

notes and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI H. M. PATEL: I introduce the Bill.

12.09 hrs.

STATEMENT RE. HIGH DENOMINATION BANK NOTES (DEMONE-
TISATION) ORDINANCE, 1978

THE MINISTER OF FINANCE (SHRI H. M. PATEL): I beg to lay on the Table an explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the High Denomination Bank Notes (Demonetisation) Ordinance, 1978.

12.10 hrs.

MOTION RE SECOND REPORT OF
COMMITTEE OF PRIVILEGES

MR. SPEAKER: Mr. Bosu, about your motion, please note that under Rule 315(2) only half-an-hour is permissible.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I would like to move a motion that under Rule 388, this Rule be suspended and the time of the debate be extended. You can put it before the House.

MR. SPEAKER: I am not suspending it. Is it the pleasure of the House to suspend the Rule under Rule 388?

SOME HON. MEMBERS: Yes.

SOME HON. MEMBERS: No.

MR. SPEAKER: The 'Noes' have it.

SHRI JYOTIRMOY BOSU: No, Sir, the Ayes have it. There should be division.

SOME HON. MEMBERS: The Ayes have it.

SHRI JYOTIRMOY BOSU: You have said: 'The Noes have it'. But I want a division.

MR. SPEAKER: I will again put it to the House.

SHRI JYOTIRMOY BOSU: No, you have already put it to the House. I am on a point of order. You cannot cut the coat here according to the requirement of some people. The question is that you have sought the consent of the House and I have asked for division. Let there be a division.

MR. SPEAKER: I will again put it before I go for division.

SHRI JYOTIRMOY BOSU: It is incumbent upon you to go in for division.

SHRI C. M. STEPHEN (Idukki): My friend does not seem to understand the implication of his motion. The implication of his motion is...

SHRI JYOTIRMOY BOSU: Suspension of Rule.

SHRI C. M. STEPHEN: No. Suspension of the Rule is what he is asking for. Suspension of the Rule means not merely half-an-hour. Suspension of the Rule means the entire debate. The Rule that he is seeking to suspend is this—he does not understand the implication of what he is saying:

"After the report has been presented, the Chairman or any member of the Committee may move that the report be taken into consideration."

†Introduced with the recommendation of the President.

[Shri C. M. Stephen]

"Before putting the question to the House, the Speaker may permit a debate on the motion, not exceeding half an hour in duration, and such debate shall not refer to the details...."

It is this provision that he wants to suspend. If it is suspended, what is suspended is not merely the half-an-hour business, but the entire debate is suspended. Therefore, he does not understand the implication of his motion. The implication of his motion is that there shall be no debate. That is the motion.

SHRI JYOTIRMOY BOSU: Mr. Stephen is a person who hears things conveniently. I have said with regard to the restriction of time, that is, the time for the debate be extended. That is put on record, you can examine it.

SHRI K. LAKKAPPA (Tumkur): Mr. Speaker, there is a special procedure laid down for this purpose. "Before putting the question, to the House, the Speaker may permit a debate on the motion, not exceeding half an hour in duration." He wants that the duration of the debate should be extended by any means, by taking vote, and this Rule cannot provide for such things because this is a Rule provided in that manner. Therefore, he cannot ask for extension of time for a debate on this issue because it has to be guided by the Rules.

MR. SPEAKER: Mr. Prime Minister, as there is a difference of opinion on this matter, would you like to say anything, so that I may decide?

SHRI JYOTIRMOY BOSU: I want to assist the Prime Minister in the matter. The position is, I have made it a very limited issue that the suspension of Rule be given for the limited purpose of extending that half-an-hour to meet the full requirement of the House as far as time is concerned. It is sub-rule (2). I do not have to look at the book.

MR. SPEAKER: I have called upon the Prime Minister.

SHRI VASANT SATHE (Akola): I am on a point of order. Under Rule 388, any member may with the consent of the Speaker, move that any rule—there is no provision for 'part of the rule'—may be suspended in its application to a particular motion. If, for this motion, the entire rule is suspended, then there is no debate. I do not know. If he wants it, we will support. Let us all agree to support it.

THE PRIME MINISTER (SHRI MORARJI DESAI): It would be a dangerous precedent to suspend this rule; and therefore, I would not be in favour of the idea that time should be extended. The debate need not go on in this House for long. It was already in the Privileges Committee, there, they have discussed it in several meetings. But to bring it again here in the House and get it further extended—I don't think would be right. I am against that motion.

MR. SPEAKER: Do you press the motion, Mr. Bosu?

SHRI JYOTIRMOY BOSU: Right, Sir; in keeping with the wishes of the Leader of the House. I don't.

MR. SPEAKER: Now let us come to the motion.

SHRI JYOTIRMOY BOSU: I beg to move:

"That this House do consider the Second Report of the Committee of Privileges presented to the House on the 1st March, 1978."

I also move the Contingent Motion:

"Whereas the Committee of Privileges of Lok Sabha in their Second Report, presented to the House on 1st March, 1978, feeling not fully satisfied by the explanation of Shrimati Indira Gandhi, have come to the conclusion that the remarks made in her Press Statement issued on 15th July, 1977 'cast aspersions and attribute

motives tending to undermine the dignity and authority of Parliament and thus amount to breach of privilege and contempt of the House' and that she 'attributed motives to the Home Minister', a member of the House; this House do resolve that Shrimati Indira Gandhi be summoned at the Bar of the House and reprimanded by the Speaker for the breach of privilege and contempt of the House committed by her."

MR. SPEAKER: Mr. Bosu, the procedure is that you must move your first motion. The second motion is a contingent motion.

SHRI JYOTIRMOY BOSU: I thought both the motions go together

MR. SPEAKER: You should move the first motion; and then the second motion when it comes.

SHRI JYOTIRMOY BOSU: Shall I move again? (*Interruptions*)

SHRI R. VENKATARAMAN (Madars South): Under rule 340, I move that the debate on this item be adjourned, for this reason, viz. that we have had no time to read through the Report. It was given to us only 2 or 3 days ago. (*Interruptions*) We are in the midst of a debate on the Motion of Thanks to the President. We have got the budget to discuss. Therefore, this matter is not as important as these. My second point is.... (*Interruptions*)

MR. SPEAKER: Don't interfere.

SHRI R. VENKATARAMAN: My second point, which is more valid than this, is (that we have had no time to move amendments. It was circulated to us only this morning. And we must have time to move amendments. This Parliament cannot have this resolution, and, therefore, we must have time to move the amendments.

SHRI JYOTIRMOY BOSU: If you are asking me, I would say (*Interruption*) In keeping with his wishes, and if the

House accepts it, I am agreeable to postponing this debate till 13th of March 1978.

SHRI R. VENKATARAMAN: That means that my motion has been accepted.

MR. SPEAKER: I don't follow what exactly is it?

AN. HON. MEMBER: On a point of order (*Interruptions*).

SHRI A. BALA PAJANOR (Pondicherry): Many of us here do not know where we stand. He says something, and the other Member is saying something else. Let him explain.

MR. SPEAKER: I am also trying to understand. First let me understand.

AN HON MEMBER: Let it be postponed till 13th. Then we must try to participate.

SHRI R. VENKATARAMAN: We have had no time.

MR. SPEAKER: That I follow. What is it that you have agreed upon?

SHRI R. VENKATARAMAN: He said he was agreeable to the matter being adjourned.

Shri Jyotirmoy Bosu: says that he is agreeable to the matter being adjourned. Then I said my motion.... (*Interruptions*) He said that: I did not say. He said it. Therefore, my motion stands.

MR. SPEAKER: Is it the pleasure of the House to extend the time?

Some hon. Members: No.

MR. SPEAKER: The 'Noes' have it.

SHRI JYOTIRMOY BOSU: May I make a submission? I want to assist you in the matter. What the hon. Member has said has some legs to stand on; that is to say, he has not had the time to move amendments.

MR. SPEAKER: I have put it to the House.

SHRI JYOTIRMOY BOSU: He has not had the time to give amendments. Therefore, if the House is willing, the matter can be adjourned till the 13th of March.

MR. SPEAKER: The House is not willing.

SHRI JYOTIRMOY BOSU: It can be taken on or after 13th March.

THE PRIME MINISTER SHRI MORARJI DESAI: There is no case for adjournment whatsoever, because this was given day before yesterday. Are 25 hours not enough to read a document of 46 pages? The recommendations or the main report is only 11 pages. And the intelligent Members of this House, if they cannot find time to read it in two days, I do not know if they will find time. It is absolutely delaying tactics and therefore it should not be adjourned in any case.

SHRI K. LAKKAPA: The rules are very clear. In such a discussion the scope of the discussion is very small.

SHRI R. VENKATARAMAN: The Prime Minister has not answered my point. We had no time to give the amendments.

MR. SPEAKER: If the Prime Minister had the time, you also had the time. You have already given amendments.

SHRI R. VENKATARAMAN: It is very unfair.

MR. SPEAKER: I will put the first motion to the vote of the House:

"That this House do consider the Second Report of the Committee of Privileges presented to the House on the 1st March, 1978."

SHRI C. M. STEPHEN: I have a submission to make, because, it is on this that a debate is to take place. I am submitting under rule 315, I am objec-

ting. I have to make a plea to the whole House. I will appeal to the House to consider this matter from a dispassionate point of view. We have built up certain conventions. There are Parliamentary Committees which consist of members from the different parties, all parties. It is not, except in extremely exceptional cases, which have been practically nil,.....

SHRI JYOTIRMOY BOSU: Such as this one.

SHRI C. M. STEPHEN: This is not the way. The report of a Committee of Parliament is treated with the utmost respect by the House, because the Committee is mini House; a Committee represents the House. In the Committees discussion of all the matters in detail, different points of view come in. In this particular matter, therefore, there is a difference of opinion, which is reflected in a dissenting note given by four hon. Members, who have said that it does not constitute a breach of privilege. Well, I am inclined to accept that view. But, in view of the fact that the convention is that a report presented by a Parliamentary Committee is treated with respect and accepted, I do not want to press for the acceptance of that particular dissenting note, although I am in agreement with it. I am only submitting, let us not contravene this convention. The Committee has considered all aspects and it has found that there is a breach of privilege, strictly speaking, technically speaking, but it has said, taking all things into consideration the matter may be dropped.

Now, the question is whether under the circumstances obtaining in this case the House must intervene and overrule the decision of the Committee, the report of the Committee. I have no further argument to make except to say; let us not lay down dangerous and wrong principles. Let us treat the Parliamentary Committees with all respect. It is a Committee consisting of all parties and let us therefore accept it. Let us not bypass the conven-

tion and lay down a dangerous precedent. It will be entirely wrong. I do not want to go into the details of it because the rule does not permit me. I am appealing to the Members of this House on all sides, to the Leader of the House, to everybody not to contravene this convention and therefore not to take up this matter for consideration. One more point. This matter was referred to the Committee by the Deputy-Speaker, it was not by a resolution of this House that this matter was referred. The convention and the rule is that if the reference is made by the Speaker or the Deputy Speaker the report goes to the Speaker or the Deputy-Speaker, unless the Speaker feels that the matter must come before the House for discussion, but unfortunately in this case they have recommended that the matter may go to the House, it will be reported to the House. My understanding is that reporting to the House may also mean reporting to the Speaker and the matter should be referred by the Speaker to the House. That interim area is there where the Speaker can exercise discretion. I do not want to go into that. Therefore, under the exceptional circumstances of the case, I object to the taking up of this report for consideration and for the consideration of any amendment to it. This matter must not be taken up for consideration. The report may be allowed to remain laid on the Table of the House.

THE PRIME MINISTER (SHRI MORARJI DESAI): May I say that if it had been an ordinary citizen or of a new Member of Parliament having said something which was said by Shrimati Gandhi, one could take no notice of it, but what was done was done by a person who was Prime Minister for eleven years and a Member of this House. Therefore, it becomes a very important issue, and we should, therefore, think about it dispassionately and not be governed by emotions of one kind or another.

The Committee has submitted its report. It is not unanimous, that is

true, but in a matter of this nature if anybody expected that it would be unanimous, I think it would have been far from reality. Therefore, it is by a majority, and the majority is very clear, and in democratic institutions and democratic decisions, the majority decision has a greater value as a decision, as if it is unanimous. It has the same effect. We have, therefore, to accept it. And the Committee's report is very clear. I think they have said all that is required to be said. We need not add to it anything. We accept the report. It is said in the concluding paragraph:

"However, the Committee do not feel fully satisfied by the explanation of Shrimati Indira Gandhi. They, therefore, deprecate her regrettable remarks referred to in paragraph 21 above as contained in her impugned statement. The Committee further consider it necessary particularly to caution her to be more careful in future in her comments on the proceedings of the House or on speeches of members in the House. Considering, however, the totality of the circumstances of the case, the Committee are of the view that the matter need not be pursued further.

The Committee recommend that further action in the matter may not be taken by the House and the matter be dropped." There could not have been a wiser report than this and, therefore, we should accept it in toto and should not go further into it and there should be no further discussion in the matter.

MR SPEAKER: The motion before the House is that this House do consider the second Report of the Committee of Privileges presented to the House on the 1st March, 1978. Acceptance is automatic. Normally, the Report is laid on the Table and no further discussion is made on the matter. But Mr. Jyotirmoy Bosu has moved that there should be further discussion in the matter. Do you agree with it?

SHRI MORARJI DESAI: Within the time, if you want to do it, you may do it.

SHRI C. M. STEPHEN: Now the point to be considered at this stage is whether the report must be taken up for consideration. Now, the Leader of the House has said that there need be no discussion and it must be taken in toto. This means, the report must not be taken up for consideration and the report is laid on the Table of the House.

SHRI MORARJI DESAI: We have to accept it. We cannot say that it is merely laid on the Table. That will not be enough.

SHRI VASANT SATHE: Now, the position will be that the report is there, the recommendations are there. Therefore, as the Prime Minister has rightly pointed out, that is enough, it is taken note of (*Interruptions*). He has even read out the portion. Therefore, my submission is that your motion 'that the matter should be taken into consideration' has to be voted out, and the matter will be over. That is the only way.

SHRI HARI VISHNU KAMATH (Hoshangabad): There are two motions before the House—one by my hon. friend, Shri Jyotirmoy Bosu and the other by Prime Minister as far as I understand.

MR. SPEAKER: Only one motion.

SHRI HARI VISHNU KAMATH: Now, there is only one motion before the House. That simplifies the matter. I listened with the greater consideration and respect to the utterance of the Prime Minister which it commands and deserves. But, Sir, I am inclined to disagree with the Prime Minister because if the House accepts the Prime Minister's advice, it will mean a dangerous precedent for the future, and in future the House may normally be advised to accept *ipso facto* the recommendations or the conclusions of a

parliamentary committee or a committee of the House, which to my mind, is wholly undesirable from the parliamentary point of view. The powers of Parliament are supreme. I am glad, my hon. friend, Shri Stephen, has said that the committee is a mini-House. Thank God, it is only a mini-House and it is not the House, it is not the Parliament. The Committees report does come before Parliament, should come before Parliament and the House is supreme to accept it, reject it or modify it as it desires. That should be the tradition of the House and we should uphold it. That is what I submit with all the emphasis at my command. So, I do not accept the view of the Prime Minister. I think the matter should be discussed in the House.

MR. SPEAKER: The Minister of Parliamentary Affairs has given notice of an amendment to the motion. Are you moving? ... He is not moving now.

SHRI JYOTIRMOY BOSU: Mr. Stephen's memory also serves him very conveniently. Here the draftsmen of this Rules of Procedure and Conduct of Business, which is considered to be the supreme guiding factor by this House, have made a special chapter on the Committee of Privileges. They have bestowed these powers, the privileges, the opportunities and the scopes. But in the case of other Committee, it has not been done.

I distinctly remember, as the chairman of the Public Accounts Committee, a big case of fraud and corruption was found in the matter of import of milo from the United States of America and Argentina. The Report was placed on the Table of the House which was a unanimous Report. In spite of that, Mr. Stephen's party spokesmen repeated not only in this House but in the other House also—I have not named the other House—day in and day out and they kept on challenging the validity and the genuineness of the Report. Mr. Stephen is a person who believes

in "heads I win, tails you lose." He was a member of one party the other day and today he is a member of another party.

MR. SPEAKER: Let us not widen the scope.

The Minister of Parliamentary Affairs has given a motion, "That this House do agree with the Second Report of the Committee of Privileges presented to the House on 1st March 1978.

SOME HON. MEMBERS: No, no.

SHRI JYOTIRMOY BOSU: The House is free to act as the rules provide.

MR. SPEAKER: There are a large number of amendments which have been given. The amendment given by Minister of Parliamentary Affairs is not very new.

SHRI JYOTIRMOY BOSU: If the House is willing, let the debate on the motion be postponed to 13th March so that the members may get more time. The hon. Prime Minister perhaps lost sight of one fact that we shall be accused, the Janata Party will be accused by the Congress (I) men outside that we are steamrolling them in the House. Therefore, we should give the members as much time as they want and let the amendments be given.

MR. SPEAKER: The House has already ruled on the matter.

PROF. P. G. MAVALANKAR (Gandhinagar): On a point of order, Sir, I am not at all entering into the subject-matter, more so because I happen to be a member of the Committee of Privileges. I am only seeking your guidance in regard to rule 315 under which Shri Jyotirmoy Bosu has given his motion which has come today on the order paper as item No. 15. The order paper says that if item No. 15 is accepted, then item No. 16 follows. Item No. 15 is as per the rule 315. Let us not get bogged down by the subject-matter of the motion and then change rules conveniently this way or that way.

Shri Jyotirmoy Bosu has given his motion, printed as item No. 15 on the order paper, as per rule 315. Because you found it in order, you allowed it to be printed on the order paper. It has come on the order paper. Now the Prime Minister has also given an indication of the Government's mind on this question, on Shri Jyotirmoy Bosu's motion, and its fate. At this point, my submission is and I seek your guidance on this matter as to whether it will be right for us, for the House, to set aside a motion moved regularly as per the rules on the basis of a statement, however weighty and worth-respecting, by the hon. Leader of the House. My submission is that instead of taking that recourse, what the House should do is to proceed with Shri Jyotirmoy Bosu's motion under rule 315. Let only half an hour be given... .

MR. SPEAKER: Only five minutes are left (*Interruptions*).

PROF. P. G. MAVALANKAR: You may give half-an-hour to Shri Jyotirmoy Bosu's motion. You say half an hour is already over. But half an hour should start from the moment you agree to take up Shri Jyotirmoy Bosu's motion for discussion. I say, there should be no ruling given by the Chair negating the right of an hon. Member of the House to move a motion under rule 315. The Government's point of view has been made clear and we are prepared to vote on that basis.

MR. SPEAKER. You are unnecessarily raising a point of order. There is no point of order. I have not ruled that the motion is not moved. We have had enough discussion. I am not allowing any further discussion on it.

SHRI NARENDRA P. NATHWANI (Junagadh): On a point of order, Sir, It is a question of interpretation of rule 315. It is a point of order. Firstly, there is the motion moved by the hon. Member. The question is, whether the leave should be granted to consider

[Shri Narendra P. Nathnani]

that motion. The question is to ne put to the House and then only under sub-rule (3) further discussion can be taken up. It is left to this House to agree entirely with the Report or to disagree with it or to make any modifications. At this stage of interpretation and application of rule 315, the first question should be asked, whether the leave should be granted to consider the Report. It is very clear. If you kindly look at sub-rule (3), it says:

"(3) After the motion made under sub-rule (1) is agreed to.....

AN. HON. MEMBER: That part is over.

SHRI NARENDRA P. NATHWANI: If that part is over, then the second part must follow. It is open to the members even at this stage to give amendment, to make suggestions for amendments, because the leave is granted at this stage only.

SHRI SHYAMNANDAN MISHRA (Begusarai): May I seek your guidance on one point? I will take only a couple of minutes

MR. SPEAKER: No please; the rule says that I must finish it within half an hour. (*Interruptions*).

SHRI A. BALA PNJANOR: We are only raising points of order. These points of order cannot take away the time allotted for it.....

MR. SPEAKER: The entire debate is for half an hour.

SHRI A. BALA PAJANOR: But these are the points of order which are being raised. For instance, if I move a motion and some points of order are raised and the time allotted for the motion is taken away, they cannot say that the time allotted for the motion is over. They may cite your precedent (*Interruptions*).

SHRI SHYAMNANDAN MISHRA: My submission is, it is on such occasions, that we are building up conventions and traditions. In a matter like

this, in the House of Commons, the motion is generally moved by the Leader of the House. But in this House, we have given free play to all members and hardly on any occasion have we seen the Leader of the House coming up with any motion which concerns the rights, the privileges and the dignity of the House as a whole if there is any breach of privilege or contempt of the House or any member of the House a matter that concerns the rights, the privileges and the dignity of the House as a whole. Therefore, the practice in the House of Commons is that the Leader of the House brings up the motion.

That does not happen in this House over the course of years. Now, in this particular case, what should have happened is that the Chairman of the Privileges Committee should have come with the Report before the House and asked for the agreement of the House with the Report. The motion should have been moved by him. I am only trying to submit to you that we have to lay down certain conventions and practices in the House.

MR. SPEAKER: We have had enough discussion.

SHRI SHYAMNADAN MISHRA: I am concluding it. Here also rule 315 says, "in the first instance that the report has to be submitted by the Chairman of the Committee of Privileges." Why is this practice not being followed in this matter so that if any Member is now coming up with any motion with regard to this, then he could have sought the agreement of the House on this matter.

MR. SPEAKER: I put Mr. Jyotirmoy Bosu's motion for consideration.

THE PRIME MINISTER (SHRI MORARJI DESAI): The consideration of the report motion has got to be first taken. Mr. Jyotirmoy Bosu's thing is in two parts. You are dealing with the first part.

MR. SPEAKER: I put it before the House. The question is:—

“That this House do consider the Second Report of the Committee of Privileges presented to the House on the 1st March, 1978”

The motion was adopted.

MR. SPEAKER: There is a contingent motion by the Minister of Parliamentary Affairs.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND LABOUR (SHRI
RAVINDRA VARMA): I beg to move:

“That this House do agree with the Second Report of the Committee of Privileges presented to the House on the 1st March, 1978.”

SHRI JYOTIRMOY BOSU: My contingent motion should be moved now. *(Interruptions)* I have moved one motion on which you have obtained the pleasure of the House.

I beg to move:

“Whereas the Committee of Privileges of Lok Sabha, in their Second Report, presented to the House on 1st March, 1978, feeling not fully satisfied by the explanation of Shrimati Indira Gandhi, have come to the conclusion that the remarks made in her Press Statement issued on 15th July, 1977 cast aspersions and attribute motives tending to undermine the dignity and authority of Parliament ‘and thus’ amount to breach of privilege and contempt of the House’ and that she attributed motives to the Home Minister, a member of the House; this House do resolve that Shrimati Indira Gandhi be summoned at the Bar of the House and reprimanded by the Speaker for the breach of privilege and contempt of the House committed by her.”

SHRI C. M. STEPHEN: I rise on a point of order. This motion is out of order *(Interruptions)*

MR. SPEAKER: He has raised a point of order.

SHRI C. M. STEPHEN: Sir, the motion which is to be moved is to be a form which is spelt out under (3) of rule 315. It says:

“After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be, may move that the House agrees, or disagrees or agrees with amendments, with the recommendations contained in the report.”

Therefore, the nature of the motion is spelt out; nature of the motion has got to have a reference not to the report but to the recommendations and the motion must say either it agrees or disagrees or that it agrees with certain amendments. The motion now moved by Mr. Jyotirmoy Bosu does not conform to any of these requirements at all; it is entirely a different motion. The rule is very specific. The motion must say: either agrees or disagrees or agrees with amendments. With respect to the recommendations, there are three parts to the Report, one is a statement of facts; (2) a chapter which deals with findings; and (3) a paragraph which gives the statement as a recommendation. The motion here is to deal with only the recommendations and it must say: either it agrees or disagrees or it agrees with certain amendments. The motion moved by Mr. Jyotirmoy Bosu is an entirely different motion spelling out so many things and without making any reference to the recommendations

SHRI JYOTIRMOY BOSU: Rule 333.

SHRI C. M. STEPHEN: You will kindly consider this matter. It does not make any reference to the recommendations at all. Therefore, I would submit that this motion should be treated as out of order.

SHRI K. LAKKAPPA (Tumkur): Sir, I would like to support....

MR. SPEAKER: In a point of order there is nothing like supporting.

SHRI K. LAKKAPPA: I want to consolidate the position. My friend, Mr. Stephen, has said that the motion of Shri Jyotirmoy Bosu is not in order because he has only picked up a certain portion of the report of the Committee and has brought it before the House. There are two versions of the report, the judgment. There is also the opinion of four Members: even that, he has not considered. Therefore, the entire motion that he has brought picking up only a portion of the report, is not in order. It is not in conformity with the rule because it clearly says that, after the report has been presented the Chairman or any Member of the Committee may move, "That the Report be taken into consideration." This is not so; he has only picked a certain portion from the report. Therefore, it is out of order and should be rejected.

SHRI SHYAMNANDAN MISHRA: Sir, May I draw your attention to rule 315(3), to the exact wording of rule 315 (3)? I do agree that Mr. Jyotirmoy Bosu's amendment is in order. The amendment can take any form; it must not be in a particular form. But my submission is that according to rule 315(3), the motion has to take into account the amendments also. I will read out rule 315(3):

"After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be may move that the House agrees, or disagrees, or agrees with amendments...."

That means, the motion must take into account the amendments that have been proposed. Therefore, the only motion that is valid is the motion made by the Minister of Parliamentary affairs—according to rule 315(3). Other, wise the amendments could not have been mentioned here.

SHRI RAVINDRA VARMA. My hon. friend, Mr. Shyamnandan Mishra, has pointed out to a position which at this moment is very clear. Rule 315(3) very clearly stipulates:

"After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be, may move that the House agrees, or disagrees or agrees with amendments, with the recommendations contained in the report.

Here, you were pleased to put this motion under sub-rule (1) of rule 315 and the House has voted that it be taken into consideration. I beg to submit that this is the appropriate time for either the Chairman or any Member of the Committee or any other Member, as provided under rule 315(3) to make a motion that the House agrees or disagrees or agrees with amendments. After the House has granted leave and agreed that this motion may be taken into consideration, my motion, which I have submitted, which is a motion under rule 315 (3), which says that the House agrees with the report of the Committee, is perfectly in order. Therefore, I beg that the House may consider this motion moved by me.

SHRI KANWAR LAL GUPTA (Delhi Sadar): There are other amendments given notice of by other Members also. They should also be allowed to be moved.

MR. SPEAKER: You can move one by one. There can be no debate.

SHRI JYOTIRMOY BOSU: Why There should be a debate.

MR. SPEAKER: The Members may move their amendments, one by one.

Mr. Stephen.

SHRI C. M. STEPHEN: I beg to move:

"That for the motion, substitute the following:—

"Having considered the Second Report of the Committee of Privileges presented to the House on the 1st of March, 1978,

and being of the view that the remarks quoted in paragraph 21 do not amount to a breach of privilege and contempt of the House,

this House agrees with the recommendation of the Committee of Privileges." (1)

SHRI K. LAKKAPPA: I have given notice of two amendments. But I am moving only S. No. 3 I beg to move:

"That for the motion, substitute the following:—

"Having considered the Second Report of the Committee of Privileges presented to the House on the 1st March, 1978, this House do resolve that no question of breach of privilege is involved in the matter against Shrimati Indira Gandhi and that this House agrees with the Note appended to the Report by four members of the Committee." (3)

SHRI B. P. MANDAL (Madhepura): I beg to move:

"That in the motion, in line 12,—

for the words "reprimanded by the Speaker" substitute "convicted and sentenced to one day's imprisonment" (4)

SHRI KANWAR LAL GUPTA: Sir, I move:

"that for the motion, substitute the following:

"That the matter be referred back to the Committee of Privileges for reconsideration." (5)

SHRI HARI VISHNU KAMATH: My amendment is an amendment to Mr. Stephen's amendment. It is:

That in the amendment of Shri C. M. Stephen,

(i) line 5, omit "not",

(ii) for lines 7 & 8, substitute,

"The House condemns the reprehensible conduct of the former Prime Minister, Shrimati Indira Gandhi." (Interruptions).

MR. SPEAKER: No.

SHRI HARI VISHNU KAMATH: He says he has moved his amendment.

MR. SPEAKER: No, no: There cannot be an amendment to an amendment.

SHRI HARI VISHNU KAMATH: But has he moved it?

MR. SPEAKER: Yes, he has moved it.

SHRI KANWAR LAL GUPTA: Now we have to speak on this, Sir, Half an hour is allowed... ..

MR. SPEAKER: Half-an-Hour for what?

SHRI KANWAR LAL GUPTA: For consideration. We can move and consider it within half-an-hour.

MR. SPEAKER: Half-an-hour is for the entire debate.

SHRI KANWAR LAL GUPTA: Half-an-hour is not over: so we can say a few words.

MR. SPEAKER: No, no half-an-hour is for the main debate.

SHRI KANWAR LAL GUPTA: It is for consideration, Sir.

MR. SPEAKER: Not for the first part of it. Please read the Rule—sub-rule (ii). Half-an-hour is for that.

SHRI KANWAR LAL GUPTA: It permits a debate on the motion.

MR. SPEAKER: That is under sub-rule (1), not under sub-rule (3) we are now sub-rule (3). (*Interruptions*).

MR. SPEAKER: I will place before the House one by one....

SHRI KANWAR LAL GUPTA: We want to know why the Committee did not call Mrs. Gandhi. I am prepared to withdraw my amendment if he explains that.

SHRI SAMAR GUHA: Sir, I have one submission to make....

SHRI KANWAR LAL GUPTA: Why did you not call her? You tell us.

MR. SPEAKER: You are not under cross-examination: You can make your statement.

SHRI SAMAR GUHA: I am not going into the merits of the matter. It is the procedure.....

SHRI K. LAKKAPPPA: Sir, he is the Chairman of the Privileges Committee

MR. SEAKER: He is only explaining his conduct. As a convention, he will not go into the merits of the case.

SHRI SAMAR GUHA: The general practice of the House and the convention has been, in regard to other Reports and also Reports of the Privileges Committee, that unless a debate is demanded or some amendment is there, it is deemed to be accepted by the House as soon as it is laid. Now, if an Amendment is given by any Member, according to the rule, first the Chairman should move a motion for the acceptance of the Report. So if you will permit me.. (*Interruptions*).

It has been the practice and convention so far. If it is done, then first it has to be pointed out to me, being the Chairman, (*Interruptions*).... It has not been pointed out to me.

MR. SPEAKER: I have a right to select Amendments under the rules. I have selected the Amendment moved by the Minister for Parliamentary Affairs.

SHRI JYOTIRMOY BOSU: You cannot select, though you can reject. No nominations here, Sir? (*Interruptions*). You cannot select, you can reject on grounds.

13.00 hrs.

MR. SPEAKER: Rule 346 says:

"The Speaker shall have power to select the amendments to be proposed in respect of any motion, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgement upon it."

The Speaker has, therefore, the right to do that and I have accordingly selected the motion moved by Shri Ravindra Varma.

The motion before the House is....

SHRI KANWAR LAL GUPTA: What is the basis of your selection?

MR. SPEAKER: Let us not go on like this.

The motion before the House is.

"That this House do agree with the Second Report of the Committee of Privileges presented to the House on the 1st March, 1978".

The motion was adopted.

MR. SPEAKER: The debate on this is closed.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VERMA): Sir, the time allotted for discussion on the Motion of Thanks on the President's Address would be exhausted or has perhaps already been exhausted. The