

[Shri P. N. Sapru]

think, it would be wrong on the part of Parliament and of the Home Minister to place the matter of the election of the Orissa Chief Minister before this House. We should, in this matter, observe the correct democratic conventions, and we shall be going against the letter and the spirit of our Constitution if we were to take into consideration the question of Orissa in this House.

MR. CHAIRMAN : I would like to have the advice of the House as to how long we should go on discussing this matter if the matter is to be brought to my notice and I am asked to do something. I hope, I am not so dense as not to be able to understand the points, which I find are being repeated, but the question is what I can do about it, and I shall look into it. In the further points and arguments put forward let there be no repetition.

PROF. M. B. LAL (Uttar Pradesh) : I won't repeat it; I will just say this, Sir. If it was right on the part of the Central Government to institute an inquiry into the conduct of certain Ministers through the C.B.I., it is also right on the part of that very Government to publish the report and the findings of that C.B.I. I do agree that this House cannot determine who should be the Chief Minister of Orissa. But the Central Government has certain information in its possession, and I would like that information to be published so that it may be possible for the Members of the Congress Party of the Legislature in Orissa to form their own judgment in the matter, and the country may also be saved the trouble of ranking up the question of corruption of the Chief Minister at a later date.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : One word only; I would request through you, Sir, the hon. leaders of the opposition to give me the rule under which this question can be taken up by Rajya Sabha.

SHRI BHUPESH GUPTA: Oh yes.

SHRI AKBAR ALI KHAN : Please quote the Rajya Sabha rule.

SHRI A. B. VAJPAYEE: May I make a submission. Sir ? No rule is required to ask for a copy of the report which the C.B.I. submitted to the Central Government. The machinery of the Central Government has been employed to investigate the charges of corruption, and once the machinery of the Central Government is employed, this House is entitled to know about the findings of that particular machinery. This is all that is required.

SHRIMATI SHARDA BHARGAVA (Rajasthan) : We have no right to postpone any election in a State Legislature.

SHRI A. B. VAJPAYEE : No postponement; we do not want that the election should be postponed; we only want to have a copy of the report of the C.B.I.

MR. CHAIRMAN : I wish to assure the Members of this House that I have thoroughly understood the points of view represented from both sides, the pros and cons, and I will discuss the matter with the Government and see what can be done.

SHRI BHUPESH GUPTA: Has the Home Minister got to say anything ?

MR. CHAIRMAN : No, I would not press for an answer just now because the matter requires discussion.

#### REQUEST FOR RELEASE OF SHRI NIREN GHOSH, M.P., FROM JAIL

SHRI D. L. SEN GUPTA (West Bengal): Sir, I am on an entirely different matter, I am not associating myself with the various observations and submissions made by Mr. Bhupesh Gupta this morning on the question of pro-Peking communists and all that.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : That is finished.

SHRI D. L. SEN GUPTA: I am on the point that Mr. Niren Ghosh, a Member of this House, got the summons from the President of India to attend this Session, but he is now in the Dum Dum Central Jail. He expressed his desire to come and attend the session. He wrote letters personally addressed to the President as well as to the Vice-President (Chairman of this House). Sir, now is it possible just to secure parole for Mr. Niren Ghosh, which is not impossible ? Under special circumstances when paroles are allowed for such circumstances, at least parole might be given to Mr. Niren Ghosh who has signified his intention to attend this House as a Member of it. I am therefore appealing to you, in the name of that prisoner, who is a member of this House and who wants to take part in the proceedings of the House and thereby wants to discharge his duty to his constituency, to see whether it is possible for your honour to request the State Minister for Home Affairs to see if he can allow parole to Mr. Niren Ghosh to enable him to attend this Session.

MR. CHAIRMAN : Yes, Mr. Niren Ghosh wrote to me.

SHRIMATI SHARDA BHARGAVA (Rajasthan) : One word; I would say that this statement is a very important document and it may be circulated to Members so that we may also know about those communists about whom he is talking.

MR. CHAIRMAN: Yes, the Home Minister's statement has been laid on the Table of the House and it is available to the Members. Mr. Niren Ghosh had written to me and the letter was duly acknowledged, but I am very sorry that I was not in a position to do anything in the matter—I could not call him.

SHRI BHUPESH GUPTA (West Bengal) : You received the letter and we request you Sir, to take it up with the Central Government—because he has been arrested under a Central law—with a view to getting him parole from the State Government.

MR. CHAIRMAN : I do not want to do anything in the matter and I could not call him, and I think he has been detained under the law.

SHRI BHUPESH GUPTA : Not under the law; under the Defence of India Rules.

' MR. CHAIRMAN : Passed by us.

SHRI BHUPESH GUPTA : It is on the question of law that the Eighteenth Amendment to the Constitution came in. Eighteenth Amendment to the Constitution was proposed on the assumption that after the emergency this particular provision of the law might be declared invalid and Government might be asked to pay damages for the illegal detentions. Forget that, Sir. Now, when he wrote to you, Sir, I think I would like to know from you: Did you make any inquiry from the Home Ministry whether, in view of all these factors governing a Member of the House, it was possible for them to make it possible for Mr. Niren Ghosh to attend the Joint Session, and this particular session of the Rajya Sabha ? I know your difficulties, but we are entitled to know, since the Member himself wrote to you, whether you did this.

MR. CHAIRMAN : I am afraid, in a case like this, there is no *prima facie* case of privilege involved, and therefore I will not be able to help.

SHRI BHUPESH GUPTA: Anyway, that point you will consider.

### THE PRESS AND REGISTRATION OF BOOKS (AMENDMENT) BILL, 1964

THE DEPUTY MINISTER IN THE  
MINISTRY OF INFORMATION AND  
BROADCASTING (SHRI C. R. PATTABHI  
RAMAN) : Mr. Chairman. Sir. I beg to  
move :

"That the Bill further to amend the Press and Registration of Books Act, 1867, be taken into consideration."

Sir, this Act is one of the old enactments in India and is relatable to entry 39 "Newspapers, Books and Printing Presses" of the Concurrent List in the Seventh Schedule to the Constitution of India. As