

[Shri Bhupesh Gupta]

advice. She was answering the question not as Shrimati Indira Gandhi, a citizen of India, but as the Prime Minister of the country, head of the Council of Ministers which is responsible to the other House, to Parliament. Since she has expressed this opinion, it should be treated as an advice given to the President and should be given effect to immediately. I would request you, in consonance with the spirit and letter of the Constitution, to take immediate steps and I hope the Prime Minister will also take immediate steps. We fully endorse her opinion. I do not think anybody in the House opposes, for once, this opinion which has been given. This advice should be firmly tendered. Now that this advice has been given through the floor of this House to the President, I am sure that Shri Giri, who is now in Hyderabad, will send telephonic instructions to his Rashtrapati Bhavan people to fly the National Flag from tomorrow.

SHRI N. G. GORAY : Sir, this a very grave matter. Does it mean that we give an ultimatum to the President that within 24 hours he should haul down the present flag?

MR. DEPUTY CHAIRMAN : He has only made a suggestion.

SHRI BHUPESH GUPTA : I have not given any ultimatum.

MR. DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, you took permission to mention something . . .

SHRI S. N. MISHRA : Sir, I also raised the other point . . .

MR. DEPUTY CHAIRMAN : No, no. First let Mr. Bhupesh Gupta finish.

REFERENCE TO THE REPORTED PURCHASE OF POOR INDIAN GIRLS FROM KERALA AS NUNS BY CONVENTS IN SOME FOREIGN COUNTRIES

SHRI BHUPESH GUPTA (West Bengal) : Mr. Deputy Chairman, yesterday in all the newspapers you have

seen a report on the purchase of poor Indian girls from Kerala by the convents of Italy, France, West Germany, England and other countries in order to recruit them as nuns. This has been broadcast by the BBC all over the country . . .

MR. DEPUTY CHAIRMAN : Just one minute, Mr. Bhupesh Gupta. I think you and Mr. Goray approached the Chairman in this regard and it is under consideration for being taken up as a Calling-Attention Motion

SHRI BHUPESH GUPTA : Then it should be done at the earliest.

REFERENCE TO THE REPORTED POSTING OF TWO THOUSAND POLICEMEN TO PROTECT PRIME MINISTER'S FARM NEAR MEHRAULI

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश) : उपसभापति जी, मैं आपकी आज्ञा से इस सदन का ध्यान एक गम्भीर घटना की ओर दिलाना चाहूंगा। परसों 23 तारीख को माननीय प्रधान मंत्री जी के फार्म पर लगभग दो हजार पुलिस वालों ने जो जुल्म किया उसकी ओर मैं इस सदन का ध्यान दिलाना चाहता हूँ।

(Interruption)

MR. DEPUTY CHAIRMAN : He has been given permission by the Chairman. Please do not interrupt him.

श्रीमती विद्यावती अतुर्वेदी (मध्य प्रदेश) : पुलिस वालों ने जुल्म किया या वहाँ जाँकर लोगों ने अनधिकार चेष्टा की, ला एंड आर्डर तोड़ने की चेष्टा की।

श्री नागेश्वर प्रसाद शाही : श्रीमान्, इस देश में विश्वविद्यालय में पुस्तकालय फूँके जाते हैं और वहाँ पुलिस नजर नहीं आती (Interruption) लेकिन प्रधान मंत्री के 40 एकड़ के फार्म की रक्षा के लिए दो हजार पुलिस लगाई गई . . .

(Interruption)

SHRI AWADHESHWAR PRASAD SINHA (Bihar) : Mr. Deputy Chairman, I would like to know under what Rule the Chairman has given him permission.

श्रीमन, मैं कहना चाहता हूँ

(Interruptions)

श्री उपसभापति : आप एक मिनट बैठिए ।

श्री नागेश्वर प्रसाद शाही : मैं यह कहना चाहता हूँ कि प्रधान मंत्री की समाजवादी व्यवस्था में प्रधान मंत्री ने 40 एकड़ का फार्म बना कर रखा है और उस फार्म पर काम करने वाला व्यक्ति बन्दी प्रसाद है, वह भूमिहीन है, उस भूमिहीन आदमी को कोई अधिकार नहीं दिया गया है ।

श्रीमती बिद्यावती चतुर्वेदी : On a point of order श्रीमन, मेरा प्वाइन्ट आफ आर्डर यह है कि माननीय सदस्य असत्य भाषण कर रहे हैं, 4 एकड़ को 40 एकड़ बता रहे हैं, उनको उसमें संशोधन करना चाहिए, यह बिलकुल असत्य भाषण है ।

श्री नागेश्वर प्रसाद शाही : श्रीमन जी, मैं बता रहा हूँ कि वह 4 एकड़ का फार्म नहीं है, 40 एकड़ का फार्म है ।

श्री उपसभापति : वहाँ बताया गया है कि 4 एकड़ का फार्म है ।

श्री नागेश्वर प्रसाद शाही : जो आदमी उस खेत पर काम करता है वह भूमिहीन मजदूर बन्दी प्रसाद है और उस भूमिहीन बन्दी प्रसाद को सही माने में कब्जा दिलाने के लिए संसोपा के 36 सत्याग्रही वहाँ गए और वे अपने इस एवंगतिय वयान के मातहत गए कि वे बन्दी प्रसाद को कब्जा दिलाएंगे । वह बन्दी प्रसाद प्रधान मंत्री द्वारा नौकर रखा गया है और उसे केवल 80 रुपया माहवार दिया जाता है । 80 रुपया माहवार पर काम करने वाला बन्दी प्रसाद उस भूमि को जोतता-बोता है लेकिन उसको कोई अधिकार नहीं दिया गया है ।

श्रीमती बिद्यावती चतुर्वेदी : ला एंड आर्डर क्यों तोड़ा जा रहा है ?

श्री नागेश्वर प्रसाद शाही : संसोपा के 36 सत्याग्रही जो बिलकुल शांतिपूर्ण तरीके से गए थे उनको दो हजार पुलिस वालों ने घसीटा

(Interruptions)

SHRI AWADHESHWAR PRASAD SINHA : Mr. Deputy Chairman, under what Rule has the Chairman given him permission?

श्री नागेश्वर प्रसाद शाही : 36 आदमियों में संसद के दो सदस्य भी थे ।

श्री उपसभापति : अभी आप बैठिए ।

श्री नागेश्वर प्रसाद शाही : उनको भी दो हजार पुलिस वालों ने घसीटा । मैं, श्रीमन, यह कहना चाहता हूँ कि चूंकि यह मसला प्रधान मंत्री के फार्म का है और प्रधान मंत्री के फार्म पर सत्याग्रहियों के साथ इस तरह की ज्यादती की गई इसलिए गृह मंत्री को उसपर बयान देना चाहिए । यह एक गम्भीर मसला है ।

सभा नेता (श्री के० के० शाह) : यह जो बात उन्होंने कही गलत है । 40 एकड़ नहीं उन के पास केवल 4 एकड़ जमीन है । (Interruptions) चार एकड़ सब को रखने का अधिकार है । उस दिन भी मैंने कहा था कि आप यह बतायें कि हर एक के पास कितनी जमीन है । कोई दूसरी जगह उन की जमीन नहीं है ।

श्रीमती बिद्यावती चतुर्वेदी : 40 एकड़ है या 80 एकड़ है, लेकिन क्या नियम विरुद्ध इस तरह से किसी दूसरे की जायदाद पर कोई कब्जा कर सकता है ?

श्री नागेश्वर प्रसाद शाही : 2000 पुलिस वहाँ पर लगायी गयी थी, हमारी मदद को पुलिस कहीं नहीं आती ।

(Interruptions)

SHRI ANANT PRASAD SHARMA
(Bihar) : On a point of order . . .

श्री अनंतप्रसाद शर्मा : मेरा प्वाइंट ऑफ ऑर्डर है।

MR. DEPUTY CHAIRMAN :
Please sit down.

SHRI ANANT PRASAD SHARMA :
Sir, I am standing on a point of order. With all respect to the Chair, may I know under what rules he is allowed to raise individual matters in this House? I would also like to know whether the Chairman gave permission to this gentleman after hearing what he wanted to raise. That is what I wanted to know. . .

(Interruptions)

SHRI A. P. CHATTERJEE (West
Bengal) : I am on a point of order.

MR. DEPUTY CHAIRMAN : What
is your point of order ?

SHRI BHUPESH GUPTA (West
Bengal) : We have not even discussed the question of land far above the ceiling . . .

(Interruption)

MR. DEPUTY CHAIRMAN : Please
sit down. I have called Shri Chatterjee.

SHRI A. P. CHATTERJEE : Mine is a procedural point. The procedure followed in this House is like this. If a Member goes to the Chairman and gets his permission to make a statement at what is called the zero hour, then he makes it and that is the end of it. But now I found for the first time the Leader of the House rising in his seat—the Prime Minister was also rising up—to oppose what has been said. I do not know what the Prime Minister wanted to say. I do not think this is the procedure of the House. As far as the Leader of the House is concerned, according to the procedure of the House he should not get up and oppose what the hon. Member was saying after getting due permission from the Chairman.

MR. DEPUTY CHAIRMAN : There
is no point of order.

SHRI A. P. CHATTERJEE : This
is a point of procedure and I want a ruling upon this. Is it your ruling

then that from the next time onwards, whenever a Member makes a statement with the permission of the Chair, others also can speak on that ?

MR. DEPUTY CHAIRMAN : I
have to reply to his point of order. Actually there is no provision in the rules of procedure, but as I have said earlier and as it has been the practice in this House . . .

AN HON. MEMBER : It is a very
wrong practice.

MR. DEPUTY CHAIRMAN : It is
for the House to decide whether to continue or discontinue this practice. We have been following it since long. Whenever any Member goes to the Chairman and approaches him in his chamber for permission to raise some important issue, then permission is given to him. Once permission is given to him, he raises that in the House and it is the option of the Government or treasury benches to make any comments on that statement, if they want to. If the representatives of the Government do not want to make any comments, then the matter ends there.

SHRI K. K. SHAH : My point is
this : How does the Chairman know that four acres of land are being possessed by the Prime Minister? Would it be possible for the Chairman to know how much each Member of this House possesses? First of all, I would suggest that the Members of the House, their relatives and their friends must make this information available to the House and this information as to how much each one of them possesses must be placed on the Table of the House. . .

(Interruptions)

SHRI AKBAR ALI KHAN (Andhra
Pradesh) : There was a Calling Attention Notice. We had a clarifications on that. Now other important business is there before us. It is already 1.30. In order to save the precious time of the House and to finish the work on the Order Paper, may I request you to adjourn the House now ?

SHRI BHUPESH GUPTA : I en-
dorse the proposal made by the Leader of the House. All of us should submit the property returns of the land

we possess. After that we should know who can ask questions and who cannot ask questions.

THE LEADER OF THE OPPOSITION (SHRI S. N. MISHRA) : On this subject I want to make a submission. It is a very important subject which has been raised and I may say why . . . (Interruptions). Let me be emphatically clear on one point. The point that has been sought to be raised by implication was whether the same protection would be extended to the property of a humble citizen . . . (Interruptions). Let me have my say. This is what is occurring on the other side. Only a few days ago, the Prime Minister referred to something about the behaviour in this House. Let her be careful about the behaviour of her own Members. Her Party is a *hulla gulla* party.

Let the Prime Minister make note of it. Here is a definite statement made by an hon. Member that a small farm of the Prime Minister . . .

(Interruptions)

SHRI ANANT PRASAD SHARMA: On a point of order.

SHRI S. N. MISHRA : What point of order can arise out of what I said ?

श्री जगदीश प्रसाद माथुर (राजस्थान) : पहले मैं भी प्लांट आफ आर्डर पर उठा था, लेकिन आपने उनको बुला लिया तो मैं बैठ गया। फिर आपने उनको समय दिया और मैं बैठ गया। किस किस को आप समय देंगे।

SHRI S. N. MISHRA : Let me complete my statement . . .

(Interruptions)

MR. DEPUTY CHAIRMAN : Order, order, please.

SHRI ANANT PRASAD SHARMA: On a point of order.

MR. DEPUTY CHAIRMAN : He is on a point of order.

SHRI S. N. MISHRA : What point of order can arise from my statement ?

SHRI ANANT PRASAD SHARMA : Shri Shahi has made a statement because you said that the Chair had permitted him to make a mention of certain facts in the House. He has already made that statement. Is it proper and is it admissible, if permissible under what rule, for another hon. Member to take advantage of this and make a speech? Now Shri S. N. Mishra is referring to that matter again. This is my point of order.

MR. DEPUTY CHAIRMAN : Only the Member who is permitted to make the statement can raise it. There should be no comment on that by order hon. Members.

SHRI S. N. MISHRA : The hon. Leader of the House said something to which I have to make a suitable reply. Why don't you allow me to speak? You have allowed so many things to be said. You are not allowing me to complete my statement. My point is this : We are paying for the Delhi Police. For protecting a small farm of the Prime Minister a police force to the extent of 2,000 was mustered . . .

(Interruptions)

SHRI ANANT PRASAD SHARMA: Sir, my point of order was whether any hon. Member . . .

(Interruptions)

SHRI S. N. MISHRA : Will the same protection be extended to any small farmer? Was not the use of force disproportionate to the task—2,000 policemen to be mustered for protecting a small farm of four acres of land?

Sir I am making another submission.

MR. DEPUTY CHAIRMAN : No, no.

SHRI S. N. MISHRA : Sir, I was seeking your permission . . .

MR. DEPUTY CHAIRMAN : No, that subject is over now.

SHRI S. N. MISHRA : Sir, . . .

(Interruptions)

MR. DEPUTY CHAIRMAN : No, that subject is over now.

(Interruptions)

SHRI S. N. MISHRA : No, please. Please do not try to . . .

(Interruptions)

MR. DEPUTY CHAIRMAN : It is already 1-30 now. The House stands adjourned till 2-30 P.M.

The House then adjourned for lunch at thirty minutes past one of the clock.

The House reassembled after lunch at half-past two of the clock, MR. DEPUTY CHAIRMAN in the Chair.

RE REMARKS MADE BY THE PRIME MINISTER IN THE RAJYA SABHA ON THE 20TH AUGUST, 1970—*contd.*

SHRI S. N. MISHRA : Mr. Deputy Chairman, I am sorry to come back to the point which I had raised in the morning.

MR. DEPUTY CHAIRMAN : Why do you want to rake up that question again ?

SHRI S. N. MISHRA : I am only making a brief submission. I am sorry to come back to the point which I had raised this morning. We wanted the chapter to be closed but the remarks made by the Prime Minister have in fact worsened the position. So we reserve the right to raise this point again when she is here because her words have been very hurtful to our sentiments. We have now the full text of her speech. Her speech has not improved the position. Instead of soothing our sentiments, she had said some words which are hurtful to our sentiments.

MR. DEPUTY CHAIRMAN : You have made your point.

THE INDIAN TELEGRAPH
(AMENDMENT) BILL, 1970

THE MINISTER OF STATE IN
THE MINISTRY OF INFORMATION
AND BROADCASTING AND IN

THE DEPARTMENT OF COMMUNICATIONS (PROF. SHER SINGH) :
Sir, I beg to move :

“That the Bill further to amend the Indian Telegraph Act, 1885, be taken into consideration.”

Section 5 of the Indian Telegraph Act, 1885 confers powers on the Government on the occurrence of any public emergency or in the interest of public safety to take possession of licensed telegraph and to order interception of messages. The provision of Section 5 infringes the Fundamental Rights contained in article 19(1)(a) of the Constitution. The Law Commission considered section 5 of the Indian Telegraph Act 1885 and took the view that it would be desirable to bring the language of the section in line with the permissible rights of restrictions under article 19(2) of the Constitution, namely, security of the State, public order, incitement to commission of an offence and friendly relations with foreign States. Now the other recommendation of the Law Commission was that sub-section (2) of Section 5 which bars judicial review of any action taken under this section should not be there.

So to achieve these objects, this Bill has been brought before the House and I hope it will now give permission for its consideration.

The Question was proposed.

MR. DEPUTY CHAIRMAN : Mr. Das, are you moving your motion ?

SHRI BANKA BEHARY DAS (Orissa) : If the Minister is going to move the two amendments standing in his name, then I will not move my motion for circulation.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : It is going before a Select Committee.

SHRI BANKA BEHARY DAS : I am not moving my motion.

SHRI JAGDISH PRASAD MATHUR (Rajasthan) : I move :

“That the Bill further to amend the Indian Telegraph Act, 1885, be referred to a Select Committee of the