

ing decentralisation have been accepted in principle.

(4) Recognition of unrecognised Unions/Associations.—All the unrecognised Unions/Associations in G.S.I. are clamouring for recognition. However, as there already exists a recognised Service Association in G.S.I. namely G.S.I. Employees' Association, the demands of other Unions/Associations for recognition has not been acceded to.

(d) Yes, Sir. On the recommendations of the G.S.I. Review Committee, which has also consulted the recognised Association/Union in G.S.I. before formulating its recommendations, a Board of Management for G.S.I. has been set up, which will enable greater autonomy to the organisation. The Board will function like the Board of Directors of a Corporation and will ensure fullest participation of scientists in planning and implementation of the programmes of G.S.I. Together with other organisational changes, the new administrative frame-work is designed to introduce cost effectiveness, better personnel management, and optimum utilisation of men and materials in the G.S.I., through appropriate devolution of powers and responsibilities within the organisation.

12.00 hrs.

(Interruptions)

MR. SPEAKER: Please, please... I am on my legs. This is a matter about which you did not inform me. You did not take my consent and you come to the House and just shout. Have you informed me about it? No, you have not informed me....

(Interruptions)

MR. SPEAKER: Just now I am told that you have sent a chit about it. That is not the procedure at all.

(Interruptions)**

MR. SPEAKER: Don't record anything....

(Interruptions)**

MR. SPEAKER: Nothing is recorded. Why are you wasting your energy?

12.02 hrs.

RE. SHRI RAJ NARAIN'S STATEMENT UNDER RULE 199

MR. SPEAKER: I have got an announcement to make. Shri Raj Narain has informed me that he is not making his statement to-day at 2 O'clock.

SHRI VAYALAR RAVI (Chairman): Sir, I am on a point of order....

(Interruptions)

SHRI VAYALAR RAVI: Sir, in the Order Paper it has been listed under Rule 199.

Under Rule 199, a Member who has resigned the office of Minister, may make a personal statement in explanation of his resignation. So this statement has come under Rule 199 and now the Member is not going to make that statement. He has refused to make his statement.

Shri Raj Narain after resigning Ministership participated in many discussions as an ordinary member and now for the last four weeks in this whole session he has been functioning as an ordinary Member of the House.

I want a direction from you on a basic point. The point is this. For how long a Member who has tendered his resignation of Ministership can claim the privilege to make a personal statement as envisaged under rule 199? Is there no time limit? After having ceased to be a Minister and after having functioned as an ordinary member for so-long as one month, can he make a statement now? There must be a clear direction on this point....

(Interruptions)

SHRI RAM VILAS RASWAN:....
(Interruptions)**

MR. SPEAKER: If you persist, I am sorry, I shall be compelled to take action. Are you on a point of order?
Mr. Unnikrishnan

**Not recorded.

SHRI K. P. UNNIKRISHNAN (Badagara): Sir, Item No. 5 is... (Interruptions)

MR. SPEAKER: Let somebody raise a point of order. (Interruptions) We are on a different subject. (Interruptions)**

MR. SPEAKER: Don't record anything.... (Interruptions)** Mr. Unnikrishnan, what is your point of order?

SHRI K. P. UNNIKRISHNAN: Under Rule 31, your Secretariat has prepared and supplied us with a copy of the revised List of Business. Now Item No. 5 says that Mr. Raj Narain is to make a statement in explanation of his resignation from the Office of the Minister of Health and Family Welfare and Shri Morarji Desai to make a statement pertinent thereto.

Now, I have been enquiring from you even earlier—on an earlier occasion, you had remarked that you had not been supplied with a copy of the statement—and now I presume that you must have got before you gave permission for this item to be included in the List of Business Mr. Raj Narain to make a statement thereto, even that has been objected to on the ground that it has been delayed and that he has been functioning in the House as an ordinary Member.

Now, Sir, in addition to that, under Rule 40 read with 54(1) I have two questions addressed to Mr. Raj Narain which, I understand, are under your consideration. So, Sir, I am vitally interested in this matter because it is contingent on Mr. Raj Narain's making a statement. Now these are very serious issues that have been involved and the Parliament, the House, has been kept in dark as to why this Minister along with other Ministers have resigned; what happened in between? As on the question of correspondence issue, this Government is adopting a double-faced attitude keeping the Lok

Sabha totally in the dark. I hope that you will pull up this Member. If he has withdrawn, I want to know whether he has withdrawn or he is just postponing this. This is a very vital matter.

I want to know what he has informed you. Whether he has written to you that he wants this statement to be postponed to further day, that he will make a statement on a further day or he has said that he is not going to make any statement at all. I would also like to know under Rule 199 whether it does provide for a member who has given notice and given you a copy of the statement to withdraw or whether you have allowed him in your own discretion to withdraw. These are very important fundamental questions. I hope you will give a direction on it.

SHRI MALLIKARJUN (Medak): Mr. Speaker, under Rule 199 after great difficulty and lapse of one month hon'ble former Minister, Mr. Raj Narain, with courage and conviction came forward to make a statement before the House for which he is responsible to give reasons for what compelled him to resign. However, on several occasions Mr. Raj Narain told in Press that he possesses concrete and positive material to authenticate and substantiate the charges of corruption levelled by former Home Minister against Kanti bhai Desai. In the light of yesterday's resignation of Shri Madhu Limaye... (Interruptions)

MR. SPEAKER: What is your point of order?

SHRI MALLIKARJUN: My point is that he came forward to make a statement but under the compulsion of the Prime Minister and to keep in ignorance the whole House and the people outside when the corruption charges have been levelled...

MR. SPEAKER: Do not record.
** (Interruptions)

**Not recorded.

PROF. P. G. MAVALANKAR (Gandhinagar): Mr. Speaker, Sir, I am amazed at the extra-ordinary thing which the House is compelled to witness on this question of statement by a Minister who has resigned. The House knows—and you know very well—that it is governed by Rule 199. I will quote only the relevant portion—Rule 199 sub-clause (1):

"A member who has resigned the office of Minister may with the consent of the Speaker, make a personal statement in explanation of his resignation."

Sir, the whole purpose—as I understand—of this rule is that when the House is sitting, or when the House is about to sit, in—between the two sessions, if the minister of the Union Cabinet has resigned, then he should have an opportunity of explaining to his colleagues and to the country at large as to why he has resigned. He can make a statement and the Prime Minister or other member of the Cabinet can respond—both with your consent.

Sir, my submission is on two grounds. One is that this Rule 199 should have been used by the hon'ble Shri Raj Narain ji immediately when the House assembled on 17th July, since that is the first opportunity a member takes, because after all when a minister resigns from the Cabinet he resigns out of compelling circumstances. He has certain basic fundamental disagreements with the Government. If that is so, how can that compulsion go on remaining under suspense for a long time? If I am compelled to resign, then I explain at the next possible moment—if the House is sitting the next moment, if the House is not sitting, whenever the House sits, the first day of the new session.

Instead of that happening in this case what is extra-ordinary is that the resigning minister not only does not come to this hon'ble House on the

opening day of 17th July but he goes on making statements in the Press that on a particular day he is going to make a statement. I am not sure whether he does it with your permission. I am sure you have not given a permission like that to a member to go on saying publicly and in the Press that he will make a statement in the Parliament on a particular day. But, apart from that, my submission finally is that rule 199 is very clear—either the Minister resigning takes opportunity immediately or, if he does not, then, I submit, the opportunity under Rule 199 lapses in that case. A Member cannot go on using Rule 199 indefinitely. He cannot be given extension after extension. The point is this: In today's Revised List of Business, you have Item No. 5. It says:

'Shri Raj Narain to make a statement in explanation of his resignation from the office of the Minister of Health and Family Welfare.'

MR. SPEAKER: It has been read out.

PROF. P. G. MAVALANKAR: Now, the statement under Rule 199 is made with your permission. The copy of the statement is with you. The copy of the statement of the hon. Prime Minister is also with you. Only after seeing these copies, you must have permitted it. So, this whole matter is now in your possession. The ball is no longer in his court. He has already given notice. Therefore, the ball is no longer in his court. My point is this: Either he makes a statement today, or, he does not make statement at all. That is the ruling I want from you, Sir. I want your ruling on that point.

SHRI VASANT SATHE (Akola): Mr. Speaker, Sir, under Rule 199, a Member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation.

(P. G. Mavalankar)

Here is a Member who was a Minister till yesterday. He resigned and he has been postponing making a statement in explanation of his resignation. In the meantime, suppose there is some compromise or pact and he is again inducted as a Minister and he withdraws his resignation. Then, instead of explaining his resignation here, his resignation is withdrawn and he becomes a Minister. And in the meantime he gives a notice to you, saying, here is a copy of the statement of explanation which I want to make in explanation of my resignation as a Minister. On that, you permitted him to make a statement. That is there on the Agenda.

Now, Sir, unlike withdrawal of a Resolution under Rule 180 to which also you know how much *halagulla* they made that day...

MR. SPEAKER: For everything there is *halagulla*.

SHRI VASANT SATHE: You know, Sir. My friends have served even a privilege notice against me. What I want to know is this...

MR. SPEAKER: *Halagulla* is the privilege of the House.

SHRI VASANT SATHE: Under what provisions? We have to go by the rules.

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): The same provision under which you did.

SHRI K. P. UNNIKRISHNAN: He is away.

SHRI VASANT SATHE: Please see Rules of Procedure, Fifth Edition, 1967. You have Rule 190, sub-rule (1) (2) and (3). Sub-rule (3) says:

'Such statement shall be made after the questions and before the list of business for the day is entered upon.'

So, Sir, I would like to know, under what rule you have announced that he has informed you? Under what rule is a Member permitted, he having given a notice to you and a copy of that to the Minister concerned? Now, it is also therein today's Agenda. It says that Shri Morarjibhai is going to make a statement pertinent thereto. So, much more has taken place.

Sir, I don't know what the circumstances are. Shri Raj Narain could have kept away—he need not have made a statement. He can say whatever he wants to say when you ask him. It is not for you, Sir, to say that 'I will not call upon him.' You have to call upon him when this item comes. At that time if he does not show the guts, it is for him.

Sir, my objection is this....

MR. SPEAKER: You have made your point.

SHRI VASANT SATHE: My objection to this is, the Speaker is *functus officio* once a matter is on the Agenda and the Minister who has resigned has to make a statement. You cannot say that 'because he has informed me I will not call him'. It is for him to say at that time. (Interruptions)

PROF. SAMAR GUHA (Contd): Please make sure that such things are not repeated.

MR. SPEAKER: I have called Mr. Kalyanasundaram. I have given opportunity to every party. (Interruptions)

MR. SPEAKER: If I need your assistance, I will ask you. I am first calling upon those Members, who are objecting to it.

Shri Kalyanasundaram.

SHRI M. KALYANASUNDARAM (Tiruchirapalli): Mr. Speaker, Sir, it is unfortunate that you are called upon to face this problem in this House because of the freaks inside the ruling party. Rule 190 confers a pri-

[Shri M. Kalyanasundaram]
 vilege on a resigning Minister to offer a statement explaining the reasons for which he is resigning to the House. Although belated, Shri Raj Narain has availed of that privilege and sent a copy of his statement to you. Without receiving a copy of the statement, you would not have included it in the Order Paper today. Now, the statement has become the property of the House. So long as it is in the hands of the Speaker, it is the property of the House. How can he suddenly ask you for permission and how can you also give him permission to withdraw that statement (*Interruptions*). The House should not be taken in this manner. Either, Shri Raj Narain is acting freely or not, it is for him.... (*Interruptions*). Even though he belongs to the ruling party, if there is any pressure, direct or indirect, or political, it is a breach of privilege of this House after having given a copy of that statement to you. It is a contempt of this House and if Shri Raj Narain now withdraws his statement, he will be guilty of breach of privilege and I must have the right to move a motion of breach of privilege again Shri Raj Narain and the Prime Minister for acting in this manner.

SHRI SHYAMNANDAN MISHRA (Begusarai): Mr. Speaker, Sir, I am completely at a loss, and I think many other hon. Members along with me will be at a loss, to understand what exactly are we considering just now. It appears to me that the hon. Members on the other side have not carefully heard the observation made by the Chair. What we are grappling with is an observation from the chair. The hon. Member, Shri Raj Narain, has informed, you, Mr. Speaker, Sir, that he would not make the statement today; underline the word today. That is exactly the observation that we are considering just now... (*Interruptions*).

SHRI VASANT SATHE: That means that horse trading is not complete yet.

SHRI SHYAMNANDAN MISHRA: Any inference to the effect that the statement would not be made is not permissible, is not correct. Now, the statement might be made by the hon. Member in consultation with you at a time that may be convenient to the House and convenient to the Member.... (*Interruptions*). Let me have my say. You were confronted with a request from an ex-Minister that it would not suit him to make the statement today. What was the option before the Chair? The Chair often grants us, always grants us, our request of this nature when we find that a particular time and date is not convenient to us. To repeat, the Chair invariably grants such a request. Even the other day, may I remind the hon. Members from the other side that the hon. Leader of the House upheld the right of the hon. Member, Shri Sathe, that he could withdraw his motion.... (*Interruptions*) If you will go through the proceedings on that day, you would find that the hon. Leader of the House did not come between you and Shri Sathe's request to withdraw his motion.... (*Interruptions*).

The simple thing before the House is whether an ex-Minister should not be granted his request not to make the statement today, and to make the statement on any day that might be suitable to him and to you.... (*Interruptions*). Did I interfere, when you had your say?

(*Interruptions*)

SHRI VASANT SATHE: If he is to be allowed to make a statement day after tomorrow or on some other day, we agree. Is that the agreement?

MR. SPEAKER: I am not acting on any agreement. This is not a debate.

(*Interruptions*)

MR. SPEAKER: Why are you taking over my responsibility? If I need your assistance, I will call you.

SHRI SHYAMNANDAN MISHRA: Therefore, when the hon. Speaker was

Informed before the House sat—not that the hon. Member has come all of a sudden and tell the House: "I am not going to make a statement"; the Speaker was informed in advance—and therefore the Speaker has found it necessary to make this announcement.

I deal with another point. It has been urged that since a statement has been submitted to you, Sir, it has become the property of the House. I can never bring myself together to accept the view that whatever correspondence is there between you, Sir, and us, on whatever request that we make, will become the property of the House, the moment it is submitted to you. This position is not the correct position. That was the position my hon. friend Mr. Kalyanasundaram was taking.

May I also say that this is a good occasion to interpret rule 199? May I ask you why are the words—and may I ask my hon. friends on the other side—inserted, viz. "with the consent of the Speaker...." There may be circumstances... (Interruptions) I am speaking only for the sake of interpretation of this rule, and not because it is actually relevant to the issue that has been raised. May I ask your indulgence to consider this, viz. why this particular clause is inserted, viz. "may, with the consent of the Speaker". You may consider the circumstances in which the hon. Speaker cannot give his consent. That also may be possible, because there may be a war situation; and the hon. Member wants to make a statement which might prejudice the war situation. There may also be a case which is sub judice; and, therefore, the hon. Speaker may not permit. There may be many such occasions. But today the issue is such one on which the hon. Speaker has always granted the request when it does not suit a particular Member to make a statement on

a particular day and particular time... (Interruptions)

MR. SPEAKER: No more. I am not hearing anybody.

श्री रामधन (लालगांज): धर्मकथ महोदय, आपको सुनना पड़ेगा। यह हो नहीं सकता। आप इस तरह से हाउस को नहीं बला सकते।

(Interruptions) **

MR. SPEAKER: This is not a debate. I am not hearing anybody.

(Interruptions) **

MR. SPEAKER: No. Please don't record.

(Interruptions) **

MR. SPEAKER: I am not hearing anybody. Mr. Ram Dhan, this is not a debate. I am on my legs. Don't record it.

(Interruptions) **

MR. SPEAKER: I am not allowing it. I am not hearing further.

SHRI RAM DHAN: How can you prevent a Member from making a submission on a point of order?

MR. SPEAKER: No, no. There is no point of order. No point of order. No, no. I am not allergic to it. But when a point of order is used as an attempt to obstruct, I will not allow.

(Interruptions) **

MR. SPEAKER: I am not hearing anybody. Don't record anything.

(Interruptions) **

MR. SPEAKER: It cannot be at this stage. What is the point of order?

(Interruptions)

MR. SPEAKER: If it is interpretation of rule 199, I have heard both sides; I do not want it to go on; it is not a debate.

AN HON. MEMBER: You have not heard both sides... (Interruptions)

**Not recorded.

MR. SPEAKER: I have heard both points of view... (Interruptions)

Mr. Ram Dhan, you are a senior Member and you are also Chairman of a Committee.

SHRI RAM DHAN: I am on a point of order, under rule 199.

MR. SPEAKER: Is it a new point of order or the same point of order?

SHRI RAM DHAN: It is a new point of order.

जो सदस्य मंत्रिपद का त्याग कर दे, वह, अध्यक्ष की सम्मति से, अपने पदत्याग के स्पष्टीकरण के लिये व्यक्तिगत वक्तव्य दे सकेगा।

(2) जिस दिन वक्तव्य दिया जाये उससे एक दिन पहले, उस की एक प्रति अध्यक्ष और सभा-नेता को भेजी जायेगी, यह भी कम्लीट हो चुका, परन्तु लिखित वक्तव्य की अनपत्तियि में ऐसे वक्तव्य की मुद्द्य बात या उस का सार अध्यक्ष और सभा-नेता को, जिस दिन वक्तव्य दिया जाये, उससे एक दिन पहले भेजा जायेगा।

MR. SPEAKER: What is the new point of order?

SHRI N. SREEKANTAN NAIR (Quilon): That was in English; this is in Hindi.

श्री राम ज्ञन : तो यह नियम 199 में वित्ती भी बत्ते हैं, वह सब पूरी हो गई। यह सब की सम्मति हो चुका है। उन्होंने लिखित वक्तव्य आपको दे दिया है और इसके बाद...

MR. SPEAKER: It is the same point of order which was raised.

श्री राम ज्ञन : इसलिये माननीय श्री राज नारायण जी ने रोज-रोज का जो तमाशा बनाया हुआ है, उसे उन्हें बन्द करना चाहिये। उन्हें आज वक्तव्य देना चाहिये। अगर वह कहते हैं कि आज नहीं, तो फिर कभी नहीं। अगर वह कभी वक्तव्य नहीं देना चाहते हैं, तो उनसे पूछा जाये। अगर वह आज वक्तव्य देना चाहते हैं तो आज देने नहीं तो फिर कभी वक्तव्य नहीं दे सकते। इसलिये जरूरी है कि उसकी ओर ध्यान दें। (व्यवस्थापन)

MR. SPEAKER: I have understood your point of order.

श्री राम ज्ञन : अध्यक्ष महोदय, मेरा भी ब्राइन्ट प्राफ आर्डर है। (व्यवस्थापन)

SHRI C. M. STEPHEN: I rise on a point of order. You have heard whatever they have to say; you may have your own opinion. But we may also be allowed to argue and change your opinion. The point of order is very material; it is interpretation of the rules.... (Interruptions)

श्री राम ज्ञन : अध्यक्ष महोदय, सदस्य के सब सदस्य बराबर हैं, लेकिन आप हमें बोलते नहीं दे रहे हैं। (व्यवस्थापन)

यह कोई बात नहीं है, आप उम्मीद की बात सुन लेते हैं, हमें नहीं बोलने देते।

MR. SPEAKER: I am hearing the points of view and not members.

(Interruptions)

PROF. DILIP CHAKRAVARTY (Calcutta South): You cannot be choosy. How can you discriminate?

MR. SPEAKER: I wish you read the rules. The position under the rules is... (Interruptions). Please hear me for a minute. (Interruptions). Don't record anything.

(Interruptions) **

MR. SPEAKER: In a matter of point of order, there is no debate. The Speaker may choose to ask somebody to explain the position. The real position always is, if I am inclined to accept their point of view, before I decide in their favour, I hear the other side also. If I am not inclined to accept their view-point I need not ask. The real position is, it is not a debate. I seek the assistance of the member. If I feel inclined to accept that point of view, then I ask your assistance undoubtedly. If I am not inclined to accept it, I do not trouble you. (In-

**Not recorded.

terruptions). I have given my ruling. There the matter ends.

(Interruptions)

SHRI C. M. STEPHEN: Under rule 199, four points can be determined in this context. (1) Whether a Member after having gone through the process set out in rule 199, can decline to make that statement; (2) whether the statement under rule 199(2) which has been passed on to you must be treated as the property of the House; (3) whether, after having given notice in writing to you that he will not make a statement, he is absolved of the responsibility of rising and informing the House that he will not make a statement; in other words, whether you yourself can take over the responsibility of announcing to the House or whether he should inform the House; and (4) whether having declined to exercise the privilege, the privilege will subsequently become available to him. These are the four points which arise for consideration.

My submission is that this particular incident has a history, as you know. I raised it under rule 199. He did not say anything at all. Subsequently he came out with a statement outside. This matter became a matter of privilege. Somebody objected, and it was left there. It was after this, as I mentioned, he made a public statement and informed you that he would be making a statement here. After all this, can he get away from it? That is the question. Sub-rule (3) says "such statement shall be made". There is no provision for withdrawal.

PROF. SAMAR GUHA (Contd): Because he happens to be the Leader of the Opposition, is he authorised to repeat *ad nauseum* what has been said here? He is only repeating what has been said. (Interruptions)

SHRI C. M. STEPHEN: There is no provision in the rules which says that he can give up the right.

MR. SPEAKER: This was mentioned earlier. All your points have been mentioned and argued. You were not present.

SHRI C. M. STEPHEN: Mr. Mishra raised a point, and you said today. That means it can be done on another day. Mr. Ram Dhan mentioned that he either makes a statement today or he does not make a statement at all. I agree with that view. This is a matter of privilege, and the privilege cannot be held over indefinitely. As a resigning Minister, he should have made the statement earlier. Even today it is late. If, after having gone through all this, he says that he is withholding it for today, and will keep it for some other day as a Damocle's sword, that certainly is misuse of the privilege of the House. Therefore, my points are these.

MR. SPEAKER: I have understood the points.

SHRI C. M. STEPHEN: I am only emphasizing. The statement handed over to you under sub-rule (2)...

MR. SPEAKER: That has been argued.

SHRI C. M. STEPHEN: Any communication passed on is not a statement. A statement is a statement given to you under the rule in his capacity as a Member, given to you in your capacity as Speaker, and you have, after going through the statement, given permission. If that be so, the only recourse is to make the statement. It must be the property of the House. (Interruptions)

MR. SPEAKER: I have to dispose of this point of order first. If you have any point of order, I will hear it later.

(Interruptions)

MR. SPEAKER: I have heard the various points of view. So far as the scope of rule 199 is concerned, I have already given my decision.