

ज्ञान धीर तेल मंत्री (श्री को० बे०
नालबीय) : एक ।

मंगनीज का उत्पादन

२६२०. श्री डाक्टर : क्या इस्पात,
ज्ञान धीर ईंधन मंत्री यह बताने की कृपा
करेंगे कि :

(क) मध्य प्रदेश में झाबुआ जिले
की थांदला तहसील में काजली डूंगरी खान
से प्रति वर्ष कितने टन मंगनीज निकलता है ;
और

(ख) यह मंगनीज किस किस प्रकार का है ?

ज्ञान धीर तेल मंत्री (श्री को० बे०
नालबीय) : (क) और (ख) मध्य प्रदेश
में झाबुआ जिले की थांदला तहसील में
काजली डूंगरी खान से कच्चे मंगनीज
(Manganese ore) का उत्पादन
पिछले तीन वर्षों में इस प्रकार
हुआ :—

वर्ष	मात्रा टनों में (in tons)
१९५५	६,७७५
१९५६	६,०१६
१९५७	८,१२३

काजली-डूंगरी खान से उत्पन्न कच्चा
मंगनीज नीची से मध्यम श्रेणी का है । इसमें
४० से ४४ प्रतिशत मंगनीज की मात्रा होती
है ।

MOTIONS FOR ADJOURNMENT

SITUATION IN ORISSA

Shri Mahanty (Dhenkanal): Mr.
Speaker, Sir, with your kind permis-
sion, I want to make a submission. I
want to draw your attention and that
of the House to the very unfortunate
fact about the break-down of consti-
tutional machinery.....

Mr. Speaker: The hon. Member has
tabled an adjournment motion. I am
coming to that.

Shri Mahanty: I am not saying any-
thing in special relation to the
adjournment motion. My adjourn-
ment motion is there in your hands,
and it will be considered on its own
merits. But I am making a submis-
sion that article 355 of the Constitu-
tion is being violated and has been
violated in the State of Orissa. I
want to know from you and from this
House whether it is not the responsi-
bility of this House and of the Gov-
ernment of India to come to the aid
of the maintenance of the Constitu-
tion. I shall read out article 355 of
the Constitution.

Mr. Speaker: Order, order. I shall
come to it. There is no hurry. We
are sitting here from 11 a.m. to 5 p.m.
And if there is anything important, I
shall look into it. I am not interested
in any one particular subject. I am
sitting here to get on with work. I
shall certainly look into whatever is
legitimate. But the hon. Member is
bringing it up in a side manner. The
hon. Member will kindly hear me
patiently. Hon. Members have tabled
a number of adjournment motions
relating to the arrest of three Orissa
M.L.A.s and an M.P., alleged abduc-
tion of Member, finding of so many
bottles of liquor and so on and so forth.
I asked the hon. Members who tabled
those motions what the Centre's res-
ponsibility was in this matter; then,
I told them also just as I came into
the House that I had just got them,
and I had not much time to look into
them, and, therefore, I wanted their
assistance. *Prima facie*, if certain
things occurred in the matter of law
and order, such as police arrest under
section 347 and various other sections
of the Indian Penal Code, I wanted
to know what our jurisdiction was
and what the default of the Central
Government was.

Shri Surendranath Dwivedy
(Kendrapara): The military has been
called.

Mr. Speaker: I told them also that if they satisfied me that there was the responsibility of the Centre, I shall certainly bring it up tomorrow. I wanted them to tell me, 'Yes, it is under this particular section' and so on. But independently of this adjournment motion, the hon. Member starts another matter.

Shri Mahanty: May I make a submission? My adjournment motion does not relate to the arrest of these Members. I am not much concerned about it. I am merely concerned about the fact that public opinion is being bludgeoned, and the Constitution is being raped and democracy is being annihilated.

Mr. Speaker: Order, order. I am sorry over whatever might have happened. The hon. Member comes from Orissa, and certainly he is agitated over it. So far as I am concerned, I am anxious here to see that we exercise all the jurisdiction that we possess but do not encroach upon the jurisdiction of the state. That is, I am anxious to maintain a balance, lest it should be said that we are unnecessarily encroaching upon the jurisdiction of the local legislature. That was why I asked him in what manner we should take the Central Government to task. If they had only said in what manner it should be done, or written or sent word, I would have considered it.

If any hon. Member wants to raise any matter, independently of any notice to me, as I have repeatedly told this House, without informing me in advance and getting my consent, he shall not be allowed to raise it. Therefore, either it arises out of this adjournment motion, in which case I had asked him for information, or, it does not arise out of this, in which case, he ought to give me notice as to what he is going to raise, independently of this adjournment motion. Therefore, so far as his oral statement is concerned, I am not going to allow it. If he wants to make any submis-

sion or wants to draw the attention of the House to any matter, let us consider it. Let me look into it. If I agree that it is a matter which can be raised, I shall bring it up before the House.

On the matter of the adjournment motion, what I say is this. I have got a sheaf of adjournment motions here. There is this news which has appeared in the papers, and I would like to be satisfied. Every hon. Member who has given notice of the adjournment motion will kindly satisfy me, between 3-30 p.m. and 4 p.m. or send a chit pointing out under what article of the Constitution I have got jurisdiction, and then I shall bring it up before the House; I shall waive, and I shall treat all these adjournment motions as having been tabled, and I am not going to raise any technical objections, because I myself am adjourning it. Let me look into them, and then bring them up before the House tomorrow, if I am satisfied that there is some default on the part of this Government or that some other step should be taken or that it is the jurisdiction of this Government which is being encroached upon by the Orissa Government.

Shri Surendranath Dwivedy: Apart from this, in the newspapers, it has been published that the police and the military were called by the State Government. There was no disorder, no mass demonstration, and only a few MLA's stayed there. And that is the capital city. There was no other population there. That being the case, why were the police and the military called? Was that done with the consent of the Central Government? That is a matter which concerns this House as well as the Central Government.

At the same time, I think that the procedure that they are following, and the arrests that have been made are quite contrary to any democratic principles whatsoever. Are we going to be a party to this suppression of civil liberties and to the throttling of

democracy like this? This sovereign House must have a say in this matter, because a Member of this House has been arrested.

Mr. Speaker: I agree. Now, three things have been raised.

Firstly, a Member of this House has been arrested. Hon. Members are aware that when a Member of this House is arrested, all that we can get is information that the Member has been arrested. Even under the ordinary course of law, it has been repeatedly held that no Member of this House has got more privilege than any ordinary person has under the ordinary law of the land. Otherwise, it would be making an invidious distinction. Already, we are accused of getting salary and this and that by the outsiders to add to it, if we get some more privileges which the ordinary man under the ordinary law is not entitled to, that will be an invasion of the rights of the public.

The second point is calling in the police or the military. Under the Criminal Procedure Code, when the local Government is unable to maintain law and order, it is open to them to requisition the military, and then the military comes in. Is it that in every case where the military is called....

Shri Surendranath Dwivedy: The permission of the Central Government is necessary.

Mr. Speaker: The permission of the Central Government is not asked for.

The Minister of Home Affairs (Pandit G. B. Pant): May I say a word? It is not the military. It is the Orissa Armed Police, which is called military police there.

The Centre has nothing to do with it. In certain States this armed police is called Armed Constabulary; in some others, it is called State Police, e.g. Bengal Police; in some other States,

it is called Military Police. It is the armed reserve police which is under the State, which is paid by the State and which is completely under the control of the State, with which the Centre has nothing to do.

Several Hon. Members rose—

Shri Khadilkar (Ahmednagar): An ex-Ruler has a special privilege. I would just read out the article of the Constitution dealing with this, article 362. The Member who has been arrested is an ex-ruler. Because of a popular sanction, he is elected. But certain constitutional guarantees are given to him under this article under the covenant when the State was merged after accession. Therefore, I would like to draw your attention to article 362.

Mr. Speaker: That is not one of the grounds mentioned here.

Shri Mahanty: I am suggesting that failure of the Constitution has taken place.

Mr. Speaker: We have to look into it to see what the agreement is. If any hon. Member, at the instance of the Member who has been arrested, says that a particular agreement entered into with a ruler of a State has been violated, that is a different matter. Every hon. Member is not interested in that except the hon. Member who raises it on behalf of that hon. Member, in that question that an ex-ruler has been arrested contrary to the agreement. If this point is made, I will send for the agreement. If this point is made, I will send for the agreement and we can go into the matter. But not a whisper or mention is there about it in any of these adjournment motions. They all refer to 'civil liberty', 'civil liberty'. Civil liberties are common both to rulers and non-rulers. Therefore, why should not hon. Members satisfy me later on how this House has jurisdiction? Then I will bring it up tomorrow.

Shri H. N. Mukerjee (Calcutta-Central): As a signatory to one of the adjournment motions, I shall try and submit the reasons why we did so. We saw in the papers a report, which was very perturbing, on account of the juxtaposition of certain events, and we know also from the newspaper report that the military forces were immediately called in, which means that the Central Government was certainly in touch with the developments there. To our mind, reading between the lines, we thought that some kind of a political vendetta might very well be involved in this action. I am not going into the merits of it. But the report of the military having been called to assist the solution of a situation which is pretty serious and which is reflected on the condition of civil liberties in this country is a matter which we thought we could only agitate here by means of an adjournment motion, because it is a matter of great urgency. We are very ready, as we have already intimated to you, to come and talk to you about this matter, provided you tell us that you shall hold over discussion of this adjournment motion till you find more particulars from the Government side. But as things stand now, I do not see why we should not be entitled to claim that this adjournment motion is very much in order and you should be pleased to allow it.

I feel that the calling in of the military which is reported—rightly or wrongly, we are not in a position to say—is something which adds a very different complexion to the entire proceeding, and that is the basis of the notice which we gave.

Shri C. D. Pande (Naini Tal): That is denied.

Shri Mahanty: On a point of information. Under the rules, when a Member of this House has been arrested, the fact of the arrest has to be communicated to the Speaker within 24 hours. I would like to know, and the House is much concerned to know,

if you have been communicated about the arrest.

Mr. Speaker: I have not yet received any communication. I do not know whether 24 hours are over.

Shri Mahanty: He was arrested on the 26th night. Today is the 28th.

Mr. Speaker: Whether it is 24 hours or 36 hours, those people who had the courage to arrest will equally have the courage to inform me. There is no doubt about that (*Interruptions*).

Shri Nagi Reddy (Anantapur): It is suppression of political rights.

Shri Mahanty: It is a breach of privilege.

Shri T. K. Chaudhuri (Berhampore): On a point of order. Apart from this adjournment motion, I have already given notice of a privilege motion. So far as our information goes, neither the Lok Sabha Secretariat nor the Speaker has been informed. They ought to have been informed, under rules, within 24 hours of the arrest. We have got the means of trunk calls, we have got the means of telegrams; still the Speaker has not got the information.

Shri S. A. Dange (Bombay City-Central) *rose*—

Mr. Speaker: Order, order. I am going to allow opportunity to every hon. Member, particularly Shri S. A. Dange.

So far as the privilege motion is concerned, I have not looked into it. Of course, if within 24 hours it has to be intimated to us and it has not been done, I will certainly look into it and see what can be done.

Shri Tyagi (Dehra Dun): The telegram has come (*Interruptions*).

Mr. Speaker: I have just received it. Let me read it out to the House. Let me see whether 24 hours or 48 hours make a difference. I am here. I have two ears to hear. I will certainly hear both the right and left.

These are the telegrams:

The first is evidently from the Orissa Government

"Speaker Lok Sabha, Parliament House, New Delhi, Shri Pratap Kesari Deo, Member of Parliament from Kalahandi constituency, arrested today on charges under sections 347 and 365 IPC. Formal report follows."

The other is from the Sub-divisional Magistrate, Kurda, District Puri:

"Speaker, Lok Sabha, New Delhi Shri Pratap Kesari Deo, Member, Lok Sabha, arrested today under sections 347/365 IPC. in G. R. 330/58 and remanded to jail custody till 10-5-58."

Shri Panigrahi (Puri): What is the date and hour of the telegram?

Mr. Speaker: Hon. Members ought not to go on like that. If it is a breach of privilege, I shall certainly look into it. I am not going to tear away or throw away these papers. Hon. Members in a heat or excitement are forgetting the rules. I repeat that if it is a breach of privilege, I will certainly look into it.

So far as any telegram or information received regarding the arrest of any Member is concerned, I am bound to report it to the House. I have done so. If there is a lacuna or defect or irregularity in the matter of reporting, we will look into the matter. Shri T. K. Chaudhuri has informed us that he has already cabled a motion of privilege. I shall look into it; if it is really a matter of privilege, I will give consent and the matter will be looked into in the usual course.

So far as the notices of adjournment motion are concerned, I heard from Shri H. N. Mukerjee on one point, that the military have been ordered and the military are certainly under the jurisdiction or command of the Centre. From the report in the *Hindustan Times* that has been submitted along with this or the cutting

that has been placed by Office before me, I find that 'the Orissa Military Police were summoned late last night and kept in readiness here following apprehensions of breach of the peace'.

Shri Surendranath Dwivedy: I shall read out to you the report which appears in the *Times of India*:

"Late last night the police and the military were called out in the State capital on apprehension of breach of peace".

Shri C. D. Pande: That is wrong.

Mr. Speaker: The hon. Minister has said that no military has been called. They call this the Military Police—evidently to give added strength to their police. Therefore, the Centre has not done anything regarding that.

Is there any other point clothing the Centre with responsibility?

Shri Mahanty: Yes.

Shri S. A. Dange: I just wanted to draw your attention to one more aspect of the question. While dealing with this in terms of rules and fine methods of procedure, would you not also consider whether such a thing happening in a State does not reflect badly on the whole question of parliamentary democracy as such, and whether this House, as the custodian of parliamentary democracy and as the custodian of what they call peaceful methods, should not pay attention to these developments on those grounds. We should consider this aspect of the question from the point of view of the larger interests. If a Ministry were to keep itself in a majority by such methods, and if even a Deputy Minister who may resign is to be arrested, then Sir, the Deputy Ministers on the other side would also be included in that category, and questions of parliamentary democracy and functioning in the States have to be raised here. So from this point of view also, I would request you to consider this question.

Shri Mahanty rose—

Mr. Speaker: I am coming to Shri Mahanty later. I certainly agree with Shri Dange that sitting here at the capital of the country and also having residuary powers so far as Parliament is concerned, it is our duty to see that nothing is done either in the States or here that will detract from the normal course of democracy and the liberties that every individual has to enjoy, and has been guaranteed under the Constitution. I entirely agree with it. But my difficulty is this. These persons have been arrested by the police under definite sections of the Indian Penal Code. Hon. Members are aware that once the court or the magistracy has taken charge of a particular matter, nothing shall be done here. If all this is false then there is time enough to condemn the police and the authorities in a greater measure. It is not as if we lose that opportunity. If something had happened merely on an executive order, I would have allowed some kind of discussion here—even before ascertaining whether it is definitely and technically within the jurisdiction of the House—in the larger interest of liberties and so on. I might have allowed a discussion on this to ascertain what exactly the position is. But, here definite sections of the Penal Code have been given.

I do not want hon. Members or any person to make a reference here to further details and urge in the House as to how many bottles were recovered and so on and so forth. (*Interruptions*). All that may be wrong. There are two versions. One version is that it is all cooked. The other version is that it is absolutely true, cent per cent true. Definite sections of the Penal Code are quoted under which the persons have been arrested. The allegations are that there have been defections from one party and some kind of pulling from one side to the other. There has been an attempt at conversion of persons from one party to the other. Some two persons who have gone over to the

other camp have come back. There has been obstruction and all that.

Shri Surendranath Dwivedy: There was no obstruction when they went over to Congress.

Mr. Speaker: Hon. Members may rest assured that I am not interested in one party or the other. All that I am interested in is to see that the reputation of Parliament is not tarnished. I do not shirk nor do I ask the Parliament to shirk any legitimate function which, under the Constitution, it is entitled to discharge or bound to discharge.

My only difficulty is this. There are certain sections of the Penal Code under which these persons have been arrested. Some military seems to have been called in for this. I asked the hon. Minister, what exactly the position is. So far as the military is concerned, he explained that it is military police, euphemistically called military but the military has really nothing to do with it. So far as the sections are concerned, they are all matters of law and order. If this did not pertain to the Ministers there, we would not have ever thought of it. But the fact is that Ministers are involved in this particular matter. One version is that for the purpose of elbowing out these people and keeping themselves entrenched in power all this has happened. (*Interruptions*.) I am putting the hon. Member's version in a nutshell. He wants to say that there are fair chances of their party coming into power and all this is done against them, to elbow them out.

Shri Surendranath Dwivedy: Yes.

Mr. Speaker: On the other hand, it is said that there is absolutely nothing of that kind and this is an ordinary matter of law and order. If the police had not intervened under particular sections of the Penal Code, I would have tried to ascertain what exactly the position is and then find out whether this House has jurisdiction or not, under what circumstances, the Government for the time being, is bound to take responsibility and so on. Even now I am not satisfied as to

whether I should now take it up or at a later stage in some form. In 2 or 3 days, the matter will be cleared up; and what is going to happen.
(*Interruptions.*)

Order, order; I will hear Shri Mahanty.

Shri Mahanty: I may point out to you that I had not completed my submission. My submission is that article 355 of the Constitution is violated. Article 355 reads:

"It shall be the duty of the Union to protect 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."

I do hold and maintain that the administration in the State of Orissa is not being carried on in accordance with the provisions of the Constitution and that is why this House and the Government of India come into the picture. It is not merely a question of the maintenance of law and order or arresting certain persons under certain charges, the merits of which will be considered only in courts of law. I am not going into that. But, I maintain that article 355 of the Constitution has been violated; public opinion has been gagged and the democratic right to govern, of the Opposition to change the Government by peaceful means has been negated. That is how it is a matter of deep concern for us.

I will presently tell the House how article 355 has been violated. The Government—I mean the ruling party—has lost the majority which it had manipulated by certain sordid and non-ethical methods. In a House of 136, the ruling party has a strength of only 61 plus 2 who have gone across by the kind of political horse trading with which the friends there are very much acquainted. To avoid an adverse vote in the Assembly on the Vote on Account. . . .

Mr. Speaker: The hon. Member will kindly resume his seat for a minute. I ask hon. Members—important Members from the Opposition—if we should decide at this stage that those particular sections of the Penal Code are false, the motive is different, and it is all for the purpose of getting power—Shall we do so? (*Interruptions.*) Order, order. Hon. Members may be anxious. But I am not going to allow it for this reason. There is no question of discussion. The issue is simple. "It is not a matter of law and order; these people are not liable under these sections; they have not committed any offence; it is all a faked one for the purpose of keeping these people out"—if we the representatives of the people and the parties in the supreme Parliament decide here, then who is the magistrate who has got the capacity or even the courage to say our version is wrong, and even if the other version should be true, he will be obliged to say, "All right Sir, you go out". Shall we do so? (*Interruptions.*)

Some Hon. Members: No.

An Hon. Member: We do not want to do that.

Mr. Speaker: Therefore, there is no hurry; let us wait and see what exactly is happening. In 2 or 3 days, we shall have more information about this matter. I will request the hon. Minister to expedite whatever proceedings there might be and bring it up in 2 or 3 days. (*An Hon. Member:* Tomorrow.) Not tomorrow. Tomorrow will be a little too early. Let us know what exactly is the situation. The hon. Minister.

Shri Tangaman: May we know, Sir, whether the telegram was received from the magistrate or from the jail authorities or whether an advance telegram was received from the Government of Orissa itself? That is the first point.

The next point is, I certainly agree that this point must be clarified and discussed; at least a two hours discus-

[Shri Tangamani]

sion is called for. Otherwise, we will have only one side of the picture.

Shri Surendranath Dwivedy: Let us have a discussion on this; the situation in Orissa, how it is developing and how it will continue.

Shri Joachim Alva (Kanara): How do Government of India come in, Sir? The magistrate has informed us; the telegram has been sent by him. The Government of Orissa does not come into the picture.

Shri Tangamani: Government knew it. (*Interruptions.*)

Mr. Speaker: Order please. I have heard sufficient. What has the hon. Minister to say?

Shri Panigrahi: Section 129 is also mentioned. (*Interruptions.*)

Mr. Speaker: The hon. Home Minister.

Pandit G. B. Pant: Sir, first of all I have to appeal to the hon. Members opposite to accept that we on this side are as keen as they are that the democratic constitution of our country should be maintained in its purity, in its entirety.

Shri Nagi Reddy (Anantapur): By keeping the minority in power?

Pandit G. B. Pant: I also agree that so far as the Constitution goes, one should abide by its provisions.

Shri Nagi Reddy: By resigning.

Pandit G. B. Pant: Under our Constitution there are certain powers vested in the States and certain others in the Centre. Some of my hon. friends opposite seem to be rather impatient, if not agitated.

Shri Nagi Reddy: Of minority Government.

Mr. Speaker: What is the use of this running commentary?

Pandit G. B. Pant: So far as the Ministers are concerned, we have been sitting here very quietly listening respectfully to everything that has emanated from that side. There is no sign of irritation or excitement. But I remember that at times when questions were put in the House relating to the situation in a State, protests were lodged that under our Constitution the States are free within the jurisdiction conferred on them by the Constitution and no question regarding the States can be put here. (*Interruptions.*)

Shri Nagi Reddy: What about the minority Government in Orissa?

Mr. Speaker: Who is to decide it?

An Hon. Member: The people have decided it.....(*Interruptions.*)

Mr. Speaker: Order, order. The hon. Members are pleading for the freedom of the speech there. What is happening here?

Pandit G. B. Pant: So, the position so far as it has been raised before this House centres round two things: firstly, the posting of the military police and secondly the arrests of certain persons including a Member of the Lok Sabha. I am myself sorry that the occasion for the arrest of any of our colleagues should have arisen but we have to look at this thing dispassionately, in an impersonal way.

So far as the posting of the military police is concerned, I have already stated that no military force as such has been posted in Bhubaneswar. The military police there—the Orissa military police—is part of the police force of the State and is paid out of the Consolidated Fund of the State and is subject to the exclusive control of the State Government. So, the Centre has absolutely no say in that matter or in any aspect of it.

The other relates to the arrest of certain persons. Law and order under our Constitution comes within the

exclusive purview of the State. Arrests are made and they are made from day to day. It is but natural that we should feel some concern when any Member of Parliament is arrested. But so far as the law goes, it is no respecter of persons. At least Members of Parliament would not like to make any distinction between one man or another. In fact the duty of a Member of Parliament. . .

Shri Nagi Reddy: To support the minority.

Pandit G. B. Pant: . . . to abide by the law and to act according to the law is perhaps greater than that of others. . . . (*Interruptions.*) I do not know if this proposition of mine is questioned by the hon. Members opposite. I hope it is not. If they do not, then let us take it that some persons have been arrested without introducing the words 'Member of Parliament'. Now that is the only fact that has come before us. The rest is a matter of either prejudice or of pre-supposition due to certain attitudes towards political problems. . . . (*Interruptions.*)

An Hon. Member: What is your attitude?

Pandit G. B. Pant: My attitude is that the right thing should be done, that the wrong-doers should be arrested and punished. . . .

Shri Nagi Reddy: . . . so that 61 may be able to rule the others. . .

Pandit G. B. Pant: . . . and those who stand by the right should be given every support and every help and every backing by Parliament. That is my attitude. You have asked me about my attitude. I wonder if you differ from it. Perhaps you do not. So, that is our common attitude.

I would submit that the matter comes exclusively within the purview of the State Government. If every time we were to ask the Centre to interfere with the matters of the State, I may submit that there will be many

more dangers. We try to look at these things from a constitutional, dispassionate and non-political angle and that has been our approach throughout and we would not like anything to be done in order to create a feeling of awe anywhere or anything to be done that would come in the way of the performance of one's duties freely. For that very performance, law has to be enforced so that the wrong doers may not go scotfree.

I have no information as to whether any person is guilty or not. There has been no investigation. There is no finding by any court. I am not in a position to say anything. So far as the reports that have appeared in the Press go, I think the position is clear. It is a matter within the purview of the State and we are in no way empowered to deal with it or to interfere in these matters. . . . (*Interruptions.*)

An Hon. Member: That is not correct.

Pandit G. B. Pant: I am placing before the House my view of the matter with the utmost humility. I do not suggest that everyone should agree with me. But I would only appeal that I might be allowed to say a few words even if they not be wise or agreeable.

So, I have placed the case before you in a simple way. If at any time, I feel that it is a matter about which I should give information to the House, I shall be glad to do that though so far as the constitutional position goes I do not think that this House has any jurisdiction. I do not know if I have any authority to do what does not come even within my own purview but I want to have the goodwill of my hon. friends opposite to the maximum extent possible. So, though I have not, as I said, the constitutional authority to do anything in this matter,—if I feel that at any time there is a feeling about this, even if the question be outside the purview,—I will see if I can meet them. Or, if you so order—after all you are the

[Pandit G. B. Pant]

interpreter of the Constitution—I shall be glad to carry out your orders regardless of the legal or constitutional aspect of the matter.... (*Interruptions.*)

Shri H. N. Mukerjee (Calcutta—Central): Sir, I feel, after having heard the hon. Home Minister, that he seems prepared to see the judicial processes being prostituted for political purposes. We have strong suspicions in this regard. That being so, I submit to you with great respect that an opportunity be given to this House to discuss the situation causing this kind of misgiving in this House and the hon. Home Minister's explanation is in a manner which suggests that he is starting the introduction of the South American variety of politics in our country. It is a very serious matter.

Shri Mahanty: He does not say anything about the developments in Orissa. There are about 61 members in that party. By arresting three members of the opposition, they get a majority of two and they will put them in jail and they will this way continue....

Mr. Speaker: Order, order. There must be an end to this. From one point of view it is a very important matter—the manner in which a particular State is governed. If all that is said is true and if it is done only for the purpose of getting a majority, it is certainly serious. I have no hesitation in finding some authority in the Constitution if such a state of affairs should happen. The hon. Home Minister has also informed us that if he really finds the situation affecting the constitution and the manner in which democracy ought to work in the State he would be the first person to inform this House regarding those developments and so on. The report appears in the cutting that I have from the *Hindustan Times* and also in the report appearing in the *Times of India*. Whatever doubts have been

created regarding the expression 'military police', the fact is that it is the police of the State. The word 'military' is not justified there. It is used as a qualifying word and the Press report says: 'military police'. Whatever might have appeared in the papers, it is now said by the hon. Home Minister that the military was not called in, it was only their own special police called the military police which was called in. Therefore, technically we have nothing to do with this as the military has not been called in. If and when military is called in, certainly, we shall consider then whether it is necessary under the circumstances to send any help or not.

Regarding the other matter, that generally the liberties are being curtailed, even if a man is arrested on a charge of murder his liberty is curtailed. The only question is whether it is proper or improper. If liberty has to be curtailed for the purpose of saving the liberties of others, certainly that liberty has to be curtailed. So far as liberty and freedom are concerned, they are not freedom and liberty as in the jungle, they are only inhibitions; my liberty is the absence of liberty of the other. Therefore, if the curtailment of liberty is for the purpose of having some other purpose behind—not in the legitimate course of the enforcement of law—then that certainly will be an abuse, and this or any other legislature will certainly take notice of it.

My only difficulty today is, there are particular sections of kidnapping, wrongful confinement, extortion and so on—very serious offences in the case of ordinary men. Whether they are merely faked or not, I am now hesitant to allow this House to debate when it is put normally under ordinary circumstances, and give advantage merely because a Member of Parliament is involved here. I am hesitant to allow this House to decide, substitute ourselves for courts of law and then say: "No, no; you cannot go into it; we have already decided it".

(*Interruption.*) I know hon. Members are not anxious about that, they do not want a particular privilege to be strained. But my fear is that it will result in that, and whenever a Member of Parliament is arrested hon. Members will come here with adjournment motions—it may be true, it may be false, it is enough if an arrest is there.

Shri Surendranath Dwivedy: Sir, there have been many arrests before, but we have not brought any motion like the present one.

Mr. Speaker: In a matter of conspiracy, conspiracy is not done only by one person, a number of persons are arrested. There are cases where a number of persons have to be arrested and there are also cases where only one man has to be arrested. Therefore, let us not prejudge the issue. So far as discussion on this matter is concerned, let us think in our calmer moments. It ought not to be said that we are interfering with the normal course of law. I would only appeal to the hon. Minister to use all such influence as he has to get this matter as early disposed of in the normal course as possible so that we may be in a position to assess what exactly has happened there, what the truth is, whether it is only for political purposes or is a matter of law and order. Under those circumstances, I am not called upon to give my consent to any of these adjournment motions.

Shri Surendranath Dwivedy: Sir, are you disallowing the adjournment motions, or are you, as you proposed that we have to meet and have a discussion with you, holding them over for tomorrow?

Mr. Speaker: I have heard what all I could hear from the hon. Members (*Interruption.*) Order, order. Hon. Members cannot have their own way. I agreed to hear them at length. There is no question of asking one Member to get up and another to sit down; all of them may jointly make me understand also. But I have heard what all I have to hear. They did not agree

to meet and have a discussion with me. Under the circumstances, I am exceedingly sorry I cannot allow these adjournment motions. But, that does not mean that this matter is closed. If it is really of such serious importance as the hon. Members of the Opposition feel, at a propitious time we will see whether it is possible to take it up.

Shrimati Renu Chakravartty: When will that propitious time come?

Shri Surendranath Dwivedy: Will the hon. Minister make a statement?

Mr. Speaker: I would also request the hon. Home Minister to get as early as possible as much information as possible and place all the facts before this House.

An Hon. Member: Tomorrow.

Mr. Speaker: Tomorrow or day after; what is the hurry?

Shri Yajnik (Ahmedabad): Sir, as one of the sponsors of the adjournment motion under discussion, I would like to suggest that your decision on the subject be postponed till the Home Minister is able to make a full and detailed statement on the matter after receiving official reports; because what he says today is I think based entirely on newspaper reports. I do not think he has any information previously. (*Interruptions.*) I do not think he has any previous information of the calling in of the police—the military police—or the dismissal of the Deputy Minister. I do not know if it is, Sir, the order of the High Command here, and how the matter stands regarding the dismissal of the Deputy Minister.

Mr. Speaker: Order, order. I have given my ruling. I am not going to give my consent to these adjournment motions. I have heard them at length. So far as reporting to this House is concerned, I have requested the hon. Minister—and he has also agreed—to place all the facts before this House—it may be tomorrow or the day after, or it may take two or three days. As

[Mr. Speaker]

early as possible, in any case not later than two or three days, he will place all the material that is available before this House. (*Interruptions.*) Order, order. I am not prepared hypothetically to decide what exactly will happen. After we look into that report, which he is going to make after ascertaining facts about the matter, we can come to a decision. I am not prepared to make any decision in advance. (*Interruption.*)

Some Hon. Members rose—

Mr. Speaker: Order, order. Papers to be laid on the Table—Shri Morarji Desai.

The Minister of Finance (Shri Morarji Desai): Sir, I beg to lay on the Table, under Article 151(1).....

Shri Surendranath Dwivedy: Sir, I want to make one submission....

Mr. Speaker: Order, order.

Shri Surendranath Dwivedy: Sir, if at all you think that technically it is not possible to agree to the adjournment motions before you, will you please fix some time for this House to discuss this matter threadbare after the Home Minister makes a statement either today or tomorrow? If you will kindly let us know that time and date, then we will be satisfied.

Mr. Speaker: Order, order. It is not right on the part of Shri Surendranath Dwivedy to commit me to any particular course. I requested the hon. Home Minister, at the instance of my friends here, to place all the facts before this House. As soon as that is done—it is not going to take a week; it will take only two or three days—certainly, whatever submission he makes today can be made then. In view of the facts presented by the Home Minister he may also be satisfied—let him not prejudge from the information that he has seen in the newspapers only. We will have the other version and then he may make

the same submission if he so desires. Why should he ask me to commit myself today irrespective of what might happen?

Shri Panigrahi: Sir, I want to make one more suggestion.

Mr. Speaker: Order, order. I am not prepared to hear merely one version. Let us go to the next business—Shri Desai.

Some Hon. Members rose—

Shri Mahanty: Sir, you were pleased to give an assurance.

Mr. Speaker: Order, order. I have heard with patience. I am now requesting hon. Members who are the leaders of various groups to command their following, to keep order in this House; otherwise, I am extremely sorry that I cannot get along with the work.

Shri Surendranath Dwivedy: Sir, as a protest against your decision I withdraw from the House. You are discharging your functions....

Mr. Speaker: Order, order. I am going to charge him for contempt of this House. The hon. Member may take care, I warn him. Hon. Members evidently think they can do anything with me. Hon. Members must know that I have got the right to decide one way or the other; whoever sits in this Chair has got that right under the Constitution. He hears both sides, and after hearing both sides he must say 'yes' or 'no' Hon. Members who want to say "I do not agree"—they may or may not agree—may keep that to themselves. He cannot protest like that. If he protests it is contempt of the House, contempt of the Speaker. I am giving this warning. This is the first impression. Hon. Members can go out of this House if they like; I have no objection and I cannot prevent them. But if, while going, they say: "I do not agree with your order; your order is illogical or improper.

I protest"—this is an absolute violation of the Rules of Procedure, it is a contempt of the House and the Speaker, and I cannot tolerate it (Interruption.) Hon. Members can go if they so like.

Shri Mahanty: Sir, it is not our intention to cast any aspersion on you or on the House. May I make one submission? You were pleased to observe that these adjournment motions will be held over and that we should discuss the matter with you at 2.30.

Mr. Speaker: Hon. Member flouted that, he did not agree then.

Shri Mahanty: We only made our submissions.

Mr. Speaker: Order, order. I have heard sufficiently; I have given all indulgence to hon. Members. They have made their statements, I have heard their leaders and also the followers. Under those circumstances, let us wait. Nothing is going to happen in two or three days. Let all the facts be placed before the House, and then we will certainly decide. It is not that what I decide today will be decided later on after two or three days. There is no hurry. Therefore, I request hon. Members to keep patient for sometime. There is nothing lost in that.

Shri Yajnik: There is no other alternative, Sir, for us but to walk out.

(At this stage Shri Surendranath Dwivedy, Shri Yajnik and other Members of the Opposition left the House.)

PAPERS LAID ON THE TABLE

APPROPRIATION ACCOUNTS OF GOVERNMENT OF DELHI

Shri Morarji Desai: Sir, I beg to lay on the Table, under Article 151(1) of the Constitution, a copy of the Appropriation Accounts of the Government

of Delhi, 1955-56 and the Audit Report, 1957. [Placed in the Library. See No. LT-677/58.]

NOTIFICATIONS ISSUED UNDER SEA CUSTOMS ACT

The Deputy Minister of Finance (Shri B. R. Bhagat): Sir, I beg to lay on the Table, under sub-section (4) of Section 43B of the Sea Customs Act, 1878, a copy of each of the following notifications:—

- (1) G.S.R. No. 233, dated the 10th April, 1958, making certain amendment to the Customs Duties Drawback (Spectacle Frames) Rules, 1958.
- (2) G.S.R. No. 234, dated the 11th April, 1958.
- (3) G.S.R. No. 235, dated the 11th April, 1958, containing the Customs Duties Drawback (Chrome Leather Washers) Rules, 1958.
- (4) G.S.R. No. 238, dated the 14th April, 1958.
- (5) G.S.R. No. 239, dated the 14th April, 1958, containing the Customs Duties Drawback (Diesel Engines) Rules, 1958.

[Placed in the Library. See No. LT-678/58.]

DELHI TERMINAL TAX RULES

The Deputy Minister of Home Affairs (Shrimati Alva): I beg to lay on the Table, under sub-section (2) of Section 479 of the Delhi Municipal Corporation Act, 1957, a copy of the Delhi Terminal Tax Rules, 1958, published in Notification No. 8/58-D.M. Cor., dated the 7th April, 1958.

[Placed in the Library. See No. LT-679/58.]

ESTIMATES COMMITTEE

FIFTEENTH REPORT

Shri Morarka (Jhunjhunu): I beg to present the Fifteenth Report of the