

SHRI SOMNATH CHATTERJEE: I have also given.

16.15 hrs.

MOTION UNDER RULE 184 FOR REFERENCE TO COMMITTEE OF PRIVILEGES FOR MAKING DETAILED INVESTIGATIONS INTO ALLEGATIONS BY SHRI K.P. UNNIKISHNAN, M.P.

[English]

MR. SPEAKER: Now we go to the next item. Motion by Shri Shantaram Naik.

PROF. MADHU DANDAVATE (Rajapur): I am on a point of order.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram): I have given a written notice.

MR. SPEAKER: One by one.

PROF. MADHU DANDAVATE: I had already written to you that I want to raise certain procedural objections. I may tell you, at the very outset, that in this House on a number of occasions very important procedural debates had taken place which are as important as the merits of the resolution and therefore, permit us to point out to you some of the objections which were raised here in the context of the ruling that you had given.

At the outset, let me tell you that the resolution which Shri Shantaram Naik is seeking to move, the subject matter of that particular motion is exactly the same as the subject matter of the privilege notice that was given on the 15th December, 1987 and you have already given, your ruling. On 15th December, 1987, already a notice was given by Shri P.R. Kumaramangalam. The subject matter of his privilege notice was that Shri Unnikrishnan has made certain allegations, regarding the licences cornered by Bachchan brothers and then he had refuted those allegations. Then some clash took place in which the Prime Minister had taken a leading part. Some sort of condition was sought to be imposed that either 'X' resigns or 'Y' resigns. The whole matter

came in the form of a privilege notice and, Sir, when you gave your ruling, you mentioned, I will read the last paragraph of your ruling.

MR. SPEAKER: I know the ruling I have given.

PROF. MADHU DANDAVATE: The last paragraph of your ruling was:

"After careful consideration of the facts in the present case, rules, precedents and well-established Parliamentary conventions, I am satisfied that no *prima facie* case of breach of privilege has been made out. I, therefore, withhold my consent to the raising of the matter in the House as a question of privilege."

And, Sir, you have rejected that privilege motion.

MR. SPEAKER: I still do stand by it.

PROF. MADHU DANDAVATE: Very nice. I know very well that you stand where you are, or sit where you are. I am only strengthening your hands because the future generations will quote your ruling. You and I might not be in the House. But generations to come will say that Dr. Jakhar had given a very valuable ruling and it would become a precedent for all times to come.

MR. SPEAKER: It is the rules which give it.

PROF. MADHU DANDAVATE: Now, in the context of your ruling, (Interruptions)

SHRI SHANTARAM NAIK (Panaji): Is it your motion or my motion?

PROF. MADHU DANDAVATE: I am on a point of order. He has allowed me.

Now, as far as procedural objections are concerned, in your ruling a number of issues come. Allegation by a member on the floor does not, according to you, become a privilege.

[Prof. Madhu Dandavate]

Secondly, inaccuracy in a statement can be corrected under Speaker's Direction 115. On page 3383 of your ruling, you have said: "Actually there is no privilege". Successive Speakers have ruled that before giving consent to raise a privilege issue, the Speaker must be satisfied that there is *prima facie* case and he must be satisfied that not that there is any incorrect statement or allegation, but actually it has been made deliberately to misguide the House, motivation has to be established, and if a *prima facie* case on all that is established, then only it becomes a privilege and therefore you have come to the conclusion that no breach of privilege has taken place; there is no privilege at all.

I want to warn this House and I want to request you that on such a matter when you yourself in your wisdom felt that there is no privilege involved at all, but through back door, some Member brings an issue and want the entire issue to be referred to the Privileges Committee. Probably on some technical grounds, it might not be called as a privilege notice, but for all practical purposes, it becomes a notice of privilege and only by back door, it is sought to be given permission. Sir, if through brute majority, the House is going to nullify the ruling that you had already given, all right, through human majority if they are going to nullify the ruling that you had already given, then it is misusing the majority to nullify the Speaker's ruling.

Sir, it will mean destroying and dissolving the traditions of the Parliament. Sir, on 20th of April 1653, in the House of Commons, Cromwell came with an army to destroy and dissolve the Parliament. Today, Mr. Shantaram Naik is coming by a back door motion to destroy the dignity and all the traditions, and even your ruling. I only request you to stand firm by your ruling that you had already given and try to see that by back door method, they do not sabotage your ruling. Stand by your ruling. Stand by your ruling and do not allow this motion to go through. (Interruptions)

[Translation]

MR. SPEAKER: You, please, wait a minute. What are you doing? Please, sit down.

(Interruptions)

MR. SPEAKER: You are again interrupting. Kindly take your seat.

(Interruptions)

[English]

MR. SPEAKER: Let me conduct the business.

(Interruptions)

SHRI DINESH GOSWAMI (Guwahati): I have given a notice to you that I want to raise certain points regarding the admissibility of this motion. (Interruptions)

[Translation]

MR. SPEAKER: Please tell if you want to say anything else.

[English]

SHRI DINESH GOSWAMI: I am not casting any aspersions or I do not doubt the bonafide of Mr. Shantaram Naik. But, a very important question comes, as to whether such a motion is admissible under the facts and circumstances of the case. (Interruptions)

THE MINISTER OF HOME AFFAIRS (SHRI S. BUTA SINGH): It has been admitted.

SHRI DINESH GOSWAMI: Under Rule 105 of the Constitution, we have the right of freedom of speech in this House and only limitation of the right of freedom of speech is the restrictions that the rules provide. The rules also provide... (Interruptions)

MR. SPEAKER: That has come in the freedom of speech.

(Interruptions)

PROF. MADHU DANDAVATE: You have quoted 105 in your ruling Sir. (Interruptions)

SHRI DINESH GOSWAMI (Guwahati): Ultimately, the decision will be yours. But, you kindly bear with me.

The right of freedom of speech is circumscribed by the limitations, which the House has put up on itself by the formation of the rules, and the rule itself says that if a Member violates his right or acts not in accordance with the Rules of Procedure, then the remedy available to the House itself is to act in accordance with the privilege because of a breach of privilege. I have a full right of freedom of speech. If I misuse that right, then I will be subject to the condition that I will be hauled up in the privileges. Now, let us look at the facts of this case. (Interruptions)

SHRI DINESH GOSWAMI: Please bear with me....(Interruptions)

SHRI DINESH GOSWAMI: There is no guilty conscience. (Interruptions)

SHRI DINESH GOSWAMI: What happened was, there were certain allegations and counter allegations in this House and personal challenges were thrown. While the proceedings were going on, you were very pleased to observe -

I quote page no.775 of the proceedings:

"Now, the question is that I have first to satisfy myself whether the matter is going to be referred; when the challenges and the counter challenges were made, the matter should go to the Privileges Committee. You were kind enough to commend that you shall have to first decide before sending the matter to the Privileges Committee, whether the matter can go to the Privileges Committee."

(Interruptions)

MR.SPEAKER: You tied down my hands at that time also.

(Interruptions)

SHRI DINESH GOSWAMI: I submit that challenges and counter challenges by individual Members could never be taken cognisance of by the House. (Interruptions)

MR. SPEAKER: No point of order. I do not agree with you.

(Interruptions)

SHRI DINESH GOSWAMI: This cannot be a personal matter. Two Members by themselves cannot decide that certain matters will go to the Privileges. (Interruptions)

PROF. MADHU DANDAVATE (Rajapur): It is not a private matter. (Interruptions)

SHRI DINESH GOSWAMI: It is not a private matter. In fact, in your ruling also, you have referred that this is not a personal matter. What is the motion of Mr. Shantaram Naik? It is, the matter should go to the Privileges Committee. (Interruptions)

MR. SPEAKER: I work with you all. I had to decide on its merits. I am bound down by your hands, by your voice and by this House.

(Interruption)

MR. SPEAKER: You are part and parcel of my decision. So was Mr. Gupta. So was Mr. Goswami.

SHRI DINESH GOSWAMI: Whether the matter will go to the Privileges Committee or not, that is not dependent on the House. Before a matter goes to the Privileges Committee the condition precedent is that the Speaker must give consent.

MR. SPEAKER: This is not going to the Privileges Committee as a motion of privilege. Not at all.

SHRI DINESH GOSWAMI: If it does not go to the Privileges Committee as a matter of privilege, then it cannot go in any other way...*(Interruptions)*

MR. SPEAKER: Prof. Sahib, you never realised what you said. You just forget. That is the problem. You tied down my hands. You tied me to this post. I have no other option. Mr. Gupta was part and parcel; you were part and parcel....

(Interruptions)

SHRI DINESH GOSWAMI: My submission will be, if it does not constitute a breach of privilege, in no other matter it can go to the Privileges Committee.

MR. SPEAKER: I ruled against it because I knew that it was not a question of breach of privilege at all. They agreed to it. I do not mind about any other thing.

PROF. MADHU DANDAVATE: Who are they?

MR. SPEAKER: You agreed. The whole House asked me to do it. I was not prepared to do it.

SHRI DINESH GOSWAMI: Even then it cannot go. There was no motion before the House...*(Interruptions)*

PROF. MADHU DANDAVATE: It does not matter. Even in spite of whatever we say rather than individual deciding....*(Interruptions)*

MR. SPEAKER: It is a very straight forward matter... Please sit down. Do not waste my time. I simply say just look into yourselves retrospectively. I should be held guilty if I did something wrong. And I am always apologetic to this House. I never say that I am the paragon of virtue. It is so simple Read the proceedings of this House and do what I could do and what would you have done in my place. I have to go according to what you have said here....*(Interruptions)*

SHRI DINESH GOSWAMI: You have done according to the rules. Our complaint is not against you....*(Interruptions)*

MR. SPEAKER: This House decided that day and I have said it again to the House. So simple it is...*(Interruptions)*

PROF. MADHU DANDAVATE: Even if we say that it should go to the privileges committee, it need not go because your ruling is correct.

MR. SPEAKER: I stand by my ruling. I am still correct. I will always stand by what I say. I said it on the floor of the House and I have put it before you...*(Interruptions)*

SHRI DINESH GOSWAMI: Let there be no misunderstanding. We are supporting your ruling. After your ruling this matter cannot go to the Privileges Committee. We stand by your ruling.

MR. SPEAKER: I stand by ruling. There is no question of breach of privilege. He did not commit any breach of privilege. I do stand by my ruling.

(Interruptions)

PROF. MADHU DANDAVATE: By majority vote your ruling should not be neutralised.

MR. SPEAKER: Majority and minority will always be there in this House. As long as parliamentary democracy is there, there will always be a majority. Who will command majority, that is for the people to decide....*(Interruptions)*

Now, you should not go back on your words. I never go back on my words.

SHRI DINESH GOSWAMI: We are not going back, Sir.

MR. SPEAKER: You are going back.

SHRI DINESH GOSWAMI: No, Sir.

MR. SPEAKER: I will show you, you are going back.

(Interruptions)

MR. SPEAKER: I have given the floor to Mr. Deo.

PROF. MADHU DANDAVATE: You are quoting the remarks of some of us. At that time you said that it cannot be enquired by the Prime Minister; let it be enquired by the Privileges Committee. After that you have given your ruling. After that individual comments are ended and your ruling only will survive.

MR. SPEAKER: It was something else.

[Translation]

You want to involve me and get yourself out of it.

SHRI DINESH GOSWAMI: We do not want to involve you, Sir...(Interruptions)

[English]

We are supporting you.

MR. SPEAKER: You are not supporting me; you are pulling my leg. You have put me in this dispute and now you want to get out of it.

SHRI DINESH GOSWAMI: How? What is this dispute?

MR. SPEAKER: I have asked Mr. Deo to have the floor?

SHRI V. KISHORE CHANDRA S. DEO: The substance of the motion that is there before us was already presented before in a different manner. Very rightly you, in your wisdom, ruled out that there was no breach of privilege and it does not go as a breach of privilege and it does not go as a breach of privilege. I concede that.

But, Sir, what I would like to submit is that we have certain rights which have been Constitutionally guaranteed to us by article 105 of the Constitution, as far as free democratic expression in this House is concerned. Bringing in this kind of a motion surreptitiously in this manner will ultimately result in abridging the rights of a

Member to speak freely in this House...(Interruptions).

MR. SPEAKER: Why do you shut eyes when we do something?...

(Interruptions)

MR. SPEAKER: I have also admitted that....

(Interruptions)

SHRI BASUDEB ACHARIA: What have you admitted, Sir?

MR. SPEAKER: Amendment to this motion...

(Interruptions)

SHRI V. KISHORE CHANDRA S. DEO: Please listen to me, Sir. This House cannot be converted into a gambling den...(Interruptions)

MR. SPEAKER: The amendment is that "This House, therefore, request the Speaker to constitute a Committee of the House on a consensus between the Treasury Benches and the Opposition to make a detailed investigation into the allegation made by Shri Unnikrishnan and report to the House..." That is what I have admitted.

SHRI V. KISHORE CHANDRA S. DEO: What I am trying to say is that charges and counter-charges, if they are traded in personal...(Interruptions).

[Translation]

MR. SPEAKER: You deny it. Now you want to go back on your words which is not good. Why did you do like this?

(Interruptions)

SHRI V. KISHORE CHANDRA S. DEO: This House cannot be converted into a gambling den... (Interruptions)

[Translation]

MR. SPEAKER: If it is a gambling den today, then, what about that day? How was the same. You want to involve me in it and you yourself want to get out of it.

[English]

I cannot barter my soul....

(Interruptions)

[Translation]

MR. SPEAKER: Shri Unnikrishnan is as good a Member as others. Look, I thought the Privilege motion as appropriate. The Rules Book is before me.

[English]

How can I shut my eyes to this? I cannot do anything with this. It is yours, it is not mine.

SHRI BASUDEB ACHARIA (Bankura): But after that, you gave your ruling, Sir.

MR. SPEAKER: I gave my ruling on perfect lines and my ruling stands...

(Interruptions)

MR. SPEAKER: It still stands....

(Interruptions)

MR. SPEAKER: Proceedings also stand....

(Interruptions)

SHRI BASUDEB ACHARIA: That will go against your ruling, Sir.

MR. SPEAKER: No...

(Interruptions)

SHRI S. JAIPAL REDDY: You read out some amendment, Sir. I have not heard that.

[Translation]

MR. SPEAKER: That is a motion for amendment.

[English]

SHRI INDRAJIT GUPTA (Basirhat): You kindly hear me, Sir. My submission is that under rule 186, this motion of Mr. Shantaram Naik is not admissible at all for two reasons. Kindly see rule 186.

[Translation]

MR. SPEAKER: I have seen it.

[English]

SHRI INDRAJIT GUPTA: Rule 186 says: "The motion, in order to be admissible, must satisfy the following conditions. Sub-clause (ii) of rule 186 is: "it shall not contain arguments, inferences, etc." You just read the text of Mr. Naik's motion. It is full of arguments. The whole thing is argued that 'during the discussion it came out', 'if on reference to the Privilege Committee', etc. These are all arguments. This is not in the form of a motion at all...(Interruptions)

MR. SPEAKER: No, it does not contain any arguments or inferences...

(Interruptions)

SHRI INDRAJIT GUPTA: You consider it, Sir, objectively calmly, dispassionately. Then you see rule 186, sub-clause (VI).....

(Interruptions)

[Translation]

MR. SPEAKER: You are a great Parliamentarian. If you had given a thought to its pros and cons, then I would not have been involved in it. Now you are displeased with me and blaming me. That time I had done what you wanted me to do.

[English]

SHRI BASUDEB ACHARIA: We objected, Sir...(Interruptions).

MR. SPEAKER: You did not...

(Interruptions)

MR. SPEAKER: No, I cannot....

(Interruptions)

MR. SPEAKER: Now we start with the
business....

(Interruptions)

SHRI SAIFUDDIN CHOWDHARY: I am
on a point of order, Sir...*(Interruptions)*

PROF. MADHU DANDAVATE: Let him
complete, Sir.... *(Interruptions)*.

[Translation]

MR. SPEAKER: I respect Shri Indrajit
Gupta very much. I have been following
the path shown by him. It is he who in-
volved me.

[English]

SHRI INDRAJIT GUPTA: Sir, You have
given your ruling on the 1st of March,
1988, that is, during this session, the early
stage of this session. Now, is it admissible
for a motion which, according to rule 186
(vi): "shall not revive discussion of a mat-
ter..." *(interruptions)*

MR. SPEAKER: There was no discussion
at all....

(Interruptions)

SHRI INDRAJIT GUPTA: There was. Of
course. The discussion did not culminate
till you gave your ruling....*(Interruptions)*.

MR. SPEAKER: It was just my ruling...

(Interruptions)

MR. SPEAKER: Nothing doing....

(Interruptions)

SHRI INDRAJIT GUPTA: The discussion
could not be concluded till you gave your
ruling. You gave your ruling on the 1st of
March, which was during the present ses-
sion, and I submit that under rule 186, you
cannot allow the same matter to be revived
again in the same session. That is
what...*(Interruptions)*.

MR. SPEAKER: Overruled...

(Interruptions)

SHRI INDRAJIT GUPTA: You are simply
saying no. You please convince me, Sir.
Convince me what is wrong in my
argument.

Apart from the fact that it is containing
so many arguments and inferences, he is
reviving the matter which was concluded
only when you gave your ruling in the 1st
of March 1988. *(Interruptions)*

[Translation]

MR. SPEAKER: Shri Saifuddin, what do
you want to say?

[English]

SHRI INDRAJIT GUPTA: Sir, when he
speaks for five hours, it shall not contain a
matter of privilege...? If you refer it to the
Privileges Committee, it can't go into the
matter except the matter of privilege.
(Interruptions)

MR. SPEAKER: It is you who are sending
it to the Committee.

(Interruptions)

PROF. MADHU DANDAVATE: If the
Privilege Committee does not discuss the
privileges, can it discuss the Bofors affairs?
(Interruptions)

[Translation]

MR. SPEAKER: Professor Sahib, may I
ask you why you did not mention it that
day?

PROF. MADHU DANDAVATE: We had said that day also that if you want, you may refer it to the Committee. Only after that, you took a decision...(Interruptions)

MR. SPEAKER: I want to request you with folded hands that on that day, you involved me in this matter and how is it that today you want to retreat.

PROF. MADHU DANDAVATE: There is no question of involving you. I had suggested the other day also but you wanted the matter to be referred to the Committee of Privileges. Hence the question of retreating does not arise here.

MR. SPEAKER: It is just due to your grace that I have been involved in it.

PROF. MADHU DANDAVATE: There is no question of grace in it.

(Interruptions)

MR. SPEAKER: In this case I have been involved just due to your grace.

(Interruptions)

MR. SPEAKER: Just because of you, I have been involved in it.

(Interruptions)

[English]

MR. SPEAKER: It can't be termed as discussion.

(Interruptions)

SHRI INDRAJIT GUPTA: If the discussion of this matter was to be concluded, you should have given your ruling in the last session itself. You did not give it. You have not given your ruling in this House. (Interruptions)

MR. SPEAKER: No, does not matter. This matter was not discussed and now it can't be termed as a discussion, no problem.

(Interruptions)

SHRI BASUDEB ACHARIA: You have to change the rules. You can't discuss it now.

PROF. MADHU DANDAVATE: I know that the Prime Minister is keen on getting Mr. Unnikrishnan thrown out of this (Interruptions)

SHRI S. JAIPAL REDDY: The Prime Minister is keen getting Mr. Unnikrishnan expelled. (Interruptions)

SHRI H.K.L. BHAGAT: That is why we are doing it. (Interruptions)

[Translation]

MR. SPEAKER: What are you doing....(Interruptions)

MR. SPEAKER: Only you have got it done like this. You have made me to do it, now you are going back.

(Interruptions)

MR. SPEAKER: You have got me involved in it.

[English]

SHRI BASUDEB ACHARIA: You gave your ruling. How can you admit this motion? (Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT): Mr. Speaker has given me the floor. He has given me permission to speak. (Interruptions)

PROF. MADHU DANDAVATE: You try to fight Mr. Unnikrishnan by straight method, not by back-door method. Don't try to throw away Members of Parliament like this.

SHRI H.K.L. BHAGAT: That is your courage, you are not even letting me speak, not wanting to listen to me. Why are you afraid of me? Why are you afraid of my speaking? Sir, you have already admitted my motion. That is perfectly all right. It is distressing to see that those who threw

challenges repeatedly are now running away from it. That shows lack of political courage, that shows lack of moral courage. You are not brave fellows. It is amazing that they are not prepared even for ascertainment of facts which the motion proposes to go into. Sir, your ruling is final. It was Mr. Unnikrishnan, Shri Indrajit Gupta and Prof. Madhu Dandavate who had suggested at that time that the matter be referred to the Privileges Committee. We are not presuming anything. The motion only asks for ascertainment of facts. This again shows what responsibility and regard for truth they have. They made the allegations and then wish to run away from it. It is a very serious matter. The House accepted the challenges. Take these challenges and don't run away from these challenges. (Interruptions) Mr. Unnikrishnan said 15 times that the matter be referred to the Privileges Committee.

The Speaker has admitted the motion already. And certainly the House is supreme, even in regard to privilege matters also the House is supreme. You cannot run away from it. Don't act like vague people; act like straightforward people. Face the challenges, don't run away from the challenges that you have given. I am sorry, a man of the calibre of Indrajit Gupta, says, ultimately it will have to go to the Privileges Committee. Let us ascertain the facts, let us see whether Mr. Unnikrishnan is right or wrong. And you said, the House should not decide it. It should go to the Privileges Committee. Ascertaining the facts, the Speaker can send it to the Privileges Committee or the House can decide it and the motion which he has already placed is in order. You are running away from it. That is what I said, you make allegation, you do not want to prove it, you want to run away from it. That is the attitude. (Interruptions). That is the attitude of people who politically lack foresight. (Interruptions). No political foresight.

(Interruptions)

SHRI THAMPAN THOMAS (Mavelikara):
Sir, I have a point of order. (Interruptions).

SHRI INDRAJIT GUPTA: Sir, will he go by your ruling or will he go by what I said? That is what I want to know (Interruptions).

PROF. MADHU DANDAVATE: Mr. Bhagat, you have no allergy for Bachchans and Hinduja's, but you have allergy for Mr. Unnikrishnan because he is an alert and vigilant Member of Parliament and you want to throw him out. That is the conspiracy that you are planning.

SHRI H.K.L. BHAGAT: I do not want to listen to any sermon from you, Mr. Madhu Dandavate. In this House we are not presuming anything. We are asking for ascertainment of facts. Prof. Madhu Dandavate, we are ascertaining facts, we are not presuming anything. (Interruptions). You are giving sermons. Sitting in this House you expelled Mrs. Gandhi who was a duly elected Member, from the House. You are talking of morality, political morality..... (Interruptions).

PROF. MADHU DANDAVATE: The Prime Minister should have got the courage. (Interruptions).

He has selected a back-bencher to give this motion. The Prime Minister should have shown the courage to bring the motion. He asked the back-bencher to move the motion. (Interruptions).

SHRI H.K.L. BHAGAT: Mr. Unnikrishnan is afraid of facing... (Interruptions).

MR.SPEAKER: No point of order.

(Interruptions)

SHRI THAMPAN THOMAS:If it goes to the Privileges Committee, what will you do, Sir? It will result in no-confidence in you, because you have given a Ruling earlier and it will go against your Ruling and it is challenging the original authority of the Speaker.

MR. SPEAKER: I cannot go against rules, I stand still by whatever Ruling I have given. I am under the rules given me. I have given you... (Interruptions)

[Translation]

MR. SPEAKER: Professor Sahib, one minute...

(Interruptions)

MR. SPEAKER: Don't make me lose my never. I do not care for it. Just because of these gentlemen, I have been involved in it.

(Interruptions)

[English]

MR. SPEAKER: You are all hon. Members, you are saying like this. Can you say like this? Overruled?

(Interruptions)

MR. SPEAKER: As the objections have been raised, the motion hits Rule 186(ii) as it contains arguments, inferences etc. About that, I have to say:

1. The motion as admitted, does not contain any arguments or inferences.....

AN HON. MEMBER: How can you admit this motion? (Interruptions).

MR. SPEAKER: It only sets out the context in which a demand was made for reference of the matter to the Committee of Privileges. The operative para is the last para. It will not be clear unless the earlier paras are gone through.

(Interruptions)

MR. SPEAKER. II. The motion hits Rule 186(v) which says that a motion under Rule 184 "shall not raise a question of privilege."

In this instant case the matter is sought to be remitted to the Committee of Privileges for a detailed investigation into the allegations made by Shri P. Unnikrishnan. The House is competent to refer any matter to a Committee of the House for inquiry/investigation. Shri Unnikrishnan had accepted the challenge. Shri Unnikrishnan himself had accepted the challenge on the floor of the House on 10th December,

1987. You see also there was a demand from all sections of the House to refer the matter to the Committee of Privileges including yourself.

SHRI THAMPAN THOMAS: That was before your ruling by which you rejected it.

MR. SPEAKER: It does not bar it.

PROF. MADHU DANDAVATE: Are you withdrawing your earlier ruling? (Interruptions.)

MR. SPEAKER: The next objection is, it raises substantially the same question of privilege which has been disposed of by the hon. Speaker as without any *prima facie* case. Regarding that, the bar under Rule 186(vi) is in respect of reviving a matter which has been discussed in the same session.

The question of privilege on the subject was raised by Shri Kumaramangalam in the last session. Hence the rule does not apply.

(Interruptions)

MR. SPEAKER: Moreover, the matter sought to be raised in the present motion is not a question of privilege. So simple it is. All objections have been over-ruled. Shri Shantaram Naik now.

(Interruptions)

MR. SPEAKER: I am not allowing anybody. There is no point of order now. I disposed all of them.

SHRI THAMPAN THOMAS: Are you withdrawing your earlier ruling? There is a conflict. (Interruptions.)

MR. SPEAKER: There is no conflict between my ruling on privilege and on this motion today. There is no conflict. not at all. This conflict is only between what you are saying now and what you were saying then.

(Interruptions)

441 Motion re: Ref. to
Pr. Committee

VAISAKHA 15, 1910 (SAKA)

for investigation by 442

Shri Unnikrishnan, M.P.

MR. SPEAKER: Professor, Sir, I do not go back on my words. I never go back. Whatever you said, I stand by it. And what you made me to stand by, I stood.

(Interruptions)

MR. SPEAKER: I have listened to all the points. Now you listen to him. I have given the floor to him.

(Interruptions)

MR. SPEAKER: The boot is on the other leg.

[Translation]

Why do not you blame yourself instead of blaming me. You are going back. I am not.

Shri Shantaram Naik.

[English]

SHRI SHANTARAM NAIK (Panaji): Mr. Speaker, Sir, I will start with my motion. I beg to move:

"That during the discussion on 'No confidence Motion' on 10th December, 1987, Shri K.P. Unnikrishnan, a Member of this House, made an allegation against Shri P.R. Das Munshi, Minister of State in the Ministry of Commerce, of having made an untrue statement on the floor of the House regarding 'cornering of licences by Bachchan Brothers in Kandla Free Trade Zone' which was rebutted by the Minister.

That during the discussion, it came out that if on reference to the Privileges Committee, an allegation was proved correct, the Prime Minister would make his Minister resign and, if the same was found false, the Member Shri Unnikrishnan, would resign his seat in Lok Sabha.

proposition was ac-

cepted by all concerned, which is clear from the day's proceedings of the House.

This House, therefore, directs the Committee of Privileges to make a detailed investigation into the allegation made by Shri Unnikrishnan and report to the House by the first day of the last week of the current Session."

This is the motion which I moved before this House.

PROF. MADHU DANDAVATE: We are protesting against it and we are walking out..... (Interruptions.)

16.49 hrs.

Shri Basudeb Acharia and Some other hon. Members then left the House.

(Interruptions)

SHRI H.K.L. BHAGAT: What morality have you got? You lack political courage. You lack political morality. You lack political tradition. You are only running away. We are not asking for anything. We are asking for ascertaining the facts. (Interruptions)

SHRI SHANTARAM NAIK: I have already read out my motion and also moved the motion before the House.

[Translation]

MR. SPEAKER: The fact is that I have to go by rules.

[English]

I have to work according to rules. I am a servant of this House. The whole House, including all the Opposition leaders and the whole House demanded that this matter be referred to the Privileges Committee. After that I have no other way out, but to admit the motion. Privilege motion and these two things are different. There was no case for Privilege.

[English]

SHRI H. K. L. BHAGAT: I might add that

[Shri H. K. L. Bhagat]

this was discussed in the Business Advisory Committee in which the Opposition Members were also present and was also agreed to.

MR. SPEAKER: At the request of Shri Unnikrishnan we postponed it four to five times.

PROF. N. G. RANGA: That does not mean that we have got to allow our friends here and specially from that side to make irresponsible charges, one against the other, and that too, against their own hon. Members. Therefore, you are not the only one who feels unhappy. We also feel unhappy. But please do understand our feelings also. We are made to witness here day after day and to hear the irresponsible charges, scandal after scandal. In what way can we carry on Parliament? You have been here for more than eight years. I have been here for more than 500 years. I have never come across this kind of the most scandalous behaviour before. Never before there was this scandalous behaviour. Therefore, I would like you also to understand our anguish and be with us and not give us the impression that we are carrying on our work here in spite of your feelings.

MR. SPEAKER: If you go through the proceedings, that day, only Shri Unnikrishnanji told me let the matter be referred to the Committee of Privileges. Again Shri Unnikrishnanji told me "let the matter be referred to the Committee of Privileges. There is an institutional set up. I accept this challenge. I will prove it within 2 minutes." That is what he told me. That is what Shri Guptaji told me. That is what Shri Dandavate told me. That is what Shri Goswami told me. What can I do about this?

S. BUTA SINGH: As a matter of fact, to be fair to the Chair, on that particular day, every one of us was here. It is they who took the matter out of your hands. It is the Opposition who was barred the Speaker and this matter had become a property of this House. You rightly gave your ruling. As the hon. Minister for Parliamentary Affairs said this matter was discussed in the Busi-

ness Advisory Committee. The motion which has been brought before this House is purposely under the rules.

MR. SPEAKER: Mr. Arif Mohammad Khan had asked me as a matter of privilege that day about security arrangements. Then I asked him to give me a motion under 184 and I will put it before the House.

S. BUTA SINGH: It is most unfair to the Chair.

MR. SPEAKER: I will admit the same because this is the same as that. It has to be ascertained whether you are right or he is right. That is what I said. I am ready to accept it. According to all canons of justice and rules, I could not do otherwise. The whole House said this. I also put it to the House now whether to admit it or not.

S. BUTA SINGH: You have rightly done it. This house is seized of the matter.

MR. SPEAKER: One must be prepared for what he is saying. After having said and accepted his challenge, it is now up to him to face his challenge. That is all.

S. BUTA SINGH: They have not only flouted the Chair but they have questioned the very sovereignty of this House because this House is sovereign now. It is for this House to decide, as pronounced. They have run out because they do not have the facts to face this House. That is why they have run out. This is how the Opposition wants to keep the Parliamentary Democracy in our country. We are not afraid of any situation or any issue to be discussed. We are prepared. Let them also come and join us. This is how they want to scuttle the Parliamentary democracy in our country.

MR. SPEAKER: Shri Shantaram Naik.

SHRI SHANTARAM NAIK: Sir, I would like to acquaint myself with the amendment which I have to give notice of which was resulted on account of the circumstances because as the motion stood initially, the report had to come by the last week of this current Session. But, from the

beginning itself Shri Unnikrishnan expressed his difficulties to attend this House and as a result of which, the matter went on being postponed. Therefore, the circumstances have made me to give this notice of amendment which says and I move:

for "first day of the last week of the current Session"

substitute "last day of the first week of the next Session."

Sir, at the outset, I would thank you very much not only because you have over-ruled the objections raised by the Members of the Opposition Parties but I am glad that you have answered each and every question raised by them specifically within a short time of 10 minutes. Therefore, they should have no grudge on any of their points not having been answered by the hon. Speaker. Therefore, I am specifically very grateful to you.

Sir, sometimes back our Prime Minister has said that if something has to be stopped, someone has to stop talking. The hon. Speaker has also expunged that word. But what the Prime Minister stated happened to be quite true because it appears that truth is not their strength of the Opposition. It is untrue statement that they derive strength from. Otherwise, if truth had been their strength, they would have brought out, at every inquiry, the facts which are absolutely true and told the nation, told the people what is the matter; what is what.

Sir, for the last three years, atleast as a Member of this House, I am seeing that they have not derived any strength from truth. But untrue statement, incorrect statement have been taken by them as strength. In the current term of this Lok Sabha, several discussions have come before this House under Rule 193, under various rules of this House. But in each of these discussions, no concrete suggestions before the Government have been made by them, as a responsible Opposition. Their approach in all the discussions--may be discussions under Rule 193, may be on the Bills which have come before this House,

may be on the Budget and various demands which have been placed and discussed in this House and their role have been totally negative. No concrete suggestion has ever come from them. Even with respect to the Budget, when they have criticised, they have not made any concrete suggestion with respect to any financial implications before this House. As a young Member of this House, I am pained to note because I have not only to learn from the ruling party, but I am also expected to learn from the hon. Members of the Opposition.

MR. SPEAKER: Mr. Shantaram Naik, please make it relevant.

16.59 hrs.

[MR. DEPUTY SPEAKER in the Chair]

SHRI SHANTARAM NAIK: Secondly, I would like to say that in the last several months, no ruling of the hon. Speaker has been obeyed by the Members of the Opposition parties. Not only that. But on every ruling of the hon. Speaker, walk-outs have been staged. Not only that they have expressed, in words, against the ruling of the hon. Speaker but they have expressed in terms of their action by walking-out. Even on a well-explained ruling of today, they have staged a walk-out.

17.00 hrs.

MR. DEPUTY SPEAKER: You speak on the Motion.

SHRI SHANTARAM NAIK: Do you think I am speaking out of the point?

MR. DEPUTY SPEAKER: You restrict it.

SHRI SHANTARAM NAIK: I am speaking on the background. Why do you think I am speaking against the Motion?

MR. DEPUTY SPEAKER: It is better to restrict.

SHRI SHANTARAM NAIK: This is different thing. But do not insinuate that I am

[Shri Shantaram Naik]

speaking out of the point. I have made my points very meticulously.

Secondly, under Rule 353, whatever rules and there, the Chair has to be obeyed. They were never resorted to. They have never observed any of the rules. What has happened in the last two days? What respect has been given to the Parliamentary Committee? What has been done? They have criticised a high-powered Parliamentary Committee. What do you expect? Are they interested in any sort of Committees? When Parliamentary Committees have been constituted, they have asked for inquiry commissions, when inquiry commissions were sought to be instituted, they have asked for Parliamentary Committee. Therefore, they have shown, time and again, that they do not believe in any sort of institutions. Since I have lot of material to substantiate the points made by two of my learned colleagues here in the opposition, the entire text of the debate if you see, Mr. Dandavate and Mr. Indrajit Gupta have, time and again, addressed the Prime Minister saying that you shall not judge the matter. The Privilege Committee shall judge whether Mr. P. R. Das Munshi has told correctly in this House with respect to this question or Mr. Unnikrishnan is correct. They were insisting time and again that the Prime Minister should not be the judge and the judge should be the Privilege Committee. Mr. Dandavate said it repeatedly and Mr. Indrajit Gupta said it repeatedly. Therefore, in my all humbleness, I say this is a matter for the purpose of ascertainment of the facts, and should be referred to the Privileges Committee.

MR. DEPUTY SPEAKER: Motion moved:

"That during the discussion on 'No Confidence Motion' on 10th December, 1987, Shri K.P. Unnikrishnan, a Member of this House, made an allegation against Shri P.R. Das Munshi, Minister of State in the Ministry of Commerce, of having made an untrue statement on the floor of

the House regarding 'cornering of licences by Bachchan Brothers in Kandla Free Trade Zone' which was rebutted by the Minister.

That during the discussion, it came out that if on reference to the Privileges Committee, the allegation was proved correct, the Prime Minister would make his Minister resign and, if the same was found false, the Member, Shri Unnikrishnan, would resign his seat in Lok Sabha.

That the above proposition was accepted by all concerned, which is clear from the day's proceedings of the House.

This House, therefore, directs the Committee of Privileges to make a detailed investigation into the allegation made by Shri Unnikrishnan and report to the House by the first day of the last week of the current Session."

MR. DEPUTY SPEAKER: Some Members have given notice for amendments.

Shri Dinesh Goswami - Not present

Shri E. Ayyapu Reddy - Not present

Shri V. Kishore Chandra S. Deo - Not present

Shri S. Jaipal Reddy - Not present

Shri Shantaram Naik

SHRI SHANTARAM NAIK: I beg to move:

That in the motion--

in paragraph 4, -

for "first day of the last week of the current Session" substitute "last day of the first week of the next Session" (6)

MR. DEPUTY-SPEAKER: Amendment moved:

That in the motion, --

in paragraph 4, --

for "first day of the last week of the current Session" substitute "last day of the first week of the next Session" (6)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H.K.L. BHAGAT): This again shows that the decision to do this was taken as 'Operation Rescue' at the eleventh hour. Otherwise, they would not have given their name.

MR. DEPUTY-SPEAKER: Only amendment No. 6 is moved.

SHRI H.K.L. BHAGAT: We are not presuming anything. Facts have to be ascertained. I cannot say one way or the other, what will happen.

MR. DEPUTY-SPEAKER: Shri K.K. Tewary.

PROF. K.K. TEWARY (Buxar): I will not take much of your time. It is a historic day in the history of this sovereign House. I feel it historic because for quite some time, we have been watching and watching helplessly wanton talk on the privilege of this House. Attempts have been made not only to denigrate this House but also to denigrate the Chair, the institutions in the country. This has been done with a sense of impunity. Members, of course, have the privilege and privilege must be safeguarded. But the privileges of Members cannot remain intact or cannot remain unassailable if the privilege of the House is undermined. That is, if the privilege of the House is undermined, the authority of this House, the Constitution and the Republic is undermined. Therefore, what has come before the House, I don't think it is too late in the day to take up this matter. It was very kind of the Chair to have permitted this because this particular incident that took place that day, I wonder as to how

'these Hon. Members of the opposition benches would face this country. Time and again, the Chair reminded Mr. Unnikrishnan of the consequences of his ascertain and he went on making commitments which were supported by all the top Opposition leaders present in the House.

Another point which is important and that should be noted. The fear that Mr. Unnikrishnan would be expelled or he will have to resign is unfounded. Because the Privileges Committee will go into the authenticity of this charge--whether what he said on the floor of the House was correct or incorrect. He said 'I stand by every word that I have said; if it is proved otherwise, then I am prepared to resign'. This is the precise point on which the Privileges Committee will deliberate. Therefore, if he is sure of his facts, if he is aware of the responsibility of an Hon. Member--because we are exempted from any action outside for what we say here; it is a great privilege that we derive from the Constitution--if the Member is responsible, if the Member discharges his duties in the House with responsibility, with some awareness of the position that he holds, then I think this will contribute in the long run in the strengthening the position of Members as also in strengthening the position of this House.

The last point that I want to make is that this exercise by the Privileges Committee will also untold the tactics adopted by the Opposition in the country. For the last one year we have been witnessing most careless dereliction of their duties and responsibilities. All kinds of cooked up charges have been levelled. You must have seen that not only in the House; but outside also these attempts have been made. All kinds of write-ups have been appearing in newspapers making insinuations against the Chair, against the Speaker and against institutions like the institution of the Prime Minister.

The Prime Minister is not an individual. The Prime Minister is the nationally mandated leader of the House and he is the nationally mandated leader of the nation. The way the consulted, organised, orchestrated attempts have been made for the last one

[Prof. K.K. Tiwari]

year against the Prime Minister, to denigrate him or to bring him down in the eyes of the people, would ultimately result in the subversion of the very system of which this sovereign House is the final and ultimate custodian.

Therefore, I say that this day is going to be recorded as a historic day because it will re-affirm the sanctity of this House as also the responsibility of the Members who are elected to this sovereign House through a constitutional process that we have given to ourselves after a long struggle. This must not be frittered away; this must not be destroyed in order to satisfy the vanity and ill conceived designs of some Hon. Members sitting on the other side.

Therefore, I very strongly and firmly hold the view that this Motion must be accepted by this House and it must go to its logical conclusion so that the country would know. Because people at large are looking to the Parliament. They must know what their representatives under the constitutional set up of which they are the last repository--because people are the sovereign authority--are doing here. Let them know how they discharge their duties and the authority that they have delegated to their representatives to represent them in the House; whether they are working within the four walls of the Constitution or whether they are trying and attempting under different influences to subvert the same Constitution which gives us this authority, this House and the entire political process that we have cherished and we cherish in this House and outside also.

Therefore I support this Motion.

SHRI HAROOBHAI MEHTA
(Ahmedabad): My good friend, Mr. Shantaram Naik deserves congratulations to have brought about this Motion.

The greater the freedom of speech the greater the responsibility to ensure that one does not abuse it. It is precisely therefore that on that day Mr. Speaker put

it to Mr. Unnikrishnan on 10th December, 1987 that 'you have accepted the challenge that you will also resign'. Mr. K.P. Unnikrishnan said 'I have accepted it fifteen times, I have said it'. Mr. Speaker said 'You have accepted the challenge that if you are proved false, then you will resign'. For that Mr. Unnikrishnan said 'Yes, yes, that is the point.'

Our stakes are larger in this Motion. If the facts are proved otherwise, then we might have to lose a Minister. Mr. Unnikrishnan has nothing to lose except his seat in the Opposition. Therefore, in fact, what we are doing is to ventilate the right of the House to know the facts. I am afraid the attitude on the part of the other side does not manifest something which can be described as bravado or bold. Something else is manifested. This House and the Rules also protect even private citizens against false allegations. If some allegation is made against the Minister and the challenge is given that I will prove it then they must abide by it. Why should they get away from it?

Therefore, this Motion if accepted will prove to be of great historic importance because Members on both sides will be shown the parameters of freedom of speech, and that you cannot abuse the freedom of speech. I, therefore, support the motion of Shri Shantaram Naik wholeheartedly and I hope the House will accept it. The Defence Minister only half an hour ago was saying that you will have to eat up your words. The motion will be carried logically and time may come when somebody may have to eat up his words uttered fifteen times. I, therefore, wholeheartedly support the motion.

PROF. P.J. KURIEN (Idukki): Sir, this is another instance of the Opposition running away from truth. When the Bofors issue came up they demanded parliamentary probe and when Government agreed they ran away from it. As far as this issue is concerned Mr. Unnikrishnan levelled an allegation against the Minister, of course, without observing the rules of giving advance notice. After making allegation even though the hon. Minister refuted it Mr. Unnikrish-

nan persisted with it and repeatedly said that he is sticking to his words. He himself wanted that it should be referred to the Privileges Committee. On a question by our Prime Minister not only Mr. Unnikrishnan but other hon. Members of the Opposition such as Sarvashri Indrajit Gupta, Madhu Dandavate and others demanded that it should be referred to the Privileges Committee. When the Prime Minister said that the matter be investigated and if what the Minister has said proves to be a lie then he would drop the Minister then Mr. Indrajit Gupta stood up and said it should only be referred to the Privileges Committee for investigation.

The Opposition point that the ruling has already been given for referring the matter to a Privilege Committee does not stand because the hon. Speaker had clearly said that the motion before us was not a privilege motion but it was a question of investigation. What is the position? Mr. Unnikrishnan has levelled a charge. This is the sovereign House of the people. Whatever is said in this House should be true. Every Member is bound to speak to truth and nothing but the truth. If an untruth is said that is a breach of privilege of this House. Mr. Unnikrishnan allegation that Mr. P.R. Das Munshi, Minister of the Central cabinet has said a lie; I should say, is a very serious one. The House is in the dark about the whole issue. The House has a right to know the truth. The House cannot be kept in the dark. We should know the truth and we have the right to know the truth. That is why this has to be referred to the Privileges Committee for investigation.

Sir, you know why the Opposition is making all these allegations. This is an apt example. After Mr. Rajiv Gandhi's government came into power with a massive mandate the Opposition is making one allegation after another. I can understand their frustration. They want to come back to power but by making these allegations and trying to de-stabilise the Government they are in fact de-stabilising the country. The Opposition should know that. You know how they are trying to de-stabilise the country... by making false allegations

one after another. Let this motion, which seeks to refer the whole matter to the Privileges Committee, prove, once and for all, that this is the attitude of the Opposition and these are the types of allegations which they are making.

With these words, I support the motion moved by Mr. Shantaram Naik.

SHRI G.M. BANATWALLA (Ponnani): Mr. Deputy Speaker, Sir, it is a fact that leaders of several Opposition parties and groups on that particular day had asked the Speaker to refer the matter to the Privileges Committee. That cannot be denied. It is a matter of record. It is also a fact that there is a growing tendency these days to take the sanctity of this House rather than in an easy manner and to hurl irresponsible accusations, charges and to make irresponsible statements; that also cannot be denied that there is a growing tendency with respect of these matters.

Now today, when this motion is before the House, almost all the Opposition have walked out excepting ourselves. We remain here for a specific purpose to draw the attention of the House to certain matters and also to make a fervent plea to the House.

The motion, that we have, seeks to refer the allegations to the Privileges Committee. What are the matters that can be referred to the Privileges Committee? Can the Privileges Committee be burdened with all sorts of matters and all sorts of investigations? I respectfully differ in this particular matter and submit that the function of the Privileges Committee is to investigate matters which are with respect to the breach of privilege. Every matter of investigation cannot be referred to this Committee of Privileges. Of course, there was an amendment for one of the Members of the Opposition to have some other committee, but that amendment has not been moved.

I would like to draw your attention to rule 314, sub-rule (1). It deals with the functions of the Committee of Privileges. I quote:

"The Committee shall examine every question referred to it and

[Shri G.M. Banatwalla]

determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit."

The rules say that the Committee shall examine every question referred to it.. (And then, do what?)... and determine with reference to the facts of each question whether a breach of privilege is involved. Therefore, the function of the Committee is very clearly the determination of breach of privilege and not to submit report on all sorts of sundry investigations.

I would not have spoken in this manner. A particular Member gave the notice of amendment to have a different Committee. But that has not been moved, and the only motion before the House is to send this matter to the Committee. What would the Committee do? The function of the Committee is to determine whether there is a breach of privilege or not. There is no other function of the Committee. Supposing the Committee with reference to this gives a decision that there has been a breach of privilege....where does that lead us to? The hon. Speaker has already given the ruling that prima facie there is no breach of privilege and if the Committee comes with a recommendation that there has been a breach of privilege, then there will be unnecessary, uncomfortable and inconvenient positions which could come up because it is not for the Privileges Committee merely to find the fact and then wash its hands off. It is mandatory on the part of the Privileges Committee to find out and determine whether there has been or there has not been breach of privilege. Therefore, in the first place, I submit that the matter cannot be referred to a Committee of privilege. That does not mean that I oppose the reference of a matter to some other appropriate forum of this House. No. But that matter is not for this forum.

SHRI SHANTARAM NAIK: Even

anti-defection laws are referred to Privileges Committee.

SHRI G.M. BANATWALLA: That is taken care of in a different manner, in the other manner. You have to change the rules first. You change the rule that from now onwards our breach of Privileges Committee is a miscellaneous Committee. It is a sundry, miscellaneous Committee which will decide all matters that will be referred to, not the matter which the House wants. That is a different thing, if you change the rules. I will also not object to the motion, if it is so amended, if it is referred to some other appropriate Committee of this House. Again, I will not come with any particular objection to it. My objection is that the matter cannot be referred to Committee of privileges. It will put our Speaker in a very embarrassing position. On that day, everybody, even from the Opposition--I am not taking their brief--several leaders who were speaking on that day were saying in an air of bravado that the matter be referred to Committee of privileges. What does that mean? When I say a matter should be referred to the Committee of Privileges, it means that I am alleging a breach of privilege. It does not mean that I am wanting a mere fact-finding commission. When I ask the House to refer the matter to Privileges Committee, what I am asking for is a determination of the question of privilege. That is very clear and that particular matter has been given the ruling already from the Speaker that there is no breach of privilege whatsoever. I therefore, feel that it would not be appropriate for the House to refer the matter to a Committee of Privileges. There, the House may decide to refer to some other Committee. That is a different matter all together.

Another particular plea which I want to make to this House is that almost all Opposition leaders who had asked the matter to be referred to the Committee of Privileges have walked out. They have referred their words or whatever they were they stand exposed to the nation. They had thrown certain challenges. When the time came, they are taking shelter under some technical excuses, raised certain points of order and have walked out. Much of what

the Ruling Benches wanted has already been achieved. If the Treasury Benches wanted to see that the Opposition is exposed, they have already succeeded in their mission. The Opposition stands exposed already by running out and avoiding and shirking their responsibility.

Let the matter rest over there. That is the plea that I want to make to this House. Let us not further precipitate the matter. The Treasury Benches have got what they wanted. It would not now be proper, fair and just further to push the matter. I would, therefore, request the hon. Member, Shri Shantaram Naik, who has moved the motion that in view of the situation that has been created today by the opposition, in view of the fact that they have withdrawn and walked out and in view of the fact that they have exposed themselves to the entire nation, to withdraw his motion and not to precipitate the matter further.

SHRI SHANTARAM NAIK: My only contention is this. The Committee of Privileges is also a fact finding Committee. Any matter where the House wants to find out the truth can be referred to the Privileges Committee and in the past, as far as my information goes, even matters under the Anti-Defection Law have been referred to the Privileges Committee. Therefore, his contention is not correct....

SHRI G.M. BANATWALLA: The rules may provide that, but what about my plea? What is the use of trying to precipitate matters?

MR. DEPUTY-SPEAKER: I shall first put amendment No. 6 moved by Shri Shantaram Naik to the motion to the vote of the House : The question is:

"That in the motion,--

in paragraph 4, --

for "first day of the last week of the current session."

substitute "last day of the first week of the next session"

The motion was adopted.

Mr. DEPUTY-SPEAKER: I shall now put the amended motion to the vote of the House:

"That during the discussion on 'No Confidence Motion' on 10th December, 1987, Shri K.P. Unnikrishnan, a Member of this House, made an allegation against Shri P. R. Das Munshi, Minister of State in the Ministry of Commerce, of having made an untrue statement on the floor of the House regarding 'cornering of licences by Bachchan Brothers in Kandla Free Trade Zone' which was rebutted by the Minister.

That during the discussion, it came out that if on reference to the Privileges Committee, the allegation, was proved correct, the Prime Minister would make his Minister resign and, if the same was found false, the Member, Shri Unnikrishnan, would resign his seat in Lok Sabha.

"That the above proposition was accepted by all concerned, which is clear from the day's proceedings of the House.

"This House, therefore, directs the Committee of Privileges to make a detailed investigation into the allegation made by Shri Unnikrishnan and report to the House by the last day of the first week of the next session."

The motion was adopted.

17.25 hrs.

STATUTORY RESOLUTION RE: APPROVAL
OF CONTINUANCE IN FORCE OF
PROCLAMATION IN RESPECT OF
PUNJAB--Contd

[English]

MR. DEPUTY-SPEAKER: The House will now take up further discussion on the