

# **Haryana Vidhan Sabha**

## **Debates**

**17<sup>th</sup> July, 1968**

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**OFFICIAL REPORT**

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## **HARYANA VIDHAN SABHA**

**Wednesday, the 17th July, 1968**

The Vidhan Sabha met in the Hall of Haryana Vidhan Sabha, Vidhan Bhavan, Chandigarh at 2-00 P.M. of the Clock, Mr. Speaker (Brig. Ram Singh) in the Chair.

### **STARRED QUESTION AND ANSWERS**

**Mr. Speaker** : Question No. 16

**Mr. Speaker** : As I said, I know the reasons and I will tell you in my chamber if you so desire, So, instead of

prolonging the matter here, I think, we can discuss it together in my chamber.

Construction of Hansi by-pass in district Hissar

\*17. Chaudhry Hari Singh Saini: Will the Minister for public works be pleased to state:

(a) the reasons, if any, for the delay in the construction of Hansi by-pass in view of the fact that a Gazette notification in regard to the said by-pass had been issued on the 19th August, 1966 and Rs. 5,000 had been initially sanctioned to start the construction work; and

(b) whether the Government is aware that many lives are lost every year for want of the by pass referred to Part (a) above?

Shri. K.L. Poswal : (a) The work of construction of Hansi by-pass had not been taken in hand so far, as the cost of land is very high and the estimate amounting to Rs. 1,00,000 originally prepared in 1964, did not cover that much cost. In order to meet this difficulty, Hansi by-pass is being aligned along the Hissar Major Canal Bank in consultation with the Irrigation Department.

(b) The Government is not aware of any loss of lives for want of the by-pass.

**Chaudhary Chand Ram:** Sir, It is a very small question. I want to know what is the text of the dialogue which is going on between one department and the other and how long will it take to finalise it?

**Mr. Speaker:** I think the hon. Member might have himself dealt with such matters and he should not press further.

Chaudhary Chand Ram: On the basis of my personal experience I may tell you, Sir, that it takes only a day or a few hours to finalise such things between one department and the other. Mr. Ram Bhari Gaur Minister for Irrigation and power, is sitting by his side and he can give this information.

**Mr. Speaker:** He may be able to give rough estimate. I don't think he can give the exact date.

**Ch. Chand Ram:** Has the Irrigation Department any objection to roads being constructed along the canals?

**Ch. Chand Ram:** Sir, I know that in principle it had been decided that roads should not be constructed along the canals. That is why I have put this supplementary which I now repeat. Whether that principle has been followed or not; if not, why?



Now it is for them to accept or reject it.

**Khan Abdul Ghaffar Kahn:** I would like to know from the hon. Minister as to what have they written to the Irrigation Department and what is the result?

**Minister:** I have already stated that we have written to the department and they have not replied as yet.

**Ch. Chand Ram:** May I know what have they written to the department?

**Minister:** Just for the permission.

**Ch. Chand Ram:** Just for the permission. Then I think the Minister for Irrigation and power, who is sitting by his side, can tell whether that permission has been granted or not.

**Ch. Chand Ram:** I have a right to ask question and it is for the Minister concerned to reply. She (Shrimati Lekhwati Jain) had been the Deputy Chairman of the council for many years and does not even know this much.....

**Shri Daya Krishan:** Sir, this is an aspersion on the hon. Lady members.

**Ch. Chand Ram:** There weas no question of casting aspersion on the Laday Member. I was just bringing to your notice that she had been the Deputy Chairman of the Council for so many years.

Mr. Speaker: Whatever the case may be, I would request the hon. Members not to make personal insinuations.

**Khan Abdul Ghaffar Khan:** Sir, I would like the hon. Minister to give justification for not furnishing the requisite information. If he cannot so do, I think he should not be a minister at all. But, at the same time I am really sorry to hear what Chaudhary Lal Singh has said. It is, in fact, very very funny thing for him to say like this

**Mr. Speaker:** Gentlemen, we have had enough of discussion on this matter. There should be no irrelevant question now. We should take up the next time.

**Ch. Chand Ram :** One more supplementary, Sir. Since this matter of constructing the by pass in Hissar is pending since 1964, may I know by which time it is expected to be completed?

**Ch. Chand Ram:** Sir, a period of four years has since elapsed but, even now the minister construction of the by pass is going to be completed. As a representative of the people, I have every right to ask for such information.

**Mr. Speaker:** I think, the hon. Minister has given a number of answers to this question. It is no use flogging the dead horse any more. You should be rest assured that the Minister will give a definite answer to this question in a few day's time. Let us now take up the next item. This question in a few day's time Let us now take up the next time.

## **POINTS OF ORDER**

**Rao Birender singh:** No, the hon. Speaker can give a ruling saying that whatever business is being carried on in this House, is illegal, because such a situation has arisen in order states as well.

**Malik Mukhtiar Singh:** Sir, the hon. Member has raised a constitutional point and he is quite within his rights in seeking your ruling thereon.

**Shri Daya Krishan:** Sir, such a question cannot be raised without a proper motion.

**Rao Birender Singh:** I say, everything will be wrong. Let us first know whether the Chief Minister has been validly appointed?

**Shri. Daya Krishan:** without any proper notice, such a question cannot be raised in the House. It is all illegal and against the procedure.

Po

int of order is itself a motion

**Ch. Chand Ram:** Sir, any point can be raised after the Question Hour and before any official business is taken up.

Please Sit down.

Chief Minister: the Hon. Member should not behave like thing, otherwise we will have to bring a motion against him, (Noise)

**Mr. Speaker:** The hon. Member should take this seat. I would be grateful.

**Mr. Speaker:** I do feel that the hon. Members should not generate heat unnecessarily. Although it is true that Gupta Jee might have said something about the seat of the hon. Member, Shri Mangal Sein, who may also be right when he said that he was occupying his own seat or that he was speaking from it, but the manner in which some remarks have been made by him (Shri Mangal Sein) is not desirable

(Thumping from the Treasury Benches)

**Shri Mangal Sein:** All right, Sir, I withdraw those remarks. (Interruption)

**Mr. Speaker:** I do feel that the most important thing for all of us is to behave with dignity and maintain the decorum of this House and hope the hon. Members will cooperate with me in this matter.

**Ch. Chand Ram:** Mr. Speaker, Sir, the Congress Benches have thumped their tables as if you have said something against us. (Interruptions)

Further, Sir, I want to raise a point or order. Sir, I know whether the arrangement about seating of Members in this House was made in consultation with the hon. Members, Shri Banarsi Dass Gupta and whether he knew that his particular seat, occupied by Shri Mangal Sein, then he should feel sorry for what he has said.

**Mr. Speaker:** Hoh. Members, all this has happened through misunderstanding I think the matter should be end here.

**Ch. Chand Ram:** That ends the position, Sir,

I think the hon. Members can rise on a point of order and not otherwise.



**Mr. Speaker:** I am afraid; this is not point of order.

Minister for Finance (Shri Om Parkash Jain): Mr. Speaker, sir, with your permission, I would like to say something about the point of Order raised by the Leader of Opposition.

Sir, I would like to invite your attention to Rule 112 of the Rules of Procedure and Conduct of Business in the Punjab Legislative Assembly, This Rule reads—

112(1) A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the speaker

(2) A point of order may be raised in relation to the business before the House at the moment:

Provided that the speaker may permit a member to raise a point of order during the interval between the termination of one item of business and commencement of

another if it relates to maintenance of order in or arrangement of business before the House.

(3) to (7) \* \* \* \*

And Sir, I do not think that taking of the oath by the hon. Chief Minister outside the State can come within the purview of the Assembly or is in any way connected with the rules procedure which govern the functioning of Assembly. Therefore, I would request you, Sir, to rule this point of Order, as out of order.

**Rao Birender Singh:** sir, this matter very much concerns the regulation of the business in the House because the Chief Minister is making the motion presuming to be the Chief Minister. Under the Rules, if he were not the chief Minister, he would not have been moving this motion or conducting the business in the House today. I challenge the very fact, sir, that the Chief Minister has been sworn in as such and that in these circumstances his is not a legally constituted Government. There before any business is transacted.

Minister for Finance: Sir, I do not know how it is connected with the Procedure that regulates the business in this House. If the hon. Leader of the Opposition wants to challenge, then other remedies are available to him.

**Rao Birender Singh:** Sir, through you, I would request the hon. Finance Minister to listen to an example. Supposing a person, who is not even a Member of this House takes the oath of office somewhere outside India when the Governor is on holiday there and that person comes here and

takes the set of the chief Minister, then what will be the remedy?

Similarly, Sir, the Chief Minister says that he is the Chief Minister of the state having been sworn in by the Governor as such outside the state and, sir, I object that he is not a legally appointed Chief Minister, which objection can only be covered by a point of Order.

**Minister for Finance:** No, certainly not.

**Rao Birender singh:** I want your ruling, Sir, on the Point of Order raised by me and I do not want to listen to any opinions.

**Mr. Speaker:** Other hon. Members have a right to express their opinion.

**Ch. Chand Ram:** May I know, Sir, what right they have got, to advise the chair?

**Mr. Speaker:** A point of Order cannot be raised on a point of Order.

**Minister for Finance:** It can certainly be rised. Why cannot it be raised?

**Mr. Speaker:** First of all I wish to bring to the notice of the hon. Members that if I think it necessary I am fully entitled to hear the views of various Members even on a point of Order raised by an hon. Member.

Secoundly, I would request Rao Birender Singh to please show it to me if it is anywhere laid down that the Chief Minister cannot be sworn in by the Governor outside the Stae.

**Ch. Chand Ram:** On a point or order, Sir.....

**Shrimati Chandravati:** when the speaker has given his ruling, I think, he has no right to say anything about it.

**Mr. Speaker:** I have allowed him to raise this point of Order.

**Ch. Chand Ram:** Sir, there is specific question before your and before the House, that is, whether there is any validly constituted Government ; whether there is a valid Chief Minister or Leader of the House and unless you give a categorical ruling about the validity of the Government/Chief Minister, no business could be transacted in this House.

**Mr. Speaker:** As I said before, the main plea taken by Rao Birender Singh is that since the Chief Minister was given oath in Delhi, he does not consider him a valid Chief Minister. Now I am putting a question to him—where has it

been laid down that the oath cannot be taken by the chief Minister outside the state?

**Mr. Speaker:** I have not given any ruling as yet. I have merely asked him to elucidate his point.

**Mr. Speaker:** He is Governor of Haryana whether he is in Delhi or elsewhere.

**Rao Birender Singh:** This is a point on which I seek your ruling The Governor has certain function and he has to

discharge certain duties under the Constitution in his State. When he functions inside the State he functions as Governor and when he is out of the State he cannot discharge certain duties as Governor. Taking of oath of office by the Chief Minister is a very solemn occasion which concerns the whole of the State. Here we are not concerned merely with the Chief Minister ship of Shri Bansi Lal. But the Questions whether he is validly appointed Chief Minister or no ; and whether the Governor can function outside the state or not? This is the question before us. The Governor was in Delhi, which is outside the territory of Haryana, when he administered oath of office to the Chief Minister. Swearing-in-ceremony of the Chief Minister is perhaps the biggest function of the Governor which he should have performed in the state and not outside. So, I am of the view that the Governor cannot discharge this function outside the State.

**Mr. Speaker:** This is your opinion.

**Rao Birender Singh:** This House is very much concerned with it.

**Mr. Speaker:** I am asking the hon. Member to indicate or refer to some rule or any decision in support of his argument.

**Rao Birender Singh:** It has been laid down in the Constitution itself that the Governor will function within the State Of course there are no ruling on his subjects. If you like you may consult the speaker of the Lok Sabha. This is a very important matter and you may give your ruling at a later Stage.

**Ch. Khurshid Ahmed** (Minister for Health): Sir, the question before the house is not in the legal form. It is only a hypothetical conjecture, that is, whether the Governor can administer oath outside the State or not, and no hypothetical question can become the subject matter of a point of order. This is specifically provided in Rule 112(6) which reads as under:—

“(a) A member shall not raise a point in order:—

\* \* \* \* \*

(d) which may be hypothetical.

\* \* \* \* \*”

So, the hon. Member is specifically debarred from raising a hypothetical question which is in no way justified. May I ask him-where has it been laid down that the Governor

cannot administer oath to the Chief Minister outside the state?

**Rao Birender Singh:** May I know the meaning of hypothetical? This is a fact which is being questioned. There is nothing hypothetical in it.

**Finance Minister:** I think the point of order is linked to certain rules regulation. The business of the Assembly is also regulated by the Rules of Procedure and Conduct of Business and in it, it has been specifically provided that a point of order will be linked to the regulation of the business in the House. Therefore before you give any ruling on the point raised by him, I would like to request you to first decide this question whether the matter raised by him falls within the purview of point of order or not?

**Mr. Speaker:** Now there are two questions before us. As to the view expressed by Chaudhri Khurshed Ahmed, I think, that is not probably correct because he (Rao Birender Singh) has referred to a certain incident. However, as to the question posed by the hon. Finance Minister I have to think over it and will give my decision later. This also applies to the point raised by Rao Birender Singh.

**Ch. Chand Ram:** Kindly give your ruling on the point whether this is a point of order?

**Shri Daya Krishan:** If the House proceeds it means that the point of order is rejected.



**Mr. Speaker:** Thank your very much gentlemen, No more discussion on this point. Let us now proceed with the next item regarding Obituary References’.

## **OBITUARY REFERENCES**





















**Mr. Speaker:** I shall be grateful if your do not do that.













**(INTERRUPTION AND NOISE)**

**Mr. Speaker:** We are dealing with an important, rather a serious matter. I would therefore, request that nobody should interrupt.

**Mr. Speaker:** Members a great deal has been said about the various departed leaders. Indeed, they were very great man and they rendered distinguished service to our country. I fully associate myself with the deep feelings that

have been expressed by my colleagues, I shall no doubt, convey the sympathies of this House to the bereaved families and at the end, I would request you to observe two minutes' silence whiel standing as a mark or respect to them.

(At this stage, two minutes' silence was observed while standing)

## **ADJOURNMENT MOTION**

**Mr. Speaker:** Shri Mangal Sein has referred to his three adjournment Motions. In regard to his motion No. 1 concerning Chandgigarh, Bhakr and other Hindi Speaking Areas, the motion has been disallowed by me on the following grounds :—

- i. The honorable member would have ample opportunities to discuss this matte at various stages during the Budget Session;
- ii. No adjournment motion can be admitted during the Budget Session.

I, therefore, declare it out order.

As regards his adjournment Motion No. 2, regarding inadequate great of funds for the development of Haryana, this also has been disallowed by me for the following reasons:-

- i. The honorable member would have ample opportunities to discuss this mater at various states during the Budget Session;
- ii. There is a convention that an adjournment motion on a matter which can be raised during the debate on the motion of thanks on the Governor's address or on the budget being discussed in the same session, is not in order.

And those, of course, as I mentioned earlier, no adjournment motion can be admitted during the Budget Session.

**Mr. Speaker:** The Hon. Member has heard my ruling. If he wants to say anything further about this adjournment motion, he should please come to my Chamber and discuss it with me.

### **CALL ATTENTION NOTICE**

**Mr. Speaker:** Now we take up call attention Notices. Call attention Notice No. 1 by Shri Mangal Sein concerns the supersession of the Municipal committee, Karnal. This has been disallowed on the ground that the matter pertains to ordinary administration of law and it is also of in a Court of Law.

Call Attention Notice No. 2 concerning floods in village Nizampur also stands in the name of Shri Mangal Sein. He may please read out his notice.

**Shri Mangal Sein:** Sir, due to heavy floods a village named Nizampur of Haryana State was inundated and fourteen persons lost their lives. What means were adopted by the Government to save the lives of those persons and how to protect those villages from being devastated by floods? I want to draw the attention of the Government to clarify their position in this matter. (Interruptions by a Lady Member)

**Mr. Speaker:** The hon. Members are aware of what has been said by a certain colleague. I do feel what we should have the habit of give and take and should not get excited over minor or small things. There is something known as humour.

Let us keep the decorum and we should not be unnecessarily soft skinned.

The Call Attention Notice is admitted. The Hon. Minister may please the matter tomorrow.

**Minister for Irrigation and power:** Sir, I will make a statement about this matter tomorrow.

### **PANEL OF CHAIRMEN**

**Mr. Speaker:** Now I have to announce the panel of Chairmen.

Under Rule 13(1) of the Rules of Procedure and conduct of Business in the Punjab Legislative Assembly, I nominate the following members on the Panel of Chairmen:-

1. Shrimati Chandravati.
2. Malik Mukhtiar Singh
3. Shri Daya Krishan
4. Lala Balwant Rai Tayal

### **GOVERNOR'S Address**

**(Copay laid on the Table of the House)**

**Mr. Speaker:** In pursuance of Rule 18 of the Rules or Procedure and Conduct of Business in the Punjab Legislative Assembly, I have to report that the Governor was pleased to address the Haryana Legislative Assembly on the 16<sup>th</sup> July, 1968, under Article 176(1) of the Constitution.

A copy of the address is laid on the Table of the House



































## **ANNOUNCEMENT BY THE SECRETARY**

**Secretary:** Sir, I beg to lay on the table of the House statement showing the Bills which were passed by the Haryana Legislative Assembly during its (Budget) Session, 1967] and assented to by the Governor/President:-

### **STATEMENT**

1. The Punjab Excise (Haryana Amendment) Bill, 1967.
2. The Land Acquisition (Haryana Amendment) Bill[ 1967.
3. The Punjab Land Revenue (Haryana Amendment and Validation) Bill, 1967.
4. The Pepsu Tenancy and Agricultural Lands (Haryana Amendment) Bill, 1967
5. The Punjab Security of Land Tenures (Haryana Amendment) Bill, 1967.



6. The Punjab Passengers and Goods Taxation (Haryana Amendment) Bill, 1967.
7. The Punjab Gram Panchayat (Haryana Amendment) Bill, 1967.
8. The Punjab Panchayat Samities and Zila Parishads (Haryana Amendment) Bill, 1967.
9. The Haryana Appropriation (No. 2) Bill, 1967

### **MOTION UNDER RULE 30**

**Chief Minister (Shri Bansi Lal):** Sir, I beg to move-

That rule 30 of the rules of Procedure and conduct of business in the Punjab Legislative Assembly be suspended and Government business be transacted on Thursday, the 18<sup>th</sup> July 1968.

**Mr. Speake:** Motion moved-

That rule 30 of the Rules of Procedure and conduct of business in the Punjab Legislative Assembly be suspended and Government business be transacted on Thursday, the 18<sup>th</sup> July, 1968

**Mr. Speaker:** A motion has been moved and I have to put it before House.

**Mr. Speaker:** No discussion is allowed. If you wish, all of you, the Chief Minister, the Leader of the Opposition and the Leader of the Jan Snagh Party in the House, can discuss it informally. I am afraid when the motion has been moved, no discussion is allowed. I have to put it to the vote of the House.

Sir, I want you ruling on this point.

**Mr. Speaker** : Please take your seat.

Hon. Members no discussion please. I wish to mention that in is my sacred duty to preserve and protect your

rights but the procedure adopted by the Chief Minister is provided in the Rules. I suppose you have got the copy of the Rules and you may read Rule 30 in this connection. So, the motion has to be put to the vote of the House.

**Mr. Speaker:** Question is-

That rule 30 of the Rules of Procedure and conduct of Business in the Punjab Legislative Assembly be suspended and Government business be transacted on Thursday, the 18th July, 1968.

After ascertaining the votes of the Members by voices, Mr. Speaker said "I think the Ayes have it". This opinion was challenged and division was claimed. Mr. Speaker after calling upon those Members who were for "Aye" and those who were for "No", respectively, to rise in their places and on account having been taken, declared that the motion was carried.

The motion was carried

**WALK-OUR**

**PAPERS LAID ON THE TABLE**

**Mr. Speaker:** The next item on the Agenda is :

“papers to be laid on the Table)

**Labor Minister: (Chandri Ram Singh) :** Sir, I beg to lay on the Table a copy of the Fourth Annual Report of Punjab Agricultural University for the year, 1965-66, together with the comments of the Government, as required under section 34(2) of the Punjab Agricultural University Act, 1961, as amended by Government of India, Ministry of Home Affairs,- vide notification no. 17/70166-SR, dated the 1<sup>st</sup> November, 1966.

**Chief Minister (Shri Bansi Lal):** Sir, I beg to lay on the Table a copy each of the following Notifications under Section 133(3) of the Motor Vehicles Act, 1939,-

- (1) No. GSR-8/CA.4/39/S.68/Amd(1)/67, dated the 22<sup>nd</sup> February 1967
- (2) No.GSR-39/CA.4/39/Ss.24&41/Amd.(2)/67 dated the 31<sup>st</sup> August, 1967.
- (3) No.GSR-24/CA.4/39/Ss. 24&41/Amd.(2)/67, date the 29<sup>th</sup> May, 1967.
- (4) No.GSR-54/CA.4/39/S.68/Amd.(3)/67, dated the 18<sup>th</sup> November, 1967.

**Irrigaton and Power Minister (Shri Ram Dhari Gaur) :** Sir, I beg to lay on the Table of the House.

- (1) The annual Statement of Accounts for the year, 1966-67 and the audit Report of the Punjab State Electricity Board, as required under Section 69 of the Electricity (Supply) Act, 1948;
- (2) The Annual Administration Report of the Punjab State Electricity Board for the year 1966-67, as require under section 75 of the Electricity (supply) Act, 1948;
- (3) The Annual Financial Statement (Budget Estimates) of the Haryana State Electricity Board for the year, 1968-69, as required under section 61 of the Electricity (Supply) Act, 1948.

**Chief Minister (Shri Bansi Lal) :** Sir, I beg to lay on the Table the annual Report of the working of the Haryana Public service Commission for the period from 1<sup>st</sup> November, 1966 to 31<sup>st</sup> March, 1967, as required under Article 323(2) of the constitution.

#### **DISCUSSION ON GOVERNOR'S Address**

**Mr. Speaker:** The next item on the Agenda is:  
“Discuss on  
Governor's Address”.













































**Chirman (Shrimati Chandervati) :** Motion moved-

That an address be presented to the Governor in the following terms -

“That the Members of the Haryana Vidhan Sabha assembled in this Session are deeply grateful to the Governor for the Address which he has been pleased to deliver to the House on the 16<sup>th</sup> July, 1968.”

I have received notice of the following amendments to this motion. There will be deemed to have been read and moved:-

**Shri Roop Lal Mehta :** That in the motion, the following be added at the end, namely,-

“but regret that no mention has been made-

1. Regarding concession of School fee to the children of up middle standard;

2. To start industrial colony in Palwal area;
3. To provide Road to the most neglected area of Palwal constituency from
4. To upgrade civil Hospital, Palwal where the population has increased from 15,000 to 40,000 after partition

That in the motion, the following be added at end, namely,-

“but regret that no mention has been made-

- (1) Regarding the efforts to be made to get Chandigarh which was recommended by the Shah Commission for inclusion in Haryana and also Bhakra and The Hindi Speaking areas which have been forcibly either kept as centrally Administered or give to Punjab, transferred to Haryana;
- (2) Regarding the development to industrial agricultural and other sector in Ambala District;
- (3) Regarding the failure of the Government to fulfil its promises made with the subordinate Government employees and the release of their arrested leaders.
- (3) Regarding the introduction of old age pension for old an destitute persons;
- (4) Regarding the supply of tractors and other accessories to the farmers for the development and machinist on of agriculture.

- (5) Regarding the remission of School fee to the school going children up to middle standard ; and
- (6) Regarding the supply of fertilizers tot the farmers at cheaper rate.”

**Ch. Chand Ram :** That in the motion, the following be added at the end, namely:-

“but regret that no mentions has been made-

- (1) Regarding preventive floods cased by Markanda river and providing relief works like roads in flood effected areas of Khadar areas in Thanesar Tehsil;
- (2) Regarding exemption to tuition fees up to Matriculation Standard to the poor and low income groups and all girl students;
- (3) Regarding taking effective measure for the upliftment of the scheduled castes and Backward class
- (4) Regarding providing cheap tractors fertilizer and emerging tube wells and cheap credit to farmers.”

**Chairman :** I would like the Leaders of various parties to give the names of the members of their parties who intend to speak on the Governor’s address so that I may allot time to those Members accordingly.



















































































the history must have repeated itself















it is matter of great concern for everybody





What about these Minister? What will  
you call them?

(All this state Mr. Speaker occupied the chair.)



















**Mr. Speaker :** Order, please. I will give five minutes more to the hon. Member, tomorrow.

The House stands adjourned till 200 p.m. tomorrow. (The Sabha then adjourned till 2-00 p.m. on Thursday, the 18<sup>th</sup> July, 1968)