

[दा० राम सुभग लिह]

प्रस्तुत किया है उस में ऐसा एक बांधोबान है क्योंकि उन्होंने स्वयं कल्पना किया और वह दिल से कि माननीय विजेता मन्त्री ने कोई ऐसी बात नहीं कही जो सत्य के विपरीत हो और और भी जो वाणिज्य मन्त्री और प्रधान मंत्री के बारे में उन्होंने बातें की तो वाणिज्य मन्त्री के साथ जो बात हुई उनकी वह उन के साथ हुई भी स्वेच्छाना से और डाक्टर लोहिया से, उस का लिखित स्वरूप हम लोगों के पास नहीं है और प्रधान मंत्री भी ने जो जवाब दिया माननीय भी नाथ है जो के प्रश्न के उत्तर में वह हाउस के रेकार्ड पर है। तो इन सारी बातों के बास्ते मैं यह संझोबन रखता हूँ कि :

इस सभा की राय में सदन के विजेता-विकार का परिवर्त्तन मन्त्री, वाणिज्य मन्त्री और प्रधान मंत्री द्वारा कोई उत्संचन नहीं हुआ है।

Shri Dattatraya Kunte (Kolaba): On a point of order, Sir. A motion contrary to the original motion could not be an amendment. It is a substitute motion.

भी मधु लिखये : टीक कह रहे हैं।

Shri Nath Pai (Rajapur): I fully support it. I should say that Dr. Ram Subhag Singh should have been better advised by his colleagues as to the validity of the kind of amendment that he has moved. Kindly look at rule 226. It says:—

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member."

Now, the motion before the House is that it should be referred to the

Committee. What is his amendment? Does he want it to be referred to the Committee or not?

Dr. Ram Subhag Singh: No.

भी नाथ वाई : जरा सह से तुम सीखिये।

Sir, I have been misdirected. If we were debating Dr. Lohia's original proposal, if the House was seized of the motion in substance, that amendment would have been valid and relevant; but the motion before the House is that we refer it to the Privileges Committee. Therefore the motion is out of order and irrelevant.

Mr. Speaker: How is it out of order?

Shri Nath Pai: Let me answer it.

Mr. Speaker: Dr. Lohia is referring it to the Privileges Committee because he thinks that a *prima facie* case is there, but Dr. Ram Subhag Singh's opinion is that there is no *prima facie* case for it to be referred to the Committee.

Shri Nath Pai: I beg of the Minister of Parliamentary Affairs to follow the proceedings a little more diligently and, if possible, more intelligently.

Dr. Ram Subhag Singh: Intelligence is not the monopoly of Shri Nath Pai. He is not in a position to claim monopoly of intelligence.

भी नाथ वाई : गुस्से में मत आइए, जरा सुन सीखिये।

Dr. Ram Subhag Singh: Why should he make such remarks?

भी नाथ वाई : आप वहे बुद्धिमान हैं इसीलिए मैंने कहा।

दा० राम सुभग लिह : हाँ, तो दिलाग ढंडा करके कहिये न।

भी नाथ वाई : इसी लिये मैंने उहांगा।

I am extremely sorry, if Dr. Ram Subhag Singh got the impression that I do not credit him with a lot of intelligence. Precisely because you are intelligent. I submitted that you should follow it intelligently. . (Interruption). Sir, the first stage was that you put the motion and then asked whether there is any objection. The second stage is that the leave is granted. Now, the third stage is either we debate the substantive motion here and now or we refer it to the Privileges Committee. The motion before the House being that we refer it to the Privileges Committee, the objection which ought to have been raised at the earlier stage cannot be raised now. The rules are very clear; the precedents are very clear. The objection that Dr. Ram Subhag Singh is trying to raise ought to have been raised earlier when Dr. Lohia sought the leave of the House. The leave has been granted and the substantive motion before the House is whether we refer it to the Privileges Committee or not. That is the only question. There cannot be an amendment like that. Either we do not refer it to the Privileges Committee or we debate it here and now. The amendment moved by Dr. Ram Subhag Singh cannot be made. The rule is very clear.

Mr. Speaker: I think, Mr. Nath Pai almost made it clear. The motion could also be voted down. He is opposing the motion. It is not as though it is accepted by the House. The motion is before the House.

Dr. Ram Subhag Singh: There is one thing that I want to say. Mr. Nath Pai has been trying to make out that I could have objected to the motion before it was moved. How can that be done once the House grants leave to that being moved here? It is only after that anything can be done. Therefore, I moved this amendment.

Shri Govinda Menon: I think, we should understand the nature of the motion before the House. The question is not whether it was right or

wrong in not giving asylum to this particular lady. The question is not whether she went to Switzerland with the help of America or C.I.A. agent or India or anybody else. The question is not... .

बी जबू लिखें : यह काहे पर बोल रहे हैं? आप की व्यवस्था क्या हुई? . . . (चाल-चाल) आठवें महोदय, यह भावण कैसे कर सकते हैं? नाथ पाई ने व्यवस्था का प्रश्न उठाया है।

Mr Speaker: I am trying to understand the issue.

बी जबू लिखें : तो उस के ऊपर सुनिये न। सबस्टैंटिव मोजन पर कैसे वह बोल सकते हैं?

Mr. Speaker: Not on the substantive motion. I want to hear him on the issue raised by Mr. Nath Pai that an amendment cannot be moved to the motion that is before the House. Later on, he can explain the other things.

Shri Govinda Menon: The substance of the amendment is that there is no case for the motion to go to the Privileges Committee.

Shri Surendranath Dwivedy: No, no.

Shri M. K. Masani: Sir, the statement made by the Law Minister proves Mr. Path Pai's point. The Law Minister just admitted that the substance of the amendment is that there is no case for referring it to the Privileges Committee. In that case, the amendment is out of order. Rule 34(2) clearly says:

"An amendment shall not be moved which has merely the effect of a negative vote"

According to the Law Minister, this amendment has the effect of a negative vote. So, this amendment is out of order.

बी बबू सिल्लो : अधिकार महोदय, जहां तक डा० राम सुभग सिंह की तरीकी का सवाल है आप 344(1) देखिये । मेरा क्षण है नाथ पाई का व्यवस्था का सवाल 'बिल्कुल सही दुस्त है । 344(1)

"(1) An amendment shall be relevant to, and within the scope of, the motion to which it is proposed."

डा० राम सुभग सिंह का संशोधन न रेलीबेट है न इस दायरे में आता है क्योंकि इस का दायरा है कि समिति के पास यह मामला भेजा जाय । यद्यपि यह तरीका होती कि समिति 15 दिन के अन्दर रपट दे, दस दिन के अन्दर रपट दे, सब लोगों को सुने, तो यह इस दायरे के अन्दर आ सकता था । लेकिन समिति के पास मामला भेजने की बात बिल्कुल खत्म है । जहां तक मेनन माहूब की बात का सवाल है, एक तो उन को इजाजत नहीं देनी चाहिये वी क्योंकि मामला आगे बढ़ जुका है, इसरे मेनन साहूब ने कहा है कि उनकी तरीकी खत्म हो जाती है । इस लिये डा० राम मनोहरलोहिया के द्वारा जो प्रस्ताव लिया गया है, उस पर बहस जारी रही चाहिये ।

23 hrs.

Mr. Speaker: I do not think that any further discussion on technical points is necessary. The purpose of the amendment, according to Dr. Ram Subhag Singh, is that it is not only opposing, it, but the facts as stated by the Foreign Minister.

Dr. Ram Subhag Singh: Yes; the facts stated by the Foreign Minister, etc., are correct.

Mr. Speaker: It has the effect of being a negative one.. and naturally..

बी बबू सिल्लो : उस दायरे में नहीं है, इरेलीबेट है ।

Shri Surendranath Dwivedi: They can vote it down.

Shri Dattatreya Kunre : I have already raised a point of order that an amendment which is in opposition to the substantive motion could not be moved as an amendment and that point of order has not yet been decided by the Chair.

बी बबू सिल्लो : (दिल्ली सदर) : मेरा कहना यह है कि उस का असर, चाहे डा० राम सुभग तिहां ने कुछ भी कहा हो,....

Mr. Speaker: Every one is referring to the same thing.

बी बबू सिल्लो : अधिकार महोदय, मैं यह कह रहा चाहिे कि यह अर्बेंडमेंट नहीं हो सकती है । उस का एक ही रास्ता है कि जो प्रस्ताव डा० लोहिया ने रखा है, उस को बोट-डाउन किया जाय

Mr. Speaker: He is repeating the same thing

The House stands adjourned for lunch and will meet again at 2 p.m.

12.02 hrs.

The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Fourteen of the Clock.

[MR. SPEAKER in the Chair]

MOTION OF PRIVILEGE RE. MRS. SVETLANA ALLELENVA AFFAIR
contd.

Mr. Speaker: After Dr. Ram Manohar Lohia moved his motion to refer the question of privilege to the Committee of Privileges, Dr. Ram

Subhag Singh moved another motion to the effect that the House is of the opinion that no breach of privilege or contempt of the House has been committed by the Minister concerned.

A point of order was raised that this motion moved by Dr. Ram Subhag Singh was out of order as it was in the nature of an amendment to the original motion of Dr. Ram Manohar Lohia, and under rule 344 (1) an amendment has to be relevant to and within the scope of the motion to which it is proposed.

I have heard all the points of view, both for and against this point of order. I am of opinion that rule 226 is a self-contained rule, so far as the motions relating to the question of privilege are concerned. Rule 228 reads as follows:

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member."

This rule envisages that either one of the two motions or both the motions can be made under this rule. The original motion of Dr. Ram Manohar Lohia states that a *prima facie* case of breach of privilege has been made out and the matter should be referred to the Committee of Privileges for investigation. If this motion is voted down, it only means that the matter is not referred to the Committee of Privileges, and the substantive part of the question of privilege namely whether a breach of privilege or contempt of the House has been committed remains, and the House has to give a decision on the merits of the case.

Therefore, Dr. Ram Subhag Singh is within his right to invite the House to come to a decision whether any breach of privilege or contempt of the House has been committed.

I rule that both the motions are in order and they should be put to the vote of the House one after the other. First, Dr. Ram Manohar Lohia's motion will be put to the vote of the House, and if it is not carried, then Dr. Ram Subhag Singh's motion will be put to the vote of the House.

Shri N. Sreekantan Nair (Quilon): On a point of order....

Mr. Speaker: After the ruling there can be no point of order on it.

Shri Surendranath Dwivedy: I want to understand your ruling. I do not always with our submissions.

Shri N. Sreekantan Nair: Many Members are engaged in voting in the first floor, in connection with election to committees. If you put this question to vote now, those Members will not get a chance. They are doing a function of this House, and so, it should not be put to vote now; it should be put to vote only after 2.30 p.m.

Mr. Speaker: There is no point of order.

Shri Surendranath Dwivedy: I only wanted to understand your ruling. According to your ruling, there are two motions before the House, whereas Dr. Ram Subhag Singh moved the motion as an amendment to the motion moved by Dr. Ram Manohar Lohia. So, it is not a motion by itself....

Shri Nath Pal: It was only an amendment. Dr. Ram Subhag Singh himself had said: 'Main samshodhan pesh karta hoom'.

Mr. Speaker: I have already given my ruling. Whatever he might have said, I have given my ruling already.

Shri Nath Pal: We can help you always with our submissions.

Shri Surendranath Dwivedy: That is what we understood. He gave it as