

(3) A copy of the Report (Hindi and English versions) on fatal accident at Burhar No. 1 Mine of the Coal Mines Authority in Shahdol District of Madhya Pradesh, on the 11th March, 1974. [Placed in Library. See No. LT-8144/74.]

1236 hrs.

# MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

(i) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Industries (Development and Regulation) Amendment Bill, 1974, which has been passed by the Rajya Sabha at its sitting held on the 5th August, 1974".

(ii) "In accordance with the provisions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 7th August, 1974, agreed to the following amendments made by the Lok Sabha at its sitting held on the 30th July, 1974, in the Cinematograph (Second Amendment) Bill, 1973:—

## Enacting Formula

1. That at page 1, line 1,—  
for "Twenty-fourth Year" substitute—  
"Twenty-fifth Year"

## Clause 1

2. That at page 1, lines 3 and 4,—

for "(Second Amendment) Act, 1973" substitute "(Amendment) Act, 1974"

## INDUSTRIES (DEVELOPMENT AND REGULATION) AMENDMENT BILL, BILL

SECRETARY-GENERAL: Sir, I lay on the Table of the House the Industries (Development and Regulation) Amendment Bill, 1974, as passed by Rajya Sabha.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I have been trying to catch your eye. I have given to you also a notice this morning....

MR. SPEAKER: I do not allow it. Please sit down.

SHRI SHYAMNANDAN MISHRA (Begusarai): Sir, when certain honorable Members of this House are intimidated....

MR. SPEAKER: They are holding their party meeting where they discuss many things.

SHRI SHYAMNANDAN MISHRA: We want to know the details. We also want to know why the Chair has no observations to make on this.

MR. SPEAKER: Do not always take this frowning attitude.

SHRI SHYAMNANDAN MISHRA: What frowning attitude? I am asking you to tell us what is the motion and what is your decision.

MR. SPEAKER: I am saying I have not allowed it. It is only the members who are aggrieved who can come and raise it; not others. If the hon. Member is aggrieved, he

[Mr. Speaker]

can himself come here and raise it. So, I am not allowing it.

**SHRI H. N. MUKHERJEE** (Calcutta-North-East): Sir, you have been pleased to observe that only the member who is aggrieved can claim the privilege. I submit in all humility that if the privilege of any member, of this side or that side, is infringed by the conduct of anybody, it is the property of the whole House and it is the right of anyone of us, in fact it is our duty, to raise it. The member who is aggrieved need not come into the picture.

**MR. SPEAKER:** What is said in the party meeting cannot be brought in here.

**श्री अटल बिहारी वाजपेयी** (ग्यालियर)  
अध्यक्ष महोदय, मैं एक प्रश्न आप के सामने रखना चाहता हूँ।

**SHRI JYOTIRMOY BOSU:** In this case the Prime Minister has severely reprimanded the Member because he made a suggestion that Shri Ahmed should declare his assets. (Interruptions).

**MR. SPEAKER:** It is a matter of their party discipline.

**SHRI H. N. MUKHERJEE:** The newspapers have reported and commented on certain incidents which are alleged to have happened—I do not know the truth of the matter—inside a party caucus. We are not concerned with that. But we are concerned about the publication of a report in the newspapers which suggests that the conduct of a Member as a Member of Parliament is liable to be frowned upon by people in authority. To that extent, it is surely a matter of privilege. (Interruptions).

**MR. SPEAKER:** I do not think it is a privilege matter. It is a matter within their party. (Interruptions)

**श्री अटल बिहारी वाजपेयी:** पार्लियामेंट के मेम्बर की हाउस में इच्छानुसार बोलने की इजाजत होगी या नहीं? अगर हाउस में वह कुछ कीलता है, उसके लिए उससे अगर जवाब तलब किया जाता है तो उस सीमा तक उसकी बोलने की आजादी खत्म होती है।

**MR. SPEAKER:** Every party has a right to give its directions to its members. This has come up in the House on a number of times. I have taken the same view. Tomorrow, if you issue certain directions to your party members, there is nobody to question it.

**SHRI H. N. MUKHERJEE:** You occupy the Chair which has to exercise quasi-judicial powers. What happens inside a party in regard to the enforcement of discipline is a different matter. We have to distinguish between two phenomena. One is that inside a party, disciplinary steps can certainly and rightly be taken against any member for any reason with which we have nothing to do. But if the reports appear in the newspapers about constraints to be put upon the Members of this House in the exercise of their freedom of functioning in the House as representatives of the people and they are made the subject of inquiry, it is a matter of privilege of this House. (Interruptions).

**MR. SPEAKER:** It will be wrong to take notice of that in the proper interest of working of the party system. After all, under the party system, the leader has got the power of whip, the power of issuing directions and all that. If leaders say anything and we take notice of that in the House, it will be going against the very basis of the party system.

**SHRI SHYAMNANDAN MISHRA:** On a point of order, Sir.

**MR. SPEAKER:** I have not admitted it, as I have been dealing with

such matters in the past. At other times also, when such matters came up, I took the same view.

**SHRI SHYAMNANDAN MISHRA:** From what you have been pleased to observe now, your view seems to be that a party has to function according to certain rules framed for the conduct of its members. About that, one cannot have any dispute. But so far as the Chair is concerned the Chair ought to be more concerned about the conduct of the business of the House. My submission is that according to the Constitution, we have got every freedom to function in this House and, if that freedom is sought to be constrained by any outside authority....

**MR. SPEAKER:** I do not take it like that. No question of arguing with me.

**SHRI SHYAMNANDAN MISHRA:** Let me complete it. We are guided by the Constitution, we are governed by the Constitution. For the Chair, the thing of primacy is the Constitution of the country and not the Party Constitution governing the functioning of any party. So, we want to know from the Chair whether we are free or not in our functioning in this House or are we subject to certain regulations by any outside authority.

**MR. SPEAKER:** If somebody thinks that his party leader is obstructing him, he can come to me.

**SHRI ATAL BIHARI VAJPAYEE:** If he is not free even to go to you, then what happens?

**SHRI SHYAMNANDAN MISHRA:** It is a highly preposterous principle, that a person must go to you.

**MR. SPEAKER:** I have not thought it proper to intervene in a matter between the party and the leader. I basically recognise the working of a party system. It is the

right of the leader to keep discipline, to issue directions.

**SHRI SHYAMNANDAN MISHRA:** That is a different thing.

**MR. SPEAKER:** It applies equally to your as well as to their party. I am not accepting your point of view.

**SHRI SHYAMNANDAN MISHRA:** My point of order requires to be completed. My point of order is this. Is it the duty of the Chair to look after the interests of the Party or to look after the interests of the House? (Interruptions) The kind of interruptions that the Chair makes does not redound to its credit. After all, we have also spent some time here. It is you, Mr. Speaker, who told the other day in a gathering at Chandigarh that you had a feeling that you had switched over or down from a Fiat car to a truck while coming to this House from the Punjab Legislative Assembly. This is the respect that you pay to this House. This is what you went on record....

**MR. SPEAKER:** Do not talk like this. I will never tolerate all this. Where is that? Bring it to me what I have said.

**SHRI SHYAMNANDAN MISHRA:** Yes; you have said that.

अध्यक्ष महोदय : जिनमें कोई सेन्स आफ ह्यूमर नहीं है वह दिन भर यहाँ कैद बैठे रहते हैं ।

**SHRI SHYAMNANDAN MISHRA:** Is it humour?

**MR. SPEAKER:** He is utterly devoid of any humour. Sometimes we say things in a lighter vein, in good humour. It is you who are always frowning.

**SHRI SHYAMNANDAN MISHRA:** I do not want to be interrupted by the Chair.

MR. SPEAKER: If you go on talking irrelevant things, I have to interrupt.

SHRI SHYAMNANDAN MISHRA: I am trying to make my point of order.

MR. SPEAKER: I ask you to finish it in a minute. Do not argue with me.

SHRI SHYAMNANDAN MISHRA: My point of order is this. Please hear my point of order. Also, please do not interrupt me like this. You treat Members in a way to which we take objection.

MR. SPEAKER: I have to tell you that if you go on behaving like that. I will have to take note of it. You take it in your hands my politeness and courtesy and go on saying anything you want...

SHRI SHYAMNANDAN MISHRA: Where is politeness. The Chair which goes on interrupting the hon'ble Members does not show politeness or courtesy. Please hear my point of order.

MR. SPEAKER: Irrelevant things are said under the garb of points of order.

SHRI SHYAMNANDAN MISHRA: Please see the way I am developing the point of order—whether the Chair...

(Interruptions).

You allow these people to shout like this. I will not yield; my right to make my point of order can't be compromised. I am on a point of order and I will make my point of order.

SHRI JYOTIRMOY BOSU: Yes, you will.

SHRI SHYAMNANDAN MISHRA: Please don't see the way you are looking. You say that you are a polite Speaker!

MR. SPEAKER: I am not going to be polite with you in future.

SHRI SHYAMNANDAN MISHRA: Why do you not allow me to proceed?

MR. SPEAKER: My courtesy and politeness has failed me in your case.

SHRI SHYAMNANDAN MISHRA: My point of order is...

SHRI R. S. PANDEY (Rajnandgaon): It is not a point of order... (Interruptions).

MR. SPEAKER: May I request you to let me hear him?

SHRI SHYAMNANDAN MISHRA: The issue over which we are agitated is: whether the House should take into account the Party rules and regulations which govern the functioning of a Party or whether the House take into account the Constitution which governs this country and this House.

Now, the Constitution has given us perfect freedom for functioning in this House and giving expression to our views. Do we recognize any authority outside the House to subject us to certain rules and regulations which constrain our freedom or to subject us to certain intimidation for having functioned in this House or in any such House? Now, that is the issue which you have to consider.

Here, the hon. Member, Shri Jyotirmoy Bosu has pointed out that two Members went upto the hon'ble Prime Minister to complain that some hon'ble Members had given expression to the views which were damaging to the Party interests and that they wanted the Prime Minister to take action against them...

MR. SPEAKER: I have already made my observations.

SHRI SHYAMNANDAN MISHRA: This has been published by the Press

widely which will give an impression that we, as Members, have no freedom of expression

MR SPEAKER I will not allow this because I have already made my observations I have given my ruling and there is no change in it

SHRI SHYAMNANDAN MISHRA That will bring down this House in the estimation of the people

MR SPEAKER I the Press publish these things, how am I concerned here After all the Parties have to function Your party, their party and every party has to function They have the right to issue a mandate They have the right to issue a whip I am, therefore, not accepting this position I have already given my ruling on it I am not accepting it

श्री मधु लिमये (वाका) मैं 20 मिनट में खड़ा हूँ, मैं भी पॉइंट ऑफ़ ऑर्डर उठाना चाहता हूँ, आप मुझे देख नहीं रहे हैं ग्विग-नाइज नहीं कर रहे हैं ।

MR SPEAKER The next item is in your name So, I thought that you were standing on that

श्री मधु लिमये मैं व्यवस्था का प्रश्न पर खड़ा हूँ । अध्यक्ष महोदय, सदस्या के दो प्रकार के काम होते हैं । एक मदन की सेवा से सम्बन्धित है, और दूसरा कार्य सदन के बाहर का है । उन दोनों में किसी के भ्रक्षण की जरूरत नहीं है । लेकिन सदन की सेवा करने हुए यदि कोई सदस्य सवाल पूछेंगे, सप्लीमेंटरीज पूछेंगे, और उन्हीं को ले कर अगर किसी सदस्य को धमकाया जायेगा, उसे इटिमिडेट करने का प्रयास किया जाएगा, जो अध्यक्ष की अनुमति से सप्लीमेंटरीज पूछे गये हैं उन के बारे में यदि कोई इटिमिडेट करने का प्रयास करेगा तो क्या यह समझ की मानहानि का प्रश्न नहीं होगा ?

अध्यक्ष महोदय जिस मेम्बर को इटिमिडेट किया है वह मेरे पास आ सकते हैं ।

श्री ज्योतिर्मय बसु यह हाउस का सवाल है ।

अध्यक्ष महोदय : इस में हाउस का कोई प्रश्न नहीं है ।

श्री अटल बिहारी वाजपेयी : आप का यह कहना कि जो मेम्बर इस से जुड़ा हुआ है वह आप के पास आ कर कहे यह बात ठीक है । लेकिन, अगर ऐसी स्थिति है कि वह मेम्बर नहीं आ सकता ...

अध्यक्ष महोदय नहीं आ सफना तो मैं क्या करूँ । मुझ को तो उमम ही पूछना है ।

श्री अटल बिहारी वाजपेयी : अगर कोई सदस्य पकड़ लिया जाय और पुलिस उसे न आने दे तो क्या उस का मामला हम नहीं उठा सकते हैं ?

(व्यवधान)

श्री ज्योतिर्मय बसु प्रेसीडेंट के इलेक्शन को इस खबर के छपने की वजह से चुनौती दी जायगी, इलेक्शन पेटिशन फाइल होगी ।

12 58 hrs

STATEMENT BY MEMBER RE OWNERSHIP OF LAND BELOW THE SEA WITHIN TERRITORIAL WATERS

श्री मधु लिमये (वाका) अध्यक्ष महोदय, माननीय ए० व० आर० गोखले ने समुद्र के नीचे की भूमि की मिल्कियत के बारे में 2 मई, 1974 को जो बयान दिया उस में जान बूझ कर गलत जानकारी दी है । उन्होंने मैंने उठाये हुए सवैधानिक मामलो पर सदन को न केवल .....