

मैसर्स जैन मेटल एण्ड वायर वर्क्स

5094. श्री धर्मुन सिंह भवीरिया :
क्या बिल मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या मैसर्स जैन मेटल एण्ड वायर वर्क्स ने बढ़िया किस्म के इस्पात का बड़े पैमाने पर आयात करने के मामले में लाखों रुपये की जाससाजी की है ;

(ख) क्या दिल्ली लघु उद्योग विकास निगम ने इस फर्म को लाखों रुपये दिये हैं; और

(ग) सरकार का इस फर्म के विरुद्ध क्या कार्यवाही करने का विचार है ?

बिल तथा राजस्व और बैंकिंग मंत्री (श्री एच० एम० पटेल) : (क) से (ग) . इस मामले की केन्द्रीय प्रत्येक्षण ब्यूरो द्वारा जांच की जा रही है। इस स्थिति में कोई भी सूचना देना लोकहित में नहीं होगा।

12:35 hrs.

MOTION FOR ADJOURNMENT

ALLEGED FAILURE OF GOVERNMENT TO GIVE PROTECTION TO HARIJAN AND OTHER VOTERS DURING THE RECENT BY-ELECTIONS IN U. P. AND BIHAR AND LARGE SCALE RIGGING OF ELECTIONS

MR. DEPUTY-SPEAKER: I have to inform the House that I have received a notice of adjournment from Shri Vayalar Ravi which reads:

"The failure of the Government to give protection to the voters, especially, to Harijans and other weaker sections, to exercise their right of franchise freely and large-scale rigging of the elections by the Ruling Party in the bye-elections held in UP and Bihar where the two Chief Ministers of respective States contested."

I give my consent to the moving of the Adjournment Motion under rule 56. Shri Vayalar Ravi may now ask for leave of the

House to move the motion.

श्री गोरी संकर राय (गाजीपुर) :
मैं जानना चाहता हूँ कि यह ऐडजर्नमेंट स्टेट गवर्नमेंट की फेल्योर के बारे में है या सेंट्रल गवर्नमेंट की फेल्योर के बारे में है या एलेक्शन कमीशन के सिलोसिले में है? मैं जानना चाहता हूँ कि क्या यह सदन राज्य सरकारों के ऐडमिनिस्ट्रेशन के फेल्योर के मामले को या पुलिस प्रेरेंजमेंट को डिस्कस कर सकता है ?

SHRI SHYAMNANDAN MISHRA (Begusarai) : My submission is that the House and the Chair are bound by the Constitution and by the Rules. The rule says that a matter of urgent and public importance can be the subject matter of a motion. But that does not mean that any matter which does not pertain to the jurisdiction of the House can be raised in this House.

The first condition is that that matter must lie legitimately within the sphere of jurisdiction of this House. Otherwise, there are so many things going on in the world which can be characterised as matters of definite public importance, but they cannot be raised in the House.

So, the Chair must be extremely wary and the Chair must exercise all caution. Otherwise, the Chair would be going outside the bounds of the Constitution and outside the bounds of the rights of this House and outside the bounds of the rights of the Chair itself.

Here, the matter relates clearly to the administration of the State. Then, their is another aspect. This also relates to the administration of elections. Both these matters, in my humble opinion, do not pertain to the jurisdiction of this House. The administration of the State cannot be discussed in this House. Once that unhealthy precedent is established in this House, there can be no end to such motions being raised in this House. Then, with regard to the administration of the elections, I would like to remind you of article 324 of the Constitution which reads :

"The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State shall be vested in a Commission (referred to in this Constitution as the Election Commission)."

So, if there has been any malpractice, that can be taken up only through an election petition. Otherwise, I am again warning the Chair in all humility that we will be allowing . . . (Interruptions) . . .

MR. DEPUTY-SPEAKER: I would like to make it very clear to the Members that we shall hear everybody in silence and peace because otherwise there will be only pandemonium and no issue can be raised in this House.

SHRI SHYAMNANDAN MISHRA : I have drawn your attention to article 324 of the Constitution. Then, certain laws have been passed by Parliament regulating elections—The People's Representation Act of 1950 and the People's Representation Act of 1951. If there are breaches or violations of these laws, they can be taken up in a court of law through an election petition. What I was warning the Chair with all humility was that if you allow a discussion in this House, that discussion may be prejudicial to the proceedings before the court. Shall we take a step which will prejudice the administration of justice in this matter? Hon. Members can come with a motion for considering the conduct of the elections by the Election Commission, but they cannot come with a motion against the Government. Where is the Central Government involved in this matter? Have they shown any proof or evidence to the Chair in support of their motion?

I really do not know whether the Chair can admit any motion only on the basis of the physical strength of number. If any adjournment motion is going to be allowed only on the basis that any party or group can muster 50 Members, I think that would be allowing a bad precedent in this matter. This kind of physical strength of numbers should not lead the Chair to admit any adjournment motion. The Chair has to go into all aspects of this matter, constitutional and administrative. So, my humble opinion is that the Chair will have to consider again whether it is not an invalid motion one which cannot be admitted in this House. Therefore, you have to give further thought to it before you can ask the hon. Member to ask for leave.....

MR. DEPUTY-SPEAKER: My difficulty is that all these aspects have been gone into by the hon. Speaker.

SHRI SHYAMNANDAN MISHRA: We have to be satisfied in this matter. Let the Chair come out with a ruling. I have raised a point of order.

MR. DEPUTY-SPEAKER: There is no question of a ruling once the hon. Speaker has admitted the adjournment motion. If you are opposing it, you can do so.

SHRI SHYAMNANDAN MISHRA: There are grave constitutional issues involved and the House will have to be satisfied in this matter by the Chair.

MR. DEPUTY-SPEAKER: The hon. Speaker has taken all these aspects into consideration and given his consent. If you are opposing the adjournment motion, you can do so.

SHRI SHYAMNANDAN MISHRA: Are we not entitled to some amount of education by the Chair in this matter? Are we not entitled to know from the Chair the reasons when the issues are patently so grave and serious?

MR. DEPUTY-SPEAKER: The Hon. Speaker has already taken into consideration all these things.

SHRI SHYAMNANDAN MISHRA : Let the hon. Speaker come forward and tell us all about it. Let not the Deputy-Speaker say in a blanket way that the Chair has already taken into account all these considerations. We have to be satisfied about this matter. It is by persuasion that the House can proceed to function. Where is the persuasion from the Chair? You expect from us that we should persuade the other side to our point of view. The Chair also has a clear duty in the matter to persuade the House with regard to the issues that I have raised. These are constitutional issues.

SHRI GAURI SHANKAR RAI : You have to give a ruling to come on the record. It is not as the hon. Speaker has taken already a decision. You kindly call the hon. Speaker. Let the hon. Speaker come and give reasons for a decision taken by him because it must come on the record. The House should not be treated so lightly. (*Interruptions*)

SHRI K. P. UNNIKRISSNAN (Badagara): The hon. Speaker was well within his jurisdiction to admit this adjournment motion. If you read it carefully, it refers to the right of franchise which is a basic right and that fundamental right has been violated by the Central Government. It is the failure of the Government to give protection to voters, particularly, the Harijans, the Adivasis and other weaker sections of the community to exercise their right of franchise. It is a constitutional right; it is a basic right. It is the duty of the Central Government to protect this basic and constitutional right. They have failed to protect that right. There has been a large-scale rigging in these two constituencies. Therefore, it is clearly within the jurisdiction of this House to discuss this important and serious matter. That is why we have brought forward this adjournment motion.

श्री कंवर लाल गुप्त (दिल्ली सदर) :
उपाध्यक्ष महोदय, आप ने अभी कहा कि
स्पीकर साहब ने कनसेंट दे दी है और सार
एस्पेक्ट्स को सामने रख कर कनसेंट दी है।
मैं मानता हूँ कि स्पीकर साहब ने कनसेंट
दे दी है लेकिन स्पीकर साहब की कनसेंट के
बाद अगर आप इस समय चैयर में हैं तो

You are as good as Speaker now. You
are in the Chair.

इस के बाद अगर आप को यह लगे कि जो
कनसेंट दी गई है वह रूल्स के मुताबिक नहीं
है, तो आप इस को रिवाइज कर सकते हैं।
आप को याद होगा कि स्पीकर साहब ने
कल श्री ज्योतिर्मय बसु के प्रिविलेज मोशन
पर कनसेंट नहीं दी थी लेकिन बाद में जब
उन को कर्नबिस किया गया, तो उन्होंने
इजाजत दे दी। यह कल की ही बात है।
मैं आप की सेवा में रूल 58 पढ़ कर सुनाना
चाहता हूँ।

"The right to move the adjournment
of the House for the purpose of dis-
cussing a definite matter of urgent
public importance...."

There are two conditions: One, it should
be definite; and the second, it should
be a matter of urgent public importance.

"...shall be subject to the following
restrictions, namely,

- (i) not more than one such motion
shall be made at the same sitting;
- (ii) not more than one matter shall be
discussed on the same motion;
- (iii) the motion shall be restricted to a
specific matter of recent occurrence;
- (iv) the motion shall not raise a question
of privilege;..." and so on and so
forth.

Now, see the language of the motion:

"Failure of the Government to give
protection to the voters, specially
to Harijans and other weaker sections,
to exercise their right of franchise
freely and large scale rigging of the
elections by the ruling Party in the by-
elections held in Uttar Pradesh and
Bihar where the two Chief Ministers
of respective States contested."

उपाध्यक्ष महोदय, मेरा कहना यह है कि
यह एक डेफ़ीनेट मेटर नहीं, अलग-अलग
चीजें हैं। जो मैंने पढ़ कर सुनाया है, उसमें
यह है कि एक मेटर होना चाहिए और स्पेसी-
फिक मेटर होना चाहिए। इन्होंने एक
मेटर नहीं दिया है। उस की जो लेंगुएज
है, उसमें यह कहीं नहीं कहा है कि गवर्नमेंट
आफ़ इन्डिया का फेल्योर है। अगर
कहीं पर हरिजनों ने वोट नहीं डाला या उन्हें
प्रोटेक्शन नहीं दिया गया, तो यह गवर्नमेंट
आफ़ इन्डिया का फेल्योर नहीं है। यह तो
स्टेट गवर्नमेंट के एरेंजमेंट की बात है।
उत्तर प्रदेश या बिहार, जहाँ का भी हो,
वहाँ की यह बात है। इन्होंने रिगिंग की
बात कही और दूसरी बात यह कही कि
हरिजनों को प्रोटेक्शन नहीं दिया गया।
ये दो इशू हैं जबकि इशू एक होना चाहिए।

तीसरी चीज मुझे यह कहनी है कि आज
इलैक्शन हुए कितने दिन हो गये हैं। इन को यह
चाहिए था कि जिस दिन इलैक्शन का रिजल्ट
आया था, उस के अगले दिन, यह इस बारे में
सवाल उठाते। आज कितने दिन बाद
यह दे रहे हैं। इसलिए यह कोई रीसेन्ट
आकरेन्स नहीं है। जब तक आकरेन्ट
आकरेन्स या रीसेन्ट आकरेन्स न हो, तब तक
यह चीज नहीं आ सकती। इसलिए मेरा
कहना यह है कि यह जो एजोर्नमेंट मोशन
आया है यह सारा डिफ़िक्टिव है और रूल्स
के अन्दर नहीं आता। मेरी आप से प्रार्थना
है कि इस पर दो बारा फैसला करें।
(अवधान)

MR. DEPUTY-SPEAKER: I think,
the language is quite clear; it is "failure
of the Government to give protection.."

SHRI SHYAMNANDAN MISHRA:
Which Government?

MR. DEPUTY-SPEAKER: Evidently
the Central Government; I take it as
Central Government.....

SHRI SHYAMNANDAN MISHRA: How is the Central Government responsible?

MR. DEPUTY-SPEAKER: Otherwise we would not be discussing it. *(Interruptions)*

Let me complete. Please have patience.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I have been trying to catch your eye; I cannot catch anything else. *(Interruptions)*

MR. DEPUTY-SPEAKER: Let me complete.

SHRI VASANT SATHE (Akola): This is a new discovery that you are in the habit of catching something else also.

MR. DEPUTY-SPEAKER: Mr. Bosu, you look at me, not Mr. Sathe.

SHRI JYOTIRMOY BOSU: Some people are handsome, so they think that we are looking at them.

MR. DEPUTY-SPEAKER: Why are you attracted by handsome people?

SHRI JYOTIRMOY BOSU: The failure of the Government to the extent of ensuring free and fair elections and protection to voters etc. is a law and order issue and is a State Government subject, if there is anything of this sort. In 1972, when there was massive rigging in West Bengal, I tried to raise this matter here for two days, but the Congress Members now sitting in the opposition said that it could not be raised here. Politically and Constitutionally, we are totally opposed that any matter relating to the State Government should be discussed on the floor of the House. We are not going to allow that. If you do it now, we shall not be obeying. *(Interruptions)*

MR. DEPUTY-SPEAKER: Mr. Bosu, there is no question of not obeying, but I must also say something in this matter. The question is that if there are certain State matters. *(Interruptions)* I am on my legs; nothing else will go on record.

SHRI UGRASEN: **

MR. DEPUTY-SPEAKER: As far as the Chair is concerned, if there are some matters which pertain purely to the State,

those shall not be allowed to be discussed on the floor of the House, I can give that assurance to you, Mr. Bosu, and that is against our Rules of Procedure. In this case let us examine; what is sought to be highlighted is the failure of the Government to give protection to the voters.

SHRI DINEN BHATTACHARYA: Which Government?

MR. DEPUTY-SPEAKER: I take it the Central Government. It says, protection to the voters, and Harijans and other weaker sections.

13.00 hours

SHRI SHYAMNANDAN MISHRA: May I draw your attention to an article of the Constitution ... *(Interruptions)*

I want to draw your attention to Article 324(6) of the Constitution which says:

"The President, or the Governor of a State shall when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1)..."

The Staff is given to the Election Commission at the request of the Election Commission.....

SHRI VAYALAR RAVI (Chirayinkil): How is it relevant here?

SHRI SHYAMNANDAN MISHRA:by the President or the Governor. So, the State Government does not come in the picture in that crudity in which they are trying to point out. The Election Commission is solely in charge; the Election Commission has got the staff, the officers concerned in the administration of elections. Therefore, the responsibility cannot be foisted on the State Government. Thus viewed, where is the responsibility on the State Government for that matter? Or, even, if it is for the State Government in some way, as it is argued here, what evidence have they adduced before the Chair to show that the Central Government is involved in this matter?

SHRI K. LAKKAPPA (Tumkur): We have got all the material to prove.

SHRI SAUGATA ROY (Barrackpore): Why are you allowing him?

MR. DEPUTY-SPEAKER : When he is making some constitutional objection, I shall hear him. And it is for me to decide on it. But please have your patience.

SHRI SHYAMNANDAN MISHRA : So, my humble question is : whether these people who have given notice of this motion have given any evidence in support of their contention that the Central Government is involved in this matter? If the Central Government is involved, then you can certainly think about it. But the Central Government or the State Government also are not directly involved. It is the Election Commission which has got the sole responsibility in the matter of conduct of elections. This is what I have tried to point out.

MR. DEPUTY-SPEAKER : As far as the Election Commission is concerned, I think the only government that is responsible for it is the Central Government because no State Government can.....

THE MINISTER OF STEEL AND MINES (SHRI BIJU PATNAIK) : Before you consider taking up this motion, I would like to explain the government's position in this matter.

The Government's position is very clear. Under Act of Parliament, a constitutional body called the Election Commission of India has been set up whose business and duty is to conduct the elections. If the charges brought forward by the hon. Members of the other side in terms of an adjournment motion have been even remotely right, then it is the business of the Election Commission to declare the election in those constituencies void. In fact that has been done in various elections and in various State elections we have seen the Election Commission declaring certain elections in certain constituencies void when there was pressure, when there was occupation of the polling booths or where the voters were prevented from voting and it becomes a subject for satisfaction of the Election Commission that such a situation has taken place and it has declared the election in those constituencies void and elections were held once again in those constituencies. The motion is just saying that it is the Government and assuming that it is the Central Government, the Central Government's view is that it pertains neither to the Central Government nor to the State Government and the authority concerned here is only the Election Commission. This is the Central Government's view. It is upto the Chair to do whatever you like. It is upto the Members of the Opposition to create headlines after having lost miserably in these two

elections. But the fact remains that this is the Central Government's opinion in the matter.

SHRI B. SHANKARANAND (Chikkodi) : We repudiate the charges made by the hon. Minister that we are raising this matter only just to make the headlines.

SHRI C. M. STEPHEN (Idukki) : With respect to adjournment motions, we are regulated and controlled exclusively by the Rules of Procedure spelt out. There are precedents which are spelt out in the Directions before us. There are two stages: One, the Speaker considers whether there is *prima facie* case for admitting the motion. The word used is '*prima facie*'. Here in this case, the Speaker is satisfied that there is a *prima facie* case for admitting the Adjournment Motion. Ruling has been given that it is admissible. The Speaker has ruled that. Once it is ruled that way, then, it becomes the property of the House. The House can decide that permission will not be given. The House can decide that permission will be given. How that permission must be given is also spelt out. Once the ruling is given, going into the merits of the case does not arise at all.

Two procedures are stipulated here.

One is a case in which the Speaker decides that this is admissible.

Another is a case in which the Speaker decides that it is not admissible. Even where the Speaker decides that it is inadmissible, the party concerned can meet the Speaker in his Chamber and discuss the matter with him and give a written representation and he can revise it. It is not the other way.

Therefore, once the Speaker has decided that it is admissible, then, what is the next stage spelt out in the rule? Once it is decided that it is admissible, it becomes the property of the House. The House can decide either to grant leave or not to grant leave. The merits of the question does not arise at all.

As to whether a State matter can be discussed, as you have rightly pointed out, this is something which should be regulated by the Chair at the time of the discussion. That governs not only the Adjournment Motions. That governs also other Motions, discussions etc. Those things which should not be discussed here will not be permitted by the Chair at the time of discussion. So, getting permission of the House is the next stage now.

[Shri C. M. Stephen]

We need not go into the merit of the case now. Mr. Speaker has ruled that the Adjournment Motion is admissible. Therefore, it has become the property of the House. You may kindly ask the House whether leave is to be granted or not to be granted. When once the House grants leave, we will proceed to the discussion of the matter.

SHRI VAYALAR RAVI: I ask for leave of the House to move my adjournment motion.

MR. DEPUTY-SPEAKER: Is leave to move the motion opposed?

SOME HON. MEMBERS: We oppose it.

MR. DEPUTY-SPEAKER: As the leave is opposed, I ask members who are in favour of leave being granted to rise in their places.

I find that there are more than 50 Members who are in favour. Leave is granted. The Adjournment Motion will be taken up at 4 P.M. today.

13.09 hrs.

PAPERS LAID ON THE TABLE

STATEMENT RE. NEWS ITEM IN ORGANISER

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (PROF. SHER SINGH): On behalf of Shri Jagjivan Ram, I beg to lay on the Table in pursuance of an assurance given by him on the 29th July, 1977 a statement (Hindi and English versions) about the matter raised by Shri Subramaniam Swamy, M.P. in connection with a news item which appeared in the *Organiser* (Delhi) of 27th June, 1977 entitled "Sub-standard MIG Engines cleared during the Emergency."

[Placed in library. See No. LT-1459/77].

REVIEW & ANNUAL REPORT OF HINDUSTAN INSECTICIDES LTD. FOR 1976-77

पेट्रोलेियम तथा रसायन और उर्वरक

मंत्रालय में राज्य मंत्री (श्री जगदीश्वर मिश्र):

मैं श्री हेमवती नन्दन बहुगुणा की ओर से

कम्पनी अधिनियम, 1956 की धारा 619क

की उपधारा (1) के अन्तर्गत निम्नलिखित पत्रों (हिन्दी तथा अंग्रेजी संस्करण) की एक-एक प्रति सभा पटल पर रखता हूँ:-

(एक) हिन्दुस्तान इन्सेक्टीसाइड्स लिमिटेड, नई दिल्ली के वर्ष 1976-77 के कार्य-करण की सरकार द्वारा समीक्षा।

(दो) हिन्दुस्तान इन्सेक्टीसाइड्स लिमिटेड, नई दिल्ली का वर्ष 1976-77 का वार्षिक प्रतिवेदन, लेखापरीक्षित लेखे तथा उन पर नियंत्रक-महालेखापरीक्षक की टिप्पणियाँ।

[Placed in library. See No. LT-1460/77]

REVIEWS ANNUAL REPORTS AND STATEMENTS

THE MINISTER OF EDUCATION, SOCIAL WELFARE AND CULTURE (DR. PRATAP CHANDRA CHUNDER): I beg to lay on the Table—

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Indian Council of Historical Research for the year 1975-76 together with the Certified Accounts and the Audit Report thereon, under rule 45 read with rule 44(d) of the Memorandum of Association and Rules of the Indian Council of Historical Research.

(ii) A statement (Hindi and English versions) showing reasons for delay in laying the above document.

[Placed in library. See No. LT-1461/77].

(2) (i) A copy of the Annual Report of the Indian Institute of Technology, Delhi, for the year 1976-77.

(ii) A copy of the Review (Hindi and English versions) by the Government on the working of the Indian Institute of Technology, Delhi, for the year 1976-77.

(iii) A statement (Hindi and English versions) explaining reasons for not laying simultaneously the Hindi version of the Report mentioned at (i) above.

[Placed in library. See No. LT-1462/77].