

Cauvery-Krishna-Godavari river Link

200. SHRI A. MURUGESAN: Will the Minister of AGRICULTURE AND IRRIGATION be pleased to state:

(a) whether it is a fact that the State Government concerned are moving for action to effect Cauvery-Krishna-Godavari Link as a preparatory step for Ganges-Cauvery link; and

(b) the broad details of the proposal and the time limit by which the scheme will be taken up for implementation?

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI BHANU PRATAP SINGH): (a) and (b). There is no information here about any such proposal.

12 hrs.

RE : QUERY UNDER RULE 199

SHRI C. M. STEPHEN (Idukki): I had sought your permission to make a submission at this stage and I was informed that I have your permission.

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order, Sir.

MR. SPEAKER: Mr. Stephen has taken my permission.

SHRI JYOTIRMOY BOSU: I would like to be enlightened. I am not aware what submission Mr. Stephen is going to make. I submit he has not brought a no-confidence motion or an adjournment motion nor is it a privilege motion. I would like to be enlightened. Let Mr. Stephen sit down. I am on a point of order.

MR. SPEAKER: I allowed him to make a submission.

SHRI JYOTIRMOY BOSU: You allow me to make a submission. You cannot violate the rules.

My point of order is under Direction 2 of yours. First of all I would like to be enlightened. The House was not under your control, everything was inaudible. I am not aware whether he is tabling a No Confidence Motion or Adjournment Motion or it is Privilege issue. I take it that none of these things has been brought by him.

I have an adjournment motion. I would like to make a submission -- although the Shah Commission has given a report, yet Government has failed to bring Mrs. Gandhi to book.

MR. SPEAKER: Kindly hear me.

Direction 2 provides—'Unless the Speaker otherwise directs'. I have permitted the Leader of the Opposition to make a query under Rule 199.

SHRI JYOTIRMOY BASU: You are duty bound to inform the House when you are superseding Direction No. 2. You are one of us. You are first among equals in the House. You are no more than that. It is not a relation of master and servant employer and employee. If you want to supersede your Direction—which is Direction No. 2, you have to take the House into Confidence and tell the House.

MR. SPEAKER: No.

SHRI JYOTIRMOY BOSU: Kindly do not carry coal to Newcastle. There are many Newcastles here.

I would like to know what is your decision about my adjournment motion—that this Government have failed to bring Mrs. Gandhi to book. My notice reads—Government's failure to bring to book Mrs. Gandhi, her son and her accomplices who are involved in...

MR. SPEAKER: I have given my decision.

You have been informed.

SHRI JYOTIRMOY BOSU: Unprecedented criminal activities and also for subverting Constitution and misusing authority.

MR. SPEAKER: This is not a point of order.

I have refused permission for that adjournment motion. You have been informed about it.

SHRI JYOTIRMOY BOSU: I went and saw you in your chamber.

I went out with the impression that you will allow me to make a mention of this.

MR. SPEAKER: No, no, I have informed you. Do not form your impression—I have informed you in writing that the adjournment motion has been disallowed.

SHRI JYOTIRMOY BOSU: Why are you also anxious to forget and forgive Mrs. Gandhi, I do not understand?

MR. SPEAKER: That is all right.

SHRI JYOTIRMOY BOSU: My point is that as per the Shah Commission Report she has committed unprecedented criminal activities and also subverted the Constitution and misused authority.

MR. SPEAKER: You must cooperate with this House, otherwise everybody can claim...

SHRI SAUGATA ROY (Barrackpore): He must be named for making a defamatory statement.

MR. SPEAKER: There is nothing unparliamentary.

SHRI VASANT SATHE (Akola): (Interruptions) Otherwise we will also say something.

MR. SPEAKER: Mr. Bosu, kindly obey orders.

SHRI JYOTIRMOY BOSU: If you enforce emergency as Mrs. Gandhi did in this House then we can...

MR. SPEAKER: I have disallowed it. I would not allow anything further. Do not record any more.

SHRI M. SATYANARYAN RAO (Karimnagar): He has spoken without your permission.

Whatever he spoke should be expunged.

(Interruptions)

Otherwise there will be no limit at all.

MR. SPEAKER: I can enforce it. That will be enforceable in the case of everybody.

There will be lot of difficulties for you also, unless the Speaker overrules.

DR. SUBRAMANIAM SWAMY (Bombay North-East): I am on a point of order.

(Interruptions). As a Member, I am entitled to know, under what rule he has stood up. You have been pleased to say, rule 199. Rule 199 says that a Member who has resigned the office of Minister may make a personal statement. He has no *locus standi* under Rule 199. I want to know under which rule he is standing up. I want to know under which rule you have permitted him.

MR. SPEAKER: There is no substance in your point of order. This question has been considered three times earlier and all the time the Speaker had allowed them to make a query,—of course—within the limits of Rule 199. So, under this Rule 199 itself, the Members have been allowed on three earlier occasions by the Speaker to request him to make a statement.

DR. SUBRAMANIAM SWAMY: May I know, which are those occasions, Sir?

MR. SPEAKER: Mr. Subramaniam Swamy, I am sorry; If you come to my chamber, I will tell you. As I said, on three earlier occasions this has been done.

Now, Mr. Stephen please..

SHRI JYOTIRMOY BOSU: I have written to you, Mr. Speaker, under Rule 199. Under what orders of precedence have you admitted their? What are the other names you have, I must know. Who are the persons who have written to you?

MR. SPEAKER: The Leader of the Opposition had requested me..

SHRI JYOTIRMOY BOSU: Am I to understand, Sir, that you don't go through the incoming mail that comes to you?

MR. SPEAKER: I am going through all the mail that comes to me, but I am unable to cope with your mail!

SHRI JYOTIRMOY BOSU: I had also written to you under Rule 199; Mr. Stephen is not alone.

MR. SPEAKER: I have dealt with everyone of them. Mr. Stephen's was the first one and I have considered it first. I have permitted him to make a query under Rule 199. I have informed everybody. There can be no debate; there can be only a query.

DR. SUBRAMANIAM SWAMY: It may be incorporated in the Direction of the Speaker.

SHRI NIRMAL CHANDRA JAIN: But in terms of Rule 199 it does not apply.

MR. SPEAKER: It does apply. I have read Rule 199.

SHRI NIRMAL CHANDRA JAIN: (Seoni): Kindly see this. It says:

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

It is not the personal statement of Mr. Stephen, but that of the member who has resigned the office of Minister. Therefore, Mr. Stephen cannot make any submission under Rule 199. If there are precedents to the contrary, then, they are not good precedents, because they do not fall in terms of the provisions of Rule 199.

DR. SUBRAMANIAM SWAMY: He has no *locus standi*. I would like to know under which rule you have done it. (Interruptions).

MR. SPEAKER: Are you all speaking in a batch or one by one? I am sorry, if you all speak at the same time, I cannot help.

Mr. Nirmal Chandra Jain was on his legs. Let me hear him.

SHRI NIRMAL CHANDRA JAIN: I was referring to Rule 199. Kindly see also sub-clause (2) of this very same rule. It says:—

"A copy of the statement shall be forwarded to the Speaker and the Leader of the House one day in advance of the day on which it is made."

And, which copy of the statement?— The statement to be made by the Member who has resigned the office of Minister, and not otherwise. My submission therefore is that Mr. Stephen has absolutely no *locus standi* to state anything or to agitate the matter here. He has first done it earlier in the Press and he should be satisfied with it.

MR. SPEAKER: Anybody else? I will hear everybody.

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, you have been pleased to exercise your powers under Direction 2 of the Speaker.

Now, Sir, a stipulation behind this Direction must be 'an extraordinary development' that has taken place which upsets the order of business before the House. And, therefore, I should think, the Speaker or the Chair, should be under an obligation to state to the House the reasons which have prompted him to upset the order of business before the House. But that the hon. Chair has not been pleased to do.

Then, in the second instance, Mr. Speaker, you are also referring to Rule 199.

Now, Sir, it is quite clear from Rule 199 that that privilege only relates to the Minister who has resigned. It does not relate to any other Member of the House.

So, Mr. Speaker, on both these counts, I think, the Chair is not in order in asking the hon. Leader of the Opposition to make any statement, the nature of which we do not

know at all. But, the Chair had been pleased to tell the House that it is under Rule 199 that it has asked him to do so.

MR. SPEAKER: I have not asked him to do so. I have only permitted him to make a query. (*Interruptions*)

SHRI SHYAMNANDAN MISHRA: The powers must arise out of Rule 199. The powers do not arise out of Rule 199. They do not entitle the hon. Leader of the Opposition to come up before the House under 199. That is patently clear here and that must not be allowed.

SHRI KANWAR LAL GUPTA (Delhi Sadar): Mr. Speaker, Sir, with your permission, let me read the whole of Rule 199.

199(1). A member who has resigned the office of Minister may, with the consent of the Speaker, make a personal statement in explanation of his resignation.

(2) A copy of the statement shall be forwarded to the Speaker and the Leader of the House one day in advance of the day on which it is made:

Provided that in the absence of a written statement, the points or the gist of such statement shall be conveyed to the Speaker and the Leader of the House one day in advance of the day on which it is made.

(3) *****

(4) There shall be no debate on such statement, but after it has been made, a Minister may make a statement pertinent thereto."

So, under this Rule 199—only three persons are involved—a member who was a Minister and who has resigned, then the Leader of the House and the third is the Speaker. I do not know how the Leader of the Opposition has come into this. You might have said that there were certain occasions where Members were allowed to

speak under Rule 199. But, you will agree that—you were the Supreme Court Judge—no convention can override the rules. The rule is very clear under which no other Member except the Member who was a Minister and who has resigned can make a statement with your permission giving in advance a copy to the Leader of the House. So, a fourth member does not come in the picture at all. Let me now read Direction 2. It says:

".....the relative precedence of the classes of business before the House specified below shall be in the following order;"

So, Direction 2 gives the order. Now you can disturb it. But, under Rule 199, the hon. Leader of the Opposition is not entitled to speak. There is no question of changing the order. He is nobody else. So, because a wrong has been committed in the past, I think, we should not repeat it; it will be a very bad precedent if that think is allowed. If it is allowed, I think it will be against the rules, against the Procedure and it will be a very bad precedent.

Therefore, may I request you that if he is permitted, kindly don't allow anybody else except the Minister to speak on this.

SHRI VAYALAR RAVI (Chirayinkil): Mr. Speaker, Sir, the point is very clear. Mr. Stephen, first of all, is not going to make a statement in the House but he is only making his submission. Rule 199 clearly states that the Minister may make a statement. It means that this House has the full authority to know why the Home Minister has resigned. (*Interruptions*). Therefore, under Rule 377, on any other matter of public importance, the Leader of the Opposition or the Members, with your permission have the full right to know as to what happened to Rule 199. Under that we are making a query as to what happened. So, we can also make a submission under the proviso

[Shri Vayalar Ravi]

to Rule 376—the point of order. The Proviso to Rule 376 says that in between the time of one subject and another, any Member can raise a point of order. So, Direction 2 will not come here. If you apply that, under Rule 377 we very much have got the right to know as to what happened to Rule 199. This House is expected to know why the Home Minister, the important No. 2 man in the Cabinet has resigned. Many people still go to his house and hear his lecture—lecture by the shadow Prime Minister—and why he resigned. Why this *de facto* Prime Minister of U.P., Bihar and Haryana, this great man, Shri Charan Singh has resigned? That is what we want to know.

श्री गौरी शंकर राय (जाजपुर) : अध्यक्ष महोदय, मेरे मित्रों ने जो कुछ कहा है, मुझे उसमें एक पायंट जोड़ना है। माननीय सदस्य, श्री एम० एन० मिश्र और श्री कंवर लाल गुप्त, ने सारी स्थिति को स्पष्ट कर दिया है। इस सम्बन्ध में किसी अन्य सदस्य को कोई बयान देने का हक नहीं है। आप ने कहा है कि इस पर कोई डीबेट नहीं होगी, क्योंकि रूल 199 के अनुसार डीबेट प्राहिबिटेड है। कठिनाई यह होगी कि लीडर आफ दि ओपोजीशन का जो बयान होगा, स्वाभाविक है कि उस में कुछ बातें कही जायेंगी, जिन का जवाब दिया जायेगा और फिर डीबेट शुरू हो जायेगी। परिणाम यह होगा कि उन की किसी आन्वर्षेशन पर डीबेट शुरू हो जायेगी, जो रूल 199 के मूलाधिक प्राहिबिटेड है। आप को उन्हें इजाजत देने का अधिकार है, लेकिन डीबेट कराने का अधिकार आपको नहीं है। इस प्रकार उन्हें स्टेटमेंट देने की इजाजत देने से एक एनेंमर्ली पैदा हो जायेगी।

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, you have been good enough to say that what Leader of the Opposition is going to say is permitted under Rule 199. Rule 199 is nothing but a privilege which has been con-

ferred on a Minister who has resigned. It does not impose any obligation on the Member who was previously a Minister and who has resigned to make a statement. He may choose to make a statement or he may not choose to make a statement. Whether he should make any clarification or statement or not is not left to any other Member to compel or ask for explanation as to why he is not making a statement. A privilege given to any particular Member cannot be termed to be an obligation on him.

Secondly, so far as Direction 2 is concerned, there is a complete list of the order of precedence in which subjects will be taken up. You have been good enough to refer to the opening portion; 'Unless the Speaker otherwise directs'. Now, here also my submission is that you can only alter the order of precedence but cannot include a new type of business. You can re-align the order of precedence under Direction 2 but it does not contemplate a new type of business to be inserted.

PROF. P. G. MAVALANKAR (Gandhinagar): Mr. Speaker, Sir, I do not wish to repeat what has already been pointed out to you in support of the objections against your decision to permit the Leader of the Opposition to make a statement.

MR. SPEAKER: Let me clarify that I have not permitted him to make a statement.

PROF. P. G. MAVALANKAR: Sir, when you are referring to Rule 199 all I want to submit is that by no stretch of imagination can Rule 199 be brought into operation for permitting this kind of statement in the House because Rule 199 basically given an opportunity to explain and not to make a submission. There is no explanation to be given by the Leader of the Opposition because he has not resigned any post. If he resigns as Leader of the Opposition, then, perhaps, he can make a statement.

Now, coming to Direction 2 and the words 'Unless Speaker otherwise directs', you will kindly recall that it is the bounden duty of the Chair to explain when the Chair departs from the normal rules giving reasons as to why it departs. Unless the Chair gives a proper reasoning as to why the Chair on a particular occasion—for the moment on the present occasion—decides to depart from the rules, practices and directions, how are we to know what are the reasons under which you are departing? That is point No. 2. Now, point No. 3 is: if at all you want the Leader of the Opposition to make a statement, I assume that he has taken your permission and you have given him the permission, then my point is that you have said that on three previous occasions, this kind of permission was given by the then Speakers. My friend, Mr. Swamy asked in this respect what those occasions were. Certainly, we are not here to take an examination. But we would like to know which are those three precedents which you are quoting because only then we will be able to know that this particular fourth occasion is in tune with the three precedents. Otherwise it is possible that a very different precedent may be created on the basis of these three so called precedents. That is my point. Now, the office of the Leader of the Opposition is a new office which we have fortunately built up in this Parliament—until this Parliament there was no Leader of the Opposition and fortunately there is now the Leader of the Opposition.—My submission is that in the absence of rules providing for you to give permission to the Leader of the Opposition who, I consider it right, has certain rights and obligations to Parliament and to the country, if you want to create a precedent, please do not quote rule 199. You have rule 389. Under rule 389, you can suspend whatever you want by asking the House to suspend, and you can also use your own authority and discretion to do it. But in order to permit the Leader of the

Opposition, to say what he wants to say because of your natural anxiety that the opposition must not be neglected nor they should have a feeling that they are being neglected, surely because of that anxiety you cannot create a new rule and inject it into the body of the rules when it does not exist. Therefore my submission is that you cannot do it. (Interruptions)

SHRI K. P. UNIKRISHNAN: (Badagara): Sir, you have permitted the Leader of the Opposition to make a statement.

MR. SPEAKER: No. I have permitted him to make an enquiry under 199.

SHRI K. P. UNNIKRISHNAN: Now, as has been pointed out by my distinguished colleagues, rule 199 is absolutely clear. I presume for the proceeding of this House to be constitutional and in order, it has to go by the rules of procedure and directions to the House. If that is so, Mr. Stephen or any other Member does not fall into the categories mentioned by rule 199. This category belongs to the option which can be exercised by the Ministers who have resigned. A Minister has a particular annotation. It does not mean a Member. Under the rules of procedure or by common understanding even if that is so, I cannot understand how you have permitted this rule to be applied to entitle the leader of the opposition to make a statement. Now, coming to the very significant point, I completely uphold the right of Mr. Stephen, as a leader of the opposition, or any of us on this side to demand that the Minister or the Prime Minister, as the case may be, enlighten this House as to how a grave development of this nature has happened because it is important for the functioning of the parliamentary democracy. One fine morning if the Home Minister, who was not only a No. 2, who was regarded as No. 2—I do not know

[Shri K. P. Unnikrishnan]
 ther he was No. 2 or No. 3 or No. 4 and also a towering personality of the ruling party—has resigned and also the Health Minister was asked to leave, then this House is entitled to know, the country is entitled to know what are the events surrounding this. But if you want to permit the leader of the opposition to make a submission on that or demand such a statement about the facts surrounding this case, then you should have asked him to come under rule 377 or 389. (Interruptions).

DR. SUBRAMANIAM SWAMY:
 About the scope of rule 199, I am happy that the House is of the same opinion. Now, I draw your kind attention to proviso 3 which says: "There shall be no debate on such a statement after it has been made". Sir, it already implies that in the event the Minister does not choose to make a statement or in the process of any statement, there shall be no advance debate on it. So, what is happening here is that each of those Members is utilising this 199 and says that he does not have a right and they are also making a submission. Sir, in all humility, I suggest to you to immediately reconsider the ill-advised opinion you must have been given on this rule.

DR. MURLI MANOHAR JOSHI (Almora): You have permitted the Leader of the Opposition to make an enquiry under rule 199. Rule 199 cannot by any stretch of imagination be used to permit any person to make any enquiry. I would not repeat what others have said, I should only ask one question: how can this rule be used to permit any member to make an enquiry? Secondly, attempts have been made to attract the provisions under rule 377. That rule is not attracted in this case. It simply says that you can raise a matter in the House with the permission of the Chair when he fixes a date for that. Nothing of the sort that is sought to be done can ever be done under rule 377 or under rule

199. Under direction 2 you can change the order. But how can you permit him to make an enquiry?

SHRI KRISHAN KANT (Chandigarh): Rule 199 has been provided neither for the Leader of the Opposition nor for any Member of the House, it has been provided only for the member who was a minister and who has resigned his ministerial post. Even you, not to speak of the Leader of the Opposition cannot force the Minister to make a statement why he had resigned. In the present occasion to use rule 199 is a completely wrong decision. May I suggest that other ways may please be found and rule 199 should not be utilised?

SHRI K. LAKKAPPA (Tumkur): Mr. Speaker, certain clouds had been created here on this point and I should like to clear those clouds. The Leader of the Opposition has rightly taken your permission. The Members have observed that it should not be done under rule 199. I quite appreciate what hon. members have stated, that it is purely for the Minister who has resigned recently to make a statement. Here the Leader of the Opposition wanted to submit on the basis of certain serious allegations that were made outside by the No. 2 person. I do not know whether he was No. 2. Mr. Charan Singh had resigned recently. I do not know how many statements he has issued and how many he has contradicted.

MR. SPEAKER: We are not going into merits now; we are on rule 199.

SHRI K. LAKKAPPA He has not chosen to say things in this House; he has repeated them outside. So the Leader of the Opposition has every right to submit to the House, to demand an explanation, and you have rightly permitted him.

श्रीधरी बल्लभ सिंह (होशियारपुर):
 प्रमुख महोदय, प्रापको शायद गलती लग गई है कि प्राप सप्रीम कोर्ट में बैठे हैं, प्राप यहां पार्लियामेंट में लोकसभा के स्पीकर

केतोर पर नहीं बैठे हैं। सुप्रीम कोर्ट के जज की कुर्सी पर बैठते हुए कई बार अधिकार होता है कि सुओ-मोटो जिन बातों को लेना चाहें ले सकते हैं लेकिन यहां पर आपको रूल्स की पाबंदी करनी होती है।

दूसरी बात मैं यह कहना चाहता हूँ कि शायद स्टीफेन साहब को भी गलती लग गई है और वे शायद महाराष्ट्र के बारे में अपना बयान देना चाहते हैं।

MR. SPEAKER: You are going out of the point, no, no.

चौधरी बलबोर सिंह : रूल 377 बिल्कुल क्लियर है। वह अलहदा बात है और उसका इस बात से कोई ताल्लुक नहीं है। और रूल 199 में सिर्फ मिनिस्टर अपना बयान दे सकता है। इसलिए यह बहुत सिम्पल सा मैटर है लेकिन इसको उलझाकर हाउस के 30—32 मिनट इस पर जाया हो चुके हैं।

आप ने पिछले तीन प्रेसिडेन्ड्स का जिक्र किया है, मैं समझता हूँ कि इस का उन से कोई ताल्लुक नहीं है। अगर है, तो आप पहले उन को पढ़ कर सुना दें, ताकि हम देख कर कह सकें कि आप ने जो डिसेज़न दिया है, वह किस शकल में दिया है। लेकिन इस वक़्त आप को कोई हँक नहीं है—न इन रूल्ज के मुताबिक, 199 और 377 दोनों रूल्ज के मुताबिक आप को कोई हँक नहीं है कि आप लीडर आफ अपोजीशन को अपनी बात कहने की इजाज़त दें।

SHRI MALLIKARJUN (Medak): Mr. Speaker, Sir, under rule 199 no doubt it is the privilege of the minister who had resigned and it is not obligatory on his part to make a statement. It is also the privilege of the hon. member of this House to know when Mr. Charan Singh, who resigned as Home Minister has questioned the integrity and said that Morarji Desai**

(Interruptions)

MR. SPEAKER: You are going out of the way. This will not be allowed. Remove that observation. I am not allowing it. Don't record. Mr. Qureshi.

SHRI MOHD. SHAFI QUERESHI (Anantnag): Sir, my argument is slightly different. Mr. Stephen, as Leader of the Opposition has been given the status of a minister. I will draw your attention to Rule 372 which says, "A statement may be made by a minister on a matter of public importance." Mr. Stephen should be deemed to be a minister or quasi-minister and if he has resigned, he may have to make a statement!

श्री हुकमदेव नारायण यादव (मधुबनी): अध्यक्ष महोदय, मैं एक साधारण सी बात की ओर आपका ध्यान आकृष्ट करना चाहता हूँ। जहाँ कानून में स्पष्ट उपबन्ध नहीं होता है, वहीं पर अदालत में अधिवक्ताओं के द्वारा कोई व्याख्या की जाती है। परन्तु जब नियम या कोई कानून बिल्कुल स्पष्ट हो, तो फिर उस की व्याख्या का प्रश्न नहीं उठता है। इसलिये धारा 199 की जो व्याख्या की जा रही है, यदि वह अपने में अस्पष्ट होती या किसी व्याख्या की गुंजाइश होती, तब तो कोई तर्क या कुतर्क दिये जा सकते थे, लेकिन यहां तो तर्क और कुतर्क का सवाल ही नहीं है।

दूसरी बात—धारा 389 के मुताबिक आप चाह कर भी ऐसा आदर्श नहीं दे सकते, क्योंकि धारा 389 आप को बिल्कुल प्रतिबन्धित करती है। नियम में जहाँ किसी बात के लिये बिल्कुल स्पष्ट उपबन्ध हो, तो उस के विपरीत न आप आचरण कर सकते हैं और न यह सदन आचरण कर सकता है। इसलिये धारा 389 बिल्कुल स्पष्ट है।

तीसरी बात—मुझे इस बात पर आश्चर्य होता है कि आप ने यह आदेश कब दे दिया? न तो हमारे स्टीफेन साहब कर्ना मंत्री पद पर थे और न उस हैसियत से

[श्री हुकम देव नारायण यादव]

उन्होंने कभी कोई त्यागपत्र दिया था, न दिया है और न देने वाले हैं। तो किस आधार पर इनको यह अधिकार दिया जा रहा है। अगर कभी दिये होते, तो समझ लें कि उस समय भूल गये होंगे और अब इन को याद पड़ा है कि पिछला वक्तव्य दे दें। सो तो हुआ नहीं। अभी ये मंत्री हैं नहीं और न कभी होने वाले हैं। इस धारा के तहत कैसे इन को यह अधिकार दिया जा रहा है? इस सम्बन्ध में मुझे इतना ही कहना है।

SHRI A. C. GEORGE (Mukandapuram): Sir, you have kindly permitted the Leader of the Opposition to make a submission or a statement under Rule 199 after due consideration and coming out of your wisdom. In the normal course, I would have agreed with my friends like Mr. Krishan Kant that an enabling clause which provides for a Minister who has resigned to make a statement cannot be put as an obligation on the Minister to make a statement and to that extent the Leader of the Opposition cannot insist on that statement. This would have been right in the normal situation. But here, the fact is that the Union Home Minister, before his resignation was accepted by the President, on the day it was despatched to the President, made a public statement that he would make a statement.

MR. SPEAKER: You go to Rule 199.

SHRI A. C. GEORGE: This is coming under Rule 199. He was promising the country that he would make the statement on the first day of the sitting of this House (*Interruptions*). He was saying that he would make a statement under Rule 199 explaining the causes of his resignation. So, naturally on the first day of the Parliament Session the Leader of the Opposition in a functioning democracy has a right to make a query as to what has happened to that promise under Rule 199.

SHRI SAMAR GUHA (Contn): I have only to make one submission. It is now very clear that you have now taken about 40 minutes to take a decision

whether the decision that was given by you is correct or not. Certain doubts have been aroused in your mind. Sir, I want to make a submission that neither according to Direction 2, nor according to Rule 199 you can allow Mr. Stephen to make any statement whatsoever in regard to the resignation of the hon. Minister. I only suggest to you a solution. The solution is that you can allow him to make a statement not now, nor in the order that you have done, but only under Rule 377—not at the moment but only after all the earlier business of the House has been gone through and at the proper place where you allow a Member to make a statement under Rule 377. Only under Rule 377 he can make a query or he can make a submission, but it is for the Minister concerned or the Leader of the House to reply or not.

Therefore, it is not at all possible for you to allow him to make any submission whatsoever now. He can do so only under Rule 377 at the proper time and in proper place but not at the moment. That is the only way out of the impasse.

MR. SPEAKER: Yesterday Mr. Stephen, the Leader of the Opposition wrote to me asking for permission to make a statement either under Rule 377 or under Rule 199. After examining the previous precedents, I came to the conclusion that the question can be only considered under Rule 199 and Rule 377 is inapplicable to the facts of the case. I have overruled his claim to make a statement under Rule 377 which, in a sense, is larger in content than a query under Rule 199.

So far as Rule 199 is concerned, it is true, it is a rule which permits a Minister who has resigned to make a statement explaining the reasons for his resignation. And if he makes such a statement, it is open to the concerned Ministers to give a reply thereto (*Interruptions*) or not. But a privilege to make a statement invariably involves the other Members to make a request—or a demand—to make a state-

ment. It is up to the Ministers to accede to that request or not to accede to that request.

SHRI JYOTIRMOY BOSU: As a presiding officer, you cannot....

MR. SPEAKER: Please don't. I am dictating, not you. This position has been examined in three earlier cases in this House. The first case that we took up was when Mr. Subramaniam resigned from the Ministry. A demand was made to compel Mr. Subramaniam to make a statement. In that connection, the statement made by the Prime Minister outside Parliament was quoted, and a demand was made that Mr. Subramaniam must explain the circumstances under which he resigned. The Speaker went into the matter and said, "It is for Mr. Subramaniam to either make a statement, or not to make a statement and he cannot compel him to make a statement.

The next occasion was when Mr. Krishna Menon resigned. Here again, the question was gone into by the Speaker, and the Speaker came to the conclusion that though it is permissible for the Member to make a demand, it is optional for the Minister either to accede to the demand or to decline the demand. It is there.

And the third occasion was when Mr. Asoka Mehta resigned, and this very question was again examined by my predecessor.

On all the three occasions, they have consistently come to the conclusion that it is open to a Member to make a statement within the rule. Of course, it is not at all a statement that they are making. It is only a query or a demand to make a statement that they can make. It is up to the ex-Minister to accede to the demand or refuse to accede to the demand.

All these were done under rule 199. On all the three occasions. It was

done under rule 199. And the Speaker had permitted the Member to make the demand, permitted him to briefly explain why he wanted that statement to be made and to briefly explain the reasons for making the remarks, and the Speaker ultimately said it was for the ex-Minister to make a choice—and not for others.

(Interruptions)**

MR. SPEAKER: Please, I cannot go on arguing with you. Please... Mr. Bosu. Don't record, record what I say and not what Mr. Bosu says.

(Interruptions)**

MR. SPEAKER: You had your turn, now I am having my turn. I am not subject to any cross-examination.

I think these precedents were rightly decided, because every rule implies, within itself, certain implications; and one of the implications is that if there is a privilege on the part of a person to make a statement, it is open to the Members to request him to exercise that privilege. It is up to him to exercise or not to exercise it. But that is a different matter.

So far as Direction No. 2 is concerned, it is only an arrangement of business, and for the convenience of the House, or even for the convenience of the Members, the Speaker may readjust it. It is only a question whether one is to be taken first, or the second. This is a very different matter. It is not a matter of great importance. I have permitted Mr. Stephen to raise the point immediately after the Question Hour.

SHRI SHYAMNANDAN MISHRA: I want an elucidation from you. In case you are pleased to give any Member the right to make an enquiry, (Interruptions) should you then also not ensure that the Ministers concerned are present, and then alone an enquiry could be made? It must be a duty cast on the Speaker to see that

**No recorded.

[Shri Shyamnandan Mishra]

the hon. Minister, the person who happened to be a Minister, happens to be present at that time, and then alone the enquiry could be made? Otherwise, the enquiry has no validity. Should not that always be the case? That is my point.

MR. SPEAKER: I have made my order and, right or wrong; that order stands.

SHRI SHYAMNANDAN MISHRA: In every case you should always see to it that the person concerned, the Minister concerned, is present. Until then you should not allow any enquiry to be made.

MR. SPEAKER: The Minister can make a statement, if he wants. It is up to him to do it, not necessarily today but on some other day.

SHRI SHYAMNANDAN MISHRA: If you want that a proper response should be given to the enquiry, then you should have seen to it that the ex-Ministers concerned were present here. But you have not done that.

SHRI KANWAR LAL GUPTA: I do not want to challenge your ruling. What you have said, the House has to accept it and I also accept it. But my submission is that you should ask Shri Stephen only to demand the reason; he should not give his own reasons for demanding the explanation of the Minister. Secondly, if you permit Shri Stephen to make a demand, you should also allow us to oppose the demand.

MR. SPEAKER: There is no such opposition, because the Minister.....

SHRI KANWAR LAL GUPTA: We have the right to oppose the demand.

MR. SPEAKER: No.

SHRI KANWAR LAL GUPTA: Why not? If you allow him to make a demand of the Minister to make a statement, we have a right to say that he has no case.

MR. SPEAKER: He can only make a demand or request, whatever you want to call it.

SHRI JYOTIRMOY BOSU: Under what rule?

MR. SPEAKER: I have been telling all that.

SHRI KANWAR LAL GUPTA: Can't we oppose the demand?

MR. SPEAKER: There can be no debate on this.

SHRI KANWAR LAL GUPTA: Certainly, we can oppose this demand. You give us the right to oppose the demand.

DR. SUBRAMANIAM SWAMY: The ex-Ministers concerned should not go away with the impression that the whole House is urging him to make such a statement. Therefore, if the hon. Member makes a statement, the other Members also should be given an opportunity to say that if the Minister wants to make a statement, he can; but if he does not want, we will not force him, we will not urge him. This is what you should give us the right to submit. Otherwise, if he makes that demand and there is no other voice against it, the ex-Minister may get the impression that there is an overwhelming demand that he must at all costs make a statement. Therefore, it would be a mis-utilisation of the opportunity....

SHRI SHYAMNANDAN MISHRA: Sir, you have permitted him only to make an enquiry or to make a statement?

MR. SPEAKER: Only an enquiry; and he can give the reasons for the enquiry.

SHRI SHYAMNANDAN MISHRA: Has he submitted any statement to you?

SHRI KANWAR LAL GUPTA: We will give our own reasons why it should be opposed.

MR. SPEAKER: This is not a debate on a Resolution. The Minister has the choice not to make a statement.

DR. SUBRAMANIAM SWAMY: He will get a wrong idea about the mood

of the House. So, you must allow us to have our say.

MR. SPEAKER: The House has made clear its mood in all these statements.

DR. SUBRAMANIAM SWAMY: We have not said a word.

PROF. DILIP CHAKRAVARTY (Calcutta South): Sir, have you been provided with a copy of his statement?

MR. SPEAKER: No. that copy I have disallowed, because it is not the ex-Minister who is making the statement. He is only making a query.

SHRI JYOTIRMOY BOSU: Sir, you enlighten the House as to how many requests or communications have been received on this.

MR. SPEAKER: I have given my ruling and it is final.

DR. SUSHILA NAYAR (Jhansi): The Speaker has every right to give a ruling, and we are not here to challenge your ruling. My submission is this. You have seen during the last 40 minutes that a discussion has been going on, charges have been hurled, and discussion has been held on a statement which could not be discussed if it was made. You have not seen what Mr. Stephen is going to say. From the newspapers we know he is going to make serious charges. This is something which you should consider. You have to see that this opportunity is not misused. For that, you have to take precautions at this stage.

PROF. DILIP CHAKRAVARTY (Calcutta South): He has to submit a copy of his statement to the speaker.

SHRI SOMNATH CHATTERJEE: May I seek a clarification? I am not questioning your ruling at all. Let Mr. Stephen make a query or demand or request, let Mr. Charan Singh or any other Minister to make a statement, let him exercise that privilege, but you have been good enough to

indicate that a privilege also implies certain obligations. That means he may be requested to make a statement but there are so many Members on this side who do not want a statement to be made. Would you allow everybody, those who want to ask him not to make a statement under rule 199? Where will the line be drawn?

MR. SPEAKER: The rule does not permit a debate.

SHRI KANWARLAL GUPTA: Will you allow only one side of the picture to go to the press? What we wish to say should also go to the press. Both should come in the press.

MR. SPEAKER: I have given my decision, it is binding.

SHRI BALBIR SINGH rose—

MR. SPEAKER: This is the fourth time you are speaking on the subject. Don't record.

SHRI BALBIR SINGH:**

SHRI NIRMAL CHANDRA JAIN rose—

MR. SPEAKER: How many times am I to hear you Mr. Jain?

SHRI NIRMAL CHANDRA JAIN: His statement is in a state of pregnancy. You do not know what is going to be delivered. So, please find out from him, so that you are sure what he is going to deliver.

SHRI C. M. STEPHEN: If the Government benches want to set precedents like this, ruling coming being challenged, I do not know. That is what is happening. We can also copy.

MR. SPEAKER: Now, there must be an orderly House. My decision may be right, may be wrong, but one thing is certain. The rules have empowered me to come to a decision for the orderly proceedings of the House. I have heard everybody who wanted to be heard. Some of them I have heard

[Mr. Speaker] not twice but thrice. Thereafter, you must obey the ruling. It is my duty to see that he does not travel out of the scope of rule 199 and make accusations against anybody. That will not be there. And if he goes out of that, it will not go on record. (*Interruptions*) I have given my ruling. There is no question of objection. Mr. Subramaniam Swamy, you cannot hold the House to ransom. It is but proper that everybody should obey. Some rulings may please one party, some rulings may please the other party; I am not concerned about it. I want an orderly House.

THE PRIME MINISTER (Shri Morarji Desai): I would like to appeal to both the sides. We have already spent nearly one hour on this question. Under Rule 199, no Minister can be forced to make a statement. But when you say that the Leader of the opposition wants to ask or demand, though nobody has a right to demand any explanation from anybody. If he wants to do so, he can use any language he likes. If he does that, heavens are not going to fall. Let us not unnecessarily spend more time, and let him make a query. Beyond that he cannot give any reason. Unless you make sure of that, the whole thing will go wrong.

SHRI A. BALA PAJANOR (Pondicherry): After hearing the Prime Minister, I am not going into the subject. You permitted Mr. Stephen under, Rule 199. There was a point of order and you allowed that. Under Rule 176(3), no debate or point of order is allowed. I was wondering after you have given the decision, correctly or...

MR. SPEAKER: Incorrectly.

SHRI A. BALA PAJANOR: I will not go to that extent. You have cited three precedents. I am wondering under what rule or under what procedure you are permitting a debate on it after the decision has been given.

MR. SPEAKER: In Parliament, it is not my permission alone which counts.

SHRI A. BALA PAJANOR: Once you have given....

SHRI MORARJI DESAI: The Speaker was helpless. He could not stop anybody; not even you.

SHRI A. BALA PAJANOR: I want to help the Speaker. That is why, I have risen when everybody was speaking. But I do not have that much of lung power. If lung power is the order of the day I cannot help it.

MR. SPEAKER: The House is now adjourned to meet again at 2 p.m.

13 hrs.

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

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

[Mr. Speaker the Chair]

RE. QUERY UNDER RULE 199—
contd.

MR. SPEAKER: Mr. Stephen,

SHRI JYOTIRMOY BOSU: Sir, I have written to you, under rule 199 stating that the attention of the House and the attention of the Leader of the House, that is, the Prime Minister, be drawn to the fact that some Ministers have resigned and, if they choose, they can make a statement. Have you received my communication and, if so, what steps have you taken on the same?

MR. SPEAKER: I have given my decision. I have called Mr. Stephen.

SHRI JYOTIRMOY BOSU: I would like you to kindly enlighten the House as to how many communications you have received on this issue.

MR. SPEAKER: I am not going to oblige you on that.

SHRI KANWAR LAL GUPTA: I have also written to you about this.

MR. SPEAKER: On every one of them orders have been passed.

SHRI KANWAR LAL GUPTA: No question of orders. Both sides of the picture should come before the public.

MR. SPEAKER: You have mentioned that. I have not agreed.

SHRI KANWAR LAL GUPTA: You have been a judge and natural justice demands that both sides of the picture should come out. Whatever may be the rule, you have allowed him. That is all right. Let him say what he wants to say.

MR. SPEAKER: There is no need to remind me that I was a judge.

SHRI DINEN BHATTACHARYYA (Serampore): Would you kindly enlighten us what are the contents of the statement of Mr. Stephen, as to the query he wants to make? How many hon. Members have already written to you on this issue?

DR. SUBRAMANIAM SWAMY: I want to know from you, in view of the fact that you have allowed him, whether you are going to allow others also. You must have received many communications on this issue. Therefore, I want to understand your ruling completely. I have understood it only partly. That you have allowed him I have understood. I want to understand whether you are going to allow others also so that the complete mood of the House may be communicated to the public.

SHRI KANWAR LAL GUPTA: Why discrimination? We expect justice from you.

SHRI JYOTIRMOY BOSU: What was the procedure adopted in ascertaining the priority *inter se* in this regard? Kindly tell us how many communications have been received by you.

MR. SPEAKER: At an appropriate stage. I have called Mr. Stephen. I

can only give the ruling; I cannot give the understanding.

DR. SUBRAMANIAM SWAMY: As a Speaker, you are to make every Member understand.

MR. SPEAKER: You are giving me an important job.

DR. SUBRAMANIAM SWAMY: I would like to know whether you are going to allow others or not. This is a simple question.

MR. SPEAKER: The simple question is that under rule 199 only those can make a request or give brief reasons for making a request for making a statement... It is up to the Minister either to make a statement or not to make a statement. No one else is interested in the matter. No debate can be allowed under the rule.

SHRI JYOTIRMOY BOSU: How many communications have you received? How did you choose Mr. Stephen?

MR. SPEAKER: You kindly come to the room and I will tell you.

SHRI JYOTIRMOY BOSU: I am putting it to you that you have not been impartial in the matter. I regret to say that.

(Interruptions)

MR. SPEAKER: Mr. Jyotirmoy Bosu, obviously, you do not know what you have written. All that you have written to me is that you have quoted rule 199. Beyond that you have not written anything else to me.

(Interruptions)

SHRI JYOTIRMOY BOSU: The rule does not permit.

MR. SPEAKER: I have heard the point.

SHRI C. M. STEPHEN: I would, through you, appeal to the hon. Members to kindly bear with me for a few minutes. As a Member of this House and a Leader of the Opposition, I have got certain obligations for defending the rights of this House by

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way of rules, conventions and all that. Certain incidents, events have taken place which are of national importance. My friends have been resisting presumably in anticipation that I may be making certain allegations and all the rest of it. Let us understand, as for making allegations, there are different methods in which the allegations can be made. And in the light of what has happened in this country, it must stand to common sense to everybody that this House will have to hear quite a lot of it in the course of the days to come. This is not the method by which.....

(Interruptions)

Now, Sir, there is one important matter which I just wanted to raise even at the time of Question Hour. I want to lay a convention with respect to that, but I did not raise it. There is a convention that during Question Hour point of orders cannot be raised and all that. Whenever a Minister is sworn in, the Prime Minister comes here and introduces the Minister to us. There is no rule for that, but that is the practice we are following.

MR. SPEAKER: I did not follow. you kindly repeat it.

SHRI C. M. STEPHEN: Whenever a Minister is sworn in, the Prime Minister comes here and introduces the Minister to the House. The House is told that these are Members of the Council of Ministers.

(Interruptions)

SHRI JYOTIRMOY BOSU: That is not compulsory nor mandatory.

SHRI C. M. STEPHEN: Therefore, this House is dealing with the Council of Ministers. When, from out of the Council of Ministers, some Ministers go out or are dropped out, going by the same convention whereunder the Minister was introduced to this House, should not the Prime Minister tell us that so and so is no longer the Minister? I do not want any statement about it. But should not the House be

told, should not we have a convention established in that way....

(Interruptions)

If you do not want it, you need not have it. I am only making for a proposition. There is no rule in the Rules of Procedure whereunder the Prime Minister has got to introduce all Ministers to the House—nevertheless, that is done—so that the House may know who the Minister is and with whom the House has to deal with. The House is not expected to know from the newspaper. The House is sitting. When the House sits, it will be a healthy convention that the Prime Minister comes and tells us; so and so is no longer the Minister. Out of this convention I am appealing to you to consider whether, when you allow the other procedure, this procedure also must not be allowed. Juridically the House does not know that some members of the Council of Ministers have ceased to be members thereof. Of course, from the papers, 'Yes'. But after a Minister has been introduced, we have not been told that that Minister has ceased to be a Minister. This lacuna has got to be filled up and this convention has got to be built up. It would have been very much proper for the Prime Minister to come and tell the House that so and so, with whom we had dealings, has ceased to be the Minister. This was one point I wanted to raise.....

SHRI ASOKE KRISHNA DUTT (Dum Dum): Sir, on a point of order. You have permitted the hon. Leader of the Opposition to make an enquiry as to whether the ex-Minister is to exercise his privilege under rule 199 or not. Now he is not doing that. He is wanting to make a convention about what is required of the Prime Minister. These are entirely different. He is transgressing the permission that you have given him and he is trying to infiltrate into another region. You have not given him any permission to make a statement about what is proper for the Prime Minister. You have specifically given him permission to

enquire whether the ex-Minister concerned will make a statement under rule 199 or not.

SHRI C. M. STEPHEN: Regarding rule 199, Sir, there is a misunderstanding with regard to the basis on which I sought your permission. My position is that, under rule 199, the Minister must make a statement; 'may' must be read as 'shall'. I am here to make a demand that a statement be made. You have permitted me to make a demand 'Demand' means right. It is not an entreaty, it is not a request. How I make the demand is the question. It is not an one-line request that I am here to make. I can state the reasons why I make the demand that the Ministers must make their statements. There are certain exceptional circumstances as far as this particular case is concerned. In the previous cases nowhere the Ministers concerned made announcements outside the House that they would be making statements in Parliament. Here, immediately after the resignation was given, Mr. Charan Singh, on the 30th June, made this statement...

DR. MURLI MANOHAR JOSHI: Will you permit him, Sir, to quote from newspapers and other documents?

MR. SPEAKER: He is merely saying why he is demanding a statement.

SHRI C. M. STEPHEN: I must spell out the reason why I am demanding a statement. In a signed statement, the ex-Home Minister has said:

"I propose to explain my actions to the Parliament and then to the people."

The next day he has said—this is very important—that he would seek permission to make a statement in Parliament on July 17; and he has stated:

"I should be given an opportunity to give my explanation about my actions."

The question immediately arises as to why it is that he did not make a statement. Is it that you did not give permission? He said he would ask for permission and he said 'I must be given full opportunity to explain my position'. Mr. Charan Singh is a man of worth and substance. (*Interruptions*). (I know some of you will disagree, but others would agree.) Therefore, I am entitled to ask you whether Mr. Charan Singh had asked for permission, because the Rule says 'with the permission of the Speaker'. So, he does not have the right: it is only with the 'permission of the Speaker'. And Mr. Charan Singh says 'I would seek permission; I must have full opportunity to make a statement'. So, it could be that he asked for permission and permission was not given. (*Interruptions*). Therefore, the only point is...

SHRI AMRIT NATH (Pali): Why is it that you did not allow Mr. Pawar to make a statement on the Floor of the Maharashtra Assembly?

MR. SPEAKER: Should we imitate?

SHRI C. M. STEPHEN: I am entitled to enquire the circumstances under which Mr. Charan Singh, who had made a declaration that he would make a statement, could not make the statement. Is it that he did not ask for permission or is it that he asked for it and permission was refused? This is what I am entitled to ask. You need not give a reply now. It is not cantankerously that I raise this point. Now the question is, as Shri A. C. George pointed out, this is a situation in which Ministers had stated they would be making a statement, but the statement is not forthcoming. A signed statement is not forthcoming; and this is the situation in which I am entitled to ask the Minister or ask you to ask the Minister, in accordance with the statement to the people, to make a statement in the House. That is the first reason.

The second reason is, here is a most unprecedented situation. In the

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former cases, whenever a Minister resigned or was asked to resign, there was never any dispute as to the reasons for resignation: never. This is the first time that the reasons for the resignation are disputed.

AN. HON. MEMBER: What about Shri Mohan Dharia?

SHRI C. M. STEPHEN: No, it was not disputed. And he made a statement also. But here the reasons for the resignation were disputed. Mr. Raj Narain, in his letter to the Prime Minister, said...

MR. SPEAKER: I think your letter does not raise the question of Mr. Raj Narain.

SHRI C. M. STEPHEN: I said 'all the Ministers'. It is not only one Minister; I had asked for statements of 'all the Ministers'. Mr. Raj Narain said...

MR. SPEAKER: Here you talked only about Mr. Charan Singh.

MR. C. M. STEPHEN: No Sir.

MR. SPEAKER: I have got the letter with me. You have said 'During the intersession period Mr. Charan Singh announced he would make a statement. The Members are therefore expecting there would be a statement by the Minister under Rule 199'.

SHRI C. M. STEPHEN: By whom? By the 'Ministers'. I said Members expect there would be a statement from the 'Ministers'. He said: 'You have chosen to adopt the course of untruth...'

MR. SPEAKER: Kindly don't...

SHRI C. M. STEPHEN: What I am saying is, the definite intention is...

MR. SPEAKER: You should not go beyond that.

SHRI C. M. STEPHEN: The point is this: the reasons for the resignation are in dispute. Mr. Charan Singh has stated his reasons and Mr. Raj Narain...

MR. SPEAKER: We are not concerned with that. You are asking for a statement: but what his allegations are are not matters to be raised here.

SHRI C. M. STEPHEN: What I am saying is this. Never before in the case of resignation or demand for resignation, the reason for the resignation were in dispute. Here is a case in which the reasons for resignation are in dispute.

DR. SUBRAMANIAM SWAMY: How do you know it?

SHRI C. M. STEPHEN: From the statements made by the persons concerned in the press... (Interruptions)

श्री उपसैन (देवरिया) : मैं आप से यह कह रहा हूँ कि ये परिधि से बाहर जा रहे हैं, आप इन का रोक दीजिए ।

MR. SPEAKER: I have not allowed him to make any allegations... he can make out that there are disputes about the reasons for resignation.

SHRI C. M. STEPHEN: According to Shri Charan Singh, the reasons as he has spelt out are: one, he said that this is under pressure of the multi-nationals... (Interruptions).

MR. SPEAKER: Again you are going into that. You can mention only about the reasons for resignation. We are not on other proceedings.

SHRI K. P. UNNIKRISHNAN: This is rather unfair. You have by making certain observations tried to be so strict and narrow. The Parliament is a mirror of the aspirations of the people of this country. We are not here by anybody's courtesy, we are here on our right and these are vital questions concerning the future of parliamentary democracy. Whether we agree or not, that is a different thing, but we should be allowed to express ourselves fully and adequately on this issue.

MR. SPEAKER: There are methods for doing this. You can bring a substantive motion, that is

always open to you. We are now on Rule 199; we are not on other proceedings.

SHRI C. M. STEPHEN: The main position taken up by Shri Charan Singh is—I am not making any allegation—that he defended the agriculturists *vis-a-vis* big industries, he fought against corruption.... (*Interruptions*) I am not here to make a one-line submission. I am within my rights to say this.... (*Interruptions*).

श्री हुकम चन्द कछवाय (उज्जैन) :

अधक्ष जी, यह कार्ड से निकाला जाए।

SHRI KANWAR LAL GUPTA: Is what he says relevant? (*Interruptions*).

SHRI C. M. STEPHEN: I am telling you why I am making this demand and why I wanted a statement from the Ministers and the Prime Minister. I am explaining that. The reason is this. Shri Charan Singh's contention is that he has been martyred on the ground that he fought corruption, that he fought for the agricultural sector; by the pressure of multi-nationals, he has been martyred. He said, in the Government he has been surrounded by corrupt people. This is what he said.... (*Interruptions*).

SHRI KANWAR LAL GUPTA: Sir, I rise on a point of order; You permitted....

श्री चन्द्रशेखर सिंह (वाराणसी) :

ये 199 की परिधि से बाहर जा रहे हैं। क्या आप इन को 398 में बोलने की अनुमति दे रहे हैं ?

DR. MURLI MANOHAR JOSHI: This should be expunged; this cannot be made a part of the proceedings of the House.... (*Interruptions*).

MR. SPEAKER: You may spell out the reasons, not by giving these details. I have permitted him to make a demand for an inquiry under Rule 199....

AN HON. MEMBER: He is not demanding.

MR. SPEAKER: While making that, he will be within his right merely to point out that there have been conflicting view-points and that there are disputes. But he cannot go into the allegations because then it will become a debatable question.... (*Interruptions*) Is it your privilege only to speak? I too have a right to speak.

That is why I am saying that when you are going into a contentious matter, probably you are going outside Rule 199. Of course, marginally sometimes it is possible but you cannot travel beyond that. The allegations made by Mr. Charan Singh—I do not know. You cannot go into that matter. You can go into that matter in other proceedings, but, so far as Rule 199 is concerned, you can say that he has promised to make a statement but he has not made a statement. And, secondly, there are disputes about it and all that but beyond that, I think it will not be permissible.

SHRI P. VENKATASUBBIAH (Nandyal): Should he not spell out the dispute there?

MR. SPEAKER: No, then he cannot keep himself within Rule 199.

SHRI SAUGATA ROY: You have allowed the hon. Leader of the Opposition to make a demand for a statement from Mr. Charan Singh on the issue of his resignation. Now you are trying to allow him to make that demand. In making that demand, he has to take into account the whole gamut of the matter...

MR. SPEAKER: Then, that becomes a debate.

SHRI SAUGATA ROY: At no stage have you said that Mr. Charan Singh is not going to give a statement before the House? It may very well happen that tomorrow he may send you a notice saying, 'I want to make a statement in the House' and in that statement he may make the same allegations. So what I am saying is

[Shri Saugata Roy]

that you cannot limit him because the allegations can be made in that statement...

MR. SPEAKER: Even if a Minister who has resigned makes a statement making allegations, the only person who has a right to reply is the Minister concerned and nobody else. Neither the Leader of the Opposition nor any other member has that right.

SHRI K. P. UNNIKRISHNAN: Then it becomes a property of the House.

MR. SPEAKER: I am afraid Members come without reading the rules. Rule 199 is very clear. There shall be no debate or any discussion.... (Interruptions) Mr. Ugrasen, I am on my legs. For the benefit of members I will read Rule 199:

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

A copy of the statement shall be forwarded to the Speaker and the Leader of the House one day in advance of the day on which it is made:

Provided....

There shall be no debate on such statement, but after it has been made, a Minister may make a statement pertinent thereto."

And nobody else.

SHRI SAUGATA ROY: Let me clarify my point in one word.

I just said that you have allowed Mr. Stephen to make a query about the resignation speech of Mr. Charan Singh. He is making that demand. You have allowed him without knowing whether Mr. Charan Singh is going to make a statement or not because that is entirely a hypothetical question. He has been allowed because it is within the right of the House to know and demand from Mr. Charan Singh a statement. When you are allowing the Leader of the

Opposition to make that demand and that query under Rule 199, then in support of that demand the whole gamut of the question of resignation comes in...

MR. SPEAKER: No, no.

SHRI SAUGATA ROY: He cannot discuss on a hypothetical statement. So, tomorrow Mr. Charan Singh comes here and he gives you a letter saying, 'I want to give my resignation tomorrow' and he says, 'This is the gist of my speech' making some allegations. There will be no debate after Mr. Charan Singh comes forward with his speech. All I am saying is that we are pre-empting the question because Mr. Charan Singh has made a statement and he has not made it here and whether he will make a statement or not is not known. So you cannot eliminate from the gamut of the speech any aspect of the question of resignation. I am only on a technical question.

SHRI P. VENKATASUBBIAH: You are perfectly correct in your ruling that one cannot travel throughout the whole gamut of the question. Here, the Leader of the Opposition has said and you also agreed that there is a dispute about the resignation. That is the point which the hon. Leader of the Opposition wants to highlight. Could he not say what are the disputes?

MR. SPEAKER: No.

SHRI SYED KAZIM ALI MEERZA (Murshidabad): The Minister concerned can give the statement in writing to the speaker. Whether it is right or wrong, you have mentioned, you yourself have been doubtful. You have given your ruling. Since you have allowed the leader of the Opposition not to make a statement, he should have given you in writing.

(Interruptions)

MR. SPEAKER: There is no point of order.

SHRI SYED KAZIM ALI MEERZA: Actually the leader of the Opposition is making a statement. How does it come under 199?

MR. SPEAKER: There is no point of order.

SHRI C. M. STEPHEN: I need not tell you that I have given you a written statement. The written statement was given under 377. Then you asked me to give under 199. That is why I am here.

There are four grounds on which I am making the demand:

1. They made a statement outside that they would not make a statement here.

2. The previous rulings will tell you, when Shri Krishna Menon resigned, the ruling was—the reasons are well known and there are no disputes about the reasons, so there will be no statement here.

The question is whether the reasons are well known and whether the reasons of resignation are disputed or relevant? Going by the previous ruling, I am saying this is the only case in which the reasons for the resignation are under dispute.

You were pleased to say that I wrote to you only about Shri Charan Singh. In the present events six Ministers have left the Council of Ministers. There is a lot of controversy concerning the events. I hope you will appreciate my anxiety to raise the matter in the House so as to either get the statement from the concerned former Ministers or from the Prime Minister. This is what I ask for. Therefore, I am entitled to make a demand—let all of them make the statements.

With respect to Shri Raj Narain I am also entitled to point out that there is a dispute. According to Shri Raj Narain very plainly it is written to the Prime Minister which has been released to the Press. He has said whatever reasons have been

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stated in the letter demanding the resignation were untrue, false and all that. The Prime Minister wrote it knowing that the reasons are false. This is the allegation that has been made by Shri Raj Narain. And with Shri Charan Singh the matter is very very important because this House...

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK): You laid down the parameter. Any thing spoken outside the parameter should be expunged.

SHRI C. M. STEPHEN: This is within the parameter and how the House is concerned, I am telling.

This House charged the Home Minister with certain responsibility—the responsibility of carrying out certain policies, the responsibility of fighting corruption and the Home Minister said...

(Interruptions)

MR. SPEAKER: No, no, you cannot go to that.

SHRI C. M. STEPHEN: I am not reading a single word about it. The Home Minister said I was discharging the functions. I was eased out of the Ministry. This is what the Home Minister has said. Right or wrong, I do not know. I do not want to give him halo of the martyr because I do not want to do that. The Home Minister said and the question before the House...

MR. SPEAKER: Mr. Leader of the Opposition, you are not to read the statement of the Home Minister. In my order also I have said—your query must be within the scope of Rule 199. I have mentioned it specifically, in permitting you to make query under Rule 199. It must be within the query. Once you say what the ex-Home Minister said, it becomes a debatable issue. There I am prone to stop. That is why, we do not go into that.

SHRI C. M. STEPHEN: What I mean, the country knows, what I mean, the world knows. I do not

[Shri C. M. Stephen]

want to go on records now. There may be occasions when that will come in. Now the third reason is, we are sitting in this House. The Prime Minister told the Janata Parliamentary Party that discussion on this matter will be permitted in the Parliamentary Party.

MR. SPEAKER: How does it come here?

SHRI C. M. STEPHEN: In the Parliament House the discussion is going on. The question is whether the House must go into it or not or is it a party matter?

They are discussing there. In the Parliament House itself the discussion is going on. But the House is kept out of it. The House is kept in the dark. Is it a party matter? Is it not a national matter? Is House entitled to know why there is a substantial difference? What are the reasons therefor? Are we to be kept out in the dark? Sir, this is a most serious impropriety. If a discussion is permissible under the aegis of the Prime Minister in a public forum, in the Parliament House itself, then, Sir, the reasons for this must be forthcoming. Therefore what I am saying is this: I am demanding this—all the Ministers must make a statement or the Prime Minister must make a statement. The statement by the Prime Minister must be coming here also. This is the fourth reason which I am spelling out and I have done. With respect to all the allegations which I have just mentioned, unwrittenly, everybody knows what those allegations are. And what is the status of the person who made these allegations? Well, Sir, Mr. Charan Singh after resignation made those allegations. And the National Executive of the Janata Party met. And the National Executive did what? They did not rebut the allegations. (Interruptions) They did not rebut them.

MR. SPEAKER: No, no please. It does not arise now. What the National Executive does is not to come here this has nothing to do with that.

SHRI BIJU PATNAIK: He cannot question what our party does. This should be expunged.

SHRI C. M. STEPHEN: You yourself were a party. You were one among them.

MR. SPEAKER: I will look into the matter. Both Mr. Patnaik and yourself have greater responsibility than others. What the National Executive did is not a matter for you to demand a statement here. It is totally irrelevant.

SHRI BIJU PATNAIK: It is totally irrelevant.

SHRI C. M. STEPHEN: And finally, Sir, I wish to say this—this is a serious matter. Mr. Charan Singh in his statement made serious allegations of corruption....

MR. SPEAKER: No, no. You don't go into them.

SHRI C. M. STEPHEN:against sons, wives, etc. of Ministers. It is in the interest of the House to know whether all those allegations are true or not.

MR. SPEAKER: These are not matters which are relevant.

SHRI C. M. STEPHEN: It is the Council of Ministers of the Government of India which is responsible here. It is the Ministers who are answering us here. Without specifying anybody, how can he say, wives and sons etc?

MR. SPEAKER: You are asking for a statement of the Minister. Now you are making allegations against those Ministers.

SHRI C. M. STEPHEN: No, Sir. What I say is, he cannot make an allegation and get away with it.

MR. SPEAKER: That is not a matter for Rule 199.

SHRI C. M. STEPHEN: He cannot make an allegation and get away.

MR. SPEAKER: I will look into the matter but this is not the occasion for that. I will look into it.

SHRI C. M. STEPHEN: I am just finishing in two sentences, Sir. Well, Sir, it behoves those Members of Parliament, who are the Ministers, they owe a duty to this House to tell the House how this incident took place; what is the cause of that incident. They should not be allowed to shirk their responsibility.

Under the circumstances, the word 'may' in Rule 199 must be read as 'shall' under special circumstances obtaining in this case. That is Number One.

If they don't make that statement, then, in the light of all the allegations that he made, the Prime Minister must tell us why he made a remark that such Ministers should go. This is not a case of voluntary resignation; this is a case of demand being made and the Ministers walking out as a result of the demand. Therefore, the Prime Minister, particularly, because allegations are made against him also unfortunately, must tell us the reasons why they were eased out of the ministries. This is a very important matter; National issues are involved. I demand the letters that passed between them. (*Interruptions*).

MR. SPEAKER: He is finishing it.

SHRI C. M. STEPHEN: With respect to this I want the letters to be placed on the Table of the House—the letter demanding resignation, the reply given and letters which seemed to have passed between them on the question of corruption—these letters must come here.

The House must have an opportunity have an opportunity to see what are all the things that happened at the sabre-rattling ministerial conclave. We are entitled to know that. Unless we know that, we are bound to demand, on behalf of the people, the secret of the whole thing. I demand of the Prime Minister to tell us the truth,

nothing but the truth and the whole truth about this. (*Interruptions*).

SHRI K. P. UNNIKRISHNAN: Sir, I rise on a point of order.

MR. SPEAKER: I am not allowing.

SHRI K. P. UNNIKRISHNAN: The Opposition Leader did not tell us the fact that his leader's emissary Shri Bansi Lal visited Shri Charan Singh. We are also entitled to know that.

SHRI C. M. STEPHEN: He is going to some others also.

SHRI VAYALAR RAVI: Sir, I rise on a point of order. Under Rule 199 of the Rules of Procedure, that rule is for a particular purpose. The question to be decided here is whether the Council of Ministers is the private property of the political party or not. My contention is that the Council of Ministers are answerable to Parliament and to the country and so they cannot be a private matter of the political party or the ruling party. (*Interruptions*)

MR. SPEAKER: You were rising on a point of order. What is that?

SHRI VAYALAR RAVI: Sir, some former Ministers and the Prime Minister are talking...

MR. SPEAKER: You are not a point of order. Which is the rule you are quoting?

SHRI VAYALAR RAVI: I am only saying that if they can speak in radio and other mass media, is it not the right of the House to request and demand of the Ministers to come and make a statement to Parliament?

MR. SPEAKER: I am not allowing a debate on this.

SHRI VAYALAR RAVI: I want your ruling.

MR. SPEAKER: I have understood you. I am going to give my ruling.

SHRI A. C. GEORGE: Sir, I rise on a point of order. Before you give your wise decision, a very important point

[Shri A. C. George]

that has to be taken up is this. The resignation of Mr. Charan Singh is not in the ordinary course of events. This is not a voluntary resignation.

MR. SPEAKER: Which is the rule that is breached? Please tell me.

SHRI A. C. GEORGE: Rule 199.

MR. SPEAKER: I am not allowing any further discussion. How many times am I to hear you? Mr. Stephen has raised the question that the word 'may' in 199 must be read as 'shall'. Under certain circumstances, the word 'may' may have to be read as 'shall'. But, so far as the rule is concerned, it has already been interpreted by the previous Speaker, the word 'may' shall not be read as 'shall'. Therefore, I cannot permit any debate on this matter; nor am I compelling the Ministers to make a statement. It is open to the Ministers either to make a statement or not to make a statement.

Now, papers to be laid on the Table.
Shri Sikandar Bakht.

14.45 hrs.

PAPERS LAID ON THE TABLE

URBAN LAND (CEILING AND REGULATION) 5TH AUDIT RULES, 1978 AND NOTIFICATION UNDER URBAN LAND (CEILING AND REGULATION) ACT

THE MINISTER OF WORKS AND HOUSING AND SUPPLY AND REHABILITATION (SHRI SIKANDAR BAKHT): Sir, I beg to lay on the Table:—

(1) A copy of the Urban Land (Ceiling and Regulation) Fifth Amendment Rules, 1978 (Hindi and English versions) published in Notification No. G.S.R. 840 in Gazette of India dated the 24 June, 1978, under sub-section (3) of section 46 of the Urban Land (Ceiling and Regulation) Act, 1976, together with an explanatory memorandum. [Placed in Library. See No. LT-2359/78]

(2) A copy of Notification No. S.O. 1808 (Hindi and English versions) published in Gazette of India dated the 24th June, 1978, issued under section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 together with an explanatory memorandum. [Placed in Library. See No. LT-2360/78].

AUDIT REPORT ON ACCOUNTS OF NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING, NEW DELHI FOR 1976-77

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): Sir, I beg to lay on the Table a copy of the Audit Report (Hindi@ version) on the accounts of the National Council of Educational Research and Training New Delhi, for the year 1976-77. [Placed in Library. See No. LT-2361.]

CORRECTION OF INFORMATION GIVEN ON 8-5-78 RE. PURCHASE OF SHARES BY LIC.

THE MINISTER OF FINANCE (SHRI H. M. PATEL): Sir, I beg to lay on the Table: a statement (Hindi and English versions) correcting certain information regarding purchase of shares by Life Insurance Corporation which was given by him on the 8th May, 1978 in response to Calling Attention regarding large-scale purchases of shares of some leading business houses, including the Birlas, by the Life Insurance Corporation, General Insurance Corporation and Unit Trust of India. [Placed in Library. See No. LT-2362/78]

DELHI POLICE ORDINANCE, 1978

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Sir, I beg to lay on the Table a copy of the Delhi Police Ordinance, 1978 (No.

@English version of the Audit Report was laid on the Table on the 8th May, 1978.