

Shri C. P. Matthen was a member of the First Lok Sabha. He passed away in Paris on the 2nd June, 1960 at the age of 70.

Shri A. Dharam Das was a member of the Constituent Assembly of India during the years 1946-50. He passed away at New Delhi on the 27th July, 1960 at the age of 73.

We deeply mourn the loss of these friends and I am sure the House will join me in conveying our condolences to the bereaved families.

The House may stand in silence for a short while to express its sorrow.

The Members then stood in silence for a minute.

12.03 hrs.

## MOTIONS FOR ADJOURNMENT

## GENERAL STRIKE OF THE CENTRAL GOVERNMENT EMPLOYEES

**Mr. Speaker:** I have received notices of adjournment motions and I have grouped them into three groups. The first is from Shri S. M. Banerjee and several others.

“Failure of the Government to avert the General Strike of the Central Government employees by peaceful negotiations, promulgation of Ordinance when other preventive measures were available under the law and thus resorting to mass arrests, convictions, dismissals from service, mass suspension of thousands of Government employees and loss of five lives as a result of brutal firing. Central Government’s immediate intervention is essential to ease the situation.”

I am afraid the whole thing has been eased.

Hon. Members will bear in mind that adjournment motions can be tabled on matters of urgent public importance. This matter took place at a time when Parliament was not in session. Therefore, I do not complain of delay in tabling this motion because it could not have been tabled at the time when the event took place. On that ground, I do not take exception. But the matter must be continuing to be urgent and important till the date on which the adjournment motion is tabled here. If the matter is over, there is no urgency now. If whatever has happened during the recess of Parliament is sought to be raised by way of adjournment motion, the urgency must continue till the day when it is brought

before the House. Otherwise, there may be other ways of discussing that matter. It cannot be discussed by way of an adjournment motion. Now, the whole thing seems to have been settled.

**Some Hon. Members:** No, Sir.

**Mr. Speaker:** Still, there are matters to be settled but not by way of an adjournment motion.

**Shri A. K. Gopalan** (Kasergod): Sir, bearing this in mind, I have given notice of an adjournment motion which does not state anything about the strike but about something that is happening even today. I want that specific matter that is happening today and that happened yesterday and has been happening for quite some days now, to be taken into consideration. Yesterday something happened in Patna. Some other things are also happening. There are specific matters of public importance which I want to discuss. Yesterday, 31st July, 1960, 17 civil aviation employees had been arrested under the Ordinance. They had been working in Patna for the last eleven days. They had been arrested yesterday under non-bailable warrants. Victimization is done on a large scale and people in authority are vindictive. For instance, the RMS Superintendent in Delhi is not only asking for apologies from the workers but is asking them to stand on the chair and read the apology that is written twice or thrice in the presence of all the workers. There are several other instances. I am not asking for a discussion about the strike. But something is happening today. I have given some specific instances. These things will continue. Suppose the discussion comes after four days. We want to know whether these things will be allowed to continue. Again a lady telephone operator in Calcutta, after attending duty, had been beaten. When she went to complain about it, she had been suspended. We want to

know whether these things are happening and also whether the authorities have such instructions.

**Mr. Speaker:** I have also received a notice from the hon. Home Minister which says:

"I intend to move the following motion during the current session of the Parliament:

"That the situation arising out of the recent strike by some Central Government employees and the action taken by the Government of India in connection therewith be taken into consideration."

It is a very comprehensive motion. What Shri Gopalan and others want to say on this matter may certainly be allowed to be said when that motion is before the House: how it arose, what action has been taken and what is to be done and so on. That is such a big matter that cannot be discussed in an adjournment motion.

**Shri Braj Raj Singh** (Firozabad): That should be taken up early.

**Shri A. K. Gopalan:** I have also requested you for a discussion for two days. Some things are happening which must be brought to the attention of the Government immediately. Those who have been working for eleven days are now being proceeded against. That is to be stopped immediately. If the heads of the departments are vindictive and if the workers are beaten, that has to be stopped immediately. That is a matter of urgent, public importance. We are getting certain reports that these matters are happening and the efficiency of the workers is spoiled. I entirely agree that there must be a discussion but it should not take place after a week or ten day. From the telegrams and other reports we are getting, we know something is happening and we want to know whe-

[Shri A. K. Gopalan]

ther it is under instructions from the Government that the heads of departments are acting like this . . . (Interruptions.)

**Shri S. M. Banerjee** (Kanpur): The urgency of the matter is this. I fully understand your point, Sir. The matter was urgent at that time but is it so today? The matter is, I submit, Sir, urgent even today because we have received telegrams after telegrams apprising us of the position. Warrants have been issued against all staff in the civil aviation department in places where the strike was withdrawn on the 17th itself after the decision of the Joint Council of Action. According to our information, 16,000 men were arrested, whether rightly or wrongly. That is a question which can be debated. Some of them have been released. Many are still in prison as a result of the conviction. . . . (Interruptions.) Sir, they should hear me patiently. This is the attitude which led to the strike.

**Shri M. R. Masani** (Ranchi-East): Would the hon. Home Minister agree to indicate the date on which the debate will take place? (Interruptions.)

**Mr. Speaker:** I am not going to allow anybody to make a detailed statement now.

He says that there are still certain things, some action is being taken, therefore it is urgent and it ought to be taken up immediately. As against that, the hon. Home Minister has said that we will discuss this matter fully. Now, let me decide.

**Shri Tridib Kumar Chaudhuri** (Berhampore): There is one matter to which I have drawn attention in my adjournment motion, that is, the situation arising on account of the decision of the Government to withdraw recognition of the Central Government Employees' Union and ancil-

lary matters. Now, so far as this subject is concerned, withdrawal of recognition of these unions not only means that the right to act as bargaining agents to their members is denied but it will mean the practical liquidation of these unions because under Government rules nobody can be members of these unions.

**Mr. Speaker:** Order, order. As to whether the recognition ought to be withdrawn or not is not a matter to be disposed of in an adjournment motion. Hon. Members will certainly have an opportunity to discuss this matter. After all, even if the House should adjourn on an adjournment motion, we will be circumscribed with only two hours and nothing could be said during those two hours. Therefore, I will try to fix up a date for the discussion of this as early as possible.

**The Prime Minister and Minister of External Affairs** (Shri Jawaharlal Nehru): Sir, I would only point out, as the hon. Member Shri Gopalan said that he wanted information, that there are other ways of obtaining information than bringing in adjournment motions. He can certainly draw the attention of my colleague the Home Minister or myself about any matter. If he can give any information he can certainly do so. There are other ways, short notice questions various other methods, not adjournment motions.

**Shri Vajpayee** (Balrampur): Sir, may we have an assurance from the hon. Home Minister that pending the discussion no vindictive action against the workers will be taken?

**Shri K. U. Parmar** (Ahmedabad-Reserved-Sch. Castes): Apart from the question of strike and the situation arising therefrom, I have to submit that under the guise of the Ordinance police raj is now prevailing in the State of Gujarat and the party in power has tried its level best to suppress all the political parties. The

Press has been dominated by them and life, liberty and freedom of the people in Gujarat are in danger. Gujarat is the only State where the State Government has killed five persons. Therefore, Sir, I request that my adjournment motion may please be allowed.

**Mr. Speaker:** The hon. Home Minister.

**The Minister of Home Affairs (Shri G. B. Pant):** Sir, it is not necessary for me . . .

**Shri Tangamani (Madurai):** Sir, I would like to know . . .

**Mr. Speaker:** Order, order.

**Shri G. B. Pant:** It is not necessary for me to make any statement on the merits of the question which has a comprehensive scope, and to enable hon. Members and also the Government to state their point of view regarding the various issues that may be involved, I have requested you to admit the motion of which I have given notice. To ask me whether the Central Government has directed any of the officers to beat the strikers or those who did not go on strike (*Interruption*) . . . seems to me to be a really, somewhat, unnecessary to use a very mild expression. One should know that the Government cannot possibly be a party to anything like that. As to any other matter which any hon. Member wishes to bring to my notice or to the notice of any of the Ministers connected with any particular department, they are certainly welcome to do so. So far as this adjournment motion goes, or these adjournment motions go, they would not have been admissible by themselves. But I do not want to stand on formalities in a matter of this type which has attracted the attention of the entire country and received the spontaneous support of the public all over the country (*Interruption*). I am prepared to have a discussion, and I think 8th has been fixed for Shri Bharucha's resolution

asking for the repeal of the Essential Services Maintenance Ordinance. Both the questions are allied and, in fact, it would be difficult to separate one from the other. So these two motions may be taken up simultaneously.

**Shri Naushir Bharucha (East Khandesh):** Sir, I request your ruling on a point of procedure, and the ruling I seek is, when an hon. Member has given notice under article 123 of the Constitution seeking the disapproval of this House in respect of a particular Ordinance whether that resolution should not be taken up first and given precedence over any other resolution of a similar character. My submission is that you would be pleased to give a ruling on this point that, when a resolution of this nature, which is a statutory resolution and which confers a constitutional privilege on an hon. member to invite this House give an opinion on a particular Ordinance, that must be given preference over every other thing which seeks to side-track that resolution. The hon. Minister has given notice of a resolution which might raise . . .

**Mr. Speaker:** Order, order. I have understood his point. A point of order must be stated briefly. Who said that he would not be called first on that day?

**Shri Naushir Bharucha:** I am not saying that.

**Mr. Speaker:** I have not said so.

**Shri Naushir Bharucha:** I was only raising a matter of procedure.

**Mr. Speaker:** The procedure is this. There is no good inviting my opinion now. He has a statutory right to table a motion for disapproval of the Ordinance. That does not come under ballot. I have fixed up 8th for the discussion of this subject. What the hon. Home Minister says is that there need not be two discussions on this matter, this matter also may be taken up with the other. On that day I will call Shri Bharucha first, and then

[Mr. Speaker]

the hon. Minister so that both these matters may be discussed, instead of allowing the same hon. Member to speak twice on the same matter. Then I will put the motions separately to the vote of the House.

**Shri G. B. Pant:** I will have no objection even if you call me at the end, least of all if you call me after Shri Bharucha.

**Shri Naushir Bharucha:** How many days will be devoted to this discussion; shall be take 8th and 9th?

**Mr. Speaker:** One day is enough.

**Shri T. B. Vittal Rao (Khammam):** Two full days.

**Shri Asoka Mehta (Muzaffarpur):** Sir, this matter is of great importance. I am sure there are various points of view, and as we have to go into a variety of matters, what happened, what the causes were that led to the strike, how was the strike handled, whether the Ordinance should have been issued or not—there are so many points of view in the House—and as the hon. Home Minister himself pointed out that this is a matter which has evoked nation-wide interest, at least two days must be devoted for this discussion.

**Shrimati Renu Chakravartty (Basirhat):** We have also submitted a letter that we want full two days' discussion, at least two days if not more.

**Shri Asoka Mehta:** Two days is the minimum.

**Mr. Speaker:** I must state clearly what is passing in my mind. We had a full-dress debate on the recommendations of the Pay Commission. On the Report of the Pay Commission the House came to a conclusion. It is not as if on any matter that comes up before the House there is unanimity, except in one or two matters, and wherever there is a difference if

those people who do not agree should start a strike and then come before this House again for a discussion of the same matter.... (*Interruption*). Order, order. I am not giving any ruling. All that I am saying is this, that whenever a matter is disposed of and there is a difference of opinion there is strike, once again the matter comes up before the House and once again there is strike. Am I to allow all that. I am here to allocate time for the work that is before the House. If the same matters for which time was allotted and a full-dress debate took place are brought up because some people were not satisfied with the decision taken then and they started a strike, am I to allot time again for the same matter.

Once again, that is the same matter!

**Shri Rajendra Singh (Chapra):** It is of a different piece. (*Interruptions*).

**Mr. Speaker:** Order, order. I will allow a day and a half and let us see. (*Interruptions*). Order, order. The whole of the 8th and until the forenoon of the 9th, and then let us see. In view of what has happened in the House . . .

**Shri Muhammed Elias (Howrah):** They have been crushed. The military have crushed them. They, the Government, have flouted Parliament. They have raped the Constitution. All these things should be discussed here. (*Interruptions*).

**Mr. Speaker:** Let it be understood that the same matter which has already been disposed of by the Pay Commission would not be allowed to be discussed.

**Shri Sadhan Gupta (Calcutta—East):** They have also insulted the women.

**Mr. Speaker:** Order, order. Let us allot the whole of the 8th and the forenoon of the 9th for this, and let

us see, and if there is some more time necessary, the hon. Home Minister will reply later on.

**Shri Jaipal Singh** (Ranchi West—Reserved-Sch. Tribes). Till forenoon means nothing at all.

**Shri Nath Pai** (Rajapur) rose—

**Mr. Speaker:** Very well; We will have the whole of the 9th also. Now, in view of what I have said, I am not called upon to give my consent to the adjournment motion.

**Shri A. K. Gopalan:** You have been pleased to allot 8th and 9th for the discussion. Regarding this adjournment motion, as far as the dates are concerned, I would like to say one thing. There are certain important matters, and so, can you fix the dates earlier, so that the discussion may be useful. Or else, if discussion is after a week, certain things will come up, and...

**Mr. Speaker:** I can only say this. What the hon. Minister has just now said is that it is unthinkable that any responsible officer or Minister should have advised anybody, and therefore, the hon. Home Minister rightly said that it is not at all right to attribute that thing to him. Under these circumstances, if any particular instances have come to the notice of any hon. Member, he will certainly give notice or intimation to both the Prime Minister and also to the Home Minister, and certainly, they will see that no atrocities are committed in the name of discipline. The normal course will take its course.

**Shri Nath Pai:** Sir, I want to say this, not on the adjournment motion. Why the request was made should be explained. It is quite true that there was not the slightest intention to attribute that such orders have been directly issued by the Home Minister. But the decisions being that all powers have been given to the departmental heads to deal with the situation, they are issuing the orders and

taking shelter that "we have all the powers." Naturally the responsibility, in the circumstances . . .

**Mr. Speaker:** Whatever instances come to the notice of hon. Members, they may communicate them to the hon. Home Minister.

**Shri H. N. Mukerjee** (Calcutta Central): In Calcutta, we have seen in the papers allegations in the form of reports, and those reports must have come to the attention of the Government. Are we to wait and write on every single item of that grievance to the hon. Home Minister? Are we to wait on his condescension? (*Interruption*). Let the hon. Minister tell the country that certain things would not happen.

**Mr. Speaker:** Nobody ever suggests that everything should be brought to the attention of the Minister,—whatever is available in the newspapers. All that the hon. Minister said is that in addition to those matters which have appeared in the newspapers, if other matters come to the notice of hon. Members they will communicate them.

**Shri H. N. Mukerjee:** I beg to you to listen to me. The hon. Minister has said that it is inconceivable for him and his officers to do certain things. But those certain things have been reported, rightly or wrongly, in the papers to have been done, and we wanted to bring those things into this House before the attention of the Government, but he is preventing us, and you have given us a day much after today. I want the Government today, here and now, to tell the country that certain things which have appeared in the papers which reflect upon the character of our officialdom will not be permitted, and that is the Government's view; that is the same thing; not that they are incapable of doing it. But the reports are that they have done it. Let them contradict it. (*Interruptions*).

**Shri Jawaharlal Nehru:** Without much argument, I can give this assurance to hon. Members that Government, so far as they can, will prevent any improper things to be done either by officials or those who persistently oppose them.

#### SITUATION IN ASSAM

**Mr. Speaker:** I have received notice of an adjournment motion from Shri Tridib Kumar Chaudhuri, and there are other adjournment motions relating to the same subject—Assam. The adjournment motion says:

“The failure of the Government to take necessary action under Article 356 of the Constitution of India for safeguarding the fundamental rights of vast masses of citizens belonging to the Bengali-speaking and other non-Assamese speaking communities living in Assam in the face of complete breakdown of law and order in that State on account of organised mob-violence commencing from the last week of June and more particularly since the 4th of July and the failure of the State Government of Assam to afford protection to minority communities.”

I thought that the hon. Home Minister will be making a statement regarding this matter today. May I know what exactly does the hon. Member want to say?

**Shrimati Benuka Ray (Malda):** I have also given a Calling Attention Notice requesting the hon. Minister to make a statement...

**Mr. Speaker:** Order, order. Let me hear Shri Tridib Kumar Chaudhuri. How is all this relevant?

**Shri Tridib Kumar Chaudhuri:** So far as the reading of the motion by you is concerned, a slight error has crept in. I heard you to say “article 356”. As a matter of fact, I have not invoked article 356. I have invoked here article 355.

**Mr. Speaker:** Yes; I am sorry.

**Shri Tridib Kumar Chaudhuri:** If I may draw your attention to the relevant clause of article 355, it says:

“It shall be the duty of the Union to protest every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution”.

Then, I would also like to draw your attention to article 365 of the Constitution where it has been clearly stated in unambiguous terms:

“Where any State has failed to comply with, or to give effect to, any directions given in the exercise of the executive power of the Union under any of the provisions of this Constitution, it shall be lawful for the President to hold that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution.”

So, when article 355 and article 365 are brought into operation, then only the question of invoking article 356 comes up.

Before the hon. Home Minister makes a statement I have a few simple questions to put to him. My disadvantage is that I happen to be a member of that community which has suffered most in the late upheaval in Assam. But I do not claim to speak only in the name of that community or the Bengali-speaking minority in Assam or the Bengali people. I am nothing if not an Indian above all. Whatever rights I claim or my people are derived from this Constitution.

I have a very few question to ask of the Home Minister. When did the Central Government—they have their own intelligence agencies—receive reports about the possibility of distur-