

MESSAGES FROM THE LOK SABHA

- I. THE PERSONAL INJURIES (EMERGENCY PROVISIONS) AMENDMENT BILL, 1971
- II. THE PERSONAL INJURIES (COMPENSATION INSURANCE) AMENDMENT BILL, 1971
- III. THE COMPANIES (SURCHARGE ON INCOME-TAX) BILL, 1971

SECRETARY : Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:

I

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Personal Injuries (Emergency Provisions) Amendment Bill, 1971, as passed by Lok Sabha at its sitting held on the 16th December, 1971."

II

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Personal Injuries (Compensation Insurance) Amendment Bill, 1971, as passed by Lok Sabha at its sitting held on the 16th December, 1971."

III

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Companies (Surcharge on Income-tax) Bill, 1971, as passed by Lok Sabha at its sitting held on the 16th December, 1971

The Speaker has certified that this Bill

is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of each of the Bills on the Table.

RESOLUTION RE MEASURES FOR RETURN OF REFUGEES TO BANGLA DESH WITHIN A PERIOD OF THREE MONTHS—*contd.*

MR. CHAIRMAN : Mr. D. D. Puri.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, अब हम प्रस्ताव की कोई आवश्यकता नहीं है। वह काम पूरा हो गया। अब आज मदन उठ जाना चाहिए। क्या रिप्लाय करना है।

SHRI DEV DATT PURI (Haryana) : Sir, this House discussed my Resolution on the 3rd of December last, which turned out to be a fateful day in the history of this nation. Barely had the External Affairs Minister finished his intervention on this Resolution, within an hour the Yahya Khan hearsd resorted to a perfidious and cunning attack on 8 of our airports. Sir, it was particularly perfidious because at that time the Prime Minister, the Defence Minister and the Finance Minister happened to be out of Delhi. There was an attempt apparently on the pattern of Israel.

Sir, the House knows and the whole world knows that our Air Force gave them back more than what we received. They demonstrated to the world that in spite of this surprise and perfidious attack, no neck and corner of Pakistan was safe, was outside our reach. Sir, today more than a quarter of the Air Force of Pakistan shall fly no more . . .

(Interruptions)

SOME HON. MEMBERS : This Resolution is out of date . . .

SHRI CHITTA BASU (West Bengal) : You should distribute *rasgullas* rather than make this speech. It is out of date . . .

SHRI DEV DATT PURI : I am coming to that. Please give me 5 minutes.

Our naval forces have made two courtesy calls at Karachi. Our naval forces also gave a floral reception to the "Ghazi". They also threw into the bargain another submarine and a couple of destroyers. The net results of the courtesy visits and of this floral reception is that we rule the seas and the Pakistan Navy is no more. The Army has redeemed the promise given by the Defence Minister that any land operation will be held on the soil of Pakistan. We have quite a few hundred kilometres of the Pakistan soil behind our lines of operation. The entire House joins in paying a glorious tribute to our Armed Forces in all the three services and to the Mukti Bahini who have covered themselves with glory in this short operation in the course of a fortnight. The crowning glory to what has happened in the last fortnight is the establishment of Bangla Desh. Bangla Desh is to-day a reality for the whole wide world to recognise. It is no use turning a blind eye or even turning both blind eyes to the fact that Bangla Desh is in existence for all times to come. There are none so blind as those will not see. The fact that this achievement has come under the shadow of the American Seventh Fleet adds poignancy to it. We have heard about the mighty Armadas of the US. We heard of them in the Bay of Pigs. They tried to cow down little Cuba and they had failed. We have heard about this mighty formidable Armada of the US in the Bay of Tonkin where with the support of 500,000 ground troops they were unable to suppress the freedom of the North Vietnamese and of the Viet Cong. Those troops have evacuated Vietnam and the Seventh Fleet is back here. Now this time it is in the Bay of Bengal. The question arises as to what is our attitude towards the Seventh Fleet coming into the Bay of Bengal. The answer was given in clear unequivocal terms by the Prime Minister in the Ramlila grounds. The position of the Government and of this country and of the political parties that go to make the Indian nation was made perfectly clear was regarding the Seventh Fleet. I might make a brief mention of a tragic fact which is that we

have been unable to convince the Islamic nations of the truth of our cause. That is particularly so because we expected a greater understanding from the Islamic nations. What was attempted in Israel is exactly the same as the one attempted in what was formerly East Pakistan. What was done in Israel was, by employment of terror and force as instrument of State policy the pattern of the population was sought to be changed. The Arabs were in a majority in Palestine. By the employment of force they were driven out as refugees into the neighbouring Arab states. The same thing was attempted here in Bangla Desh. By the employment of terror as the instrument of State Policy the majority of the people of Bangla Desh were sought to be converted into a majority by physical decimation and driving out the refugees. Under these circumstances we expected a greater amount of understanding from the Arab countries than from the rest of the world. However it is hoped that they will be able to appreciate the cause for which so many valient lives have been lost. Sir, the other day Bhutto stated that the Ganga and the Indus will flow with blood if India dared to challenge the armed might of Pakistan. I have heard the plaintive cries of Bhutto at the United Nations which was fortunately recorded and broadcast by the BBC. You can actually hear him almost crying there—from the mighty thunder of the Ganga and the Indus flowing with blood to the pitiful tears that Bhutto shed when he admitted military defeat. Sir, I heard Yahya Khan also last night. I had the good fortune or the misfortune of hearing his broadcast last night. It is said that Yahya Khan was power drunk but last night he was just plain drunk, loaded up with alcohol. If the leadership of the nation which is our immediate neighbour is in such hands as Yahya Khan and Bhutto, then in spite of the magnificent offer made by the Prime Minister last night, the very generous offer, an offer that every victor should make to the vanquished, we may be in for a long struggle if the military machine, of Yahya Khan is determined to break its head against a stone wall.

[Shri Dev Datt Puri]

Sir, the Prime Minister has drawn the sword not with a view to conquering territory but in defence of liberty, in defence of freedom, in defence of human rights, in defence of secularism, in defence of democracy, in defence of all values that we hold dear, even more dear than dear life.

श्री पीताम्बर दास (उत्तर प्रदेश) : श्रीमन्, मैं यह निवेदन करना चाहता हूँ कि जो नोन-आफीशियल प्रस्ताव है पुरी साहब का उसके सम्बन्ध में इस पर आपत्ति नहीं करता कि वे ये बातें क्यों कह रहे हैं, मैं केवल यह कहना चाहता हूँ, कि जब इन्होंने इतनी सारी नई बातों का जिक्र किया है तो इन सब के सम्बन्ध में और लोगों को भी जिक्र करने का मौका दिया जाये।

श्री सभापति : यह तो उनका रिप्लाई है।

श्री पीताम्बर दास : आप सुन लें मेरी पूरी बात, को, मैं अपनी बात साफ कर दूँ।

श्री शोलभद्र याजी (बिहार) : वे अपने प्रस्ताव पर बोल रहे हैं।

श्री पीताम्बर दास : याजी जी, समझने की कोशिश करें, न समझ में आता हो तो शान्त बैठ रहे, जिनकी समझ में आता है वह समझ लेंगे।

Mr. Puri is quite strong to reply to my point. Mr. Yajee, you need not worry. Mr. Puri is stronger than him.

SHRI DEV DATT PURI : It is my right of reply.

श्री पीताम्बर दास : मैं केवल इतना कह रहा हूँ कि राइट आफ रिप्लाई का अर्थ यह होता है कि जो चीजे डिबेट में उठाई गई हैं उनका उत्तर दिया जाय। इस समय जो पुरी जी ने बात कर्नी शुरू की है सीज-फायर की, वह डिबेट में उठी नहीं है। मैं यह नहीं कहता कि वे यह बात न कहें। कहें, लेकिन जो बात इन्होंने नई कहनी शुरू की है, उसके संबंध में श्रीरो के रिप्लेक्स भी आपको एलाउ करने चाहिए।

श्री सभापति : अब आप खत्म कीजिए, नहीं तो और बात शुरू होगी।

श्री पीताम्बर दास : या तो इस बात को यही रोक दीजिए। और अगर आप इजाजत देते हैं

—मैं मना नहीं करता, वे बोले—तो फिर श्रीरो के लिए भी इस पर बोलने की बात रिलेवेन्ट होगी।

श्री शोलभद्र याजी : इस पर आप नहीं बोलेंगे, यह नोन-आफीशियल रिजोल्यूशन है।

MR. CHAIRMAN: Will you stop, Mr. Yajee ?

श्री राजनारायण श्रीमन्, पोइन्ट आफ आर्डर। अगर पुरी साहब यह कहते हैं कि सीज फायर, तो मैं यह कह सकता हूँ कि सीजफायर का होना गलत हुआ। देखिए इस प्रस्ताव में केवल तीन बातें हैं।

श्री सभापति : मने सुन ली उनकी बात, एलाउ कर दी, अब क्या मवाला है।

श्री राजनारायण : मेरी यह राय है कि सीज-फायर का एलान भारत सरकार को नहीं करना चाहिए था, आजाद काश्मीर को लिए बिना सीज-फायर करना बेवकूफी है।

श्री शोलभद्र याजी : बैठो।

SHRI DEV DATT PURI : As a matter of fact I was just finishing. I value very greatly the remarks made by the hon. Member but the very nature of the Resolution is that it deals with the refugees. As the situation is now changed I have to deal with the situation as it has developed.

MR. CHAIRMAN: What you have said is quite sufficient.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Sir, you are restricting the hon. Member from making his speech.

MR. CHAIRMAN : He has already said what he wanted to say.

SHRI CHANDRA SHEKHAR : No, Sir. This is a very vital issue. Are you going to follow this practice in future with all Members or not because, Mr. Chairman, Sir, if a Member is within his rights to reply and make a speech can he not digress even by a point here or there ? Is it going to be the ruling for ever to come ? I am surprised that the hon. Member, Pitamber Das, raises objection over small matters. If they want they can get ano-

ther opportunity. but the hon Mover of the Resolution cannot be restricted in making his speech

MR CHAIRMAN : He has already agreed to wind up his speech and I am merely asking him to stop now. He has agreed

SHRI PITAMBER DAS : One minute, Mr Chairman. Probably my friend, Mr Chandra Shekhar, has not been able to make a distinction between a 'speech' and a 'right of reply'. I do not object to his making a speech, but when he says 'right of reply', he has only to reply to the points that have been raised. That is the only thing I say.

SHRI CHANDRA SHEKHAR : It is not necessary that you should controvert his speech, whatever he may be saying. Everybody has got the right to say what he has to say.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : It is left to the discretion of the Member.

SHRI DEV DATT PURI : The purpose of my Resolution was to draw the attention of the Government to a very urgent matter and to the situation created by the influx of refugees. Another purpose of my resolution was to give an opportunity to the Members of all sections of the House to demonstrate that all parties in the country and every Member of the House stand like a rock united behind the Prime Minister. That purpose having been fulfilled by the inexorable course of events, I seek leave of the House to withdraw my Resolution.

SHRI PITAMBER DAS : Sir, when you ask the House to grant leave to the mover to withdraw his Resolution naturally, we have got a right to say whether we allow it to be withdrawn or not. And of course if . . .

MR. CHAIRMAN : There cannot be any debate on this question.

SHRI PITAMBER DAS : I have got a right to say that it may not be allowed to be withdrawn

MR CHAIRMAN : You have got the right to vote accordingly

SHRI PITAMBER DAS : One thing will follow from the other. I am putting before you my own arguments and I would like these arguments to be met with arguments not will noise. I want to put one thing particularly to Mr Chandra Shekhar because he tries very intelligently to follow the argument. My argument is that, when the Chair asks the House for its leave for the withdrawal of the Resolution, then in that case all Members of the House are perfectly entitled to say, "yes, allowed", or to say, "no, not allowed". The moment I have the right to say, "no, not allowed," I must have also the opportunity to convince the House as to why I want the House to say "no". How can you stop me from explaining my reasons for asking the House to say "no"?

SHRI AKBAR ALI KHAN : You are a very senior Member. This is not the procedure.

SHRI CHANDRA SHEKHAR : The hon Member, Mr Pitamber Das, may ask for a division during voting. The procedure is just like that.

SHRI BHUPESH GUPTA : Then I will have the right to counteract his arguments also.

SHRI PITAMBER DAS : The moment I am required to express my opinion, the moment I am required to express myself in favour of 'yes' or 'no', I have to convince those whom I want to take with me.

SHRI AKBAR ALI KHAN : If Mr Pitamber Das were to try to explain to the mover Mr Dev Datt Puri, and if Mr Puri were to explain to Mr Das in return, this will be an unending process. You can vote in favour of or against withdrawal of the Resolution.

श्री राजनारायण श्रीमन्, हमारा एक व्यवस्था का सवाल है। मैं आप से जानना चाहता हूँ कि क्या आप ससदीय नियमों के अंतर्गत हम को यह बताने जा रहे हैं कि अगर कोई व्यक्ति एक लम्बी चौड़ी स्पीच दे कर अपने किसी प्रस्ताव को वापस

[श्री राजनारायण]
लेना चाहता है और सदन का कोई सदस्य चाहता है कि हम अपने तर्कों को दे कर बतायें कि सदन इस को वापस करने की अनुमति न दे या सदन इस पर कोई दूसरी राय ले तो क्या उसको बोलने की इजाजत नहीं है। मैं यह जानना चाहता हूँ और मैं आप से निवेदन करूँगा कि आप कृपा कर अपनी माधु सम्मति व्यवस्था के रूप में स समय न दें। आप इसका जरा अध्ययन करें और मैं अध्ययन करके बताता हूँ कि अगर आप मेरी राय के विरुद्ध सम्मति देंगे तो वह माधु सम्मति नहीं हो पायेगी। मैं आप को बता दूँ कि हमको पूरा अधिकार है और मैं आप से यह निवेदन कर सकता हूँ और आप के द्वारा सदन से कह सकता हूँ कि हमारे यह तर्क हैं और सदन इन तर्कों को मद्देनजर रखते हुए श्री पुरी को इजाजत न दे कि वह इस को वापस ले। मैं इस प्रवृत्ति पर आप से कहना चाहता हूँ कि भारत की सरकार ने कल जो सीज-फायर का प्रस्ताव किया वह देश हित के विरुद्ध किया है। इसलिए मैं कहना चाहता हूँ कि उन्होंने इस प्वाइंट को न उठाया होता तो मैं इसे नहीं कहता।

श्री महावीर त्यागी (उत्तर प्रदेश) : मैं आपसे प्रश्न करना चाहता हूँ कि राजनारायण जी ने जो कहा है कि अगर कोई प्रस्ताव वापस करने की बात आये तो अपोजीशन को भी अधिकार है उस पर कुछ बात कहने का, यह बात जाबते मे ठीक हो सकती है, लेकिन मैं राजनारायण जी से यह कहूँगा कि इन 20, 30 वर्षों में जो कवेशन हाउस में बने हैं उनके मुताबिक चेयर ने ठीक ही कहा है कि विद्वाल पर वोट ही लिया जाता है, उस पर बहम नहीं होती। चेयर ने मुनासिब तरीका अख्तियार किया है।

श्री राजनारायण तो चेयर पुरी साहब को रोक देती।

MR. CHAIRMAN : Now, please sit down, Mr. Chitta Basu, what do you say to your amendment

SHRI CHITTA BASU : I think the original Resolution which has been moved by Mr. Puri has become out of date because the Government of India has already recognised the Democratic Republic of Bangla Desh. Therefore, there is no point in continuing the discussion.

MR. CHAIRMAN : No speech. Are you withdrawing it or not ?

SHRI CHITTA BASU : The original Resolution has become out of date. The object or the intention of my amendment has already been fulfilled by according recognition to Bangla Desh by our Government. Therefore, I withdraw my amendment.

I beg leave to withdraw my amendment.

* Amendment (No. 1) was, by leave, withdrawn.

MR. CHAIRMAN : Shri Jagdish Prasad Mathur's amendment.

SHRI MAHAVIR TYAGI : When the Resolution is permitted to be withdrawn, the amendment need not be put.

MR. CHAIRMAN : Are you withdrawing your amendment ?

श्री जगदीश प्रसाद माथुर : श्रीमन्, मेरा जो सशोधन . . .

SHRI PITAMBER DAS : According to the rules, if you put the original Resolution and the House allows it to be withdrawn, then the amendments need not be put at all.

श्री जगदीश प्रसाद माथुर : श्रीमन्, जो सशोधन मेरा था . . .

SHRI MAHAVIR TYAGI : Suppose we carry one amendment, what will happen to the Resolution which is withdrawn ?

श्री राजनारायण : जरा व्यवस्था को ठीक चनाइये। आप को अमेन्डमेंट पर पहले वोट लेना चाहिए था। अगर अमेन्डमेंट पर पहले वोट नहीं लिया और मूल प्रस्ताव विद्वद्ध हो गया तो अमेन्डमेंट रह ही नहीं गया। अमेन्डमेंट कि सी प्रस्ताव पर होता है न। तो त्यागी जी यहा ठीक है।

श्री सशर्पति : मैंने आप को सुन लिया और त्यागी जी को भी सुन लिया है।

श्री राजनारायण : जब रेजोल्यूशन आलरेडी विद्वद्ध हो गया तो अमेन्डमेंट का क्या होगा ?

* For text of Amendment, vide Debate dated the 19th November, 1971.

SHRI BHUPESH GUPTA (West Bengal) : In my opinion, you have been following the correct procedure. The amendments always come first. It applies to Bills and Resolutions. Amendments always come first. Therefore, every thing has to be withdrawn. The amendment is also in the nature of a motion. Therefore, you are quite right in asking whether the amendment is withdrawn or not withdrawn.

MR. CHAIRMAN Mr. Bhupesh Gupta, please sit down. Mr. Mathur.

श्री जगदीश प्रसाद माथुर (राजस्थान) श्रीमन्, मेरा जो सभोधन था वह इस प्रकार का था कि भारत सरकार पूर्वी बंगाल के लोगों को इस प्रकार से महायत्ना द कि वह अपनी सार्वभौम सरकार बना सके लेकिन आज सरकार को जो उनको मदद देने का प्रश्न आता है तो उनके नेता मुजीबुर्रहमान गिरफ्तार हैं और पाकिस्तान की पूरी सैनिक शक्ति अभी समाप्त नहीं हुई है, पाकिस्तान मुजीबुर्रहमान माहब को छोड़ने वाला है या नहीं यह मालूम नहीं है, इस नाते से बंगाल के अन्दर सार्वभौम सरकार बनाने में ..

श्री समापति आप अपना अमैडमेंट विदड़ा कर रहे हैं या प्रेस कर रहे हैं ।

श्री जगदीश प्रसाद माथुर प्रेस नहीं कर रहा हूँ लेकिन मेरा यह कहना है कि जब तक मुजीबुर्रहमान की रिहाई नहीं करवा देते और उसके पहले आज सीज फायर की बात करना और जब तक पाकिस्तान की पूरी सैनिक शक्ति का समाप्त नहीं कर देते उसके पूर्व यह जो सीज फायर करते हैं उसके कारण जो मेरा अमैडमेंट था कि बंगला देश के अन्दर इस प्रकार की सार्वभौम सरकार बने जो कि अपनी सार्वभौम सत्ता कायम कर सके वह पूरा नहीं होता है इसलिए मेरा सरकार से निवेदन है कि वह कार्ट इस प्रकार की बात बतावे कि मुजीबुर्रहमान का रिहा कराने की दृष्टि से सरकार क्या कदम उठा रही है ।

श्री समापति आप अमैडमेंट को विदड़ा कर रहे हैं या नहीं ।

श्री जगदीश प्रसाद माथुर मैं विदड़ा तो करता हूँ लेकिन इस प्रकार का सरकार से भाषवासन चाहता हूँ कि मुजीबुर्रहमान को रिहा कराने की दृष्टि से सरकार कोन सा कदम उठा रही है । इस बात को वह बताये ।

श्री समापति ठीक है, सुन लिया । He is withdrawing.

*Amendment No. 2 was, by leave, withdrawn

MR. CHAIRMAN: Mr. Kempara . Where is he ? He is not here. The question is:

3 "That in the Resolution—

(i) in line 2 (Paragraph 1) for the word 'diabolical' the word 'heinous' be substituted.

(ii) in lines 6-7 (Paragraph 2) for the words 'aggression against this country' the words 'civilian invasion of India' be substituted.

(iii) in lines 10-11 (Paragraph 3) for the words 'within a period of three months', the words 'at the earliest possible opportunity' be substituted "

The motion was negatived

SHRI DEV DATT PURI Sir, I beg leave to withdraw my Resolution

The Resolution was, by leave, withdrawn

STATEMENT BY MINISTER RE REFERENCE OF THE CONSTITUTION (TWENTY-FIFTH AMENDMENT) BILL, 1971 TO THE STATE LEGISLATURES

THE MINISTER OF LAW AND JUSTICE/विधि और न्याय मंत्री (SHRI H. R. GOKHALE) Mr. Chairman, Sir, The Constitution (Twenty-fifth Amendment) Bill, 1971 was passed by both Houses of Parliament by majority of the total membership of each House and by majority of not less than two thirds of the members of each

*For text of Amendment, vide Debate dated the 19th November, 1971.