

SHRI LAL K. ADVANI (Delhi): Sir, we have also sent notices.

SHRI PITAMBER DAS: Sir, we have sent notices..

(Interruptions)

SHRIMATI INDIRA GANDHI: I have no objection. It is now up to you, Sir.

MR. DEPUTY CHAIRMAN: The suggestion has been made and the Government has no objection to the discussion.

SHRIMATI INDIRA GANDHI: Discussion there is. The discussion is already there.

SHRI PITAMBER DAS: Sir, the notice is very simple. The notice that has been sent is very simple.

SHRI OM MEHTA: Sir, Shri D. D. Puri's Resolution is before the House. If you want some clarifications, you can have them now. ...

(Interruptions)

You can have such clarifications now.

MR. DEPUTY CHAIRMAN: It was agreed, Mr. Mehta, in the meeting of the Opposition leaders and if you do not have any objection, he says that we are having a meeting of the Business Advisory Committee and let this question be considered by the Committee.

SHRI SUNDAR SINGH BHANDARI (Rajasthan): Sir, it will only allot the time.

SHRI NIREN GHOSH: Sir, the notice is of a motion.

(Interruptions)

SHRI OM MEHTA: Sir, you can have a short-duration discussion on this and not a motion.

(Interruptions)

SHRI PITAMBER DAS: No clarification now, Sir.

MR. DEPUTY CHAIRMAN: It is generally agreed that the House should

discuss the matter and I think the Government has no objection...

SHRI NIREN GHOSH: On a motion, Sir.

SHRI LOKANATH MISRA (Orissa): The issue is being confused. The question is whether it should be a private motion or a Government motion ...

MR. DEPUTY CHAIRMAN: It is not the question.

SHRI LOKANATH MISRA: We are very clear in our mind that there are already motions that the Prime Minister's statement should be taken into consideration by the House. And it should be taken into consideration. Time should be allotted by the Government and it should be a motion from the Government time, and therefore there should be no confusion about it. Mr. D. D. Puri's is an entirely different matter ...

MR. DEPUTY CHAIRMAN: That is an entirely different matter.

SHRI LOKANATH MISRA: That is entirely different from this.

MR. DEPUTY CHAIRMAN: The only question is whether there should be a short duration discussion ...

(Interruptions)

SHRI LAL K. ADVANI: No short duration discussion ...

(Interruptions)

SHRI LOKANATH MISRA: That we shall discuss in the Business Advisory Committee ...

(Interruptions)

REFERENCE TO DEVELOPMENTS AT 7, JANTAR MANTAR ROAD

SHRI KRISHAN KANT (Haryana) : Sir, on a point of Order. I want to raise a point of order for your immediate decision today. I had written a letter to the Chairman on the 12th of November after the Supreme Court gave their judgement...

(Interruptions)

I am on a point of order. It will take precedence ...

(Interruptions)

(SHRI SUNDAR SINGH BHANDARI) (Rajasthan): Point of order. On what?...

(Interruptions)

THE LEADER OF THE OPPOSITION (SHRI M. S. GURUPADASWAMY): I am just referring to the statement. I want you to tell me whether it is agreed that there will be a debate and no clarifications are necessary ...

MR. DEPUTY CHAIRMAN: No clarifications ...

(Interruptions)

SHRI ARJUN ARORA (Uttar Pradesh): Sir, on a point of Order...

MR. DEPUTY CHAIRMAN: On what ? Mr: Gurupadaswamy has not uttered a single word ...

(Interruptions)

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS AND IN THE MINISTRY OF SHIPPING AND TRANSPORT/SWfruiTPT feW4 <TTT :fNipT *ik "rf^fn *idwy flf TT53 j >rat (SHRI OM MEHTA) : Why not clarifications ?

SHRI KRISHAN KANT: I am on a point of Order ...

SHRI SUNDAR SINGH BHANDARI: Point of order. On what business ?

(Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Krishan Kant, Mr. Gurupadaswamy has not said a single word. How do you know what is in his mind ...

(Interruptions)

SHRI OM MEHTA: We have not said

anything about the motion. If they want to ask clarifications they can ask ...

(Interruptions)

MR. DEPUTY CHAIRMAN: I said 'discussion', not 'debate'.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING/

प्रधान मन्त्री, परमाणु ऊर्जा मन्त्री, गृह मन्त्री तथा सूचना
V/* swmjt *rat (SHRIMATI INDIRA GANDHI): Short Duration Discussion.

MR. DEPUTY CHAIRMAN: There will be no clarifications; there will only be discussion.

SHRI SUNDAR SINGH BHANDARI: Discussion is all right.

SHRI BHUPESH GUPTA (West Bengal): Some people want that there should be short duration discussion; others think that there should be discussion on a Motion. There is a little difference. One is voted upon; the other is not ...

(Interruptions)

श्री सुलतान सिंह (हरियाणा): श्रीमान्, श्री गुरुदस्वामी हाउस को मिसलीड कर रहे हैं। यह अपने आप को कांग्रेस दल का नेता कहते हैं, लेकिन सुप्रीम कोर्ट के जजमेंट के बाद यह अपने आपको कांग्रेस दल का नेता नहीं कह सकते हैं। इनको हाउस को इन्फार्म करना चाहिए था।

(Interruptions)

MR. DEPUTY CHAIRMAN: That is over ...

SHRI M. S. GURUPADASWAMY: That matter is over, I think. May I proceed, Sir ...

SHRI KRISHAN KANT: I am on a point of Order ...

(Interruptions)

SHRI M. S. GURUPADASWAMY: Where is the point of Order ? I have not said anything ...

SHRI KRISHAN KANT: My point of order is ...

{Interruptions}

SHRI SUNDAR SINGH BHANDARI: Chairman has allowed Mr. Gurupadaswamy-If there is a point of order, it means that there is a point of order on the Deputy Chairman allowing Mr. Gurupadaswamy to raise a point.

SHRI KRISHAN KANT: My point of order is... *{Interruptions}*. Please hear me first. My point of order is that according to Rule 258 ...

SHRI SUNDAR SINGH BHANDARI: What is the issue ? What is the point before the House? ...

MR. DEPUTY CHAIRMAN: About what ? There is no business before the House.

SHRI SUNDAR SINGH BHANDARI: There is no business before the House at present.

MR. DEPUTY CHAIRMAN: On what point do you want to raise a point of order ? I shall give you the opportunity to raise your point of order after two minutes. Let that lion. Member begin to speak.

SHRI KRISHAN KANT: I want to raise a very fundamental point of order regarding the functioning of this House.

SHRI SUNDAR SINGH BHANDARI: What irregularity has been committed ? Up till now no irregularity has been committed. Unless an irregularity has been committed or the Chair allows any irregularity to be committed, you cannot raise any point of order.

SHRI KRISHAN KANT: Any Member should be permitted to say what he has to say on a point of order.

SHRI SUNDAR SINGH BHANDARI: The question is there can be no point of order in a vacuum.

SHRI CHANDRA SHEKHAR (Uttar Pradesh): A point of order can be raised at any time and it may be about a procedure or about a business to be adopted by the House. And even about the stature or status of a particular Member or about the conduct of a Member there may be a point of order, and unless and until you hear the point of order ...

SHRI SUNDAR SINGH BHANDARI: So, you also do not know what is the point of order about !

SHRI CHANDRA SHEKHAR: Unless and until you hear him, you cannot decide whether there is a point of order or not. So, a point of order can be raised at any time, and the point of order should get precedence over anything and everything.

MR. DEPUTY CHAIRMAN: Now, Mr. Krishan Kant, there is no business before the House at present and so, there can be no point of order now.

SHRI KRISHAN KANT: Under the Rules ...

MR. DEPUTY CHAIRMAN: I know the Rules, Mr. Krishan Kant. Now there is no business before the House, and if there is any business here, one can anticipate what kind of point of order is likely to be raised. And if you want to raise a point of order because there is the provision in the Rules, I would like to know on what subject you have the point of order. Before going into the merits or demerits of the thing you have in mind, I want you to let me know only the subject of your point of order. I would like to know on what subject-matter you want to raise your point of order.

श्री अर्जुन अरोड़ा : मुझे कह लेने दीजिए ।

MR. DEPUTY CHAIRMAN: No; Mr. Arjun Arora, please sit down.

SHRI KRISHAN KANT: Unless I make my point of order...

MR. DEPUTY CHAIRMAN: I want only the subject-matter.

SHRI KRISHAN KANT: Under Rule 258 ...

MR. DEPUTY CHAIRMAN: Whatever it is, I am only asking you about the subject-matter of your point of order. After mentioning it you may make out your case.

SHRI KRISHAN KANT: I am on a point of order.

MR. DEPUTY CHAIRMAN: About what ?

SHRI KRISHAN KANT: Under Rule 258 I want to question the position held by Mr. Gurupadaswamy as Leader of the Opposition.

श्रीमती बिद्यावती चतुर्वेदी (मध्य प्रदेश) : किसी भी मेम्बर को बुलाया जाय तो उसके लिए क्या प्वाइंट ऑफ आर्डर नहीं उठाया जा सकता ?

SHRI KRISHAN KANT: I am rising under Rule 258 and I want your permission to raise my point of order.

SHRI CHANDRA SHEKHAR: I do not know what is the point of order but suppose. Mr. Deputy Chairman, ..

श्री ना० कृ० शेजवलकर (मध्य प्रदेश) : श्रीमन्..

(Interruption)

श्री जगदम्बी प्रसाद यादव (बिहार) : उनको कहने तो दीजिये ।

श्री ना० कृ० शेजवलकर : वह स्टेटस का सवाल उठाना चाहते हैं, आप सुन नहीं रहे हैं । लेकिन स्टेटस का सवाल इसमें आयेगा कैसे ?

SHRI CHANDRA SHEKHAR: Sir, ! there can be hundreds of points on which a Member can raise objection and can draw your attention. Suppose I am here as a Member of the Congress Party and if any hon. Member feels ...

SHRI SUNDAR SINGH BHANDARI: You are here as a Member of this House.

SHRI CHANDRA SHEKHAR: Sometimes in Parliamentary democracy parties are mentioned. Whether I am speaking as

an independent or as a Member of a political party, any Member in a Parliamentary democracy has the right to draw the attention of the Chairman whether that particular Member is speaking as the spokesman of a particular political party or as an independent or as an intruder or as a person who has no status at all. There is nothing wrong with it and anytime, at any moment any Member of this House is authorised and is competent to draw the attention of the Chair and the hon. House whether that particular Member is the spokesman of a group of Members or just an individual and, under the circumstances, Mr. Krishan Kant is very much within his right to draw his attention.

SHRI GODEY MURAHARI (Uttar Pradesh): Let us be done with the point of order and let us proceed.

SHRI M. S. GURUPADASWAMY: Just a minute, Sir. I yield to the chair always but it seems to be very extraordinary, Members questioning whether I am an individual or whether I am a Member of Parliament at all.. (Interruptions). I have sought your permission. Later on you said that I should mention the subject after the Prime Minister made a statement. I never protested; I just kept quiet. And then you called me. I did not mention at all on what subject I was-going to speak; I have not mentioned it so far. Points of order are raised. And on what ? Whether I represent a party, whether I represent a group, whether I have any representative capacity. Who are these people ? Are they a set of individuals ? Do they represent the Congress Party ?

SOME HON. MEMBERS: Yes, yes.

SHRI M. S. GURUPADASWAMY: Under the shelter of a point of order I do not want any matter to be smuggled in here and besmirch my party.

SHRI KRISHAN KANT: I am raising a point of order on the constitution of this House in the sense ...

SHRI M. S. GURUPADASWAMY: Is it a subject-matter at all ? He has not mentioned the subject.

SHRI DAHYABHAI V. PATEL (Gujarat) : We would like to know what the point of order is.

{Interruptions}

SHRI KRISHAN KANT: Under rule 258 it can be raised at any time.

MR. DEPUTY CHAIRMAN: I do not think there is any point of order.

SHRI KRISHAN KANT: Without hearing me, how can you say that ? Just now you gave a ruling that according to the Rules of Procedure we have to proceed and accordingly I am rising on a point of order.

MR. DEPUTY CHAIRMAN: You said about the composition of the House. This House has been constituted in 1952, this is a continuing House.

SHRI KRISHAN KANT: How can you give a ruling without hearing me ?

MR. DEPUTY CHAIRMAN: You could have raised this point of order immediately at 11 O'clock. Why did you wait up to 4.30 ? No please. Let us hear Mr. Gurupadaswamy. After hearing Mr. Gurupadaswamy, we can hear you.

SHRI GODEY MURAHARI: I have a point of order on his point of order. My point of order is ...

DR. Z. A. AHMAD (Uttar Pradesh): What is this ? Take a firm decision as to who has to speak first ?

MR. DEPUTY CHAIRMAN: I have already said let Mr. Gurupadaswamy speak.

SHRI M. S. GURUPADASWAMY: Mr. Deputy Chairman, Sir, I rise to refer to a serious development which has taken place over the last two days in 7, Jantar Mantar Road.

SHRI ARJUN ARORA: ^ 3RR M^k

SHRI M. S. GURUPADASWAMY: I think I must be heard. Mr. Arjun Arora must hear me. You have heard me many times and I think you will hear me now. Sir, on the 13th November, the premises of the All India Congress Committee which is located in Jantar Mantar Road was invaded and overtaken by a crowd of...

SHRI DAHYABHAI V. PATEL: Rowdies.

SHRI ARJUN ARORA: Rightful owners.

SHRI M. S. GURUPADASWAMY: Let me finish. If you have got any objection, you may ...

SHRI ARJUN ARORA: I am helping you.

SHRI M. S. GURUPADASWAMY: I do not need your support.

SHRI ARJUN ARORA: I am giving you help voluntarily.

SHRI M. S. GURUPADASWAMY: I was saying that a group of Congressmen belonging to ...

THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT / *mi* ,ra, a*n *fa^r aft «rfr*3* *5ft (SHRI RAJ BAHADUR) : Mr. Deputy Chairman, I have no intention of interrupting Mr. Gurupadaswamy, but I only want to bring to the notice of this House and to the notice of Mr. Gurupadaswamy that the matter has been taken notice of by a Court duly constituted and orders have been passed under Section 145. Whether this matter is *sub judice* or not is a matter to be decided by the Court.

SHRI M. S. GURUPADASWAMY: For his information, I have taken note of that also. I do not want to enter into a field which is subject to a judicial decision at all. On the 13th November, a group

of people belonging to the Congress (R), numbering about 200, entered the Congress premises belonging to us and invaded and overtook that building. When we came to know that, a complaint was lodged with the police station and the police arrived. During the very time, Mr. Sadiq Ali, President of the Congress also arrived. It was about 2.30 p.m. or so, and he went to one of the rooms in the upstairs of the Congress building. Most of the rooms were occupied by the Congress (R) people and some of them ...

SHRI AWADHESHWAR PRASAD SINHA (Bihar): Sir, he calls us Congress (R). This was done after the ruling of the Supreme Court acknowledging us as Congress. He should obey the ruling of the Supreme Court ...

(Interruptions)

SHRI M. S. GURUPADASWAMY: If you want to know the judgment of the Supreme Court, I refer to it also. I will read it. Have patience...

(Interruptions)

Sir, I should not be interrupted. During that time, the name-plates of the President and the Secretary had been changed and some of the rooms were locked and the police also arrived. The police which came there in full force did not take any action at all. They were playing the role of passive spectators and when we arrived we told them that a complaint had already been lodged with the police that this was a clear case of criminal trespass. *(Interruptions)* Please hear me; afterwards you can have your say. I cannot shout like you.

We said to the police that the criminal trespassers have got to be ejected from the building.

SHRI M. P. SHUKLA (Uttar Pradesh): May I ask him under what powers they can do that?

SHRI M.S. GURUPADASWAMY: I am *not* yielding.

AN HON. MEMBER: You are not the Judge.

SHRI M. S. GURUPADASWAMY: We said that the police should exercise its authority, take cognisance of the criminal trespass and unlawful occupation of the building by the Congress (R) workers and other anti-social elements who were with them and that the building should be restored to us. No action was taken by the police. Instead they prevented us from entering the building and they protected the members of the Ruling Congress and the other antisocial elements who had occupied the building. They were spread out in all the area, in all the rooms and we were prevented from entering the premises. We said that if there was any breach of peace or any criminal act committed it was done by the Congress (R) people. 2nd notice has got to be taken, and action has got to be taken by the police but nothing was done.

Now, Sir, a plea has been taken that the Supreme Court has passed a Judgment on the symbol case and as a consequence of that Judgment the Congress (R) is entitled to occupy this building but I would like to read a part of the Judgment for the information of my friends opposite. Mr. Arjun Arora is not here; anyway the Judgment has clearly said one thing that it is a symbol case and symbol is not property. In regard to disputes about properties the Judgment has said.....

SHRI KRISHAN KANT: Sir, the Chairman had allowed him to mention about the treatment meted out by the police but he is dealing with many other points.

(Interruptions)

MR. DEPUTY CHAIRMAN: You should not bring in such points which are *sub judice*.

SHRI M. S. GURUPADSWAMY: This is not *sub judice*. I am only quoting from the Judgment of the Supreme Court.

SHRI PITAMBER DAS (Uttar Pradesh) : How can you expect an operation to be performed without shedding even a drop of blood ?

SHRI M. S. GURUPADSWAMY: My friend Mr. Arjun Arora wanted this information and that is why I am reading the relevant portion from the Judgment. This is the observation made by the Judges:

"The claim made in this respect is only for the purpose of symbols in connection with elections to Parliament and State Legislatures and the decision of the Commission pertains to this limited matter. The Commission while deciding the matter under paragraph 15 does not decide disputes about property. The proper forum for adjudication of disputes about property are the civil courts."

I have said already that possession of the building was not restored to *us* by the police. The police were helpless spectators; they were taking orders from the Congress (R) people or from whom I do not know. We sent telegrams to the Rashtrapathi, the Home Minister, the Prime Minister, the I. G. P. and others in the Police Department but so far no action has been taken.

In the circumstances we found there was no alternative but to stage Satyagraha.

SHRI SHEEL BHADRA YAJEE (Bihar) : Duragraha.

SHRI M. S. GURUPADSWAMY: You know only Duragraha. We know Satyagraha. That is the difference between Congress R and Congress O. You are exhibiting your political culture. Sir, what happened yesterday ? While we were staging a peaceful Satyagraha, some Members of Parliament belonging to my party were also sitting with me. I was assaulted by the Congress R people. During the assault the police were present. They were witnessing the whole thing. If you want a

Member of Parliament to be assaulted. I have no objection. I have no quarrel with you. I was assaulted very badly and I requested the police officer. I said: You know these people who have assaulted me now; take cognizance of it and arrest them. Take them into custody. They did not do it. I repeated I am the Leader of the Opposition and a Member of Parliament. You take cognizance and do something about it. They kept quiet. Tyagiji was also with me. He was kicked. He was kicked by the Congress (R) people. Shrimati Sucheta Kripalani was sitting there. She was pushed out and she fell down. This was going on in the very presence of the police officials. What pains me and what hurts me is this. If this had happened to the Members opposite, I would have objected to it. We never caused any provocation. We only squatted. We stayed peacefully. The police, not one, but in hundreds, were surrounding the area. No protection was given to us. We also told them: Our people are coming. You please allow them to enter the office. They were prevented, but the people belonging to Congress (R) and the known Goondas of Delhi... \

AN HON. MEMBER: No.

SHRI M. S. GURUPADSWAMY... were allowed inside the premises in our very presence. We objected. Shri Shyam Nandan Mishra, leader of the Congress Party Group in Lok Sabha, objected, but no notice was taken. Today what has happened? The police is giving protection to those people belonging to Congress (R) to function in the office of the AICC. What is in the AICC? We have got our records. We have got our furniture, various pamphlets, books and the rest of it. I am told that they are tampering with the records. Some of our records have been burnt already. There is our money also (*Interruption*). Why are you shouting?

(*Interruptions*)

SHRI A. P. CHATTERJEE (West Bengal) : MPs were assaulted. Why do you not listen? Why should MPs be assaulted? That is the point. (*Interruption*).

MR. DEPUTY CHAIRMAN: Order, order, please.

SHRI M. S. GURUPADASWAMY: What I am saying is, yesterday evening...

(Interruptions) MR. DEPUTY CHAIRMAN: Order, order, please. Mr. Yadav. (Interruptions) Order, please. Mr. Varma.

SHRI M. S. GURUPADASWAMY: Yesterday evening, Shri S. N. Mishra and I came out of the AICC building to attend a meeting of the Leaders of the Opposition in our room here. It was about five o'clock. After the meeting, Shri S. N. Mishra and I went back to the AICC Office. There, both of us were prevented from entering. We asked the police officials, "Why?" They said "There is an emergency."

SHRI DAHYABHAI V. PATEL: It is not in Bangla Desh, it is in Jantar Mantar Road.

SHRI M. S. GURUPADASWAMY: Then I asked him in my simple way whether there was any notification—because we were not there for two hours—or whether Section 144 had been imposed. They did not answer. Some officials came there afterwards and said, "No, Sir. We are apprehending breach of the peace and we have decided not to allow anybody." We said, "We are going to meet Mr. Sadiq Ali, and he is fasting. And we want to meet him there. Firstly, we want to consult him on certain matters and secondly, /we wanted to know if he wants any help." He said, "No, you cannot be allowed to go." They quoted the example of Acharya Kripalani and some other Members like Mr. Vajpayee and Mr. Ram Sahai. They said they were not allowed. Then we explained to them again that we were going to meet Mr. Sadiq Ali for (these two purposes. For nearly 90 minutes we were kept out. When we threatened that we would be squatting on the road and when we charged them that they were creating breach of peace they brought the IG. After a great deal of consultations,

they said, "You can go." In the meantime, Mrs. Sadiq Ali wanted to go in to look after her husband. She was not allowed. All our pleadings that she was Mrs. Sadiq Ali, that she was to see her husband, that there was no politics in it were of no avail. But after that all of us were allowed. My point is, in such a situation what is the remedy when the police connives with the Congress (R) ? And I was told that one Deputy Minister was also present the day before yesterday. I did not see him but I was told so.

SHRI DAHYABHAI V. PATEL: Directed by whom?

SHRI M. S. GURUPADASWAMY: Under sections 144 and 145 the Cr. P. C., those who are in possession of the building for two months prior to any incident are entitled to occupy the building till the case is decided. It is very clear. The building was occupied by us. Not even for a day there was adverse occupation. When such is the situation, when the police is conniving, colluding with the Congress (R), what is the remedy for us, what is the alternative? You are a lawyer, Mr. Chairman, and as a lawyer I would like you to appreciate this point. What is the alternative left to us when our building is occupied?

Some of the friends have taken the plea that a majority of the employees of the A.I.C.C- sent a memorandum to Shri Sanjivayya, President of the Congress (R) inviting the Congress (R) to take over the building. This is the only reason so far given by the friends on the other side. May I ask with all humility; suppose the servants of your household in your absence invite somebody else to occupy your building, does it acquire legal validity. Suppose tomorrow the employees of the Congress (R) invite some other Party to occupy their building, does it go to the other party? It is a very strange reasoning, most illogical logic that I have ever come across in my life. There is complete failure on the part of the police to protect us. On the contrary, they have been conniving every day, every hour with the Congress (R) to dispossess us...

SHRI SHEEL BHADRA YAJEE: And what are you now?

SHRI M.S. GURUPADASWAMY: We are the real Congress.

SHRI SHEEL BHADRA YAJEE: After the Supreme Court judgment you are nobody.

SHRI N. SRI RAMA REDDY (Mysore): You must be a Judge of the Supreme Court.

SHRI M.S. GURUPADASWAMY: Even taking the Supreme Court judgment, even if the Supreme Court had held that the property, No. 7, Jantar Mantar Road, belongs to the Congress (R), they would not get the occupation automatically because a notice has first got to be served. There has got to be some procedure to be followed. But in the present judgment it is very clear that it is not a property dispute at all and even if there is such a dispute, it has got to go through the civil court.

SHRI SHEEL BHADRA YAJEE: Wind up.

SHRI M.S. GURUPADASWAMY: This is the political culture of my friends opposite. Why can you not educate yourself? You must be shameful of all these activities.

SHRI ARJUN ARORA: Do not get angry.

SHRI M.S. GURUPADASWAMY: Where were you all this time, Mr. Arjun Arora? You have come just now.

In the end I demand that a high power judicial enquiry should be instituted. And finally, Sir, you should give a direction to the Government to institute a high-level judicial enquiry into the whole episode. We are prepared to abide by the verdict of the enquiry commission. Let me assure you, Sir, that if it is adverse to us, we will accept it. There is no question of going back on that. Even in the property dispute, if the property goes to them under a judgment of a court or a legally constituted authority, I will have no objection at all. Let me tell you, we are law-abiding citizens

of India. My first demand that a high-level judicial enquiry commission should be set up. Secondly, the property has got to be restored to us immediately. And I also demand that those police officials who were responsible for dereliction of duty should be dismissed from service.

MR. DEPUTY CHAIRMAN: What is your point of order, Mr. Krishan Kant?

SHRI ARJUN ARORA: Sir, I rise on the ground of personal explanation.

MR. DEPUTY CHAIRMAN: No, no. Let us hear his point of order first.

SHRI KRISHAN KANT : Mr. Deputy Chairman, Sir, the point of order that I wanted to raise was, when we adjourned last time, at that time there was..

SHRI SUNDAR SINGH BHANDARI: I am now rising on a point of order. He has referred to an incident which took place when we adjourned last time. He started with this premise. So, on a point of order, are you going to allow a new point?

MR. DEPUTY CHAIRMAN: Let us hear him first.

SHRI KRISHAN KANT: When we adjourned last time, in the Opposition there was a party called "Congress (O)". But on the 11th November, 1971, the Supreme Court gave a judgment that..

SHRI SUNDAR SINGH BHANDARI: Is he advocating the police case here on a point of order?

MR. DEPUTY CHAIRMAN: No, no, let us first hear his point of order.

I SUNDAR SINGH BHANDARI: The point is, Mr. Gurupadaswamy mentioned the police's dereliction of duty. Now, is there a point of order on that issue? It is the Deputy Home Minister or the Minister of State for Home Affairs who should give a reply.

SHRI KRISHAN KANT: I am not saying anything about that.

SHRI SUNDAR SINGH BHANDARI: Then he is mentioning a new point. Are you allowing a new point?

MR. DEPUTY CHAIRMAN: Unless I hear him fully, how can I say?

SHRI GODEY MURAHARI: He says that it is a new point. But some of us have something to say on what Mr. Gurupadaswamy has said. Please allow us first.

MR. DEPUTY CHAIRMAN: He wants to make a point arising out of the statement of Mr. Gurupadaswamy.

SHRI KRISHAN KANT: Not on that statement. On the 12th November, I addressed a letter to the Chairman of the Rajya Sabha, enclosing a copy of the judgment of the Supreme Court...

श्री निरंजन वर्मा (मध्य प्रदेश) : श्रीमान, मेरा प्वाइंट आफ आर्डर है। मैं आपसे मार्ग दर्शन चाहता हूँ कि आपने एक माननीय सदस्य को मेशन करने की आज्ञा दी तो क्या उस मेशन करने के ऊपर कोई दूसरा सदस्य प्वाइंट आफ आर्डर ला कर के बहस कर सकता है और क्या आप बहस करने की अनुमति देंगे ? अगर एक सदस्य प्वाइंट आफ आर्डर के बहाने बहस करता है तो क्या सब को बहस करने की आज्ञा देंगे ?

श्री उपसभापति : यह बहस नहीं हो रही है ?

श्री जगदम्बी प्रसाद यादव : पहले आपका जजमेंट हो जाय तो फिर सब को प्वाइंट आफ आर्डर करने दीजिये।

श्री उपसभापति : एक मिनट ठहरिये। वह प्वाइंट आफ आर्डर रोज कर रहे हैं, प्वाइंट आफ आर्डर सुन लूंगा एक मिनट और प्वाइंट आफ आर्डर होगा तो सुनेंगे नहीं तो कह देंगे कि प्वाइंट आफ आर्डर नहीं है।

SHRI KRISHAN KANT: On the 12th November, I addressed a letter to the Chairman of the Rajya Sabha enclosing a copy of the judgment of the Supreme Court in which the Supreme Court had determined that the Indian National Congress to which we Members sitting on this side belong is the

11RSS/71-9.

real Indian National Congress, is the only Indian National Congress and it was given that symbol.

(Interruptions)

SHRI BABUBHAI M. CHINAI (Maharashtra) : I want to know where it is said in the judgement ---- (Interruptions). I challenge him....

(Interruptions)

SHRI KRISHAN KANT : You can speak after I finish.

SHRI BABUBHAI M. CHINAI : I submit that Shri Krishan Kant has been misleading the House and misquoting the judgement. Let me quote...

MR. DEPUTY CHAIRMAN : He has also got a copy of the judgement.

SHRI KRISHAN KANT : My point of order is very relevant...

(Interruptions)

SHRI BABUBHAI M. CHINAI : Deputy Chairman...

(Interruptions)

SHRI KRISHAN KANT : I have written to the Chairman...

(Interruptions)

SHRI BABUBHAI M. CHINAI : My leader, while making an observation, quoted the judgement of the Supreme Court. For the information of my friend Shri Krishan Kant, I can quote that...

SHRI ARJUN ARORA : No, no.

SHRI BABUBHAI M. CHINAI : I would like to take only half a minute to read it.

MR. DEPUTY CHAIRMAN : He has also got a copy of it.

SHRI BABUBHAI M. CHINAI : Either he quotes or I quote...

(Interruptions).

SHRI PITAMBER DAS : I would like to know one thing. A point of order always arises when there is a breach of certain rule. What particular rule is being breached now ?

SHRI KRISHAN KANT : So many irrelevant things are said by your Party members..... *(Interruptions)*. I have addressed a letter to the Chairman...

(Interruptions)

SHRI BABUBHAI M. CHINAI : Sir, he is the villain of the piece...

SHRI PITAMBER DAS : I would like to know how two wrongs make one right. If there is already a wrong on one side, why should there be wrong on the other side ?

SHRI CHANDRA SHEKHAR : I agree with Shri Pitamber Das that two wrongs do not make one right. But the rule which is being arrogated is this. The hon. Leader of Opposition Shri Gurupadaswamy has made certain statements which are contrary to the facts according to Shri Krishan Kant. Under the rules, a Member is expected to make such statements which can be verified. But he should not make any such statement which cannot be substantiated and the hon.

Member has got every right to 5 P.M. challenge the statement. He has also

got the right to draw the attention of the hon. Chairman and the House that Shri Gurupadaswamy is on a wrong footing and whatever he has said is contrary to the facts and more so because it is not that he is saying it today, but three days back he wrote a letter to the Chairman narrating all these facts and now he is bringing it to the notice of the House. He has not become wiser after the events. Earlier also he made these contentions and they have got every right to contradict him.

(Interruptions)

MR. DEPUTY CHAIRMAN : All right. Please sit down.

SHRI KRISHAN KANT : Sir, my point of order is...

SOME HON. MEMBERS : No point of order.

SHRI KRISHAN KANT : Mr. Deputy, Chairman, Sir, I will contest this.

(Interruptions)

MR. DEPUTY CHAIRMAN : Let us give him two minutes. That is all... *(Interruptions)*. Let us have patience for two minutes. Let us finish with him.

SHRI KRISHAN KANT : Sir, I have written a letter to the Chairman as follows :

"As you may be aware, the Supreme Court on 11.11.1971 dismissed the appeal filed by Shri Sadiq AH "against the decision of the Election Commission..."

(Interruptions)

MR. DEPUTY CHAIRMAN : Please hear him for two minutes. It is only a point of order.

SHRI KRISHAN KANT : "... The Supreme Court upheld the decision of the Election Commission that our Party is the Indian National Congress to which the symbol of 'two bullocks with yoke on' was allotted. I am enclosing a copy of the judgement of the Supreme Court.

In view of this, I request you to kindly see that only our party is called the Indian National Congress or Congress, and no other party or group in the Rajya Sabha is allowed to use the name 'Congress' or any other name similar to 'Congress' which may mislead the people of India."

Mr. Deputy Chairman, Sir, Shri Gurupadaswamy has misled the House and he has misled the country by calling his party as the Congress Party.

(Interruptions)

श्री जगदम्भी प्रसाद यादव : अगर आप एक की बात सुनेंगे तो आपको दूसरों की बात भी सुननी होगी

SHRI KRISHAN KANT S

ir,
Mr. Gurupadaswamy is not the Leader of the Opposition by virtue of this. There is no Congress Party now.

MR. DEPUTY CHAIRMAN :
All right. Your point is clear.

SHRI BABUBHAI M. CHINAI : Sir,
on a point of order.

(Interruptions)

MR. DEPUTY CHAIRMAN : Mr. Krishan Kant, you have already mentioned that you have written a letter to the Chairman and you had made out a whole /case and you have made out now. As it is under the consideration of the Chairman, we need not proceed with the point of order you have made.

SHRI M. S. GURUPADASWAMY :
Sir, I made two specific demands : One is that there should be a high-power official committee and the other one is that the property has got to be restored to us.

SHRI SHELL BHADRA YAJEE : Is
it your regular property ?

MR. DEPUTY CHAIRMAN :
Shri Gurupadaswamy has expressed some views and I think due note will be taken by the Government. Yes, Mr. Niren Ghosh.

SHRI ARJUNARORA : Sir, it is already
5-00 now.

MR. DEPUTY CHAIRMAN : Only two
minutes, please.

REFERENCE TO ALLEGED PERPETRATION OF ATROCITIES IN WEST BENGAL

MR. DEPUTY CHAIRMAN :
Mr. Niren Ghosh. Two minutes.

SHRI NIREN GHOSH (West Bengal) :
Sir, I want to draw the atten-

tion of the House to the Fascist reign of terror in West Bengal for the last one and a half years under the regime headed by the Prime Minister Indira Gandhi.

I will give you concrete, specific examples. On 27th August a band of Congress rowdies —400—along with CRP—Central Reserve Police—raided. . . .
(Interruptions).

They raided the workers' hutments and burnt out about 200 rooms of workers' flats and a woman of 70 years of age and another child were burnt to death inside. When the neighbours wanted to rescue that old woman, these Congress supporters prevented even ordinary people from rescuing that old woman from being burnt to death. I have visited the place. Hundreds and hundreds have testified to me They have given me the names of the Congress rowdies —Madhab saw Sitaram Sinha, etc. All the peoples are known to them. If it is not a Fascism, what is it ? I want to ask of the Government and Shrimati Indira Gandhi. And then the newspapers do not like to mention about these things. We visited afterwards and another two persons were also seriously burnt; they died later as a result of burn injuries.

Three or four days ago in Tollygunge, Calcutta the Police broke into a house, dragged a boy of 16 or 17 Subroto Sinha—and shot him dead before his mother.

And then again another girl was...

SHRI P.C. MITRA (BIHAR) : False
propaganda; false allegations....

SHRI NIREN GHOSH: No, no. You are
a***

MR. DEPUTY CHAIRMAN : That is
not good. That word shall be expunged.

SHRI P.C. MITRA : He does not know.
He does not give the exact date....

(Interruptions)

SHRI NIREN GHOSH : Another girl
Asima by name was arrested by the police. She was stripped naked by your police—Indira Gandhi's Police....

♦♦Expunged as ordered by the Chair.