

THE REPORT OF THE INDIAN DELEGATION TO THE UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT HELD IN GENEVA

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI S. V. RAMASWAMY): Sir, I beg to lay on the Table a copy of the Report of the Indian Delegation to the United Nations Conference on Trade and Development held in Geneva from March 21 to June 16, 1964. [Placed in Library. See No LT-2964/64].

SUPPLEMENTARY DEMANDS FOR GRANTS FOR EXPENDITURE OF THE CENTRAL GOVERNMENT (EXCLUDING RAILWAYS) FOR THE YEAR 1964-65

THE MINISTER OF LAW AND SOCIAL SECURITY (SHRI A. K. SEN): Sir, with your permission, on behalf of Shri T. T. Krishnamachari, I beg to lay on the Table a Statement showing the Supplementary Demands for Grants for Expenditure of the Central Government (excluding Railways) for the year 1964-65.

REPORT OF THE JOINT COMMITTEE OF THE HOUSES ON THE PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL, 1963

SHRI ARJUN ARORA (Uttar Pradesh): Sir, I beg to lay on the Table a copy of the Report of the Joint Committee of the Houses on the Bill further to amend the Prevention of Food Adulteration Act, 1954.

EVIDENCE TENDERED BEFORE THE JOINT COMMITTEE OF THE HOUSES ON THE PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL, 1963

SHRI ARJUN ARORA: Sir, I beg to lay on the Table a copy of the

evidence tendered before the Joint Committee of the Houses on the Bill further to amend the Prevention of Food Adulteration Act, 1954.

STATEMENT ON THE FLOOD SITUATION IN THE COUNTRY

THE DEPUTY MINISTER IN THE MINISTRY OF IRRIGATION AND POWER (SHRI S. D. MISRA): Sir, I beg to lay on the Table a Statement on the flood situation in the country. [Placed in Library. See No. LT-2969/64].

**BILL LAID ON THE TABLE
THE STATE BANK OF INDIA
(AMDT.) BILL, 1964**

SECRETARY: Sir, I beg to lay on the Table a copy of the State Bank of India (Amendment) Bill, 1963, as passed by the Lok Sabha.

MR. CHAIRMAN: The Prime Minister will make a statement on the Commonwealth Prime Ministers' Conference held in July, 1964, in London, at 12.45 P.M. today.

SHRI BHUPESH GUPTA (West Bengal): Sir, as far as the flood statement is concerned, we would like to have a discussion in this House. We are giving notice of a motion for an early discussion of the situation.

SHRI A. B. VAJPAYEE (Uttar Pradesh): We want a discussion on the flood situation and we have given notice of a motion.

MR. CHAIRMAN: We should have time to study the statement.

ENQUIRY RE MOTIONS FOR PAPERS AND CALLING ATTENTION NOTICES

SHRI M N GOVINDAN NAIR (Kerala): I have given notice of a Motion for Papers regarding the situation arising in Kerala due to the refusal of the Chief Minister to

resign even when on 3rd September it had been proved that he does not enjoy the confidence of the Assembly . . .

MR. CHAIRMAN: In regard to notices of this kind, the practice in future will be that notices have to be sent to the office. I will put them on the agenda when I permit their discussion. I do not put them on the agenda they should not be discussed. Sometimes I require time to consult the Government. Sometimes something else happens. For instance, there is a question on that very topic during the Question Hour.

SHRI M. N. GOVINDAN NAIR: have served the notice in time.

MR. CHAIRMAN: Your notice was received today.

SHRI M. N. GOVINDAN NAIR: The question is that already the Kerala Assembly has registered its no-confidence in the Ministry and one of the Ministers from the Central has gone there and he has returned.

MR. CHAIRMAN: What do you want me to do?

SHRI BHUPESH GUPTA: The position is this. The Central Government comes into the picture.

MR. CHAIRMAN: I do not say it does not come. Please sit down. A notice has come to me. I have not been able to consider it. It came at 11 o'clock. I am not an electronic computer. It will take some time to consider these things, some time to consult the Government.

SHRI BHUPESH GUPTA: Now, our motion is here. The motion is in our names. There was a clear demonstration. In a House of 125 members 71 did not like it and have lost confidence. Now, it is the President's task to protect and defend the Constitution and under articles of the Constitution it is the task of the Central Government to advise.

MR. CHAIRMAN: I am not saying materially about the proposition. I received notice at 11 o'clock and you want me to decide it at 12.

SHRI BHUPESH GUPTA: It is common knowledge, it was in the newspapers.

THE MINISTER OF LAW AND SOCIAL SECURITY (SHRI A. K. SEN): Sir, on a point of order. A no-confidence motion against the Ministry in Kerala has been admitted, and it is due for discussion. Pending that discussion in the State Assembly, in my submission this House has no jurisdiction to discuss that.

SHRI BHUPESH GUPTA: I oppose that point of order.

MR. CHAIRMAN: I do not want the reasons. I have not allowed discussion.

SHRI BHUPESH GUPTA: Because the Minister has said that.

MR. CHAIRMAN: When I allow discussion, you will have ample opportunity.

SHRI BHUPESH GUPTA: I want a statement by Government. The Government says that the matter is being discussed in the State Assembly. They did not say this thing in 1959 when we were in the Ministry. Every day these things are brought here. All I say is, what was the Government doing between the 3rd September and now when it was clearly informed that the Kerala Ministry led by Mr. Sankar did not have the confidence of the House? Was it not the duty of the Central Government to advise the Governor that the Ministry should not stick to office in violation of the constitutional principles, in violation of the parliamentary practices, conventions and so on? I would like to know what the Government did. Mr. S. K. Patil, a member of the Central Government, was sent to Kerala, and it is reported that he met the Governor. Therefore, all

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these things come in. Mr. Sankar will go in spite of yourself? But what the Central Government was doing for the protection and defence of the Constitution is the point we want to raise here.

SHRIMATI SHARDA BHARGAVA (Rajasthan): Sir, on a point of order. When you have not allowed discussion, why is he speaking so much?

SHRI BHUPESH GUPTA: I would not like to join issue with the hon. Lady Member.

SHRI P. L. KUREEL URF TALIB (Uttar Pradesh): Sir, I have given notice of a motion regarding the food situation in the country. It has been admitted. It is the most urgent problem facing the country today.

MR. CHAIRMAN: Mr. Kureel, please understand the procedure. If it is admitted and given a date, it will be discussed on that day.

SHRI P. L. KUREEL URF TALIB: My only submission is that it should be given top priority.

MR. CHAIRMAN: You should not expect me to do the work of the office in the House. If you want to know what has happened to it, what date has been fixed and so on, you can enquire in the Secretariat or come to me in the Chamber.

SHRI P. L. KUREEL URF TALIB: No-day-yet-named motion will take a long time.

SHRI BHUPESH GUPTA: Sir, I want your guidance in another matter. I have given two notices, one calling attention notice with regard to the setting aside of the election of Mr. Ram Ratan Gupta, and another on the same subject, notice of motion for papers. I do not want the Minister to go into the matter which is *sub judice*. But I should like to know what steps the Government have taken so that a public enquiry is instituted under

the Commissions of Inquiry Act in order to go into the question of the political personalities and authorities who may have been involved in the matter according to the judgment. The judgment has been in their hands for several days. The matter has been discussed in the Assembly and surprisingly you will have noted that the Chief Minister . . .

SHRI ARJUN ARORA (Uttar Pradesh): The matter, I may inform the House, is being discussed in the U.P. Assembly today. Why should you be impatient? Raise it tomorrow.

SHRI BHUPESH GUPTA: I do not know why Mr. Arora is supporting me internally and opposing me externally. What I said was, the Chief Minister, Shrimati Sucheta Kripalani, made a lengthy statement in which she dilated upon the conduct of the electoral officer and the returning officer who are under the exclusive jurisdiction of the Election Commission. She had no business to make the statement without hearing the position of the Election Commission in the matter. Yet she made a lengthy statement exonerating it. With regard to the political matters which were brought in, no suggestion was made as to what steps would be taken. In fact Shrimati Kripalani's statement was a distressing one. The Government was shaken by the event, one of the greatest scandals in elections. (Interruption).

Multimillionaires and Congress politicians combine in order to tamper with the ballot papers and get a defeated candidate elected. (Interruption). I would like to know what the Minister has to say what they are going to do. Are they going to institute an enquiry, under the Commissions of Inquiry Act? It is their responsibility in the matter.

SHRI A. B. VAJPAYEE (Uttar Pradesh): Sir, I have also given notice of a motion on the same subject. The motion has been addressed to the Law Minister. I would like to know

whether they are going to make a statement or not or how much time they will take to inform the House

MR CHAIRMAN You should let the Law Minister say something

SHRI A B VAJPAYEE It should have been included in the Order Paper

SHRI BHUPESH GUPTA Since the Law Minister is present, let him say whether he is studying this matter or whether any step is under the contemplation of the Central Government.

MR CHAIRMAN Let him say something

SHRI ARJUN ARORA Sir on a point of order Can an hon Member of this House raise a discussion on a statement made by the Chief Minister of UP on the floor of the UP Assembly? He cannot He has already issued a Press statement In doing that he was within his rights but he cannot raise a discussion here

SHRI BHUPESH GUPTA I want to know the position of the Government of India in the matter.

THE MINISTER OF LAW AND SOCIAL SECURITY (SHRI A K SEN) Sir, a copy of the judgment of the Election Tribunal was received by me on late Saturday evening, about 300 pages, and I must say I have not been able to give it that serious study and thought which it deserves But before it reached us, the UP Government had already, it seems started acting on the matter and as far as my information goes it has been confirmed by communication received from the Chief Secretary of the UP Government this morning that disciplinary proceedings against returning officer, Mr Nigam, have already been initiated and he has been put under suspension because under our Constitution and our law regular disciplinary proceedings have to be initiated and he will have to be given a

charge-sheet and the fullest enquiry is to be made about the allegations which appear to have been made and accepted by the Election Tribunal.

SHRI BHUPESH GUPTA *Quid pro quo* business

SHRI A K SEN In the meantime, Sir, an appeal has been preferred by Mr Ram Ratan Gupta who has been unseated, and the appeal has been admitted, and therefore it will not be proper to go into the merits of the question pending decision by the High Court But so far as the duty of the Chief Election Commissioner under the Representation of the People Act is concerned, the matter is under our study and under the study of the Chief Election Commissioner because there are certain provisions in the Representation of the People Act which may be invoked for the purpose of the Chief Election Commissioner taking some action in the matter for enquiry into these serious matters on his own, and we shall be able to inform the House before long as to what further proceedings are decided upon by the Chief Election Commissioner on the basis of this judgment

Regarding the statement of the Chief Minister of UP, I concede that she was entitled to say something on behalf of the UP Government because there is an allegation it appears, even in the judgment itself which says that Mr Nigam was promoted as a *quid pro quo* for this thing that he had done by way of tampering with the elections for the Gonda parliamentary seat Well it is a serious reflection and if it is true no government deserves being in power I suppose, Sir that if such an observation was going to be made it is not for me to say because the matter is under judgment and I do not know what steps the UP Government would be taking to have the propriety of this judgment tested in the other Court, but speaking for myself I am inclined to think that no such observation should be made in the absence of the party concerned, that is the

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U.P. Government. And it should have been heard—that is the minimum that our laws require—when any observation, any finding, is made against a party, and the U.P. Government was not a party. I do not mind any observation being made against the Electoral Officer, against the Returning Officer or any officer who was connected. But if an allegation of that sort was going to be made against the Government that this officer was promoted because of his misdeeds, in my submission, the least that the U.P. Government deserved was a hearing, at least a right to be heard whether this was a fact or not. Well, whether that right of hearing was given to the U.P. Government or not, I am not in a position to say because I have not studied the proceedings. And if it had not been given, then in my submission it is open to the U.P. Chief Minister to say that that observation against the U.P. Government was unjustified because if it had been given a hearing . . .

SHRI BHUPESH GUPTA: No. How? In what manner? He was a judicial tribunal acting under the law. Evidence was led on the basis of which Mr. . . .

(Interruptions).

MR. CHAIRMAN: You please . . .

SHRI A. K. SEN: Mr Gupta will enquire from his lawyer colleagues. He is himself a lawyer.

SHRI BHUPESH GUPTA: A judge made the judgment. I did not make it.

SHRI A. K. SEN: Even a judge is not entitled to make an observation against a party which has not been heard. That is the law in every country, in every civilised country. And as I say, I do not know, well, whether that hearing was given to the U.P. Government as such or not before such a serious observation was made.

SHRI ARJUN ARORA: The U.P. Government said that it was not heard.

SHRI A. K. SEN: If it was given that opportunity, without saying anything more, I am certain that the Chief Minister would have made her representation on behalf of the U.P. Government and because that opportunity was denied to the U.P. Government before this observation was made, therefore after the observation is made, the least that can be given to it is the right to be heard.

AN HON. MEMBER: When she had not a copy of the . . .

(Interruptions).

MR. CHAIRMAN: I will not allow any further discussion. Please sit down.

(Interruptions).

SHRI BHUPESH GUPTA: I have a submission to make.

MR. CHAIRMAN: No, Mr. Gupta. Will you please sit down?

SHRI BHUPESH GUPTA: This statement is made . . .

SHRI P. L. KUREEL URF TALIB: Sir . . .

MR. CHAIRMAN: Mr. Kureel, I will not allow anything further.

SHRI BHUPESH GUPTA: On the one hand he asks . . .

MR. CHAIRMAN: Item No. 12 of the Order Paper . . . (Interruptions.) Please sit down.

SHRI P. L. KUREEL URF TALIB: This is about my own motion.

MR. CHAIRMAN: I will not allow anything, I will not listen to anything now. (Interruptions). I will proceed to item No. 12 of the Order Paper.

SHRI P. L. KUREEL URF TALIB:
I am speaking about my own motion.

Mr. CHAIRMAN: I will not allow anything.

SHRI P. L. KUREEL URF TALIB:
At least you can request the hon. Minister.

Mr. CHAIRMAN: You had not spoken to me about this before. If you would just listen to me, Mr. Gupta had come to me and explained that he wanted to raise this question. The Law Minister was here, therefore I allowed him to speak. I will not allow any other motion—Motion for Papers or any other—no ice of which has been given, to be discussed till it has been decided or it is on the Order Paper.

SHRI P. RAMAMURTI (Madras):
May I just make a . . .

SHRI JAIRAMDAS DAULATRAM (Nominated): May I request that the next item on the agenda be taken up?

SHRI P. L. KUREEL URF TALIB:
May I ask the hon. Minister to make a statement on the food situation?

Mr. CHAIRMAN: I will do nothing of the kind. (Interruptions.) Please sit down. Item No. 1 of the Order Paper.

THE SEEDS BILL, 1964

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD AND AGRICULTURE (SHRI D. R. CHAVAN): Sir, I move for leave to introduce a Bill to provide for regulating the quality of certain seeds for sale, and for matters connected therewith.

The question was put and the motion was adopted.

SHRI D. R. CHAVAN: Sir, I introduce the Bill.

THE INDUSTRIAL DISPUTES (AMENDMENT) BILL, 1963—continued.

Mr. CHAIRMAN: The Industrial Disputes (Amendment) Bill, 1963. Shri Abdul Ghani had not finished his speech. He may now continue. Mr. Abdul Ghani.

श्री عبدالغنى (پنجاب): میں نے ختم کر دیا تھا۔

†[श्री अब्दुल गनी (पंजाब): मैंने खत्म कर दिया था।]

Mr. CHAIRMAN: Mr. M. P. Bhargava.

SHRI M. P. BHARGAVA (Uttar Pradesh): Mr. Chairman, Sir, I rise to support this Bill which has been brought forward by the Ministry of Labour and Employment. I congratulate the Minister for bringing forward this salutary measure but it could have been much better if a consolidated Bill had been brought before the House rather than this piecemeal one, which has been going on since the Industrial Disputes Bill became an Act in 1947. If I may tell the House, as many as 14 amending Bills have already been passed after this Act. The first was the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948. Then came—

2. The Industrial Disputes (Banking and Insurance Companies) Act, 1949 (54 of 1949).
3. The Adaptation of Laws Order, 1950.
4. The Repealing and Amending Act, 1950 (35 of 1950).
5. The Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950).

†[] Hindi transliteration.