

**SHRI FARIDUL HAQ ANSARI:** In view of the difficulties experienced in Delhi over the last five years about the supply of milk, has the Government got any scheme to have its own supply depots?

**SHRI SHAH NAWAZ KHAN:** We have a number of milk collecting centres around Delhi in the districts of Bulandshahr, Meerut, Muzaffarnagar of Uttar Pradesh, the adjoining districts of Punjab and Bikaner. We have these collecting centres.

**SHRI DEOKINANDAN NARAYAN:** May I know whether the collection of milk through contractors has stopped completely? How many co-operative societies have up to now been set up in the area from where milk was being collected by these contractors?

**SHRI SHAH NAWAZ KHAN:** The collection of milk through the contractors has not stopped, and it is our endeavour—and it is also one of the recommendations of the Expert Committee appointed to look into this whole matter—that this collection should be organised on a co-operative basis. One chilling centre has been handed over to a co-operative society in Uttar Pradesh and we are trying to organise co-operatives as fast as we can and when we are in a position to switch over to the co-operatives, we will do so in due course of time.

**SHRI G. M. MIR:** Madam, this question has been raised in this House as well as in the other for over two years last. Would the Minister be pleased to let us know the reason for this shortage and would he also be in a position to tell us as to when this difficulty would be overcome? Would he also be in a position to tell us whether this shortage is expected to be met in 1965, and, if so, to what extent?

**THE DEPUTY CHAIRMAN:** I think this question has been very clearly answered. The difficulties that stand in the way have been mentioned.

**SHRI SHAH NAWAZ KHAN:** The difficulty is due to short supply of milk.

There is not enough production of milk. We are trying to increase the supply of milk in the milk shed areas by giving loans to the farmers to purchase more cattle so that the supply of milk increases. Due to excessive rains, the supply of fodder was also affected very badly in the State of Uttar Pradesh and that too affected the milk supply.

**SHRI C. SUBRAMANIAM:** May I add, Madam, that the main problem is one of upgrading cattle, the existing cattle. The available quantity of milk is always limited and that is why in answer to part (b) we have stated that we have taken up a programme of upgrading cattle by artificial insemination and other methods. It is only when this upgrading takes place and the quantity of milk available is increased that the supply position would improve and we are taking steps towards that end.

\*270. [The questioner (Shri V. M. Chordia) was absent. For answer, vide col. 1678 infra.]

\*271. [The questioner (Shri B. N. Bhargava) was absent. For answer, vide col. 1679 infra.]

#### SUPREME COURT'S VERDICT ON THE JUDICIARY-LEGISLATURE CONFLICT

\*272. { **SHRI ABDUL GHANI:**  
**SHRI SITARAM JAIPURIA:**  
**SHRI U. S. DUGAL†:**  
**SHRI KRISHAN DUTT:**

Will the Minister of LAW be pleased to state:

(a) whether Government propose to accept the Supreme Court's verdict on the power and privileges of the legislature vis-a-vis the judiciary; and

(b) if the reply to part (a) above be in the negative, whether Government propose to amend the Constitution?

†The question was actually asked on the floor of the House by Shri U. S. Dugal

**THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI JAGANATH RAO):** (a) and (b) The matter is under consideration and a statement on behalf of Government will be made after a decision is taken.

**SHRI C. D. PANDE:** In view of the fact that this type of clash between the judiciary and the legislature has arisen only once in the last twelve years and that also due to some misunderstanding on the part of the U.P. legislature and the judiciary at Allahabad, will the Government see to it that it follows no course that will widen the gulf between these two organisations of the State?

**SHRI A. K. SEN:** The hon. Member himself has answered the question.

**SHRI M. S. GURUPADA SWAMY:** Is it a fact that the Supreme Court has tried to bring the question of the fundamental rights of the citizens along with the question of the privileges of the Members of the legislature and that this question has created a number of difficulties and embarrassment to Members of Parliament? May I know whether Government proposes to take this question out of that context and view it broadly from the point of view of the privileges of the Members of the Houses of legislatures and Parliament and whether the Minister is in a position to assure the House that this matter of equating the fundamental rights of the citizens with the privileges of the Members will not be taken into consideration?

**SHRI A. K. SEN:** Madam, I do not think the Supreme Court, as I read the opinion, has equated the fundamental rights with the privileges of the Houses. There is no question of equating the two things; they are quite

separate. What they have said is, as I read the opinion, that so far as the outsiders are concerned, for contempt committed outside the House, the powers of the legislature or of Parliament are subject to the fundamental rights and they have not mentioned all but only article 21. As I read the opinion, not the judgment—because when I used the word “judgment” objection was taken to it elsewhere—I do not consider that the Supreme Court has gone into the right of the legislators or Members of Parliament to commit Members or outsiders for contempt outside the precincts of the House. That, in my submission, as I read the opinion, remains completely unfettered.

**SHRI FARIDUL HAQ ANSARI:** In view of the fact that in different States contradictory statements are being made that are likely to create confusion between the two wings, may I know why Government is not deciding this question speedily?

**SHRI A. K. SEN:** I do not agree with the hon. Member that the Government is not tackling this question. Hon. Members do not, I suppose, certainly desire that this matter which is of importance should be disposed of within a second.

**JIWAN CHAMAN LALL:** May I, with your permission, Madam, ask the hon. Minister whether it is a fact that it is not for the Government to propose the acceptance or the rejection of the Supreme Court's verdict but that it is for the legislature itself to decide?

**SHRI A. K. SEN:** Certainly but the Government will express its own views to both the Houses.

**SHRI A. D. MANI:** Madam, is there any proposal before the Government to the effect that before they take a decision on this question, they would invite publicly the opinion of citizens in respect of their fundamental rights vis-a-vis the rights of the legislatures?

SHRI A. K. SEN: I think the public opinion is expressing itself without the aid of Government.

SHRI B. K. P. SINHA: Madam, the hon. Minister has given a particular interpretation of the opinion of the Supreme Court but the issue arose because a certain gentleman allegedly committed contempt outside the House and when he was brought before the House, he committed inside the House and before the Speaker contempt of the House. Therefore, this opinion of the Supreme Court really binds down the legislature even in dealing with this . . .

THE DEPUTY CHAIRMAN: Are you giving an opinion or asking a question?

SHRI B. K. P. SINHA: I am asking a question. He has given one interpretation and my interpretation is different and in the light of my interpretation, I want his opinion. Therefore, this is really the question. This contempt was committed inside the precincts of the House, before the Speaker and before all the Members of the House and that is why this issue arose. In these circumstances, the Supreme Court has held that the High Court was within its rights to go into the question. Does it not clearly indicate that even in issues where contempt is committed inside the House, the legislature and Parliament are now bound down?

SHRI A. K. SEN: I do not read the opinion, Madam Deputy Chairman, in that light. It is true that in the instant case the contempt was committed within the House itself but the matter is pending before the Allahabad High Court in a petition and that petition has not been disposed of yet and this question will have to be answered in that case. Therefore, one of the things that are weighing with the Government in arriving at a decision is that the matter itself has not been disposed of by the Supreme Court. The Supreme Court has answered certain questions put before it for opinion but

so far as this instant case is concerned, the merits of the case have to be judged in the light of the Supreme Court's opinion when that case is disposed of finally by the High Court.

SHRI M. P. BHARGAVA: May I know whether Government propose to get this matter considered in the two Houses before it finally makes up its mind?

SHRI A. K. SEN: I personally think that it is not the Government's view so much that matters. It is Government aiding both the Houses that matters. Both the Houses will have to arrive at their own conclusion, as the hon. Mr. Chaman Lal has said. It is really for the Houses to decide and Government really aids by assisting in such way as it can both the Houses in such important matters.

SHRI M. S. GURUPADA SWAMY: Madam, is it the contention of the Minister that any contempt committed by any citizen outside the House should not be dealt with by the House itself? Does he imply that any contempt committed by any citizen outside the House will necessarily attract the jurisdiction of the High Courts or the Supreme Court? If that is so may I draw his attention to the case of Mr. Karanjia which was dealt with some time ago by Lok Sabha? In that case the contempt was committed outside the House but he was summoned to the House and was admonished.

SHRI A. D. MANI: He was not sent to jail.

SHRI A. K. SEN: I do not contend at all, nor can the Government contend that the Houses here, or in the States, do not have the right to punish outsiders for contempt of the House committed outside the House. That right has not even been challenged by the Supreme Court. That has been conceded by the Supreme Court. What has been held is that that

right is subject to challenge on three grounds mentioned in the opinion namely, illegality, *mala fide* and frivolous grounds. If the order, the right to issue which is undoubtedly possessed by Parliament here as also the legislatures in the States, suffers from any of these three vices namely, that the order was made on *mala fide* grounds, that the order was made on frivolous grounds or if it is illegal, then such an order is not conclusive simply because of the fact that the order is made in general terms. The power of the House to punish persons whether outsiders or insiders for contempt committed outside the House is conceded by the Supreme Court.

SHRI C. D. PANDE: In view of the fact that there are 15 legislatures in the country including the Central Legislature, if one legislature commits a contempt of another legislature, what will be the final authority in deciding the case?

THE DEPUTY CHAIRMAN: It is hypothetical.

SHRI C. D. PANDE: It may happen any day.

SHRI A. K. SEN: May I explain? It is not in law possible for any legislature to commit contempt of another because discussions inside the legislature are completely immune even if they are in gross contempt of another House. It is only the propriety, the sense of decorum and self-restraint which prevent one legislature from committing contempt of the others.

SHRI C. D. PANDE: Supposing a Member of this House were to say that a certain legislature has gone mad . . . (Interruptions) I am only giving an instance. What will be the type of case when a member of one legislature says that another legislature has not used its discretion rightly?

PROF. M. B. LAL: Then the chair will pull you up.

SHRI C. D. PANDE: In that case what will be the position?

SHRI A. K. SEN: The Chair will prevent such statements being made but it will not amount to contempt.

SHRI BHUPESH GUPTA: From what has appeared so far at least it will be conceded that there has arisen a very serious conflict of authority between the legislature on the one hand and the judiciary on the other, more especially after the judgment of the Supreme Court . . .

THE DEPUTY CHAIRMAN: Please come to the question as all others have done.

SHRI BHUPESH GUPTA: Madam, this is a legal matter. On such matters one has to explain things. Madam, you have just spoiled the trend. The hon. Minister was saying so many things. It was not all reply; it was elaboration. And I agree that that is how it should be treated. But then I should be allowed also. When I was in the midst of my argument you pulled me up. Anyway I will ask a question. May I know I leave that part because you have prevented me from that, rightly so perhaps from your point of view but very wrongly so from my point of view—from the hon. Minister in view of the developments that have taken place which I need not dilate upon, what steps the Government is now taking in order to bring about harmony in this matter so that the conflict of authority which has arisen is resolved to the satisfaction of on the one hand the rights and privileges of Parliament and legislatures and on the other the fundamental rights enjoyed by the citizens? How are you going to tackle this problem?

SHRI A. K. SEN: Madam Deputy Chairman, the first step that the Government took and rightly so was to refer the entire matter to the Supreme

Court for its advice. If there was not any conflict there was no question of referring the matter to the Supreme Court. If the Supreme Court's opinion itself is again regarded as leading to further conflicts, then such conflicts have to be studied and steps have to be devised. I do not agree that there is any conflict created by the Supreme Court.

\*273. [The questioner (Shri Sitaram Jaipuria) was absent. For answer, vide col. 1680 infra.]

†U.S. AID MISSION REPORT ON  
FERTILISER REQUIREMENTS

\*249. SHRI BABUBHAI M. CHINAI: Will the Minister of FOOD AND AGRICULTURE be pleased to state:

(a) whether the United States Aid Mission which surveyed the fertiliser requirements of the country have submitted their report; and

(b) if so, what are their main recommendations?

THE MINISTER OF FOOD AND AGRICULTURE (SHRI C. SUBRAMANIAM): (a) and (b) A statement is laid on the Table of the Sabha.

STATEMENT

(a) A study report on increased agricultural production has been received from the U.S. Aid Mission in India.

(b) The main recommendations contained in the report are as follows:

(1) There should be a Fertiliser Promotion Corporation dealing with sales promotion and such a Corporation should be formed with representatives from the producers and Government Departments;

(2) Factories in India should be allowed to market their own products and set up their own distribution arrangements for the purpose;

†Transferred from the 27th November, 1964.

(3) The imports to the extent of difference between the demand and the supply of fertilisers should be entrusted to yet another autonomous agency. There should be an import duty on these imports. The marketing agency should allocate the imports to the factories marketing their own products and the proceeds of the duty should be reimbursed to the factories in proportion to their actual sales. The Expert Committee recently set up by Government will, among other things, examine the above recommendations also.

SHRI BABUBHAI M. CHINAI: May I know how the gap between indigenous production and the total demand is proposed to be made up by the Government in the Fourth Plan?

SHRI C. SUBRAMANIAM: This will have to be imported.

SHRI BABUBHAI M. CHINAI: What will be the foreign exchange involved in importing this?

SHRI C. SUBRAMANIAM: I can give the order of our requirements. Perhaps we may have to import round about 300,000 to 450,000 tons of nitrogen per annum. The cost will depend upon the market price, the world market at that time and various other factors.

SHRI N. SRI RAMA REDDY: I would like to know if any attempts for indigenous manufacture of these fertilisers are being made either with the aid of the U.S. Aid funds or with the aid of a consortium as is talked of in the papers recently?

SHRI C. SUBRAMANIAM: A consortium known as Bechtel Corporation has come forward for the purpose of studying the question of the setting up of one million ton capacity of nitrogenous fertilisers in the country. They have undertaken a feasibility study and the report will be available sometime in January.

SHRI B. K. P. SINHA: May I know if the consortium of American busi-