

[Secretary] received from the Lok Sabha, signed by the Secretary of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Indian Medical Council (Amendment) Bill, 1958, as passed by Lok Sabha at its sitting held on the 10th September, 1958."

Sir, I lay the Bill on the Table.

**THE BANARAS HINDU UNIVERSITY* (AMENDMENT) BILL, 1958—
*continued.***

MR. CHAIRMAN: We originally assigned 5 hours to the Banaras Hindu University Bill. We have already taken 5 hours and 20 minutes. I see there is a great deal of general interest and eagerness on the part of many Members to speak. We are doubling the time. It is going to be 10 hours. And that means that at about 4 o'clock, the Minister will reply and the rest of the things must be done in an hour after that.

Shri Amolakh Chand.

SHRI V. K. DHAGE (Bombay): We will sit through the lunch hour, Sir?

MR. CHAIRMAN: We sit through the lunch hour, of course. Otherwise how can all the Members desiring to participate in this discussion be accommodated?

DR. R. B. GOUR (Andhra Pradesh): Does it not mean then, Sir,—as a corollary it follows—that the time allotted to the parties is doubled?

MR. CHAIRMAN: We will see.

DR. R. B. GOUR: Thank you very much.

MR. CHAIRMAN: What I want to say is that there are twenty speaker! whose names are with me, and I should like them to be brief in their speeches as much as possible.

PROF. A. R. WADIA (Nominated): Sir, I just wish to draw the attention of the press that there is an error in describing me as a Member of the Mudaliar Committee and also as a member of the Executive Council.

MR. CHAIRMAN: There are so many distinguished Wadias and that caused the confusion.

PROF. A. R. WADIA: We expect better reporting from the press. I was not a member of the Mudaliar Committee.

MR. CHAIRMAN: You are not a member of the Mudaliar Committee but you are now a member of the Executive Council.

DR. R. B. GOUR: In the confusion, Sir, he got better publicity in the press than he expected.

MR. CHAIRMAN: Shri Amolakh Chand.

SHRI AMOLAKH CHAND (Uttar Pradesh): Mr. Chairman, Sir, it is with a genuine and a real feeling of pain and sorrow that I rise to support the Bill which is under consideration.

**REFERENCE TO NOTICE OF
MOTION FOR PAPERS RE INCIDENTS IN U.P. LEGISLATURE**

MR. CHAIRMAN: Home Minister, shall I take that question now, now that you are here.

THE MINISTER OF HOME AFFAIRS (SHRI GOVIND BALLABH PANT): If you choose to take it.

MR. CHAIRMAN: Yes, Dr. Gour.

DR. R. B. GOUR (Andhra Pradesh) : Sir, I draw the attention of the hon. the Home Minister, now that he is here, to this that I had given notice of a Motion for Papers concerning the serious violation of the privilege and immunities that are normally enjoyed by legislators in U.P. and also concerning in my opinion, the breakdown of the constitutional machinery in the U.P. Assembly. I would like to know the opinion of the hon. the Home Minister in this regard in view of the national approach of the policies that we here have decided or the Government here have decided or suggested to be implemented in the States. I also add, Sir, that the constitutional machinery has come to a standstill in U.P. so far as the normal working of the Assembly there is concerned.

SHRI GOVIND BALLABH PANT: Sir, I do not know what Dr. Gour has in mind because I myself don't see any breakdown of constitutional machinery anywhere. I can say that some attempts have been made in certain places, outside the jurisdiction of the Union, to create troubles, to carry on campaigns of organized breaches of the law and to disturb the functioning of the Assemblies, to use a very mild expression, in an extremely unseemly manner. All these are activities which have to be dealt with according to law in order that the dignity and majesty of the law and the decorum and the dignity of the legislatures may be preserved. I do not know if in the history of the legislatures in our country such rowdy scenes, as were witnessed in the Legislative Assembly of U.P. have ever been enacted. I was extremely distressed when I heard of that occurrence, but I was perplexed and perhaps I felt a little anguish when I saw that responsible Members, instead of condemning such activities, even in a way complained about the steps taken, steps that were unavoidable for allowing democratic bodies to function in a

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regular way, and it is also, I fear, a perversion of democracy to defy the laws that are framed by the representatives of the people. I do not know what notion certain sections have about democracy, but if the laws framed by the legislatures are to be defied in an organized way, then democracy has hardly any substance or meaning left. Similarly, if legislatures cannot function, if the word of the Speaker is not accepted, if Members, when asked to sit down, sh>ut and when asked to leave the House, defy such orders and not only that but when the House has to suspend its business, they go up to the Speaker's dais, sit on his chair and speak from there and after that when agarin approached, to leave, they defy the orders, their sympathisers form a cordon around them, they form a chain with other Members linked together arm by arm, if such be the real method employed to accomplish the purposes of democracy and for enforcing the procedure and methods which democracy demands, then I am afraid some of us have to differ from that view.

I will not enter into any ideological argument or unnecessary dissertation. It is a matter of some relief that those who had been opposed to democracy as such have at least now learnt to declare their allegiance to democracy, but there should be no reason for thinking that those who have always stood by democracy are now adopting methods which would lead to the paralysing of democracy.

Sor far as this particular motion is concerned, it is not admissible at all. The jurisdiction of the Speaker in a House is not subject to revision even by the Speaker or by the revered Chairman here or by this House. Even a Legislative Assembly is quite free to adopt its own procedure and the Speaker in every House has the last word. So there is no revisional jurisdiction here vested in any other body.

[Shri Govind Ballabh Pant.] Then so far as other matters are concerned, two or three things have been jumbled up here. I do not think that, under the Rules, even if it were a matter within our jurisdiction, any such motion could have been admissible, but I submit it is also—I say it with sorrow—such as does not befit the sobriety of Dr. Gour.

SHRI BHUPESH GUPTA (West Bengal): Sir, I have a submission to make. We brought it to your notice and we wanted to discuss this matter because we considered it involved some constitutional implications. Sir, I realise that you have no jurisdiction over the Speaker, but we in Parliament have certain functions to perform. You are the Chairman of the House sensitive to the dignity of the House and we appreciate it even though sometimes we do not agree with some of the things you say, but we have no doubt in our mind that you cherish dignity. Therefore we brought it. We said that the constitutional machinery has come to a certain kind of dislocation. We said it because the Opposition in U.P. has now decided not to participate in the Assembly session. At present they represent 58 per cent, of the electorate in that State whereas the Congress Party represents only 42 per cent. Now, Sir, if such a state of affairs comes about there, well, you will see that something is very wrong in the kingdom of Denmark. Now, I would ask you to consider this matter. Sir, every word the hon. the Leader of the House has said has only added insult to injury. Now, here is a photograph of how members were taken out by the constabulary. I do not know what will remain of Parliamentary democracy and institutions if the constabulary were to treat members of the legislature in this manner. Was it not possible ...

SHRI AWADESHWAR PRASAD
SINHA (Eihar): They deserve no
better treatment

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SHRI BHUPESH GUPTA: Let me finish. I ask, was it not possible to adjourn the House? In Britain it is done when a similar situation arises. Even in our country it has been done. I do not think you would have thought of using the constabulary against me although you have used strong words against me. This is the position. Here is the picture; today's 'Hindustan Times' carries this. Sir, it is not merely the dignity of Parliament and democracy which is being outraged; human dignity is being outraged and I think that we should be apprised of this and we must show concern. I request you, I beg of you, to condemn this kind of thing without naming anybody. I do not ask you to extend your jurisdiction to where it does not lie. Your counsel and advice certainly lie further than the precincts of this House.

MR. CHAIRMAN: Thank you.

SHRI BHUPESH GUPTA: Sir, it is a matter of profound disappointment that the Leader of the House should not have seen that things have gone very wrong there and we should be concerned about it. Mutual discussions should take place as to how things could be settled. Insinuations, insults and accusations have been flung; I do not know how to react to it. I know you might feel annoyed if I gave expression to my real feelings. I would not after what you said day before yesterday.

MR. CHAIRMAN: That will do.

SHRI BHUPESH GUPTA: I would still say, Sir, you hold consultations with all of us. I am prepared to sit with them and let us see how such a state of affairs can be remedied. Sir, nothing will remain of the institutions of Parliament and democracy if such vandalism goes on in the legislature in the name of saving democracy.

SHRI H. N. KUNZRU (Uttar Pradesh): Sir, may I ask a question

before he replies? It has been said that Shri Raj Narain Singh, whatever his defiance of the Chair may have been, was handled with unnecessary roughness and that he was, while being carried out, dealt with in such a way that he was badly hurt. Are these allegations true? If they are, then I think something more than what has been said by the Home Minister is needed.

DR. R. B. GOUR: Sir, I would like to ask one thing because this morning I informed you of the point that I wanted to raise.

MR. CHAIRMAN: I have passed it on.

SHRI BHUPESH GUPTA: We shall not put it in his hands; we shall put it in your hands.

DR. R. B. GOUR: He has passed it on—that is what has been said.

Sir, my point is this. I am sorry to say that the hon. the Home Minister will have to give a little explanation of the actual situation that is obtaining and that is really engaging the representatives of the people. Sir, I have received a wire from the Deputy Leader of the Com-munist Group in Lok Sabha to the Leader of our Group in our House and I would like . . .

MR. CHAIRMAN: He will refer to it now.

DR. R. B. GOUR: Let the House be in possession of the subject-matter.

MR. CHAIRMAN: You put it here on the Table. If you want it to be circulated it will be done.

DR. R. B. GOUR: My only point is this. In spite of the fact -that there is no section 144 or any emergency provision of the law in force in Azamgarh still the police is entering houses, arresting people, beating and chasing people. That is

the situation that is obtaining without—let me remind you—section 144 or any of the emergency provisions of the Criminal Procedure Code being in force.

SHRI GOVIND BALLABH PANT: Sir, Mr. Kunzru has put two questions to me. So far as I am aware, no excessive force was used, nor was anything done to cause any injury to Shri Raj Narain. In order to remove misunderstandings on this point, I should like to read out—though it is a somewhat longish document—the full report that I have received.

SHRI BHUPESH GUPTA: Here is the photograph; have a look at it. Photographs do not tell lies.

MR. CHAIRMAN: We saw it in the morning.

SHRI BHUPESH GUPTA: But he has not seen it; this is specially brought for him.

SHRI GOVIND BALLABH PANT: I have two reports, the report of the Marshal and also a report of the Senior Superintendent of Police. The report of the Marshal is in Hindi but it is almost on all fours with the report that I have received from the Senior Superintendent. Sir, I will read it out. It will give the full facts so that there will be no misunderstanding of the facts.

REPORT

After the question hour on the above date a large number of adjournment motions, which had been moved by the members of the Opposition parties in connection with the arrests of certain political leaders, were disallowed by the Speaker, Shri Raj Narain Singh, M.L.A. (Socialist) continued to speak in spite of the repeated warnings of the Speaker. The Speaker had to ultimately name him. Even then Shri

[Shri Govind Ballabh Pant.] Raj Narain Singh continued to defy the orders of the Speaker. The Chief Minister then moved a resolution proposing that Shri Raj Narain Singh be suspended from the services of the House for a period of 15 days. This resolution was adopted by the Vidhan Sabha. The counter-resolution of Shri Raj Narain Singh proposing suspension of Shri Sampurnanand for a month was turned down. When Shri Raj Narain Singh persisted in disobeying the orders of the Speaker and continued to disturb the proceedings by shouting, the Speaker ordered the Marshal to eject him from the House. During this period 12 other members of Socialist Party also continued to shout slogan* such as *Inqilab, Zindabad, Sampurnanad ki Hallet Sarkar Hai, Sampurnanand Nikale Jain*, etc. At this the Speaker ordered the House to be adjourned for a period of 10 minutes and the Marshal was instructed to eject Shri Raj Narain Singh from the Hall. When the Marshal approached Shri Raj Narain Singh he was pushed aside by the latter. The Marshal then, under the orders of the Speaker, obtained police assistance.

2. About 6 unarmed Civil Police Constables entered the Assembly Hall at 12-30 P.M. with the Marshal. By this time Shri Raj Narain Singh and 12 other members of Socialist Party had mounted the dais of the Speaker and Shri Raj Narain Singh was shouting from the microphone of the Speaker. For a short while Shri Raj Narain Singh occupied the chair of the Speaker and shouted slogans from the microphone of the Speaker. He had been cordoned off by his party members. When the Marshal and the Police approached the dais Shri Raj Narain Singh prostrated himself on the floor of the dais. When the Civil Police Constables approached Shri Raj Narain Singh with a view to remove him from the Hall they were roughly pushed back

and were repeatedly obstructed by his Party members from carrying out the orders of the Speaker. It became impossible for these 6 constables to overcome the resistance of these 13 defiant members. At this stage the Marshal decided to strengthen the Police Force and went out to bring reinforcements. During this period Shri Raj Narain Singh and his Party members went back to their seats and continued to shout slogans from there. The Marshal returned with about 18 unarmed members of Provincial Armed Constabulary. The Platoon Commander of the P.A.C. on arrival requested Shri Raj Narain Singh and his colleagues with folded hands to kindly leave the Hall so that there may be no necessity of using any force. Shri Raj Narain Singh angrily shouted at him that he should turn out Sampurnanand instead of him. Under the orders of the Marshal, Police started ejecting Shri Raj Narain Singh from the Hall to which he and his party members offered great resistance. They caught hold of the desks and formed a cordon with linked arms around Shri Raj Narain Singh and with great difficulty they could be taken out to the corridor. Shri Raj Narain Singh again prostrated himself in the corridor from where he and his Party members again broke into the Vidhan Sabha Hall. It was now clear that without ejecting those members also who were preventing the removal of Shri Raj Narain Singh it would be impossible to carry out the orders of the Speaker. Orders then were received from the Speaker through the Marshal to eject all those members also who were obstructing the removal of Shri Raj Narain Singh from the Hall. Vigorous resistance was again offered by Shri Raj Narain Singh and his colleagues to the police. At one stage Shri Raj Narain Singh caught hold of the microphone stand and pulled at it with the result that it was broken. During this period all these members continued to be very rowdy and used their full physical strength in obstructing the police.

3i They also continued shouting the following slogans at the top of their voice:—

Inqilab Zindabad, Sampurnanand ki Sarkar ka Yeh Hal Hai. Goli Se Mara, Yeh Hallet Shahi Nahin Cha-legi, Yeh Goondon ki Sarkar Hai, Yeh Sampurnanand ki Goonda Gardi Dekho, etc.

4. It was with great difficulty that police could remove Shri Raj Narain Singh and his colleagues from the Hall. Shri Raj Narain Singh offered so much resistance that 6 persons failed to carry him bodily with the result that about 12-13 constables had to be used to carry him out of the Vidhan Bhavan precincts.

5. The orders of the Speaker, conveyed to the Police through the Marshal, were carried out with the use of minimum force under the direct supervision of the Marshal throughout. In spite of great provocation the police force displayed commendable restraint throughout this operation.

SHRI BHUPESH GUPTA: I would like to know whether this statement was given to him by the Speaker.

SHRI MULKA GOVINDA REDDY (Mysore): That is one-sided version of it, of what has happened in the Lucknow Vidhan Sabha. But from what we have read in the Press and what we have learnt, it seems a great deal of excessive force was used in the Assembly. Will he hold a judicial enquiry into what has happened there in the Vidhan Sabha?

(Interruptions')

SHRI GOVIND BALLABH PANT: When a complaint was made by one or two members that they had been rough-handled, the Speaker said that he would enquire into the matter himself and see if there was any truth in it.

SHRI BHUPESH GUPTA: I want to know whether the statement is the

version of the Speaker given to him, because that will have importance; or is it the version of somebody else?

(Interruptions)

SHRI GOVIND BALLABH PANT: If this version does not satisfy one, if one does not feel sorry for what happened, then what will induce one to restore decency?

MR. CHAIRMAN: I think we must close this discussion. I am sorry really that such scenes should occur, ugly, vulgar scenes drawing our whole institution of democracy into disrepute. Democracy means good manners, consideration for others, disciplined behaviour. In the arsenal of democracy the greatest weapon we have is discussion and the greatest enemy is prejudice, obstinacy, intransigence. We must by meeting one another, talking to one another, come to some kind of agreement which may be the minimum or anything like that. But this makes me sad, not because of its own character, but it is symptomatic of a general kind of unrest, indiscipline, defiance of authority that you find in different places all around. It is our duty, whatever party we belong to, so long as we are pledged to the adoption of democratic methods, to see that such occurrences are not repeated.

SHRI BHUPESH GUPTA: I have understood it. I have listened to . . .

MR. CHAIRMAN: Nothing more now.

SHRI BHUPESH GUPTA: But you say who are responsible for it.

MR. CHAIRMAN: I am saying we must come to an agreement.

SHRI BHUPESH GUPTA: I entirely appreciate it. I am grateful to . . .

(Interruptions)

MR. CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: No, Sir . . .

MR. CHAIRMAN: Please, Mr. Bhupesh Gupta. Mr. Amolakh Chand.

**THE BANARAS HINDU UNIVERSITY (AMENDMENT) BILL, 1958—
*continued***

SHRI AMOLAKH CHAND: Mr. Chairman, it is with a genuine and real feeling of grief and sorrow and pain that I rise to support the Bill which is for consideration before this House.

[MR. DEPUTY CHAIRMAN in the Chair.]

I do not only belong to the city of Banaras, but I have got all that I have today by being in that institution. For six years, from the year 1923 to 1929, when the revered Mahamana Pandit Madan Mohan Malaviya was the Vice-Chancellor, I recollect the love and affection which the University teachers and the Vice-Chancellors used to bestow upon the University students. That was the practice then. Every student had some contact with every professor and the Head of the Department' and the Principal. Now, Sir, it was so even in the case of those day scholars who were not residing within the campus of the University. I am also one of those who, having left the University, have never participated in this University's politics or anything of the sort, and I have no desire even today to do any such thing. My approach to this Bill, therefore, is—I would respectfully submit before the House—a disinterested unprejudiced approach, and it is from the point of view of a layman living in the city of Banaras that I have been reading the Report which has been submitted by the Mudaliar Committee. As I have already indicated, I am supporting the action that has been taken by the Government. I would probably have avoided and would not have been tempted to go through the Mudaliar Committee Report, but what I found yesterday was that even learned

Vice-Chancellors like Dr. Kane have got an impression that whatever is written in the Mudaliar Committee report is the truth, the whole truth and nothing but the truth, except that there may be some exaggerations here or there. It is with pain that I refer to this Committee. This Committee was appointed in July 1957 with five eminent persons of India. We know what a five-person committee means. The whole system of ancient panchayats had been drawn from wise persons, independent persons who looked into things. In fact, they were no less than the *Panch Parameshwar*. I do not know whether in the city of Banaras, they went to gain *darshan* of Viswanathji, when they had no idea to enter even the campus of the University. What they did and what we know about it is that they sat at Nadesar House. Some members were present on some days; some were absent on some days and the Vice-Chancellor was the person who was representing the University before that Committee. Now, Sir, I have tried to understand with all compassion and sympathy as to how these five persons could come to such a conclusion. If you see with the experience which we have of the committees that are appointed, we always find that there is some secretariat provided for the committee. Here, if you see page 1 of the Report, what do you find? You find: "The following be appointed to enquire into and report on the said matters relating to the University." You find only five names. If you see any report which has been published, or which has been submitted to the Government, you will find in the end an acknowledgement of the services of the secretariat, the secretary and other persons who have co-operated with the committee. I wanted to find something like that in this Report but I could not lay my hands on it.

SHRI T. PANDE (Uttar Pradesh): The Vice-Chancellor was there.

SHRI AMOLAKH CHAND: I know the Vice-Chancellor was there. I