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Title: Need to maintain the sanctity of the House and prohibit the members from making any defamatory statements against others on the floor of the House.

SHRI SHIVRAJ V. PATIL (LATUR): Mr. Deputy-Speaker, Sir, before the House was adjourned today in the afternoon, I was allowed to make my statement on one of the matters raised by one of the Members from that side. I seek your permission to make that statement before you so that the record can be straightened and if there is anything in the record which is objectionable and if any action has to be taken, that can be decided by your goodself.

Sir, I would read Rule 353. This Rule is very clear. This Rule is very specific and this Rule is made to see that the floor of this House is not used by anybody to malign any Member, to defame any Member. If a defamatory statement is made outside the House, the relief is available in a court of law. But if it is made on the floor of this House, that kind of a relief is not available and that is why this Rule has been made. I would just like to read that Rule for the benefit of all of us in the House. It says:

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given adequate advance notice to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation."

The Rule is very clear. The Rule is very specific. The Rule lays down certain conditions to be fulfilled before the matter is raised on the floor of this House. One of the conditions is that the person against whom the allegation is made should receive a notice. The second condition is that the hon. Speaker, the Presiding Officer should get a notice. The third condition is that the Minister concerned also should get a notice so that he can look into the matter, investigate the matter and can come to the conclusion whether the allegations raised have any substance, any foundation or not. If there is no substance, if there is no foundation, then those kinds of allegations are not allowed to be made against a Member while making a statement on the floor of the House. It is exactly for this purpose that this Rule has been there. There are umpteen rulings given by the Presiding Officers saying that the floor should not be allowed to be misused.

A serious matter has been raised. Serious allegations have been made and they are not in the public interest. It is not just to malign, to defame a Member and that too without following any procedure of this House. If this is allowed, then these kinds of matters can be raised against the Members belonging to any part of this House. This should not be done against a Member sitting here; this should not be done against a Member sitting there also.

This rule should be strictly followed so that the sanctity of the discussion on the floor of the House is properly maintained. My submission to you is that because these conditions have not been fulfilled, because the matter is of serious nature and of allegatory nature, because it is of a defamatory nature and because the notices have not been given to the persons and to the authorities to whom the notices should have been given, if the matter is allowed to be on the record, then that matter can get the publicity outside also and the forum would have been wrongly used. People are giving notices against persons and then going to the media and speaking there before the notices are admitted. The rules provide that if a notice is given and if it is not admitted, then publicity should not be given.

These procedures have to be followed in order to maintain the sanctity and the prestige of this House. If these procedures are not followed and even the allegations against the Leader of the House or the Leader of the Opposition or other Members in this fashion are made, it is not in the public interest, it is not going to help this Parliament, it is not going to help the system that we have adopted and it is not going to help the democratic parliamentary system that we have adopted. So, my humble submission to you is that because of all these things, this matter should not be allowed to be part of the record.

श्री प्रमुनाथ सिंह (महाराजगंज, बिहार) : उपाध्यक्ष महोदय, अभी जिस नियम का हवाला दिया गया है, उसके संबंध में हमने विधिवत् नोटिस जहां-जहां देना था, वहां-वहां दिया है। हमने जो भी बोला है, वह आसन की अनुमति लेकर बोला है। आसन की तरफ से मेरा नाम बुलाया गया था तब हमने इसे बोला है। जिस आरोप के संबंध में यहां चर्चा हो रही है, उसके सारे सबूत मेरे पास हैं। हमने माननीय अध्यक्ष महोदय को इसकी सूचना दे दी थी। हमने जो सवाल उठाया है, वह किसी के विरुद्ध मानहानि के दृष्टिकोण से नहीं उठाया है बल्कि इसलिए उठाया है कि जो लोग बड़े पद पर रहते हैं, उनका चरित्र वैसा होना चाहिए जिसे दूसरे लोग देख सकें। **â€** (व्यवधान) इस देश की दुर्लभ मूर्तियां चोरी हुई हैं जिससे देश को काफी आर्थिक क्षति हुई है। **â€** (व्यवधान) इसके एवज में तेजी से जो पैसा आ रहा

है, वह भी गलत लोगों के हाथ में जा रहा है। हम आपसे निवेदन करेंगे कि हमने जो मामला उठाया है, वह नियमानुकूल उठाया है, आसन की अनुमति लेकर उठाया है। हमने कहीं भी ऐसा शब्द नहीं कहा जिससे किसी का मान-अपमान हो। इसलिए वे शब्द निकालने का कोई सवाल ही नहीं उठता। **â€** (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Mr. Deputy-Speaker, Sir, I strongly object to this. I request you to give a ruling and not to allow any more discussion on this matter. ...(*Interruptions*) Let us only stick to the three guidelines laid down under Rule 353. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Prabhunath Singh, as I understand, you gave a notice for an Adjournment Motion which was disallowed by the hon. Speaker. During 'Zero Hour' you made some statement, about which Shri Shivraj V. Patil has now referred, violating all these norms. Nobody including me or the Presiding Officer can violate the rules framed by this House. Since these three conditions have not been fulfilled and, over and above that, allegations of that kind, those allegations will be expunged from the record.

श्री प्रमुनाथ सिंह : उपाध्यक्ष महोदय, आपके नियमन तो मान्य होंगे लेकिन हम यह कहते हैं कि इससे सब सदस्यों की भावना को बहुत आहत पहुंचेगी।

उपाध्यक्ष महोदय : आपको पूरा राइट है। आप इस नियम के अन्तर्गत नोटिस दे दीजिए।

... (व्यवधान)

श्री प्रमुनाथ सिंह : उपाध्यक्ष महोदय, हमने जो कुछ कहा है, आसन की अनुमति से कहा है। **â€** (व्यवधान)

उपाध्यक्ष महोदय : मैं यह कह रहा हूँ कि आप नोटिस दे दीजिए।

... (व्यवधान)

श्री प्रमुनाथ सिंह : हमने नोटिस दिया था। **â€** (व्यवधान)

उपाध्यक्ष महोदय : आपने एडजर्नमेंट मोशन दिया है।

... (व्यवधान)

श्री प्रमुनाथ सिंह : आसन की अनुमति सर्वोपरि होती है। हमने आसन की अनुमति लेकर बोला है। **â€** (व्यवधान)

SHRI PRIYA RANJAN DASMUNSI : Mr. Deputy-Speaker, Sir, there can be no argument on the ruling of the Chair. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: With regard to my ruling, I cannot allow anybody to say anything further.

श्री प्रमुनाथ सिंह : दासमूंशी जी, आपको चैलेंज जैसा लग रहा है। **â€** (व्यवधान)

उपाध्यक्ष महोदय : प्रमुनाथ सिंह जी, आप सीनियर मैम्बर हैं। नियम के अन्तर्गत हरेक आदमी को कहने का अधिकार है इसलिए आपको भी है। आप नोटिस दे दीजिए। आप जो भी आरोप लगाना चाहते हैं, नियम 353 के अन्तर्गत जो भी कंडीशन्स हैं, उनको फुलफिल करके आप इसे उठा सकते हैं। आपको यह करने से कोई नहीं रोक सकता इसलिए आप नोटिस दे दीजिए।