

[Sh Dinesh Goswami]

cannot sav anything...*(Interruptions)*

[*Translation*]

MR. SPEAKER: Why are you making a noise?

[*English*]

This is most unseemly behaviour on your part.

(Interruptions)

12.15 hrs.

**SUPPLEMENTARY DEMANDS FOR
GRANTS (RAILWAYS) 1989-90**

[*English*]

THE DEPUTY MINISTER IN THE MINISTRY OF RAILWAYS (SHRI MAHABIR PRASAD): I beg to present a statement (Hindi and English versions) showing the Supplementary Demands for Grants in respect of the Budget (Railways) for 1988-89.

2.15/12 hrs.

**CALLING ATTENTION TO MATTER OF
URGENT PUBLIC IMPORTANCE**

[*English*]

**Refusal by the DVC to release water for
Irrigation purposes**

SHRI ANIL BASU(Arambagh): I call the attention of the Minister of Water Resources to the following matter of urgent public importance and request that he may make a statement thereon:

"The reported refusal by the Damodar Valley Corporation to release water for irrigation purposes thereby affecting

the standing crops in the Hooghly, Burdwan and Howrah districts of West Bengal and the steps taken by the Government in regard thereto."

THE MINISTER OF LAW AND JUSTICE AND MINISTER OF WATER RESOURCES (SHRI B. SHANKARANAND): Damodar Valley Project is a multipurpose project. The main uses of waters stored in the reservoirs are for irrigation, industrial and domestic water supply and power generation. The reservoirs built by the D.V.C. are operated as per the guidelines laid down in the Regulation Manual. A review of the water availability is carried out from time to time by the Damodar Valley Corporation Reservoir Regulation Committee and allocation of water decided for various uses and releases made accordingly.

A review made in December, 1988 indicated that water available for additional irrigation and power generation was 348 million cubic metres. Considering the additional requirements for irrigation and for power 271 million cubic metres were made available for irrigation of Boro crops after meeting committee requirements of Kharif and Rabi crops.

A further review was made on the request of the Government of West Bengal in early February, 1989. During the review it was unanimously agreed that considering the latest water availability, another 25 million cubic metres should be allocated for Boro crop.

From the above, it is clear that whatever best could be done under the prevailing circumstances has been done to supply water for Boro cultivation in West Bengal from the Damodar Valley Corporation reservoirs

At this stage, Shri M. Raghuma Reddy and some other hon. Members came and stood on the Floor near the Table

[*Translation*]

MR. SPEAKER: Whatever you are

doing in the well of the House is against your dignity.

(Interruptions)

MR. SPEAKER: It is not good on your part.

(Interruptions)

MR. SPEAKER: It was you who passed the law, not me.

(Interruptions)

MR. SPEAKER: You change the law. You have passed the amendment. What can I do? I have not passed the law.

(Interruptions)

MR. SPEAKER: You have made the amendment, what can I do init*(Interruptions)*

MR. SPEAKER: I have not passed the law. It was you (the House) who made the amendment and empowered the Government. What is in my hand?

[English]

It is not in my power.

(Interruptions)

[Translation]

MR. SPEAKER: Amal Dattaji, you please tell me. You have made the amendment, what can I do in it. It does not look nice.

[English]

You are a lawyer, tell me...

(Interruptions)

Translation]

MR. SPEAKER: You have passed the

[English]

I cannot do anything.

[Translation]

You tell me what can I do.

(Interruptions)

MR. SPEAKER: Amalji, I will go by your word, but can you say I am not right?

(Interruptions)

[English]

MR. SPEAKER: I do not know whether it is right or wrong.

[Translation]

Since you have given power to the Government, what can I do in it. You have made the law and you have made amendment to it. Now what can I do?

[English]

I can show you the amendment.

[Translation]

You have enacted the law and you brought an amendment to it in 1986 empowering the Government not to lay the report. So what I can do in it?

[English]

It is not in my hand.

(Interruptions)

[Translation]

MR. SPEAKER: What can I do?

[English]

It is not my House, it is your House.

(Interruptions)

[Translation]

MR. SPEAKER: I am talking about the law. If the Government does anything contrary to the law, I will not listen to them also.

(Interruptions)

[English]

MR. SPEAKER: I do not know whether it is right or wrong. How do I know? How can I check? It is not within my power....

[Translation]

MR. SPEAKER: Under what rule can I ask them to lay the report?

[English]

MR. SPEAKER: Nothing goes on record.

(Interruptions)*

MR. SPEAKER: Nothing forms part of the record.

(Interruptions)*

[Translation]

MR. SPEAKER: Under what rule shall I call for.....(Interruptions)

MR. SPEAKER Either you make the law empowering me to change the rule, otherwise how...

(Interruptions)

[English]

MR. SPEAKER: No, no, Nothing doing

(Interruptions)

MR. SPEAKER: I am bound by you. You are yourself violating the rule and asking me also to violate it.

(Interruptions)

MR. SPEAKER: Without any rule, how can I do it. Can I direct the Government merely because you say so?

(Interruptions)

MR. SPEAKER: It is not so.

(Interruptions)

MR. SPEAKER: You yourself are violating the rule. You are not even ashamed of crowding in the well of the House. You are violating your own rule. If you behave like this, how will the country run.

(Interruptions)

MR. SPEAKER: No, no. I have never barred anyone. We do not have any such rule.

[English]

I am very sorry.

[Translation]

They are not allowing the House to conduct its business.

[English]

This is shameful. This is very shameful and they are denigrating the House. Nothing can be much more shameful than the behaviour of these hon. Members. I am sorry. I adjourn the House till 2.00 P.M.

12.29 hrs.

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

14.02 hrs.

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

[MR. DEPUTY-SPEAKER *in the Chair*]

[*English*]

SHRI ARIF MOHAMMAD KHAN (Bahraich): Mr. Deputy-Speaker, Sir, are you going to give your Ruling?

(Interruptions)

MR. DEPUTY-SPEAKER: Please listen to me. Please listen to what I am going to tell you.

SHRI BASUDEB ACHARIA (Bankura): Please hear us first, Sir.

MR. DEPUTY-SPEAKER: Please listen to me. Then you can tell whatever you want.

If you want to raise the point of order which you raised regarding that matter in the morning, I would like to tell you that the Speaker has already given a Ruling. How can I overrule that?

SHRI V. SOBHANADREESWARA RAO (Vijaywada): No, no. Sir, that was only regarding the suspension of the Question Hour.....(*Interruptions*).

SHRI ARIF MOHAMMAD KHAN: Why don't you listen to the point of order?

MR. DEPUTY-SPEAKER: I will listen to the point of order.

SHRI ARIF MOHAMMAD KHAN: No, you did not listen to the point of order.

SHRI BASUDEB ACHARIA: Sir, I have written to the Speaker to lay the Report of the Thakkar Commission on the table of the House and a discussion should be allowed immediately.

MR. DEPUTY-SPEAKER: The ad-

jourment motion was not accepted by the Speaker.

SHRI BASUDEB ACHARIA: Why the Report cannot be laid on the Table?

(*Interruptions*)

MR. DEPUTY SPEAKER: It was not accepted.

SHRI V. SOBHANADREESWARA RAO: Why, Sir?

MR. DEPUTY-SPEAKER: He has already given the Ruling.

SHRI BASUDEB ACHARIA: And the Report has come out in the newspaper.

SHRI V. SOBHANADREESWARA RAO: Let the Minister make a statement.

SHRI M. RAGHUMA REDDY (Nalgonda): Let the Minister make statement.

SHRI V. SOBHANADREESWARA RAO: Let the Minister deny it.

SHRI M. RAGHUMA REDDY: Let the Minister deny that.

(*Interruptions*)

SHRI S. JAIPAL REDDY (Mahbubnagar): There is every possibility of Thakkar Commission's Report being tampered. We, therefore, demand that this Report should be made available immediately. (*Interruptions*)

MR. DEPUTY-SPEAKER: His Ruling is already there. The Speaker has already given his Ruling. I cannot over rule the Speaker's Ruling.

SHRI V. SOBHANADREESWARA RAO: There was no Ruling.

AN HON. MEMBER: There was no such Ruling, Sir.

SHRI ARIF MOHAMMAD KHAN: Sir, I would suggest that you give a chance to the Members to make their submissions.

MR. DEPUTY-SPEAKER: Under what rule you want?

SHRI ARIF MOHAMMAD KHAN: Sir, this is an extraordinary situation. It involves the assassination of a Prime Minister.

(Interruptions)

MR. DEPUTY-SPEAKER: What is the point of order?

(Interruptions)

SHRI A.K. SEN (Calcutta North West): I want to raise a point of order.

MR. DEPUTY-SPEAKER: What is your point of order.

(Interruptions)

SHRI V. SOBHANADREESWARA RAO: Today news appeared in one paper. This has given rise to a very alarming situation, resulting in the threat to security of the present Prime Minister. *(Interruptions)*

MR. DEPUTY-SPEAKER: What is your point of order?

SHRI V. SOBHANADREESWARA RAO: The Report of the Thakkar Commission should be placed before the House. *(Interruptions)*

MR. DEPUTY-SPEAKER: What is your point of order?

(Interruptions)

MR. DEPUTY-SPEAKER: What is your point of order?

SHRI A.K. SEN: I want to raise a point of order of great importance. So far as this House is concerned, its paramount sovereignty to discuss any matter relating to the

Government is absolutely established. All that the Government can demand is that a particular matter, if it is of a secret nature, may be the subject of a secret sitting. That is all. The power of the House to debate any matter is unchallenged.

MR. DEPUTY-SPEAKER: Nobody is objecting to that.

(Interruptions)

SHRI A.K. SEN: May I read the rule. Let us not be carried away by emotions. It vitally affects the powers of this House.

MR. DEPUTY SPEAKER: Everbody has accepted the power of the House. Nobody denies that.

(Interruptions)

SHRI ARIF MOHAMMAD KHAN: Let him complete. *(Interruptions)*

MR. DEPUTY-SPEAKER: Order, order.

SHRI A. K. SEN: If you look at rule 248 ...*(Interruptions)*

SHRI ARIF MOHAMMAD KHAN: If you cannot maintain order, then nobody will be allowed to speak. *(Interruptions)*

Tell me who is the murderer of Mrs. Indira Gandhi

[*Translation*]

We are not asking anything else.

(Interruptions)

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): He was the Law Minister when the Government took the decision. He was the Law Minister at that time, when the Government took the decision. He cannot raise this

(Interruptions)

MR. DEPUTY-SPEAKER: What is the point of order?

SHRI A. K. SEN: The point of order is this. If the Government thinks that there is any matter which should not be debated in public, the Leader of the House should move for it. The House has the power to debate the subject.

MR. DEPUTY-SPEAKER: If you take rule 376, it is clearly mentioned in rule 376(2)...

"A point of order may be raised in relation to the business before the House at the moment."

At the moment, we are having only calling-attention. How can you do it?

Shri B. Shankaranand.

(Interruptions)

At this state. Shri M. Raghuma Reddy and some other hon. Members came and stood on the floor near the Table

(Interruptions)

MR. DEPUTY-SPEAKER: Order, please. Please go back to your seats. Whatever you want to say, you give it in writing and I will see.

(Interruptions)

MR. DEPUTY-SPEAKER: In the morning, the hon. Speaker rejected that.

(Interruptions)

MR. DEPUTY-SPEAKER: Order, please. No discussion like this. Why are you discussing like this? If you want anything, you ask me. Don't discuss with him.

(Interruptions)

At this stage, Shri M. Raghuma Reddy and some other Hon. Members went back to their seats

MR. DEPUTY SPEAKER: Please go to your seats. Got to your seats.

(Interruptions)

MR. DEPUTY SPEAKER: What is this?

(Interruptions)

SHRI M. RAGHUMA REDDY: We are the Members of this House. We have the right to know the facts.

(Interruptions)

SHRI DINESH GOSWAMI (Guwahati): My point is if you are permitting Mr. Buta Singh to make his statement, then you are taking the subject into consideration and before he speaks, I have got a right to make my submission. How are you going to permit the Minister to make a statement? You said that you were not going to permit this because the Call Attention is subject before the House. Call Attention is not there and this subject is there, then Mr. Ashok Sen and myself have a right to make submissions....
(Interruptions)

MR. DEPUTY SPEAKER: What do you want?

SHRI DINESH GOSWAMI: My submissions are three. A Report which was not permitted to be placed even before the Judges of the Supreme Court when they were hearing the murder trial, a Report which has not been even permitted to be seen by Parliament, a gist of that has appeared in the press. I would like to know how has this gone? Who is taking the responsibility for this leak? Because, if this Report is so secretive, then somebody in the Government has to take responsibility for this leak.

(Interruptions)

MR. DEPUTY -SPEAKER: Whatever you want to discuss, you give it in writing.

(Interruptions)

SHRI DINESH GOSWAMI: What is this Report?...*(Interruptions)* If the Report is not genuine, let the Government place this Report on the Table of the House today. Why have they not placed this before the House? Let this Report be placed before the House today. Mr. Chidambaram, in his reply, when the amending Bill came and when we raised this objection, said that the Parliament has the right to ask as to what action has been taken. We would like to know as to why this is not being allowed now.

MR. DEPUTY-SPEAKER: If you want to discuss anything, you give it in writing and we will consider your request.

SHRI DINESH GOSWAMI: No request. I have raised three important points. What is your ruling on these? *(Interruptions)*

MR. DEPUTY-SPEAKER: The House is welcome to discuss anything. Nobody is objecting. Now you have raised certain matters. You give in writing and I will consider them.

(Interruptions)

MR. DEPUTY-SPEAKER: No statement. If he wants to make a statement, he can give it in writing.

(Interruptions)

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): Sir, Shri Ashok Sen mentioned something and you were listening to it.. I could not properly hear him. But I could only understand from what he said that this issue could become a subject matter for discussion by this House. I am just placing before you the correct position.

The correct position is that the report of Thakkar Commission was submitted to the Government and subsequently to Commis-

sion of Inquiry Act was amended by this august House. Coincidentally and unfortunately Shri A.K. Sen was perhaps the then Minister...*(Interruptions)*...He was a party to it...*(Interruptions)*...Unfortunately today because I find him taking a stand which does not behove a lawyer of that standing...*(Interruptions)*...I don't know law and that is why I am not saying anything.

The thing is that most of the Hon. Members who are now shedding crocodile tears today in the name of Shrimati Indira Gandhi have all voted for this amendment...*(Interruptions)*...Today they are on the other side. If you read the amendment...*(Interruptions)*

AN. HON. MEMBER: This is objectionable...*(Interruptions)*

MR. DEPUTY SPEAKER: Let him first finish. I will go through the record. If there is anything objectionable, I will go through the record.

(Interruptions)

S. BUTA SINGH: The people of this country know as to who are sincere, loyal followers of Shrimati Indira Gandhi and who are the people who are now coming to this House in the name of Shrimati Indira Gandhi, who have been supporting till yesterday the Killers of Shrimati Indira Gandhi. they were supported in the court by these very elements....*(Interruptions)*It is a historical fact.

(Interruptions)

SHRI DINESH GOSWAMI: The whole country condemned the assassination of Shrimati Indira Gandhi ..*(Interruptions)*....

S. BUTA SINGH: I would like to read the amendment which was drafted by the same Shri A. K. Sen and passed by this House and most of the Hon. Members who are now shouting today were voting in favour of that amendment....

(Interruptions)

Sir, the amendment reads:

"The provisions of sub-section (4) shall not apply if the appropriate Government is satisfied...."

SOME HON. MEMBERS: We know that.

S. BUTA SINGH: But I want to tell the country.

"...that in the interest of sovereignty and integrity of India, the security of the State friendly relations with the foreign States or in public interest, it is not expedient to lay before the House of the People or, as the case may be, the legislative Assembly of a State the Report, or any part thereof, of the Commission on the inquiry made by the commission under sub-section 1 and issues a notification to that effect in the official gazette."

The notification was issued. That notification was brought to this House and this august House passed that notification on the 30th July, 1986. This is the legal position. There is a decision of the House through resolution or through an amendment of the Act that this Report shall not be placed on the Table of the House and shall not be discussed in this House. We stick to that decision. We do not want to revise this decision. Therefore, this House cannot discuss or even raise questions on this. This is the sovereign decision of this House. *(Interruptions)*

SHRI A. K. SEN: Since my very good friend, Shri Buta Singh, chose to take my name it is my duty to disclose the reason why we are asking for the disclosure of this report. *(Interruptions)*

MR. DEPUTY SPEAKER: Order. Order, please.

SHRI A. K. SEN: When the House was

asked to pass this measure.....*(Interruptions)*

MR. DEPUTY SPEAKER: Order. Order, please.

SHRI A. CHARLES: Sir, I rise on a point of order and want your ruling. He was the Law Minister then....*(Interruptions)*

SHRI ARIF MOHAMMAD KHAN: Will you be so kind to me when I ask for your ruling next time? *(Interruptions)*

MR. DEPUTY SPEAKER: There is no point of order.

SHRI A.K. SEN: Sir, may I proceed? When this House was asked to vote upon this Bill they were not told that there were strictures of this character against a person and to shield that, this matter was being brought. If we were told, it would have been a different thing. Nobody was told. Even the Law Minister did not know of this. It was not placed before the Council of Ministers even. Therefore, the House voted without knowing the cause of shielding...*(Interruptions)* This was a trick played on the House. *(Interruptions)*

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF IN-
FORMATION AND BROADCASTING
(SHRI H.K.L. BHAGAT): I respect Mr. Sen. I am surprised. This matter took place in the House on 30.4.86. They are giving this importance. None of them challenged for division. The Resolution and the statutory amendment were passed by a voice vote. *(Interruptions)* Why did you not press for division? They were in Government.*(Interruptions)* You did not ask for a division. The House carried it by a voice vote. You are opposing it today. *(Interruptions)* Mr. Arif Mohammad Khan, Mr. A. K. Sen and Mr. V.P. Singh were there. *(Interruptions)* You even did not ask for a division. Why didn't you ask for a division? *(Interruptions)*

SHRI A. K. SEN: Nobody was told about

[Sh. A.K. Sen]

this report. (*Interruptions*) They don't want to hear, Sir.

(*Interruptions*)

MR. DEPUTY SPEAKER: Order please.

(*Interruptions*)

SHRI ARIF MOHAMMAD KHAN Sir, if they won't allow us to speak, I will have to come and speak there (*Interruptions*) As a Member, I have a right to listen to him

MR. DEPUTY SPEAKER: I have already asked him.

(*Interruptions*)

SHRI ASUTOSH LAW (Dum Dum): Let there be an amendment and then only it can come. (*Interruptions*)

SHRI A. K. SEN: It is quite clear that it is within the powers of the Parliament to demand the disclosure of the document which has leaked out Parliament has the inherent power to call for the document. (*Interruptions*) If I had been told, "These were the facts and strictures and don't tell this to Parliament." I would not have agreed. (*Interruptions*) I don't know what is the report. Nobody Knows (*Interruptions*) Shri V.P. Singh was there (*Interruptions*) Further, when the report has become public now, there is nothing to prevent it from being discussed on the floor of the House. (*Interruptions*)

S. BUTA SINGH: Mr Deputy Speaker, Sir, the people in the country have been telling us that Mr. Ashok Sen is a man of integrity. Today, he has proved that this thing is not there. As a Law Minister, he brought this piece of legislation to this House Today, he says. He was not aware of it. Perhaps he has misled the House. Either he was not sincere then or he is not sincere today. There is something called collective responsibility

of the Cabinet...(*Interruptions*)... for every decision that the Government takes. I am sure that V P. Singh has not taken as yet that stand because the Government has the collective responsibility to this august House. Whatever decisions were taken by the Government, every Minister is responsible for them. And this is not only the decision of the Government, this is the decision of this august House. The Government has never taken a stand that this Report has anything to do with the case which was pending before the court. This was never the stand of the Government. Therefore, my submission is that (*Interruptions*)...All that I can say is what has appeared in the Press can be defined as puerile writing, highly mischievous politically motivated a slanderous campaign to defame certain persons in the Government. Beyond that I am not prepared to say anything and this cannot be discussed in the House under any circumstances. (*Interruptions*)

SHRI A. K. SEN: I plead guilty to the charge of lack of integrity if standing up for the rights of the Parliament is lack of integrity. (*Interruptions*)

SHRI BHOLANATH SEN (Calcutta South). I am very surprised that a very eminent lawyer like Shri Ashok Sen (*Interruptions*) He cannot say that the law is invalid. The law remains a long as the amendment is not done away with. the law is binding on everybody and Mr. Sen is a party to it Secondly, Mr. Sen is giving out what had transpired in the Cabinet meeting. That is definitely a wrong thing, wrong done to the Constitution of India. Thirdly, he says that it was not told and it was suppressed and he was asked to suppress the fact. If he did so, if he believed that it was wrong, he should have resigned at that time. Why did he not resign?

SHRI DINESH GOSWAMI: The law does not prohibit, It is not that there is total prohibition. There is a discretion. We want the Government to exercise the discretion to place this report. This is one point. The next point is that if the Report is leaked outside

and the country can discuss the Report, the Press can discuss the Report, no prohibition can be placed upon the Parliament to discuss the Report. That is the point we are making. If the Home Ministry leaks out that Report to the Press, it is a gross contempt of this Parliament committed by the Home Ministry and the Home Ministry is accountable to the country and the Parliament. We ought to know as to how this Report has gone out. Who has leaked out this Report? Once the Report has gone out, Parliament has the right to discuss the Report. At that time, the impression given was that this Report will lead to communal disturbances. At no point of time, were we told that there are in report, comments that what has been done was against the security of the country by individuals and when the security of the country is in question, that is paramount and this Parliament will be doing the greatest disservice to the interest of the country if we do not discuss this. And even when Justice thakkar has spoken about the security of the country, this Parliament says "We are helpless and we are not going to discuss it". The duty is incumbent upon us. When the Report says that the security has been threatened, then we must discuss it. (*Interruptions*)

SHRI VISHWANATH PRATAP SINGH (Allahabad): My name was taken by the hon. Home Minister and he has talked of collective responsibility. I was in the Cabinet. I was also a member of the CCPA; Shri Buta Singh was also there. May I say of collective responsibility? The Prime Minister did not show the report to any member...(*Interruptions*) How does the question of collective responsibility come? (*Interruptions*)

S. BUTA SINGH: Shri V. P. Singh and Shri Ashok Sen are divulging certain things according to them. What has transpired in the Cabinet and in the CCPA is not the property of this House; that cannot be discussed here. Both of them are breaking the constitutional obligations; they are breaching the privilege which they enjoyed as Ministers. They are not worthy to be called

even the Members of Parliament, this House. This is very strange that men of eminence who are now going about talking about morality outside, are flouting the very privileges that they have enjoyed. I request you to kindly expunge this from the proceedings of this House....(*Interruptions*)

MR. DEPUTY-SPEAKER: Order, please.

SHRI THAMPAN THOMAS: I have given a motion to take custody of the document...(*Interruptions*)

MR. DEPUTY-SPEAKER: I will see to that....I will go through that. There is no point of order.

We will take up the Calling Attention now....(*Interruptions*)

MR. DEPUTY SPEAKER: I adjourn the House to meet again at 4 O' clock.

The Lok Sabha adjourned till Sixteen of the Clock

16.05 hours

The Lok Sabha re-assembled at five minutes past Sixteen of the Clock

[MR. DEPUTY SPEAKER *in the Chair*]

(*Interruptions*)

[*English*]

KUMARI MAMATA BANERJEE (Jadavpur): Sir, I want to raise a matter of privilege. (*Interruptions*)

SHRI M. RAGHUMA REDDY (Nalgonda): We want the Report to be placed on the Table of House.

SHRI BASUDEB ACHARIA (Bankura): Sir, the Government must disclose the contents of the Report. (*Interruptions*)

SHRI SOMNATH CHATTERJEE (Bolpur): What is all this? They must make a statement.

MR. DEPUTY SPEAKER: All of you please sit down. Then only I will allow you. Yes Mr. Chatterjee.

SHRI SOMNATH CHATTERJEE: Mr. Deputy Speaker Sir, when the matter was discussed in the House it was said that in view of the investigation that was going on relating to the murder trial of the case relating to the assassination of Mrs. Indira Gandhi, it could not be laid on the Table of the House. It was further said by Mr. Chidambaram that there might be people who would distort the Report. Sir, the House was not given an opportunity to know the contents of the Report or to discuss the same. Today, a report has been published *in extenso* saying that this is the report of the Thakkar Commission. Once it is disclosed, the question of its affection the trial no longer arises because the trial is over and even the execution had been completed. Today what is standing in the way of the Government in admitting whether this report is correct or not? The Home Minister intervened. In spite of his intervention, he has not said that the report is incorrect. Therefore, people may proceed on the basis that this is a correct report.....

SHRI V. SOBHANADREESWARA RAO (Vijayawada): The report is one hundred per cent correct. (*Interruptions*)

SHRI SHANTARAM NAIK (Pana): What is his point of order? Does it relate to the business before the House? (*Interruptions*)

SHRI SOMNATH CHATTERJEE: It this is a correct report, this House which is the supreme authority must have an occasion to discuss it.....(*Interruptions*) I want your ruling on another very important aspect. Mr. Chidambaram while replying to the debate in the House said:

"As far as taking action is concerned, it

is certainly not Government's intention not to take action on the reports of the Commissions of Inquiry, even if those reports are not placed before the Parliament."

What action has been taken on this report? (*Interruptions*)

SHRI ASUTOSH LAW (Dum Dum): Under which rule is he raising the matter? Please give your ruling.

MR. DEPUTY SPEAKER: I will give it.

SHRI SOMNATH CHATTERJEE: I would like to know whether any action has been taken on this report, when it is stated that action will be taken on all reports. Sir, the results of such action can always be elicited by parliamentary devices. I would like to know whether any action has been taken on this report because the Minister himself has said that action will be taken on all reports. What action has been taken? This House must be given an opportunity to discuss it.

MR. DEPUTY SPEAKER: I will give my ruling. Please take your seat. Mr. Chatterjee, you have raised this matter. The Minister has replied that according to the law which we have passed, it cannot be placed on the Table of the House. Also, what has appeared in the press can be malicious. There is no point of order in this.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE: But they have not denied the correctness of the report...(*Interruptions*)

SHRI ASUTOSH LAW: Sir, I have given a privilege notice against Shri Ashok Sen for misleading the House when he was a Minister. As a Minister he had misled at that time. He has admitted in his statement. By admitting this, it is proved that he misled the House. So, I have given a privilege notice. Please admit it.

MR. DEPUTY SPEAKER: I will con-

sider it and then I will give my ruling.

(Interruptions)

KUMARI MAMATA BANERJEE: Sir, I have given a privilege notice against Mr. V.P. Singh.

MR. DEPUTY SPEAKER: I will consider it.

KUMARI MAMATA BANERJEE: He has violated the oath of secrecy.

MR. DEPUTY SPEAKER: If you have given a notice, then I will consider it.

KUMARI MAMATA BANERJEE: I have given it.

MR. DEPUTY SPEAKER: I will consider it.

(Interruptions)

SHRI BASUDEB ACHARIA: Sir, the existing law as amended does not prevent the Government from laying the Thakkar Commission Report on the floor of the House. The whole report had been published in a newspaper. After the disclosure, when the report has been leaked out and when the whole world will debate on the report, then the Parliament will not get any opportunity to discuss it.

MR. DEPUTY SPEAKER: It is same thing. I have already given my ruling. I cannot compel the Government.

SHRI BASUDEB ACHARIA: He has not said that the report is false. Let him say that the report is incorrect.

MR. DEPUTY SPEAKER: Shri Shankarlal.

(Interruptions)

SHRI SHANKARLAL (Pali): My point of order is, I am drawing the attention of the hon. Deputy Speaker to Rule 352(IV). It

says, "reflect on any determination of the House except on a motion for rescinding it." It means anything which has been decided by the House cannot be discussed again on the floor of the House. Once the House has decided it, it cannot be reopened. I want a ruling on this matter.

MR. DEPUTY SPEAKER: Whatever are the rules, we are going to implement them. That is all. According to the rules we are going to discuss it. We cannot violate the rules. If you want to change the rules you can do so. That is all I can say.

16.14 hrs.

[MR. SPEAKER *in the Chair*]

DR. KRUPASINDHU BHOI (Sambalpur): Sir, I have given a privilege notice.....

MR. SPEAKER: Order, Order.

Hon. Members, since morning I have listened to this debate and I have also had my talks with hon. Members and Opposition Leaders here. I feel that there should be a way out of this impasse. For that, I think I shall have to take into consideration every legal as well as other aspects. I cannot be extraordinary.

(Interruptions)

MR. SPEAKER: I shall also discuss with Somnath Ji; and I think he better guides me also, as to how I can better carry out my duties.

(Interruptions)

MR. SPEAKER: No; I would like, as Speaker, to be guided by the hon. Members of the Opposition as well as the ruling party because I am not only the Speaker of the ruling party or the Opposition parties; I am Speaker for both. So, I would like this position to be safeguarded by you. My position, the Speaker's position as such, is in your hands. So, I will not like to denigrate this

[Mr. Speaker]

position, and I would like you to have cooperation with me. And I think that if you are not in a mood to work today, I shall give you time for re-thinking, and thought on both sides, and to come tomorrow at 10 o'clock—both sides—and then we shall talk. I think that in the better interests of democracy, in the better interests of the country and in the better interests of the procedures and rules of this House which I have not, but you have laid down, if you help me in carrying out those duties, I shall try to do it.

(Interruptions)

S. BUTA SINGH: Sir, Let me put it that the Government's stand has been made very clear this morning, and we stand by that. (Interruptions)

MR. SPEAKER: Now the question is

(Interruptions)

MR. SPEAKER: Order, order. Sit down; please sit down. We will meet tomorrow. You should give it a thought.

(Interruptions)

MR. SPEAKER: Order, please. I am on my legs. Why are you shouting now? What I am appealing is that it is a consensus. It should be a consensus. There should be some good discussion, not this kind of shouting.

(Interruptions)

MR. SPEAKER: Not like this. Please sit down. Shouting will not lead us anywhere. Please sit down. Don't worry. Do not behave like that. You have also been Ministers....

(Interruptions)

SHRI SOMNATH CHATTERJEE: We are willing to cooperate. But if this is their approach, if this is the approach of the Government....(Interruptions)

MR. SPEAKER: I want you to show me the path.

(Interruptions)

MR. SPEAKER: Order, order. Sit down. So, the question is..

(Interruptions)

MR. SPEAKER: Does not matter.

(Interruptions)

MR. SPEAKER: I have been appealing since morning; and I think my appeal has not so far cut any ice. By tomorrow, I would like you to give a second thought.

(Interruptions)

MR. SPEAKER: Order please.....So, I just let you have this time till tomorrow, and then we get together at 10 o'clock—leaders from this side, and from that side.

(Interruptions)

MR. SPEAKER: Then we shall talk about it. Till then I adjourn the House, to meet tomorrow at 11 o'clock.

16.18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, March 15, 1989/Phalgun 24, 1910 (Saka)