

12 hrs.

**MOTION FOR ADJOURNMENT**

**ALLEGED MISUSE OF ADMINISTRATIVE MACHINERY BY RULING PARTY FOR ELECTION PURPOSE**

**Mr. Speaker:** I have received notice of an adjournment motion from Shri S. M. Banerjee, which reads as follows:

"Immediate need to discuss misuse of administrative machinery by the ruling party in the New Delhi by-election to be held on 2nd April, 1961. Permission granted to hold meetings in West Vinay Nagar and Tel Mandi, Paharaganj, New Delhi, in favour of Shri Om Parkash Gupta, a candidate, cancelled at 7 p.m. when all arrangements were made at the instance of the ruling party and illegal arrest of a person near Udyog Bhawan only because he was distributing election manifesto of Shree Gupta."

Is the hon. Member taking the side of Shri Gupta?

**Shri S. M. Banerjee (Kanpur):** I am the convener of Shri Gupta.

**Mr. Speaker:** The motion further reads:

"A free and fair election will be impossible if the administration does not take an impartial attitude."

In view of the fact that the elections are approaching, what is the position?

**Shri S. M. Banerjee:** I would not have actually tabled this adjournment motion but for the fact that elections are going to take place very soon. As the election is going to take place on the 2nd April, yesterday, at West Vinay Nagar, Shri Indrajit Gupta, a Member of this House, was to address this meeting. At 7 P.M. when the entire dais was arranged and Shri Gupta was actually asked to speak, in the mean time, some members of the ruling party, the Congress people, came there with a squad of police, and they said that this place has been granted to the Congress for holding

a meeting. As I was the convener for the election work of Shri Om Parkash Gupta, I confirmed by telephoning to the police that these two places, namely, West Vinay Nagar and Paharaganj were allotted to us and not to others.

**Mr. Speaker:** Has he got written orders?

**Shri S. M. Banerjee:** No, they are not given in writing. General orders are given. So, my submission is this, that if Shri Om Parkash Gupta has fortunately caught the imagination of the people, the ruling party should take undue advantage of the administrative machinery in their favour. I appeal to you, Sir, as you are the emblem of democracy. If the election takes place in this atmosphere, it will be most unfair.

**Shri Tangamani (Madurai):** The same thing has happened in Lodi Road. When an election meeting was arranged at 7 O'Clock, it was cancelled at the last minute.

**Mr. Speaker:** I want to know the facts from the hon. Minister.

**The Minister of Law (Shri A. K. Sen):** Immediately after I have got notice of this adjournment motion, I got in touch with the Chief Election Commissioner; I also got into touch with the Home Secretary and the Home Minister himself. I am very sorry to say that before these matters are brought up before Parliament, they are not brought to the notice of the Chief Election Commissioner.

**Shri S. M. Banerjee:** He told me....

**Shri A. K. Sen:** The hon. Member will bear with me. The Chief Election Commissioner was sorry that these matters are not brought to his notice. I phoned him up at ten to twelve, just now, and up till now no one has sent any complaint.

**An Hon. Member:** This is election propaganda.

**Shri A. K. Sen:** For the fair conduct of the election an impartial

[Shri A. K. Sen]

machinery has been set up under the Chief Election Commissioner and I have no doubt that, as in the past, in future also he will be vigilant in seeking that not the slightest hurdle is put on anybody's right in the matter of election, and there is no difference of opinion, either in this House or outside, that the elections in this country as in every other democratic country, must be as free as possible. So, I beg of the hon. Member that if any such incidents occur—I cannot either contradict him or support him, because we have not got facts in our possession—he should get in touch with the Election Commissioner, which is the best possible course, or the Home Minister or myself. How can we deal with it off-hand when neither the Chief Election Commissioner, nor the Home Minister knows anything about it?

**Mr. Speaker:** Very well. No more speeches need be made in this matter. It is true that the elections ought to be absolutely fair and unrestricted and no party ought to suffer in the elections or get undue advantage by mere administrative action. With respect to newspaper items, I have always suggested to hon. Members that before they bring up an adjournment motion they should verify the news. So far as this matter is concerned, when a suggestion was made that, as in the case of Tripura and other Union Territories, some Assembly or such thing should be established in Delhi, it was only yesterday that the hon. Home Minister stated that Parliament is Assembly for Delhi, the Ministers are our Ministers. Therefore, if any such thing occurs, it is easy for any hon. Member to come forward and ring up the Home Minister or the Deputy Home Minister and explain to him the situation. They will be only too ready to see that these things do not occur.

In all such cases, when there are more than two parties in the field, each party would be very anxious

and may go even a little out of the way. That is well known. Whether they have done so in this case is another matter; we do not know. Under the circumstances, before coming to Parliament, I am sure hon. Members who are interested in these elections will bring the matter immediately to the notice of the Home Minister. Either he or his deputy will look into the matter.

Then we have got the Law Minister and the Election Commission. This may serve as a case of propaganda also.

**Shri S. M. Banerjee:** No, Sir.

**Mr. Speaker:** I am not attributing any motive. As the hon. Member himself has suggested, I am here to hold the balance amongst all the parties, amongst all the candidates properly. I do not want any unfair advantage or disadvantage to be given to any person. I am sure the hon. Minister will try to see that those in charge of this work accommodate all members and do not give reason for any irregularities.

**Shri A. K. Sen:** Sir, I have got some more facts, and I do not want to keep it away from the House. It has just been handed over to me, as the time at my disposal was very short.

With regard to the meeting at Tel Mandi this is the position. Permission was applied for by another party to hold a meeting at Tel Mandi on the 29th. This was granted, Shri Omparkash Gupta also applied for permission to hold a meeting in Cheh Tuti. This was allowed.

**An Hon. Member:** Now we know what it is.

**Shri A. K. Sen:** But, on the 29th, at 2.45 P.M. he wanted a change of venue of meeting from Cheh Tuti to Tel Mandi. This could not be granted as permission had already been given for a meeting in Tel Mandi to the other contestant party.

**Shri S. M. Banerjee:** They never held any meeting there.

**Shri C. D. Pande (Naintal):** Now this is a clear case.

**Shri A. K. Sen:** There was no reason for not granting permission to him when two previous permissions were granted. Why did they want to change the venue to the place which is given to the other party is known only to them.

Then, with regard to West Vinay Nagar, 6 applications were received from Shri S. M. Banerjee for holding meetings in various places on the 29th, 30th and 31st. After looking up previous permissions granted, because there are permissions sought for by all the parties and some permissions have been granted, the authorities found that Shri Banerjee could hold meetings at three places, and not the other three, out of which one was West Vinay Nagar, where permission was already granted to other contesting parties.

**Shri S. B. Banerjee:** At what time?

**Shri A. K. Sen:** So, there were three places which were not occupied and all the three were granted to Shri S. M. Banerjee.

Then, with regard to the alleged arrest near Udyog Bhavan, these are the facts. On the 28th there was a meeting going to be held at Vigyan Bhavan, when 12 or 14 persons claiming to belong to the National Marxist Association collected there, and were distributing pamphlets and posters to the delegates. They are the parties opposing the hon. Member.

**Shri S. M. Banerjee:** Not at all.

**Shri Tangamani:** The reference was to West Vinaya Nagar.

**Shri Raghunath Singh (Varanasi):** Sir, the privilege of the House.....

**Shri A. K. Sen:** If information is sought for and not received, it is

really unfortunate, because information is.... (*Interruption*).

**Shri S. M. Banerjee:** Not in this House.

**Shri Raghunath Singh:** The privilege of the House is not being used properly. The House is being used for election propaganda. This is not the privilege of the House. They are not utilising the privilege of the House.

**Mr. Speaker:** Hon. Member has tabled an adjournment motion.... (*nterruption*). He is answering one of these.

**Shri Raghunath Singh:** He is misusing the privilege of the House.

**Shri A. K. Sen:** It is the workers of the National Marxists' Association who were distributing pamphlets and posters.

**An Hon. Member:** Where?

**Shri A. K. Sen:** At Udyog Bhavan. They were asked to clear away. No arrest was made either of the Marxists' Association workers or of anyone else.

**Shrimati Renu Chakravartty (Basirhat):** That was at Vigyan Bhavan. He has got mixed up with the Bhavans.

**Mr. Speaker:** He says Udyog Bhavan.

**Shri A. K. Sen:** The adjournment motion mentioned Udyog Bhavan.

**Shri Ramanathan Chettiar (Pudukottai):** On a point of order, Sir.

**Shri Chintamani Panigrahi (Puri):** It was at Vigyan Bhavan.

**Shri Ramanathan Chettiar:** Is the hon. Member justified in bringing forward election propaganda in the form of an adjournment motion before this House?

**Shri S. M. Banerjee:** Not at all.

**Shri Ramanathan Chettiar:** Is it not the privilege of the House.....

**Mr. Speaker:** I agree with Shri Chettiar and disallow the adjournment motion.

**Shrimati Renu Chakravartty:** May I submit to you....

**Mr. Speaker:** Now it is over.

**Shrimati Renu Chakravartty:** Whenever there has been any question of limitation of anything regarding elections this House has always been seized of the matter. On many occasions this House has always been the custodian.

**Mr. Speaker:** Who says it has not been?

**Shrimati Renu Chakravartty:** Why should this be considered.....

**Mr. Speaker:** I cannot understand why the hon. lady Member should be too touchy.

**Shrimati Renu Chakravartty:** There is no question of being touchy.

**An Hon. Member:** We are anxious to have free elections.

**Shrimati Renu Chakravartty:** That does not affect my Party at all. Therefore my point is. . . .

**Mr. Speaker:** Now it is over.

**Shrimati Renu Chakravartty:** Whether it is on the wrong side or on the right side, you often brought it up.

**Mr. Speaker:** Does an observation of any hon. Member require discussion? It is not as if I say that I am not going to bring it up. My order should not be understood to have been based on Shri Chettiar's recommendation. His objection ought not to have retrospective effect. I have brought it up because I considered that this was a serious matter. Any matter relating to any irregularity or any

action which is likely to prejudice one candidate and give an advantage to another candidate will always have my attention and, if necessary, I will bring it up before the House. Shri Chettiar at the end of it said that and humourously I said, "I adopt his advice." There is nothing more to be said on this.

**Shri C. D. Pande (Naini Tal):** We appreciate that.

12.13 hrs.

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

FIRE AT THE RAILWAY TIMBER DEPOT AT  
NAWADAH

**Shrimati Maimoona Sultan (Bhopal):** Sir, Under Rule 197, I beg to call the attention of the Minister of Railways to the following matter of urgent public importance and I request that he may make a statement thereon:—

The destruction by fire of timber worth several thousands of rupees at the Railway Timber Depot, Nawadah (Bihar).

**Mr. Speaker:** This is another fire? (Interruption).

**An Hon. Member:** Yes, Sir.

**The Deputy Minister of Railways (Shri S. V. Ramaswamy):** A fire broke out at midnight between the 26th & the 27th March, 1961, in sleepers stacked outside the Permanent Way Inspector's Store Yard at Nawadah Railway Station on the Eastern Railway which is about 35 miles from Gaya on the Gaya-Kiul Section. About 4,500 wooden sleepers were stacked near the main line. On receipt of the report from the Station Master, the Assistant Engineer, Gaya, proceeded to the spot by train immediately alongwith the Railway Protection Force Fire Fighting Squad and reached there at 3.45 A.M. A call