

NOTIFICATIONS ISSUED UNDER INDUSTRIES (DEVELOPMENT AND REGULATION) ACT AND NOTE re. ACTION TAKEN BY GOVERNMENT ON KHOSLA COMMITTEE REPORT

Shri Kanungo: On behalf of Shri Manubhai Shah, I beg to lay on the Table:

(i) A copy of each of the following Notifications issued under Industries (Development and Regulation) Act, 1951:—

(a) S.O. 1598 dated the 22nd June, 1960.

(b) S.O. 1718 dated the 11th July, 1960. [Placed in Library, See No. LT-2328/60].

(ii) A copy of the note indicating the action taken by the Government on the Report of the Khosla Committee on Surveying, Drawing and Mathematical Instruments Industry. [Placed in Library, See No. LT-2329/60].

12.28 hrs.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:—

- (i) "In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Delhi Primary Education Bill, 1960, which has been passed by the Rajya Sabha at its sitting held on the 24th August, 1960."
- (ii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Taxation Laws (Amendment) Bill, 1960, which was passed by the Lok Sabha at its sit-

ting held on the 11th August, 1960, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12.28½ hrs.

DELHI PRIMARY EDUCATION BILL

LAI'D ON THE TABLE AS PASSED BY THE RAJYA SABHA

Secretary: Sir, I lay on the Table of the House the Delhi Primary Education Bill, 1960, as passed by the Rajya Sabha.

12.28½ hrs.

REPORT OF DELEGATION OF MEMBERS OF PARLIAMENT TO ASSAM

Shri A. P. Jain (Saharanpur): I beg to present the Report of the Delegation of Members of Parliament to Assam.

Shri Tridib Kumar Chaudhuri (Berhampore): Sir, I rise on a point of order. The point of order is about the status or locus from the point of view of law, Constitution and the Rules of Procedure of the House, of the document that has just been laid on the Table of the House, and the privileges attaching to it. Under rule 369(2) of the Rules of Procedure of this House, this will become a public document, and it has been announced by the Minister of Parliamentary Affairs that the Report would be discussed by the House on the 1st, 2nd and 3rd of September. What would be the scope of the debate? Would it be in order for us to criticise the report and reject its findings?

Mr. Speaker: Oh, yes.

Shri Tridib Kumar Chaudhuri: Is the House or the Government bound by the recommendations of this Committee?

Mr. Speaker: What is the rule that he refers to?

Shri Tridib Kumar Chaudhuri: Rule 369(2) which relates to a public document.

Mr. Speaker: I think he has stated what his point of order is. I will now give my ruling.

Shri Tridib Kumar Chaudhuri: My point of order is not only this. Apart from this, there is the larger constitutional question.

I have been thinking over this matter for some time and, it appears to me that the appointment of this Delegation by you, Sir, and the Chairman of the Rajya Sabha, amounts to an intervention by Parliament in the situation that has arisen in Assam, and the doubts that have arisen in my mind are due to the fact of certain rulings and observations that you gave on the 1st of August when some of us sought to move an adjournment motion on the Assam situation. With regard to the adjournment motion which was tabled by me, you said:

"All that the hon. Member wants evidently is to satisfy this House and myself about the jurisdiction. Whatever might be the banner in which things might have happened in a particular State, he wants to say that a state of emergency or breakdown of the Constitution has occurred there and, therefore, this House must come to the rescue. That is the first point regarding jurisdiction. Thereafter, if a discussion is necessary, a discussion may be allowed if I am satisfied.

The second point is whether an adjournment motion is the proper method of bring these matters

before the House, so that the House may exercise its jurisdiction, and then try to give directions, if it is such a serious matter and if there is break-down of the Constitution....."

You again went on to say:

".....Normally we have no jurisdiction over what happens in a State. But, extraordinary circumstances have been referred to here..... Now the only point before me is to find out whether such a serious situation exists and this intervention by the Centre is necessary and a discussion ought to be made and, if so, whether an adjournment motion is the proper remedy....."

You finally decided that you would allow a discussion in the House and said:

"I shall be watchful and shall see whether normalcy has been restored or near normalcy has been restored, as far as possible, and all proper steps are taken. Every side of this House, and every interest will be properly represented and will be given an opportunity to discuss seriously, so that Government may take steps to see that these things do not recur not only in this State but in other States also."

In other words, if I understood your ruling correctly, you were already convinced about the first point that a situation had arisen in Assam which must be taken into cognizance by the House and which might necessitate invoking the jurisdiction of the House and give directions to the Government and indicate the proper method or manner of Central intervention, if it becomes necessary. But you did not indicate on that occasion if you were also convinced of the necessity of Parliament's intervention in the Assam situation. Sir, it is far from my mind to question your authority

or the authority of the Presiding Officer of the other House to appoint a delegation of this type.

I seek your guidance in this matter because of the doubt that has arisen in my mind that the authority of the Presiding Officers of this House and of the other House can never exceed the authority given by the Constitution to this House. So I seek your guidance in this matter as to what the constitutional position of this delegation or committee is.

This House was never given an opportunity to discuss the Assam situation and to convince itself that intervention by the Parliament is necessary and that a Committee of Enquiry or a Commission of Enquiry should be appointed. Of course, in order to avoid all this misunderstanding I do not want to criticise the terms of reference, but the terms of reference that were given were framed in such a wide manner that it might be interpreted that the Parliament or the Presiding Officers of the two Houses of Parliament had appointed a Commission of Enquiry into the situation that had arisen in a certain constituent State of the Union, that the Commission was asked to go into and study the situation on the spot for ten days and then to report to you and through you to this House what steps should be taken in order to prevent the recurrence of those happenings. You may look into the terms of reference. If I understand aright the steps that they were to suggest are steps which can be taken by this Government only and not by the Assam Government because a committee of this House is competent only to advise the Government of India and not the Government of a constituent State. The terms of reference are as follows:—

- make an assessment of the present situation;
- to suggest measures for its improvement;
- to propose steps for the prevention of recurrence of the recent happenings there.

Now, it says "suggest measures for its improvement". The measures are to be taken by whom? Then, "to propose steps" to be taken by whom? Moreover, so far as this House is concerned, neither this House nor the other House had any opportunity to discuss the situation that had arisen in that State and to convince itself whether the authority of the Parliament could be really invoked. We knew from newspaper reports and from other sources of information that a certain situation had arisen in the State of Assam. We also knew that Army units were moved into Assam but we were never told whether that was done by the Union Government acting on their own initiative under the provisions of the Constitution or the Army was sent at the request of.....

Mr. Speaker: Where from is he reading this?

Shri Tridib Kumar Chaudhuri: These are my notes.

Mr. Speaker: He is reading from his own notes. Then it is all right.

Shri Tridib Kumar Chaudhuri: Whether the Army units were sent at the request of the State Government.

Mr. Speaker: He has raised a point of order. I will answer that point. He need not go into the other material.

Shri Tridib Kumar Chaudhuri: Let it be completed. There is only one other point. Apart from my point of order regarding the scope of the discussion on this Report, would it be in order for the House to have this discussion on the basis of this Report? The second point is about the constitutional status and legal position of the Delegation that was appointed. Thirdly, if you give a ruling that everything is in order and it would be in order for us to have the discussion on the basis of this report, I would also like you to give your ruling on another fact. Here we have only this Report. Up till now the Union Government has not given its version on the facts to the

[Shri Tridib Kumar Chaudhuri]

House. We know from newspaper reports that one Union Minister was sent to investigate conditions there. I mean the hon. Law Minister, Shri Asoke Sen. He has submitted a certain report to the Government. Of course, I know that that is a privileged document. But on an earlier occasion when we discussed the Kerala situation, a summary of the report of the Governor of Kerala was placed here in order to enable the House to come to an assessment of the situation. I would like to have your ruling on that point also as to whether we should not have along with this Report a complete statement of the Government's version of the situation there up-to-date and some gist or summary of the report that was given by Shri Sen on the Assam situation. I would like to have your ruling on all these points.

Shrimati Renu Chakravartty (Basirhat): Before you give your ruling may I submit that though I have not followed the entire argument what has occurred to me is this? Shall we be debating the Assam situation in its entirety or will the House be asked to debate on the report of this Parliamentary Delegation?

Mr. Speaker: A point has been raised with respect to the adjournment motion. Then a reference has been made to it and to my order on it. Reference has also been made to the appointment by both myself and the Chairman of the Rajya Sabha of a Parliamentary Delegation. The points raised are about the validity of the appointment, the report that has been submitted, whether it is constitutional, whether it ought to be taken into account, whether that is the only one that has to be looked into or whether the entire Assam situation can be discussed. Incidentally it has also been said that so far as the Government's version is concerned in view of the fact that the Government has not come forward with any version on the floor of the House, whether Shri Sen's report to the Government may be asked to be laid on the Table of the

House as some extracts were placed on the Table on a prior occasion with respect to the report of the Governor of Kerala on the Kerala situation. These in brief are the points that have been raised.

During the discussion on the admissibility of the adjournment motion I referred to two points. One was that we ought to be satisfied about the seriousness of the situation necessitating the intervention of this House. Law and order is a State subject. This House will intervene only in cases where the law and order situation has assumed such a proportion that the State Government could no longer be trusted to handle the situation and there is a virtual breakdown of the constitutional machinery in the State thus making the intervention of the Centre necessary. That is for the purpose of having a discussion. If the House is satisfied that such a situation has arisen, what steps ought to be taken, whether it should be by way of a direction etc., if so, what kind of direction and to what extent. The next step will be after the discussion has started. Before the discussion starts I must be satisfied that *prima facie* such a situation has arisen. It is for me to decide whether every breach of law and order may be brought up before the House or not. It is being brought up from time to time and I very often rule that this is an ordinary matter of law and order in a State. But in this case in view of what has appeared in the papers and in view of the number of questions, adjournment motions etc. that have been tabled I thought that this is a case which ought to be discussed here. It is for the House to find out whether it is really an ordinary matter of law and order or it is an abnormal situation that has arisen when something more has to be done by this House though it is a State subject and that there is a necessity for this House to intervene.

The other point that we discussed was that if really such a situation had arisen and this House should discuss the matter and come to a conclusion

whether it could be done on an adjournment motion. I ruled it out definitely. I am still of the opinion that the adjournment motion was not a proper method to look into this matter. I indicated even at that time that I will allow a discussion. I had to be satisfied *prima facie* that it was not an ordinary matter of law and order though on what had been placed before me I just tentatively said that I am prepared to allow a discussion but I am not prepared to allow an adjournment motion. What I have done is not on behalf of the Government. The Government is one side. Then on this side I find two sides—one Assam and another Bengal.

Shri Tridib Kumar Chaudhuri: That is our difficulty.

Mr. Speaker: There are three versions, not the Government and the Opposition versions alone; in the Opposition itself there is a Bengali version and there is an Assamese version.

Shri Hem Barua (Gauhati): In the ruling party also there are two versions.

Mr. Speaker: Very well, I am prepared to take it that there are four parties. In view of that, ultimately it is this House that has to decide. I thought there was no harm in sending Members of Parliament who are not directly connected with this, to go and report to this House. Hon. Members know that whenever something arises during the Question Hour, for instance, I immediately say that I will refer the matter to the Estimates Committee or to some other committee to give us a report. This report is only by way of advice. You can accept it or reject it.

Till now I have not received any notice of motion that this House shall take such and such a matter into discussion. I expect that the Government will come forward with such a motion, in which case, this report will only be an ancillary on behalf of Members of Parliament.

So far as Shri Asoke Sen's report is concerned, it is for them to say that they have verified facts by sending a trusted member of their Cabinet. Shri Sen himself may take part in the debate, I am not asking him to do so, but each one is entitled to give his own experiences. The report of Shri Sen may be placed on the Table of the House, or he may give his own opinion.

So far as this report is concerned, it is on behalf of the Members of Parliament, and if the House comes to a different conclusion from that of the report, it is open to it to say that it does not agree with the report. No report presented to the House is binding on it. For instance, we appoint a Select Committee and it presents its report, but we are not bound by the report. No report except that of the Estimates Committee is binding on the House. The report of the Estimates Committee is treated as one made by the House itself, not that even the Estimates Committee cannot be overruled by this House, but it is not done for the reason that a large number of Members are there on the Committee and there is no purpose in overruling its decisions.

Shri Tyagi (Dehra Dun): Another relevant point raised by my hon friend was whether Government would come forward with any precise proposals to be discussed in the House? Have the Government made up their minds? My difficulty is that they still seem to be confused.

Mr. Speaker: We can have a discussion only on a motion. Either the Government or the Opposition may give a motion. I am not going to treat it as a motion for a discussion of 2 hours. I will give sufficient time. Both sides may give motions, and will pick out such a motion as is comprehensive, and will allow opportunity to all shades of opinion to express themselves. There will not be any burking of discussion. Let there be a discussion, open and free.

Shri Tyagi: You might please ask the Government to make a statement in the House which we may discuss, so that we may know what their mind is. On such occasions it is no good for Government to sit silent and listen to the discussion.

Mr. Speaker: They will speak on that occasion. Should we ask any hon. Member to charge Government with having failed to come forward with a statement now? Therefore, it is not a case that I should ask the Government to come forward with a statement. On that day they will speak.

Shri Tyagi: But a statement must be placed on the Table of the House.

Shri P. K. Deo (Kalahandi): Any such probe into the internal administration of a State and submission of a report in that regard amounts to an encroachment on the State's autonomy.

Mr. Speaker: He has not followed me. The hon. Member brought an adjournment motion because he was not satisfied with what had happened in that State, and he wanted this House to take jurisdiction. In certain circumstances, this House can exercise jurisdiction. The discussion is only for the purpose of finding out whether this House should give directions to the State, or even take over, if necessary, the management of that State. This House is competent to do so. It is only with a view to come to a conclusion and enable hon. Members to have a proper discussion that a few Members of this House were entrusted with this work. Members may find fault with the report, they may or may not accept the report. It is not the report but the situation in Assam that will be taken into consideration.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): May I inform the House on behalf of the Government that the Government motion is being submitted to you. Here is the motion.

Shri Tridib Kumar Chaudhuri: Am I to understand from the observations

that you have made and the ruling that you have given that this delegation will be regarded as an *ad hoc* committee of Parliament of an informal nature, and its report is only to aid us in our discussion, and nothing more, that neither we nor Government are bound by its advice in any way?

Mr. Speaker: Yes, that is all.

Shri Braj Raj Singh (Ferozabad): Since this will become a precedent for future parliamentary delegations, may I know whether clear terms of reference will be provided in future at least? In appointing this delegation, Parliament was not taken into confidence, we were not consulted. In other committees appointed by Parliament, the House elects the members. Of course, you proposed it to the House and the House never objected to it. So, at least for the future the procedure may be laid down so that there may be some clarity about it.

Shri Naushir Bharucha (East Khandesh): Much confusion can be avoided if, instead of calling it a parliamentary delegation, it is called the Speaker's delegation on a fact-finding mission.

Shri C. K. Bhattacharya (West Dinajpur): With reference to the points raised by Shri Tridib Kumar Chaudhuri, you have been kind enough to state that Parliament may intervene if there is such a breakdown of law and order that it requires special attention. May I request you to enlighten us on this point whether Parliament is entitled to intervene if a situation arises in a State in which the functions that the Government of India have to discharge in that State get completely paralysed?

Another small point I wish to refer to. You have been kind enough to state that there is an Assamese case and there is a Bengali case. With all humility, I request you to make a slight modification. It is not exactly a case between the Assamese and the Bengalis. It is a case between two

groups of Assamese, one group speaking Bengali and the other group speaking Assamese. It is a case between Assamese and Assamese, the two groups speaking two different languages. Therefore, the Bengali as a Bengali does not necessarily come into the picture.

Mr. Speaker: I am sorry. Of course, I meant the Bengali-speaking Assamese and the Assamese-speaking Assamese, but these are not water-tight compartments.

Shri Tridib Kumar Chaudhuri: May I know the terms of the Government motion?

Mr. Speaker: This is the notice from Shri G. B. Pant:

"I give notice of my intention to make the following motion in the current session of Parliament:

"That the report of the Parliament delegation on the situation in Assam laid on the Table of the House be taken into consideration."

As I said, it is not the report but the Assam situation that must be taken into consideration, and the report may be taken into consideration as having come from hon. Members who have gone all the way to study the situation there. It is a piece of information to the House. I believe this motion will have to be suitably modified.

Shri Satya Narayan Sinha: If you want to amend the motion, we will do so.

Mr. Speaker: It should read something like this:

"That the situation that developed in Assam and the report of the Members of Parliament be taken into consideration."

Shri Tridib Kumar Chaudhuri: On the 1st August, the hon. Home Minister came prepared with a statement

which he did not lay on the Table of the House. Could you ascertain from the Government whether they would lay any portion of it on the Table of the House. Otherwise, has the Government vacated its function? Let the hon. Minister answer.

Shri Satya Narayan Sinha: It is not a question of vacating.

Shri Tridib Kumar Chaudhuri: You have been waiting and seeing.

Raja Mahendra Pratap (Mathura): Let us not refer to them as the ruling party, they are the serving party. And we are not the opposing parties, we are assisting parties helping the Government.

Mr. Speaker: Very well, there is no ruling party.

Shrimati Renu Chakravarty: May I seek a clarification from you? On what will the discussion take place? Will it be on the situation in Assam in general, or are you going to add to that the report of the Parliamentary Delegation? Or, will the report be only as an aid for discussion, which would not be brought into the body of the motion?

Mr. Speaker: The motion will be:

"That the situation in Assam and the report of the Parliamentary Delegation thereon presented to the House on 30th August, 1960 be taken into consideration."

Shri Mahanty: May I rise to a point of order? What is the situation in Assam? You have conceded that the situation is a law and order situation.

Mr. Speaker: I did not say so.

Shri Mahanty: What is that situation?

Mr. Speaker: Evidently, the hon. Member did not hear.

Shri Vajpayee (Balrampur): It is the confusion arising out of the failure of the Central Government to intervene in Assam.

Shri Mahanty: Let us clarify this issue, because it would mean creating a very dangerous precedent for the future.

Commercial Corporation Act, 2005 Bikrami and to provide for certain matters incidental thereto."

The motion was adopted.

Shri Datar: I introduce† the Bill.

APPROPRIATION (NO. 4) BILL

The Minister of Finance (Shri Morarji Desai): I beg to move for leave to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1960-61.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1960-61."

The motion was adopted.

Shri Morarji Desai: I introduce† the Bill.

12.53 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

SIXTY-NINTH REPORT

Sardar A. S. Saigal (Janjgir): I beg to present the Sixty-ninth Report of the Committee on Private Members' Bills and Resolutions.

12.53½ hrs.

BILASPUR COMMERCIAL CORPORATION (REPEAL) BILL*

The Minister of State in the Ministry of Home Affairs (Shri Datar): On behalf of Shri G. B. Pant, I beg to move for leave to introduce a Bill to repeal the Bilaspur Commercial Corporation Act, 2005 Bikrami and to provide for certain matters incidental thereto.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to repeal the Bilaspur

12.55 hrs.

CENTRAL EXCISES (CONVERSION TO METRIC UNITS) BILL—contd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Dr. B. Gopala Reddi on the 29th August, 1960, namely:—

"That the Bill further to amend certain laws relating to duties of excise for the purpose of introducing metric units in such laws, be taken into consideration."

*Published in the Gazette of India Extraordinary Part II—Section 2, dated 30th August, 1960.

†Introduced with the recommendation of the President.