

[Mr. Chairman]

Rules of Procedure and Conduct of Business in the Rajya Sabha, I have allotted one and a half hours for the completion of all stages involved in the consideration and return of the Income-Tax (Amendment) Bill, 1965, by the Rajya Sabha, including the consideration and passing of amendments, if any, to the Bill.

LEAVE OF ABSENCE TO SHRI NARLA VENKATESWARA RAO

MR. CHAIRMAN: I have to inform Members that the following letter dated the 26th February, 1965, has been received from Shri Narla Venkateswara Rao:—

“As I have not yet fully recovered from the after-effects of the heart-attack which I suffered during the Winter Session of the Rajya Sabha, I request you to kindly obtain for me leave of absence from the House for the whole of the current Session.”

Is it the pleasure of the House that permission be granted to Shri Narla Venkateswara Rao for remaining absent from all meetings of the House during the current session.

(No hon. Member dissented.)

MR. CHAIRMAN: Permission to remain absent granted.

REFERENCE TO CALLING ATTENTION NOTICE *RE* DETENTION OF MEMBERS OF LEFT COMMUNIST PARTY ELECTED TO KERALA ASSEMBLY

SHRI BHUPESH GUPTA (West Bengal): Sir, I have given a Call Attention Notice about the continued detention of the 29 Members of the Communist Party (Marxist) who have been elected to the Kerala Assembly, thereby making it impossible for the normal constitutional process to function by the creation of a new non-Congress Ministry. I think it is a very serious situa-

tion which has been created and it should be considered by this House. Therefore, I would like the hon. Home Minister to make a statement. By this continued detention of so many M.L.As. they are frustrating the constitutional process and he has created the impression among non-Congress parties that even if they wanted to form a coalition Ministry, they would not have a working majority in the House owing to the absence of so many of the Members who are in detention. Also, they are creating the impression among the Congress and others that they can form a Ministry in Kerala because in the absence of so many people they would have 53 people in the Assembly and the strength of attendance would be reduced to 104 or 105. Therefore, I say the Congress Government is open to the very serious charge in this matter, of obstructing the constitutional process, after the elections were held. When the elections were held, it was presumed that the Government wanted the normal constitutional provisions to come into operation. But now when the elections have been held and the Congress does not have a majority and is not in a position to form a government, they are having recourse to this detention. Therefore, it is serious. I do not wish to say anything as far as this detention is concerned. The Kerala election results have been a clear slap, a powerful slap, on the face of the Home Ministry and the people have rejected this detention of people without trial. I demand the release of all the people detained, especially these 29 who have been elected and who are still held in custody. The Government should help the constitutional process, but instead, they are trying to obstruct it for partisan ends. Therefore, the Home Minister should kindly tell us. We have given notice for discussing the situation arising out of the Kerala Mid-Term Elections, and since it is now under the Central Government, I would like the intervention of the Government. It is very important in order that the Constitution can have full play and in order to see that it is not frustrated in narrow partisan interests by a party which has been defeated crushingly in Kerala.

SHRI ARJUN ARORA (Uttar Pradesh): What about your own party?

SHRI BHUPESH GUPTA : That does not matter. We are not in authority. The Centre is in authority there.

MR. CHAIRMAN : Please, you need not say anything. Yes, Mr. Nausher Ali.

SHRI SYED NAUSHER ALI (West Bengal) : Sir, the charge levelled against Left Communists by the hon. the Home Minister has been proved to be thoroughly unfounded by the Kerala elections. There is no justification whatsoever for further detention of these detenues and they should be released forthwith. To keep them in detention means, in my opinion, a fraud on the Constitution. I do not wish to say anything more now because I have already told you and that I just put in two sentences. I will speak on the Budget about this subject in detail.

MR. CHAIRMAN : The notice has come. We would pass it on to you. Does the Home Minister want to make a statement now ?

SHRI BHUPESH GUPTA : The Home Minister should at least say here what he means by continuing to hold them in jail after their election. He went there and told the people, that ninety per cent. of them were with him and he has been rejected by the people.

MR. CHAIRMAN : This is not the place to be angry.

SHRI BHUPESH GUPTA : I do not want to be angry.

SHRI A. D. MANI (Madhya Pradesh) : Sir, I want to ask a point of information.

MR. CHAIRMAN : The notice has come. Mr. Mani, the matter is not under discussion now. You have ample time . . .

SHRI A. D. MANI : I only want to ask a point of information.

MR. CHAIRMAN : No please.

THE MINISTER OF HOME AFFAIRS (SHRI GULZARILAL NANDA) : If notice comes, in due course of time we would take notice but there was something used which comes very naturally to them, violent language of that kind.

SHRI BHUPESH GUPTA : You violently put people in jail. It is not out of love that you are sending them to jail.

SHRI GULZARILAL NANDA : We can elaborate on that theme later on but the verdict of the electorate is that both the Right and the Left Communists have not fared well. In the previous election, in 1960, they got 44.2 per cent. of the votes and in this they have got only 29.5 per cent. of the votes.

SHRI BHUPESH GUPTA : The Opposition is having the majority votes and they are sitting there with the minority of votes, in Parliament. My question is not that. Why talk of that ?

MR. CHAIRMAN : Will you please sit down ? You have sent the notice and I have passed it on.

SHRI BHUPESH GUPTA : Why don't you ask him . . .

MR. CHAIRMAN : The notice has been sent . . .

SHRI BHUPESH GUPTA : With regard to the percentage of votes . . .

MR. CHAIRMAN : No, that is not the question now. We pass on to the next item.

SHRI BHUPESH GUPTA : What a shameful Government that is there ?

MR. CHAIRMAN : We shall now pass on to the Motion of Thanks on the President's Address. Mr. Misra has not finished his speech. He will continue his speech.

SHRI BHUPESH GUPTA : Come and face a discussion.

MOTION OF THANKS ON THE PRESIDENT'S ADDRESS—*continued*

SHRI LOKANATH MISRA (Orissa) : When I was speaking on Thursday, I was mentioning about a particular portion of the Report of the C.B.I. which says that there was tampering with the files before they were handed over to the C.B.I. Unfortunately, the Home Minister in this House . . .

SHRI DAHYABHAI V. PATEL (Gujarat). He is running away from the House ?

SHRI BHUPESH GUPTA (West Bengal): Does this indicate that he is quitting ? It is so nauseating.

SHRI DAHYABHAI V. PATEL : Quitting what ?

SHRI BHUPESH GUPTA : The portfolio.

SHRI LOKANATH MISRA : . . . said that he did not want to look at the C.B.I. Report which has been placed on the Table of the House in the other place. Whether he reads it or not, it stands there as the Report of the C.B.I. and he does not have the courage to deny the facts.

SHRI BHUPESH GUPTA : Is the Home Minister in *purdah* so that the moment you come with the C.B.I. Report he runs away ?

THE MINISTER OF LAW (SHRI A. K. SEN): We are here.

SHRI LOKANATH MISRA : There is also mention about insertion of quotations much later into the files by the persons in power there. This is something which is extremely irregular but all the same, after going through the C.B.I. Report, which formed the basis for their findings, the Cabinet Sub-Committee which is a sub-committee of Congressmen, all Congress Ministers . . .

SHRI N. PATRA (Orissa): The Cabinet Sub-Committee ought only to be of Congressmen.

SHRI LOKANATH MISRA : He has not taken it in the context in which I mean it. He does not understand things and hence he should not interrupt especially when he does not understand. The Sub-Committee consisted only of the members of a particular Party and therefore, they are supposed to be partisan, especially when, Sir, there is one among those who comes from Andhra Pradesh and got a stricture from the Supreme Court for abuse of power . . .

SHRI A. K. SEN : That is unfair, Sir.

AN HON. MEMBER: What is the name ?

SHRI LOKANATH MISRA : Mr. Sanjiva Reddy. It is an open matter that he got strictures from the Supreme Court . . .

SHRI A. K. SEN : He never got a chance to . . .

SHRI LOKANATH MISRA : The Minister should not break the practice in the House. I would not like the Minister to break the convention. When I am not yielding . . .

SHRI AWADHESHWAR PRASAD SINHA (Bihar) : But you are making false statements.