

(c) Due to delay in the commissioning of the Biological Laboratory, the building has been put to alternative uses. It is difficult to work out the loss, if any, incurred by the Government on this account, as the cost of the building, if the same was to be constructed now, would be much more than what was in the year 1965.

12 hrs.

RE. ADJOURNMENT MOTIONS

(Interruptions)**

MR. DEPUTY-SPEAKER: All of you may please take your seat. Hon. Members, the purpose for which you raise these issues become meaningless for the simple reason that it is not being done in an orderly manner. You want to represent some problem. But if every one of you gets up, we are not able to understand anything. You say something, but people, in the press gallery or in the other gallery or people in the country are not able to understand what you represent here. Therefore, I would very humbly request you, I am not advising you, but very humbly requesting you to listen to me. I will make some announcement now. Then, if anybody has any grievance, he can definitely get up and tell me and whatever is permitted according to the rules, because the rules were framed by you, I will abide by the rules, I will implement them. (Interruptions). And for your information, if anything is not done in an orderly manner, it shall not go on record. Anything done in an orderly manner according to the rules only will go on record. (Interruptions). I have said that nothing will go on record.

(Interruptions)

MR. DEPUTY-SPEAKER: I received a number of notices of adjournment motions regarding bye-election in the Weir Assembly constituency in Rajasthan. I mentioned these notices in the House yesterday and had observed that the notices had been referred to the Minister of Law for ascertaining factual position. I have received a reply from the Law Ministry intimating *inter-alia* that the issue involved is essentially one of fact and it is understood from the Election Commission that the matter is being inquired into.

On receipt of a further note from the Law Minister indicating the final position, a decision would be taken on the notices.

(Interruptions)

DR. SUBRAMANIAM SWAMY (Bombay North-East): I also gave an adjournment motion.

MR. DEPUTY-SPEAKER: About all other adjournment motions, if you have not been informed otherwise, they are under consideration.

(Interruptions)

DR. SUBRAMANIAM SWAMY: You say, according to the rules. Let me read out the rules. I am quoting from Kaul and Shakhder, Volume I.... (Interruptions) Rules 56 to 60 deal with the adjournment motions. At page 418 of Kaul and Shakhder, Vol. I, there is a full description of adjournment motions.

MR. DEPUTY-SPEAKER: Only if an adjournment motion is admitted.

DR. SUBRAMANIAM SWAMY: It says that it must be in the nature of criticism of the action of the Government of India, it must be a definite matter, it must be an urgent matter and, finally, it must be of public importance. Then comes the "pleasure" of the speaker. I can quote Supreme Court judgement after judgment. I can quote Kaul and Shakhder to show that this "pleasure" is not arbitrary. Today's *Statesman* carries a long article to say that what was once a national scandal, the fertilizer deal, has now become an international scandal.

MR. DEPUTY-SPEAKER: Do not go into the subject of the adjournment motion; confine yourself to the point of order.

DR. SUBRAMANIAM SWAMY: Kaul and Shakhder says very clearly that an adjournment motion must satisfy these criteria. The newspapers have referred to this, a number of questions have come before the Lok Sabha on this topic. Therefore, I urge you, in the public interest, in the interest of our discharging our duties properly, do not reject an adjournment motion without adequate explanation. That is all I am saying. I am not contesting your rejecting any adjournment motion. But there must be satisfaction to the members. You cannot exercise your pleasure arbitrarily; you should give satisfactory reasons. We have been re-

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peatedly raising this, the newspapers have been raising this and the World Bank has made an issue of it. It is very near to my constituency, only 25 miles away from my constituency. When I go to my constituency, people ask me: what are you doing in Parliament? So, I must give an explanation. The Minister here is very clever. He can defend the Government without difficulty. Why are you hesitating to admit this adjournment motion when it satisfies all the criteria?

SHRI NIREN GHOSH (Dum-Dum): I want to make my submissions on the same point of order. There are precedents in the Lok Sabha when the Speakers have given explanations and reasons for rejecting adjournment motions. For instance, a band is taking place in West Bengal.

MR. DEPUTY-SPEAKER: Cite one instance from the records.

SHRI NIREN GHOSH: How can you reject an adjournment motion without giving any reasons whatsoever? (*Interruptions*) An arbitrary decision has been taken. This was never done before.

MR. DEPUTY-SPEAKER: Now and then this point is being raised. Dr. Subramaniam Swamy and you have raised it, but none of the hon. Members has convinced me or the Speaker by quoting any precedent where the reasons for rejecting or disallowing an adjournment motion has been given or furnished to this House. Therefore, the Speaker is not bound to give the reasons.

I am quoting from the Manual :

"The Speaker is not bound to give reasons for his decision.

"On 5th August, 1959, when Shri Gopalan who gave notice of an adjournment motion, wanted to know the reasons for its disallowance, the Speaker observed:

"As for the reasons why I disallow, it is for me to find out if it is an adjournment motion that has to be allowed to be talked over here or even at the preliminary stage. If I have a doubt, I may ask the hon. Member to explain certain matters to me to decide whether I should give my consent or not. In other cases where I am clear that consent ought not to be given, I do not give any reasons, I disallow." "

I have already said, and I am telling you now that you have not cited any precedent where the Speaker has given reasons.

SHRI JANARDHANA POOJARY (Mangalore): The Speaker has ruled so many times in this House that for disallowing an adjournment motion, the reason need not be given. Today also a point of order has been raised on that. Rule 376 (3) is very clear. It reads:

"Subject to conditions referred to in sub-rules (1) and (2), a member may formulate a point of order and the Speaker shall decide whether the point raised is a point of order and if so give his decision thereon, which shall be final."

You have already given your decision. It shall be final and it is binding on the House. So, any point of order raised on your decision cannot be entertained. That is my submission.

PROF. MADHU DANDAVATE (Rajapur): The Maharashtra Chief Minister has described parliamentary democracy as dictatorship of the judiciary. That has been published in all the newspapers of Bombay yesterday. I have already given a notice under rule 223 I have sought the permission of the Speaker to raise the issue under rule 222. Categorically I have mentioned that this is a denigration of Parliament. To say that parliamentary democracy is actually dictatorship of the judiciary is to undermine both the Parliament of the country and cast aspersions on the judiciary, both of which have a definite position assigned to them under the Constitution. Therefore, I seek permission to raise the privilege issue.

MR. DEPUTY SPEAKER: You have already been informed of the decision (*Interruptions*)

Now Mr. Lakkappa. (*Interruptions*)

PROF. MADHU DANDAVATE: Yesterday, on my adjournment motion you said that the matter is under consideration. You announced in the House. Please allow. As far as my privilege motion against Shri Antulay is concerned, kindly announce the decision. I will abide by whatever is the decision of the Speaker.

MR. DEPUTY SPEAKER: It is still under consideration.

Now Shri Lakkappa. (*Interruptions*)

One on this side and one on that side please. I must be fair to all.

SHRI K. LAKKAPPA (Tumkur): I raised a very important issue yesterday. It is first of its kind in the history of parliamentary democracy that the State

Government of West Bengal organised a bund. It is such an unconstitutional attempt which has been made by the State Government by using State Government machinery and is a misuse of power. A organised effort has been made to paralyse normal life of the people and the economy of the State.

MR. DEPUTY SPEAKER: You mentioned it yesterday.

SHRI K. LAKKAPPA: There is Constitutional break-down of the machinery and law and order situation has been developed. It is a threat to the Central Government and, therefore, I wish that the Government over there should be dismissed.

(Interruptions)

MR. DEPUTY-SPEAKER: Order please.

SHRI K. LAKKAPPA : I demand dismissal of the Government and a discussion on this subject. Yesterday, you, had agreed that discussion will be allowed. But you have not admitted Calling Attention. Why are you not admitting ?

MR. DEPUTY-SPEAKER : Your calling attention is under our active consideration. You will be informed of the decision. (Interruptions)

Shri Samar Mukherjee.

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): Under what rule are you speaking ?

(Interruptions)

MR. DEPUTY-SPEAKER : Everybody is speaking under mis-rule.

SHRI K. LAKKAPPA : There is abuse of power in West Bengal. (Interruptions)

MR. DEPUTY-SPEAKER: It is under active consideration. Now Shri Samar Mukherjee.

One on this side and one from that side. I will allow all. Mr. Choubey, your leader is on his legs. I have heard Mr. Lakkappa. I will allow you too Prof. Tewari. I will allow Shri Dharam Dass Shastri.

श्री धर्मदास शास्त्री (करोल बाग) : मैंने भी काल-एटेंशन दिया है। आप ने आश्वासन दिया था कि आप वेस्ट-

बंगाल बंध के बारे में हमारी बात सुनेंगे। आज आप को इस पर डिस्कशन एलाऊ करना चाहिये।

SHRI SAMAR MUKHERJEE (Howrah) : I am informing the whole House that nearly two months before.... (Interruptions)

MR. DEPUTY-SPEAKER: Let us hear Shri Samar Mukherjee. He never interrupted you.

I would very much like, when the leaders of parties speak, nobody interrupts. It is in the interest of democracy.

SHRI SAMAR MUKHERJEE: On the Issue of Assam, there was a Bengal *bandh* only two months before. That was supported by the West Bengal Government. That was on the issue of national unity, national integration and against the divisive movement of Assam. Moreover, in 1967 when there was a United Front Government and when we were in the Government. in 1969, there were *bandhs* several times. It is not a new thing that a Government is supporting a *bandh* .. (Interruptions)

SHRI K. LAKKAPPA: A party *bandh* is all right but not a Government *bandh*.... (Interruptions)

आचार्य भगवान देव (अजमेर) : उपाध्यक्ष महोदय, वहां पर एक षडयंत्र किया जा रहा है और बंगाल सरकार शासन चलाने में असमर्थ रही है। इसलिए इस को बर्खास्त किया जाए। (व्यवधान)

SHRI SAMAR MUKHERJEE: A *bandh* is a weapon used by all political parties, including the ruling party, as a form of mass protest. In the Indian national movement, a *bandh* is not a new form of registering a mass protest....

AN HON. MEMBER: By a Government (Interruptions) Not by a Government.

SHRI SAMAR MUKHERJEE: Several times, in West Bengal, this ruling party at the Centre have called for *bandhs*. It is an inherent right of all political parties to register mass protest through a *bandh*. So, the ruling Left Front and the CPI have jointly called for this *bandh* in protest against the policies of the Central Government, against rise in prices, against

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the National Security Ordinance and against the cancellation of bye-elections. So, the ruling front have issued this call of *bandh* supported by C.P.I.

MR. DEPUTY-SPEAKER: You also said, it will be peaceful.

SHRI SAMAR MUKHERJEE: Yes, Sir. It will be peaceful. The State Government have said that they sympathise, with these demands.

So, it is a legitimate and justified mass protest against the Central Government. It is not an abnormality.

MR. DEPUTY-SPEAKER : Prof. Tewary. (*Interruptions*).

Simply because Shri Mukherjee has spoken, I cannot allow everybody. Let us hear Prof. Tewary as to what he says. (*Interruptions*) I have heard your leader. Why should I hear you ? Let us hear Prof. Tewary. (*Interruptions*) I have allowed him to speak.

PROF. K.K. TEWARY (Buxar) : Sir, they have called for the *Bandh* in the wake of this agitation. The traffic has been dislocated. They have taken Brigands from the State and are using them for harassing the Congress (I) workers. (*Interruptions*). In Tripura the genocide of tribals was engineered by the C.P.M. (*Interruptions*) ; In Kerala they had unleashed a reign of terror. (*Interruptions*)

SEVERAL HON. MEMBERS : No., no. (*Interruptions*)

MR. DEPUTY-SPEAKER : As regards your calling attention you can come and speak to me in my chamber.

Now next item—Papers to be laid on the table. Shri Shankaranand.

12.27 hrs.

PAPERS LAID ON THE TABLE
ANNUAL ACCOUNTS ETC. OF ALL INDIA INSTITUTE OF MEDICAL SCIENCES, 1978-79, CANCER INSTITUTE (MADRAS FOR 1978-79 AND 1979-80, ANNUAL REPORT OF POST-GRADUATE INSTITUTE OF MEDICAL EDUCATION AND RESEARCH CHANDIGARH.

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI B. SHANKARANAND

I beg to lay on the Table:—

(1) A copy of the Annual Accounts (Hindi and English versions) of the All-India Institute of Medical Sciences, New Delhi, for the year 1978-79 together with Audit Report thereon, under sub-section (4) of section 18 of the All India

Institute of medical Sciences, Act, 1956. [Placed in Library-Sec. No. LT-1425/80]

(2) A copy of the Annual Report (Hindi and English versions) of the Cancer Institute, Madras, for the year 1978-79 along with Audited Accounts. [Placed in Library Sec. No. LT-1426/80]

(3) A copy of the Annual Report (Hindi and English versions) of the Cancer Institute, Madras, for the year 1979-80 along with Audited Accounts [Placed in Library Sec No. LT-1427/80]

(4) A copy of the Annual Report (Hindi and English versions) of the Post Graduate Institute of Medical Education and Research, Chandigarh, for the year 1978-79, under section 19 of the Post-Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966. [Placed in Library Sec No. 1428/80]

NOTIFICATION UNDER PREVENTION OF FOOD ADULTERATION ACT.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI NIHAR RANJAN LASKAR): I beg to lay on the Table a copy of the Prevention of Food Adulteration (Fourth Amendment) Rules, 1980 (Hindi and English versions) published in Notification No. G.S.R. 579(E) in Gazette of India dated the 13th October, 1980, under sub-section (2) of section 23 of the Prevention of Food Adulteration Act, 1954. [Placed in Library. See No. LT-1429/80]

12.29 hrs.

STATEMENTS OF PUBLIC ACCOUNTS COMMITTEE

SHRI CHANDRAJIT YADAV (Azamgarh) : I beg to lay on the Table English and Hindi versions of the following statements:—

- (1) Statement showing Action Taken by Government on the recommendations contained in Chapter I and final replies in respect of Chapter V of Sixty-fifth Report (Sixth Lok Sabha) on Wealth Tax.
- (2) Statement showing Action Taken by Government on the recommendations contained in Chapter I and final replies in respect of Chapter V of Eighty-fifth Report (Sixth Lok Sabha) on Income-tax.