

MR. SPEAKER: No, not necessary.

SHRI NATH PAI (Rajapur): I seek your protection in raising this point. Though the hon. lady has objected, the point raised by Mr. Sondhi deserves very serious consideration (Interruptions).

The rule in the House seems to be the survival of the loudest and noisiest. I hope that at least under your guidance this shall not be the rule, that logic and cogency will have the upper hand and not voice and volume of the lungs. I cannot compete with the lung power of some of the members, but in the power of reason I can.

The entire machinery of the Government is being mobilised and used in preventing a proper assessment being made by Parliament. The first announcement on the All India Radio.....(Interruptions).

AN HON. MEMBER: What is the point of order?

SHRI NATH PAI: I will not sit down.

SHRI M. L. SONDHI: This is much more important than anything else. I demand the resignation of the Ministry.

SHRI NATH PAI: The Prime Minister made a plea to this House to the effect: Let us get full document, let us study the details and then only Government will make up its mind. If that is the plea which is to be respected by us, what is this game that is going on, that everybody is being conditioned to prepare Parliament to accept the award.

You know the basic thing; they may not be knowing.

MR. SPEAKER: I have asked Mr. Venkatasubbaiah to move the motion.

SHRI NATH PAI: When a matter is sub judice, nobody tries to go into it.

MR. SPEAKER: I know.

SHRI NATH PAI: Have you understood my point? I credit you with many things but not with telepathy. Let me complete my sentence.

MR. SPEAKER: I do not want to prolong the discussion.

SHRI NATH PAI: I am not prolonging the discussion.

SHRI RANDHIR SINGH (Pohrak): I also want to say something...(Interruptions).

SHRI NATH PAI: Since we are going to make up our mind, since the Government claims that it wants to make up its mind, is it fair to mobilise the entire propaganda machinery beginning with the All India Radio and say that India has benefited? We are being conditioned into accepting this award.....(Interruptions.) I do not know if you find time to listen to the All India Radio amidst your multifarious preoccupations. If you can find the time to listen to the All India Radio, you will be surprised that one gets the impression that nothing better has happened to the Government of India and the people of India since Independence than the award of this Tribunal. This is the funniest thing and this is how they (glamorise). Why should it be so if Parliament is asked to give its calm judgment? May I therefore ask you to use your authority with the Prime Minister to direct the Prime Minister not to use the media of propaganda available to the Government to prejudice the judgment of the people and of Parliament?

12.52 hrs.

MOTION RE: CONDUCT OF TWO MEMBERS DURING PRESIDENT'S ADDRESS

MR. SPEAKER: Shri Venkatasubbaiah may move his motion.....(Interruptions.) First, the motion must be moved; later on if anybody has any objection, it can be taken up. It has been admitted; it is on the agenda. After that, if anybody wants to raise any objection, he may do so.

SHRI P. VENKATASUBBAIAH (Nandyal): I move:

"That this House strongly disapproves of the conduct of Sarvaswami Maulana Ishaq Sambhali and H. N. Mukerjee who created obstruction and showed disrespect to the President at the time of his Address to both the Houses of Parliament assembled together under article 87 of the Constitution on the 12th February, 1968 and reprimands them for their undesirable, undignified and unbecoming behaviour."

SHRI J. H. PATEL (Shimoga): On a point of order..... (Interruptions.) The rules say that Members shall sit in such order as the Speaker may determine. Shri Randhir Singh comes to the front always and obstructs the proceedings of the House. Please ask him to go back to his seat. He has his seat not where he is sitting but somewhere here, much behind.

श्री कंबर लाल गुप्त : (दिल्ली सदर) :
अध्यक्ष महोदय, आज तो माननीय सदस्य अंग्रेजी में बोले हैं।

MR. SPEAKER: He has spoken in English. After all, you must be thankful to him; he has spoken in English, a language which you can understand. Why do you want to provoke him further. Hon. Members are expected to sit in their own seats. Now and then they do come to the front seats also. But at voting time they must be in their seats. There is nothing compulsory. Of course shouting will be easier, if he is in the front seat.

श्री मधु लिमये (मुंनेर) : माननीय सदस्य चित्लाते के लिये आगे न बैठें।

SHRI S. M. BANERJEE (Kanpur): On a point of order. Rule 376 says that a point of order shall relate to the interpretation or enforcement of the rules or the articles of the Constitution. My point of order is in relation to the business before the

House at the moment. There is no rule under which Mr. Venkatasubbaiah can move such a motion. Sir, I am yet to know under what rule Mr. Venkatasubbaiah is moving this motion. He still does not know it. There are a set of rules in this House for such motions. Either it is rule 184 or rule 193. For the benefit of Mr. Venkatasubbaiah, I shall read these rules. Rule 184 says:

"Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker."

(I say this is no motion, and it is not admissible. Kindly hear me. This is a very serious matter. I have got all the rules. It will take some time to read them. There are certain conditions under which you admit a motion. What are those conditions? Rule 186 says:

"In order that a motion may be admissible it shall satisfy the following conditions, namely:—

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements."

If you really read this motion, you will find that it is absolutely defamatory, but does he say? It refers to what Shri H. N. Mukerjee and Shri Ishaq Sambhali had said; we have no proceedings, and we do not know what they said. Yet a motion has been brought, mentioning that they had said something which is undignified, disrespectful and what not.

Now, rule 193 is there and the motion could have been admitted under that rule. But in that case, the motion should be sent to the Rules Committee, and the motion should be discussed at the Business Advisory Committee. This motion was not brought

before the Business Advisory Committee of which I am a Member. It was not sent to the Rules Committee of which Shri Madhu Limaye and Shri Indrajit Gupta are Members.

Then, this motion is against the Constitution. There are no set rules in this House as to the manner in which Members of this House or of the other House, directly or indirectly, elected, can focus the attention of the hon. President at the time of the joint session. Here, Mr. Venkatasubbaiah—

SHRI P. VENKATASUBBAIAH: He is speaking on the motion.

SHRI S. M. BANERJEE: I am saying that his motion is not admissible. I have got my amendment; you may reprimand and you may do what you like. I have got all the past rulings in this matter. Now, in this House, the late-lamented Dr. Lohia wanted to move a motion against the conduct of the Prime Minister who generally giggles at important issues. Then, your predecessor in office gave a ruling that there is no rule for that—I can quote that—and said there was no rule in regard to a motion against the Prime Minister. There was no rule when there was a motion against the minister's conduct. We were told, "Move a vote of no-confidence; move a censure motion; move an adjournment motion." Under no rules can you possibly bring this sort of motion.

Now, what does this motion say? What is its wording? The wording is that the conduct of Shri H. N. Mukerjee and Shri Ishaq Sombhali on a particular day showed utter disrespect and was in an undignified manner. I submit that you should kindly tell us under which rule this has been admitted. That is one thing. Then, if it has been admitted—I do not question your ruling, and you have got the power and you can do it—I want to know why it was not sent to the Business Advisory Committee. (*Interruption*).

MR. SPEAKER: Please conclude. You are making a long speech. It is

not a point of order; it is a regular speech.

SHRI S. M. BANERJEE: It is a point of order. How can one make a point of order, without a speech?

MR. SPEAKER: Conclude it now.

13 hrs.

SHRI S. M. BANERJEE: This motion is wrong. Article 19 gives every citizen the right to speak. All our fundamental rights were mortgaged when there was emergency. Now emergency has been withdrawn and under article 19, every member of this House has the right to raise his voice before the highest man in the land and point out the mistakes committed by the Government. I feel this motion is wrong and it should not be allowed to be discussed.

SHRI M. R. MASANI (Rajkot): Sir, I would like to speak on this point of order. May I point out that, as far as I can make out and with all respect, the motion is perfectly in order. Rule 184 makes it perfectly clear that no motion may be admitted without the consent of the Speaker. Rule 185 makes it clear that notice should be given in writing to the Secretary, and then it is your discretion, Sir, to admit the motion.

As far as I can make out, this motion does not violate anything contained in rule 186. It raises one definite issue and that is what is mentioned in the motion. The hon. member says that it includes ironical expressions, imputations and defamatory statements. There is no weight in that argument at all. If we are to discuss misbehaviour, indiscipline and breach of privilege, how else are we to discuss them except by saying that somebody has broken the rules. To say that a reference to the misbehaviour of a member is an imputation and therefore it cannot be discussed would be to reduce this House to stultification and we would not be able to discuss anything at all.

MR. SPEAKER: This is not the first time we are discussing this. It was discussed already once. I have examined the rules thoroughly and also the precedents. We can certainly discuss the merits of the case afterwards. Mr. Venkatasubbaiah will have to make a speech and later on, I will permit a short discussion on it. Now, I would say that there is no point of order. We will adjourn now and when we meet a 2 o'clock, Mr. Venkatasubbaiah will make his speech.

13.03 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. DEPUTY-SPEAKER in the Chair]

MOTION RE. CONDUCT OF TWO MEMBERS DURING PRESIDENTS' ADDRESS—Contd.

MR. DEPUTY-SPEAKER: Shri Venkatasubbaiah—

SHRI S. M. BANERJEE: Sir, I rise to a point of order.

श्री मधु लिमये : उपाध्यक्ष महोदय . . .

MR. DEPUTY-SPEAKER: I want to make one point clear. The Speaker has given a ruling so far as the admissibility of the motion is concerned.

श्री मधु लिमये : बिना सुने ? यह तो यह तो बहुत विचित्र प्रक्रिया है, उपाध्यक्ष महोदय ।

MR. DEPUTY-SPEAKER: If the point of order is something which is not on the same issue . . .

श्री मधु लिमये : मैं बिल्कुल नई बात कह रहा हूँ । वह बात नहीं उठाऊंगा, जो श्री बनर्जी ने कही, बल्कि इनके प्रस्ताव के बारे में बिल्कुल नई बात उठाऊंगा ।

SHRI S. M. BANERJEE: My point of order has been disposed of but, the Speaker has not disposed of all the points of order to come.

MR. DEPUTY-SPEAKER: So far as the initial objection to making the motion is concerned, it has been disposed of.

SHRI S. M. BANERJEE: I will raise other points.

SHRI P. VENKATASUBBAIAH: I do not object to Shri Limaye raising his point of order. I only want to point out that I was on my legs when the House adjourned for lunch. It is proper for him to raise a point of order now when I am on my legs ?

श्री मधु लिमये : तो क्या हुआ ? आपने अपना भाषण शुरू नहीं किया था ।

MR. DEPUTY-SPEAKER: What he said is correct. The Speaker observed before he left after disposing of the point of order "Now, Shri Venkatasubbaiah".

श्री मधु लिमये : ठीक है, मैं मानता हूँ

श्री रणवीर सिंह : (रोहतक) : अरे मानते हो, तो उनको बोलने दो ।

श्री मधु लिमये : कहने कैसे दूँ

MR. DEPUTY-SPEAKER: I cannot prevent him from speaking.

श्री मधु लिमये : मैं चुनौती नहीं दे रहा हूँ । स्पीकर ने अपनः निर्णय श्री बनर्जी और श्री मीनुमसानी के प्रश्न पर दिया था ।

MR. DEPUTY-SPEAKER: It is not regarding the ruling of the Speaker. He is raising a new point of order. That is why I have submitted him.

SHRI C. C. DESAI (Sabarkantha): I hope it is not a point of order to frustrate the debate.

SHRI SHEO NARAIN (Basti): Sir, on a point of order.

SHRI S. M. BANERJEE: Let him go back to his seat and then raise it.

MR. DEPUTY-SPEAKER: Yes, I would request Shri Sheo Narain to occupy his usual seat.

SHRI S. M. BANERJEE: Sir, I rise on a point of order on this very point.

SHRI. PILOO MODY (Godhra): When once I was sitting in the same seat I was asked to go back.

MR. DEPUTY-SPEAKER: Then it was a question of crossing the floor. Now, Shri Limaye.

श्री मधु लिमये : मैं ज्यादा समय नहीं लूंगा, लेकिन पूरी बात कहने दीजिये। उपाध्यक्ष महोदय, वैकटासुब्बैया साहब के.....

SHRI SHEO NARAIN: Sir, I have a point of order on this point of order.

MR. DEPUTY-SPEAKER: But, let Shri Limaye state his point of order first.

SHRI SHEO NARAIN: Sir, you may listen to me. First of all, even before the Member concerned has said a single sentence, on what subject is he raising the point of order?

MR. DEPUTY-SPEAKER: When he has moved the motion, even though he has not made a speech, something is before the House. The Speaker has given his ruling on one point of order. Shri Sheo Narain is at perfect liberty to raise his point of order, but only after Shri Limaye has finished his. If he does not approve of Shri Limaye's point he can oppose it, but not now.

SHRI SHEO NARAIN: There must be some business before the House to raise a point of order. Let the mover say at least one sentence. Then, Shri Limaye can raise his point of order.

SHRI RANDHIR SINGH: Sir, you must appreciate his objection.

MR. DEPUTY-SPEAKER: I have already given the ruling that when the mover moved the motion immediately a point of order was entertained because the House was seized of the motion, as it was before the House, even though the mover had not made a speech. Now, the hon. Shri Limaye is exercising his right to raise another point of order.

SHRI RANDHIR SINGH: For that 'here must be some business before the House. Now, there is no business.

MR. DEPUTY-SPEAKER: I have already given my ruling on that point.

श्री मधु लिमये : उपाध्यक्ष महोदय, आप इन को नियंत्रित कीजिये। इस में बहुत समय चला गया है। हम पहले इस प्रस्ताव की शब्दावली को देख लें इस में वैकटासुब्बैया साहब कहते हैं—

"this House strongly disapproves of the conduct of Sarvashri Maulana Ishaq Sambhali and H. N. Mukerjee who created obstruction and showed disrespect to the President".

अब उपाध्यक्ष महोदय, यह सवाल तय्य का है। मुझे याद है और आपको भी याद होगा, आप हमारे नजदीक ही बैठे थे और मुखर्जी साहब मेरे बगल में बैठे थे। राष्ट्रपति जी का अभिभाषण शुरू भी नहीं हुआ था, जब मुखर्जी साहब खड़े हो गये, और स्वयं राष्ट्रपति जी ने—मेरी निगाह उन के ऊपर थी, वह रुक गये, सकेत से कहा कि वह बोलें। उस के बाद मुखर्जी साहब ने दो-तीन वाक्य कहे और जाते समय वह राष्ट्रपति जी के सामने झुके थे— तो यह तय्य का सवाल है। उन्होंने कहा है कि—

"...and showed disrespect to the President..."

[श्री मधु लिमये]

मैं तथ्य को लेता हूँ, मैं मेरिट्स में नहीं जा रहा हूँ। तथ्य को लेकर मैं यह कहना चाहता हूँ कि सदन के सामने अधिभूत कार्यवाही नहीं है। अगर कोई है तो रखिये। उस तथ्य के बारे में ही मैं आक्षेप उठा रहा हूँ। सामान्यतः क्या होता है कि सदन की जो कार्यवाही होती है उस को रपट के आधार पर तथ्यों का फैसला किया जाता है। यह जो संयुक्त सत्र हो गया, संयुक्त बैठक हो गई उस की कोई आधिकारिक कार्यवाही नहीं है, आफिशियल रिकार्ड नहीं है। श्री बेंकटसूब्बया एक बार कह सकते हैं लेकिन मैं ताकत के साथ बारबार कह सकता हूँ, मेरी बगल में श्री मुकर्जी बैठे थे और उन के पीछे मैं निकला था। राष्ट्रपति जी के सामने वे झुके उसके बाद हम लोग भी उन के सामने झुके और उन को प्रणाम किया। इस लिये तथ्य ही बिलकुल गलत है कि श्री हीरेन मुखर्जी साहब ने राष्ट्रपति जी का अनादर किया या उन का अपमान किया और तथ्य के लिये चूंकि सदन की कोई प्रमाणिक कार्यवाही नहीं है इस लिये सब से पहले मैं तथ्यों का खण्डन करना चाहता हूँ। जो घटना घटी ही नहीं उस के बारे में हम लोग ऐसा प्रस्ताव चर्चा के लिये दे सकते हैं इस पर मेरा बुनियादी आक्षेप है। सदन के बाहर घटी हुई घटना के बारे में नहीं है बल्कि हम सभी के सामने जो घटना घटी है उस के बारे में यह प्रस्ताव है उस की कोई अधिभूत कार्यवाही नहीं है। तो मेरी राय में मुखर्जी साहब ने और हम सभी लोगों ने राष्ट्रपति जी का अनादर नहीं किया था बल्कि उन का आदर किया था। इतना ही नहीं मैं पिछले दिन राष्ट्रपति जी से मिलने भी गया था और मैंने उन से कहा था कि हम को सभा त्याग करना पड़ेगा। लेकिन मैं स्पष्ट करना चाहता हूँ अखबारों में भी यह निकल चुका है कि आप का अपमान करने

का हमारा बिलकुल उद्देश्य नहीं है। राष्ट्रपति जी ने क्या कहा उस को मैं यहां कहना नहीं चाहता क्योंकि उस की परिपाटी नहीं है। तो हमने इस को उन के सामने रखा था . . . (व्यवधान)

अब मेरा दूसरा मुद्दा है। आप नियम 184 देख लीजिए। और 186 का (5) देख लीजिए :

“(v) it shall not raise a question of privilege;”

अब मैं यह स्पष्ट करना चाहता हूँ कि यह जो प्रस्ताव आया है अपनी प्रक्रिया के अनुसार यह विशेषाधिकार भंग का मामला हो जाता है। कैसे ? यह मैं बताना चाहता हूँ। अगर कोई सदस्य या गैर-सदस्य सदन का अपमान करता है जिस को अंग्रेजी ने कंटेम्प्ट कहा जाता है वह भी विशेषाधिकार भंग में आता है वैसे जो परंपरागत अंग्रेजों के विशेषाधिकार हैं, आप जानते हैं वह चार पांच बड़े अधिकार हैं। लेकिन अगर सदन का अपमान और अनादर भी किया जाता है तो उस की प्रक्रिया विशेषाधिकार भंग ही की है। इस में साफ लिखा हुआ है। वेंकटसूब्बया साहब का जो प्रस्ताव है वह सदन के अनादर का और विशेषाधिकार भंग का ही हो सकता है अगर जो तथ्य उन्होंने बताए हैं वह तथ्य हों। लेकिन मैं कहना चाहता हूँ कि वह तथ्य नहीं हैं। लेकिन अगर आप मान भी लें कि वह तथ्य हैं तो भी मेरी राय में इस के बारे में जो नियम 222 की प्रक्रिया है विशेषाधिकार वाली उसी के अन्दर यह प्रस्ताव आना चाहिए। 184 में जो प्रस्ताव बताया गया है उस में यह नहीं आता। यह उपधारा; (5) के साथ टकराता है

“(v) it shall not raise a question of privilege;”

अब जो संयुक्त बैठक है उस के बारे में कोई प्रक्रिया है या नहीं, यह प्रश्न है मैं आप का ध्यान परिशिष्ट की ओर दिलाना चाहता

हैं। उस के चैप्टर 1 (बी) को आप देख लें। इस में परिभाषा और व्याख्या है।

"Joint Sitting" means a joint sitting of the Houses."

अब चैप्टर 2 का (7) आप देखिए।

"At any joint sitting the procedure of the House shall apply with such modifications and variations as the Speaker may consider necessary or appropriate."

तो संयुक्त बैठक के लिए सभापति आवश्यक समझें तो हमारी प्रक्रिया में कुछ तब्दीली या परिवर्तन कर के उस को अपना सकते हैं अब मुझे याद नहीं है आपको भी याद नहीं होगा कि संयुक्त बैठक के बारे में सभापति जी ने कोई निर्देश जारी किये हैं और न कोई अलग से प्रक्रिया बनाई है। इस लिये हम को अपनी प्रक्रिया पर निर्भर करना पड़ेगा हम को आप कोई ऐसा नियम बतायें जिसमें यह कहा गया हो कि अगर प्रधान मंत्री कोई वक्तव्य देती हैं या और कोई मंत्री वक्तव्य देता है तो उस समय बिल्कुल वैध और नियमानुसार अगर कोई टोके, जिसको आप इंटरप्लान कहते हैं, तो बिल्कुल वैध चीज है वह सदन का अपमान है। अगर बार-बार कहा जाय और किसी को रोका जाय तो आप कह सकते हैं कि बाधा डाली है आक्ट्रेशन किया है। तो मेरा ख्याल है कि जब हीरेन मुखर्जी साहब बोल रहे थे, स्वयं राष्ट्रपति जी उन को सुनना चाहते थे, क्योंकि वह खड़े भी नहीं हुए थे और. उन्होंने एक शब्द भी अपने मुंह से नहीं निकाला था, बल्कि उन्होंने आंखों से जो संकेत किया था, उस से बिल्कुल स्पष्ट लगता था कि मुखर्जी साहब हम लोगों को और से जो बोलना चाहते थे, उसे वह सुनना चाहते थे। उन्होंने साम्भली साहब को तो हाथ के इशारे से कहा था कि यह भ्रवसर नहीं है लेकिन जय मुखर्जी साहब खड़े हुए तो उनको राष्ट्रपति जी ने टोका भी नहीं। जब राष्ट्रपति जी उनको सुनना चाहते थे

उन्होंने टोका भी नहीं, ऐसी हालत में श्री वेंकटसुब्रह्मय्या साहब जैसे समझदार भ्रादमी, समझ में नहीं आता कैसे यह प्रस्ताव लेकर आते हैं। अध्यक्ष महोदय, आप इन तीन बातों पर फंसला दीजिए। आपकी जानकारी के लिये मैं मेज पार्लियामेन्टरी प्रिक्टिस से कुछ उदाहरण देना चाहता हूँ। सबसे पहले तो मैं यह निवेदन करूंगा कि राष्ट्रपति जी और रानी में बुनियादी फर्क है। यह बात सही है कि वे भी इंग्लैंड के राज्य की प्रमुख हैं और राष्ट्रपति जी भी यहां पर राज्य के प्रमुख हैं, हेड आफ दि स्टेट हैं। इस बात में तो दोनों में समानता है लेकिन हमारे चुने हुए राष्ट्रपति हैं और हमारा गणराज्य है, रिपब्लिक है और इंग्लैंड में राजाशाही है। वहां पर राजाशाही की परम्परा है (अवधान)

तो इंग्लैंड में रानी जी राज्य की प्रमुख हैं लेकिन वहां पर गणराज्य नहीं है, रिपब्लिक नहीं है, फिर भी वहां पर मेज पार्लियामेन्टरी प्रिक्टिस की जो प्रक्रिया है उसको देख लिया जाय। मेज पार्लियामेन्टरी प्रिक्टिस, 17 वें एडिशन से मैं कुछ उद्धरण रखना चाहता हूँ :

"Reasonable or seditious language or a disrespectful use of His Majesty's name would normally give offence outside Parliament, and it is only consistent with decency that a Member of the Legislature should not be permitted openly to use such language in his place in Parliament."

अब रानी जी की जगह आप राष्ट्रपति जी को भी अगर रखते हैं, जो कि नहीं करना चाहिए, तो मुखर्जी साहब ने ट्रीजेनेबिल और सेडिशनस लैंग्वेज का इस्तेमाल नहीं किया है बल्कि राष्ट्रपति जी के खिलाफ उन्होंने कुछ कहा ही नहीं। इसलिए जो चीज इंग्लैंड में भी अपमानजनक या अनादरपूर्वक नहीं मानी जाती वह हमारे गणराज्य में कैसे

[श्री मधु लिमये]

मन्त्री जाएगी ? आप दूसरा उदाहरण भी देखें :

"Unless the discussion is based upon a substantive motion, reflections must not be cast in debate upon the conduct of the sovereign, the heir to the throne...."

तो उन्होंने राष्ट्रपति पर कोई इलजाम नहीं लगाया और न ही उसके कार्य के बारे में कोई सन्देह प्रकट किया ।

तीसरा देखिये । अब यह पार्लियामेंट की प्रक्रिया है हाउस आफ कामन्स की प्रक्रिया है :

"Before the Queen's speech is reported, it is the practice in both Houses to read some Bill the first time proforma in order to assert their right to deliberate without reference to the immediate cause of summons".

इंग्लैंड में यह परम्परा है कि रानी के अभिभाषण के बारे में सब से पहले बहस होनी चाहिए लेकिन हाउस आफ कामन्स अपना अधिकार प्रस्थापित करने के लिए अभिभाषण पर विचार करने के अलावा एक बिल पेश कर देता है महज यह दिखाने के लिए कि रानी जी आपके अभिभाषण पर विचार करने के अलावा और उसके पूर्व भी हमारा अपना अधिकार है। इसी तरह श्री हीरेन मुकर्जी ने लोक सभा के अधिकारों को प्रस्थापित करने के लिए जैसे पांच साल पहले संयुक्त सोशलिस्ट पार्टी के सदस्यों ने अपनी बात बिल्कुल एक ढंग के साथ, कायदे के साथ और अदब के साथ कही थी उसी तरह मुकर्जी साबह ने किया है। इसलिए राष्ट्रपति जी का कोई अपमान नहीं हुआ है। मेरे तीनों मुद्दों पर आप अपना निर्णय दीजिये तब जाकर बहस हो ।

SHRI S. M. BANERJEE rose.—

MR. DEPUTY-SPEAKER: I have listened to him. I want to give my ruling.

SHRI S. M. BANERJEE: You have heard only two points. I am not going to make a speech.

MR. DEPUTY-SPEAKER: Please resume your seat.

SHRI S. M. BANERJEE: Where are the documents on which this has been raised? We want to have them. Let us have the proceedings.

MR. DEPUTY-SPEAKER: Three points have been raised. In 1963, if I mistake not, such an incident took place and a Committee was set up.

SHRI MADHU LIMAYE: Illegally.

MR. DEPUTY-SPEAKER: This House endorsed their report.

SHRI MADHU LIMAYE: Question!

SHRI S. M. BANERJEE: I have got the report....

SHRI P. VENKATASUBBAIAH: On a point of order. He has used the word "illegally" in reference to an action taken by the House. Thereby he has brought the whole House into contempt.

MR. DEPUTY-SPEAKER: I know it is perfectly legal.

He has raised three points. So far as the proceedings of the joint sitting are concerned, when that matter was raised in the Committee in which fortunately Shri H. N. Mukerjee, though not present throughout, was present, whatever record was available was accepted. There was no regular proceedings kept.

श्री मधु लिमये : मेरे जैसा आदमी होता तो यह कमेटी ही नहीं बनती। ऐसी गैर कानूनी ढंग से मैं कमेटी ही नहीं बनने देना।

MR. DEPUTY-SPEAKER: We have a precedent. Let us proceed with the Motion.

SHRI JYOTIRMOY BASU (Diamond Harbour): What is the basis on which this is proposed?

श्री मधु लिमये : तीनों पर रूलिंग दीजिये, एक, एक करके दीजिये।

MR. DEPUTY-SPEAKER: I am giving my ruling. So far as the proceedings are concerned, about the facts, they were ascertained and they were accepted.

SHRI S. M. BANERJEE: Who ascertained? Who accepted?

MR. DEPUTY-SPEAKER: I will not tolerate this. What does he mean?

SHRI S. M. BANERJEE: This is a wrong motion.

MR. DEPUTY-SPEAKER: Whatever he may think about it, I am within my rights to give my ruling. I am on my legs. This is not the way to proceed.

That Committee constituted by this House accepted whatever record was available, though no regular record was kept.

SHRI C. C. DESAI: A record has been kept.

MR. DEPUTY-SPEAKER: If Shri Limaye does not want to listen, I would brush aside his point of order and ask the Mover to proceed.

The question of record was disposed of then.

Regarding the question of privilege....

श्री मधु लिमये : मैंने कहा कि यह प्रीविलेज में घाता है . . .

MR. DEPUTY-SPEAKER: Conflicts with that provision? It is not correct. Under a mandatory provision of the Constitution, it is an obligation on the President to address both Houses.

श्री मधु लिमये : इन्होंने थोड़े ही रोका था।

MR. DEPUTY-SPEAKER: Therefore, the question of privilege in this connection is not pertinent.

You must accept my ruling.

Regarding the last point, whether he had any intention.....

श्री मधु लिमये : यह 'काज़्ड मोन्स-ट्रन्शन' का चार्ज गलत है।

MR. DEPUTY-SPEAKER: You could have kept out as the DMK kept out.

श्री मधु लिमये : उस वक्त 4 थे ब्राज 80 हो गये।

MR. DEPUTY-SPEAKER: Regarding showing disrespect, I know perfectly well, and I told him before he was about to walk out, that he was placed in the most embarrassing position.

SHRI MADHU LIMAYE: Who had placed him? He has brains.

MR. DEPUTY-SPEAKER: I cannot possibly imagine a senior member like Shri Mukerjee showing by even his conduct any disrespect to the President. Therefore, in that report what has been stated is that it is a question of decorum. I am pointing out to Mr. Mukerjee who was a member of the Committee that it was not a question of privilege, but of decorum; and indecorous conduct has been disapproved by this House. So, the hon. Mover is perfectly in order. I will not permit any more points of order. Shri Venkatasubbaiah.

SHRI P. VENKATASUBBAIAH: (NANDYAL): Shri Limaye and Shri Banerjee have raised many points of order. I do not want to deal with them separately as you have dealt with them adequately.

SHRI JYOTIRMOY BASU: I have submitted a substitute motion. What has happened to that?

MR. DEPUTY-SPEAKER: Let him make his speech.

SHRI P. VENKATASUBBAIAH: It is not with pleasure that I want to move this motion. I have got the greatest respect for Shri Mukerjee,

[Shri P. Venkatasubbaiah.]

one of the senior members of the House, and also leader of the Communist Party in Parliament. I thought it was my duty as a Member of the House to point out that this attitude of Members of Parliament, however senior they may be, however well-versed they may be in parliamentary practice, was not proper, so that this House may set an example to other legislatures and other parliamentary democracies. It is with that in mind that I have brought this motion before the House. I have already stated that it is not a pleasant duty I am performing, I must appeal to the hon. members not to treat this as a matter of scoring a personal point over individuals here. It is a duty enjoined upon us that we should adhere to decorum, dignity and the rules that are enjoined on us.

Before speaking on this motion, I would recall the memory of the members here that a similar incident happened in 1963.

SHRI VASUDEVAN NAIR (PEER-MADE): More will happen in future.

SHRI P. VENKATASUBBAIAH: That is the attitude of Mr. Vasudevan Nair. I would only point out to hon. members that when we speak of Parliament, we should remember that article 79 of the Constitution clearly states that Parliament consists of not only both Houses of Parliament, but also the President. So, any disrespect shown to the President is disrespect shown to Parliament and to the members themselves.

श्री मधु लिमये : उपाध्यक्ष महोदय, यही मैं कह रहा था। अभी उस पर वह आये। वह कह रहे हैं कि कंटेंट्ट आफ दी हाउस है, प्रिविलेज में मामला आ जाता है...

श्री रणधीर सिंह : उस का जवाब दे दिया जायगा लेकिन माननीय सदस्य इस तरह से रनिंग कमेन्टी क्यों कर रहे हैं ?

SHRI P. VENKATASUBBAIAH: In that context I appeal to the members that this is a matter of constitutional propriety, rather than of the position enjoyed by an individual member. No Member is above the Constitution. When he takes the oath of allegiance to the Constitution it is expected of him that he would abide by the provisions of the Constitution and show respect to the Constitution.

श्री मधु लिमये : आदर के, रिस्पेक्ट के बारे में कौन सा आर्टिकल है वहाँ पर ?

श्री प्रेम चन्द वर्मा (हमीरपुर) : उपाध्यक्ष महोदय, मेरा प्वाइंट आफ आर्डर है। या तो इस तरह की रनिंग कमेन्टी बन्द की जाय या फिर माननीय सदस्य अपने लिये भी तैयार रहें।

श्री मधु लिमये : वह प्रक्रिया नहीं जानते हैं। जब उन्होंने अनुच्छेद का उल्लेख किया तब मैंने पूछा, कौनसा अनुच्छेद।

SHRI P. VENKATASUBBAIAH: We listened to Mr. Limaye when he made a very long statement on the pretext of a point of order and now he should remain silent; he can express his opinions later on.

Another point was sought to be made out that there were no rules under which this action could be initiated. It has been clearly laid down that the conduct of the Members of the House should be proper. The rule refers not only to the Lok Sabha but says 'precincts'. There is a clear direction from the Speaker, direction 124(1) which says that the term 'precincts' includes the Central Hall, the Lobby, etc. So that, whatever happens inside the Lok Sabha or the Central Hall can be scrutinised by this House; it comes within the jurisdiction of the House. Thus, may I point out, my motion is relevant? It is the duty of the Lok Sabha to take cognisance of this incident.

There is another matter which I shall deal with in an extensive manner. Article 87 of the Constitution clearly says that the President has got a constitutional responsibility to address both the Houses of Parliament assembled together and inform the Members of Parliament of the causes of the summons. Under this provision, it is mandatory on the part of the President to address the Members of both Houses of Parliament. It is clear that when the Head of the State, namely, the President acts in exercise of the constitutional provisions requiring the attendance of Members of both Houses of Parliament, the solemnity and dignity of the occasion are of the utmost importance. The President represents not only the executive authority; he is also in essence the symbol of our Constitution. Any disrespect shown to the President is disrespect shown to the Constitution. Mr. Limaye said that Mr. Mukerjee did not show any disrespect and did not obstruct the proceedings. What is meant by the words 'Disrespect and obstruction'?—It is disrespect to interrupt when the President rises in his seat to speak in the discharge of his constitutional responsibilities.

SHRI MADHU LIMAYE: He had not risen.

SHRI P. VENKATASUBBAIAH: He rose simultaneously so as to prevent the President from discharging his duty. It is disrespect. It is not as if he can bandy words with the President and enter into a conversation with him. It is obstructing the President from discharging his constitutional obligation..... (*Interruptions.*) In this connection, I shall briefly review how the function is held year after year. The President comes in procession followed by the Presiding Officers of both the Houses with all the fanfare, and the National Anthem is sung and then the President rises to speak. Then the President's entry

into the Central Hall is also announced. The President's address to Parliament is a most solemn and formal act under the Constitution. This solemn occasion should therefore be marked by dignity and decorum. So, it is in the context of these things that proper respect to the Constitution should be shown, and every Member should maintain the utmost dignity and decorum.

I may recall to you and also to the hon. Members that every time the President addresses both Houses of Parliament—

SHRI S. M. BANERJEE: Why should he address at all?

SHRI P. VENKATASUBBAIAH: It is intimated to the Members of Parliament that the hon. Members are required to be in their seats by such and such a time and nobody should leave the House till the President's address is over. Here, they have showed disrespect by leaving the House when the President was addressing the Houses of Parliament. The commission of these two acts—showing disrespect by obstructing the President while he started addressing the House and by leaving the Central Hall while the President was speaking—constitutes utter disregard to the Constitution and also to the President, and it constitutes misconduct and disorderly behaviour.

This matter is of grave importance. (*Interruption*) I would only appeal to Shri S. M. Banerjee that he should not make such light remarks and in a very casual and easy manner, because we are discussing a matter of urgent importance and he says that the President need not address the Parliament. Then he is clearly violating the Constitution by saying that the President need not address Parliament.

श्री मधु लिम्बे : उन के खिलाफ प्रस्ताव ले माइये ।

SHRI P. VENKATASUBBAIAH: He is a senior Member of Parliament and

[Shri P. Venkatasubbaiah].

he always interrupts; and by way of interruption he makes long speeches; we have no objection to that, but this is not the way in which he should act and thus bring disrespect to the Constitution.

Why I want to bring this motion before this House is this. As I have already stated, in 1963, a similar incident happened. Then, Mr. Jaipal Singh raised the matter in the House. The Speaker in his wisdom constituted a committee, and several Members expressed their displeasure at the way in which things happened on that day, and they wanted to convey their deep regret to the President for this disorderly behaviour. I would just like to quote certain speeches made on that occasion.

श्री मधु लिमये : क्या गड़े मुझे उखाड़ रहे हैं ? उस समय कांग्रेस का तीन चौथाई बहुमत था, राक्षसी बहुमत था ।

MR. DEPUTY-SPEAKER: Order, order.

SHRI P. VENKATASUBBAIAH: When this matter was raised, Shri Prakash Vir Shastri spoke on that occasion. I do not know much of Hindi, but with my little knowledge of Hindi I would like to read what Shri Prakash Vir Shastri had said. He said:

“अध्यक्ष महोदय, आज प्रातः काल जो घटना घटित हुई है उसके सम्बन्ध में जहाँ उन सब लोगों को हार्दिक कष्ट हुआ है”

I am not able to read further. He said that this was a matter of deep regret and he wanted to convey the deep regrets of this House to the President. The then Prime Minister Shri Jawaharlal Nehru, said on that occasion as follows:

“I agree that this is a matter of a serious nature and this House should take cognizance of this and find suitable measures to see that such incidents do not recur.”

A committee was appointed at that time. It has been asked why this motion should be brought when that committee had already submitted its recommendations to the House. Sir, certain recommendations of that committee were put before the House for its approval. But in view of recommendations contained in para 28 of that committee's report, I feel it is necessary that this matter should be brought again before the House. Recommendation No. 28 says :

“The committee recommend that in future if any member of Lok Sabha interrupts or obstructs the President's Address to both Houses of Parliament assembled together either before, during or after the Address while the President is in the Hall with any speech or point of order or walk-out, such interruption, obstruction or show of disrespect may be considered as a grossly disorderly conduct on the part of the offending member and dealt with by the House subsequently on a motion moved by a member.”

MR. DEPUTY-SPEAKER: That recommendation was not placed before the House, though it was made by the committee.

SHRI P. VENKATASUBBAIAH : While presenting the report of the committee, the Deputy-Speaker mentioned why he had omitted this paragraph 28. This is what he said:

“Before closing, I would also refer to paragraph 28 of the report. It is only a suggestion for future events. But, after reconsidering the whole matter, I feel that there is no need to move that this House agrees with the recommendations in paragraph 28, because I feel that it would be restricting the powers of this House. This House has got sovereign authority. It has got the power of admonition; the power of reprimand, the power of suspension,

the power of expulsion of the members for any disorderly and un-becoming behaviour. I feel that no committee has got any powers to restrict the powers of this House. Each occasion has to be judged on its merits. I would, therefore, request this House through you to agree to the recommendations of the committee in paras 26 and 27..." etc.

While supporting the recommendations of the committee, the late Prime Minister also referred to para 28 and said :

"I do not suggest for a moment that there should be the slightest deviation from dignified behaviour, particularly when the President symbolises the unity of the House."

I would only give the gist of what he said. What he said was that he was inclined to recommend this paragraph 28 of the report to be accepted but he felt that it would be fettering the House in future for not taking a very serious view about this. I would only say that this matter is brought before the House in view of the previous Committee's report in which they have not taken any action about such things which may happen in future. I, therefore, thought it my duty to bring this matter before the House so that they may take serious note of it and deal with it in whatever manner they thought it fit.

Ironically enough, Sir, Shri H. N. Mukerjee was also a member of this Committee. I will only quote the relevant portion of his speech while this matter was being discussed in this House. He said:

"I do not suggest for a moment that there should be the slightest deviation from dignified behaviour, particularly when the President symbolises the unity of the State in addressing both Houses of Parliament. On that day when our

friends walked out, we all felt very badly about it. On behalf of our party our leader expressed himself and unequivocally condemned the action that had taken place. So as far as that is concerned there is no reason for us to have any doubt in our minds that any Member of this House, to whichever party he might belong, wanted to malign the President, to bring down the dignity either of Parliament or of the State."

Several hon. Members have expressed strongly about this. Before I conclude my speech I only want to point out that Shri Vajpayee, Leader of the Jan Sangh Party, while speaking on the Motion of Thanks to the President, also specifically mentioned about this and condemned in the strongest terms the attitude of some Members of this House on that occasion.

With these words Sir, I commend my motion to the acceptance of this House.

MR. DEPUTY-SPEAKER: Motion moved :

"That this House strongly disapproves of the conduct of Sarvasbri Maulana Ishaq Sambhāli and H. N. Mukerjee who created obstruction and showed disrespect to the President at the time of his Address to both the Houses of Parliament assembled together under article 87 of the Constitution on the 12th February, 1968 and reprimands them for their undesirable, undignified and unbecoming behaviour."

There are some amendments. Are hon. Members moving them ?

SHRI MADHU LIMAYE: Sir, I beg to move :

That in the motion,—

for

"strongly disapproves of the conduct of Sarvasbri Maulana Ishaq Sambhāli and H. N. Mukerjee who created obstruction and

[Shri Madhu Limaye.]

showed disrespect to the President at the time of his Address to both the Houses of Parliament assembled together under article 87 of the Constitution on the 12th February, 1968 and reprimands them for their undesirable, undignified and unbecoming behaviour",

substitute—

"after taking into consideration the happenings at the time of the President's Address to Members of Parliament on the 12th February, 1968, is of opinion that the Rules of Parliament should provide for the ventilation of grievances by Members of Parliament at the joint opening session of Parliament every year". (1)

SHRI ATAL BEHARI VAJPAYEE (Balampur): Sir, I beg to move:

That in the motion,—
for

"and reprimands them for their undesirable, undignified and unbecoming behaviour",

substitute—

"and resolves that a Committee of Lok Sabha be constituted to examine thoroughly all aspects of the question and make recommendations with a view to ensure that such unbecoming events are not repeated". (2)

SHRI S. M. BANERJEE: Sir, I beg to move :

That in the motion,—

(i) for "strongly disapproves of",

substitute—

"having considered".

(ii) omit "who created obstruction and showed disrespect to the President" and for "his" substitute "President's."

(iii) for "and reprimands them for their undesirable, undignified and unbecoming behaviour"

substitute—

"recommends that no action be taken against them." (3)

SHRI C. C. DESAI (Sabarkantha): Mr. Deputy-Speaker, it does not give particular pleasure to stand up here and support the motion moved by my hon. friend, Shri Venkatasubbaiah or to use harsh language against some of our friends and colleagues sitting on this side of the House; but we just cannot see our way to condone the unpardonable conduct on the part of those members of the House who staged a demonstration, made noisy interruptions and marred the solemnity of that particular occasion. The Swatantra Party firmly believes and stands for correct parliamentary practices and democratic deficiencies. We have our own grievances with the Congress Party, but we know where and how to ventilate our grievances and we follow the constitutional procedure. We know that the Congress Party, power-hungry as they are, are anxious to topple non-Congress governments all over the country. But that does not mean that we should adopt indecent methods or create such unseemly scenes as we witnessed, much to our shame, the other day. Particularly when the procession was led by so able, so polished and so mature a parliamentarian as Shri Hiren Mukerjee, it was very much un-understandable for people like me who are new to the House.

श्री मधु लिमये : ब्रेन टानिक लीजिये ।

SHRI C. C. DESAI: But I am beginning to understand.

Now I would like to say that the President is the Head of the State and when he is making a statement,

he is not giving the address in his own personal capacity. He is speaking on behalf of the Government, as a representative of the Government. We have our own complaints against the Government but there are constitutional ways of ventilating our grievances, and that is precisely what we are going to do by having a vote of no-confidence or censure motion against the Government. Creating disorderly scenes and unseemly demonstrations in the presence of the President is not a decent democratic way of ventilating the grievances of the people. Shri Madhu Limaye said that there was no intention to commit....

श्री मधु लिमये : मैं ने इन्टेन्शन की बात नहीं कही है। मैं ने कहा है कि श्री मुकर्जी ने कोई निरादर नहीं किया।

SHRI C. C. DESAI: But the fact remains that when the President entered and when the President sat down these people got up and shouted slogans. Some of them shouted even unseemly slogans and went past the President in a disorderly manner and everyone who was present there must have hung his head in shame. As Shri Venkatasubbaiah has rightly mentioned, Professor Mukerjee was a member of a committee appointed in 1963 to go into the very same matter and I will, with your permission, read out some of the extracts from the recommendations of that committee. That was an occasion, precisely the same occasion; when Dr. Radhakrishnan as President was making an address and he was speaking in English, some of these Hindi people—we are now realising what Hindi imperialism has now led us to—

श्री मधु लिमये : प्रश्न हिन्दी का नहीं है, बल्कि लोक-भाषाओं का है। उन को कहा गया था कि अगर वह चाहें, तो वह तामिल या तेलगू में बोलें।

SHRI C. C. DESAI: No, Sir, it was a case of Hindi imperialism.

श्री मधु लिमये : हिन्दी नहीं, लोक-भाषा।

Let him not distort.....(Interruptions).

SHRI C. C. DESAI: You are free to speak in Hindi, but I come from Gujarat and I will not speak in Hindi.

श्री मधु लिमये : हम कहाँ मना कर रहे हैं? यह गलत क्यों बोल रहे हैं?

SHRI C. C. DESAI: It is my right to speak in any language I like. I will not be cowed down by others.

श्री मधु लिमये : हम कहाँ मना कर रहे हैं? लेकिन झूठ न बोलें।

श्री रवी राय (पुरी) : इस में हिन्दी का प्रश्न नहीं है आठवें शिड्यूल की सब भाषाओं का सवाल है।

श्री जार्ज फरनेन्डीज (बम्बई—दक्षिण) : वोट प्रयोजी में मांगे थे या हिन्दी में? वहाँ गुजराती बोलते हैं।

SHRI C. C. DESAI: I am not yielding. It is my right to speak.....(Interruptions).

MR. DEPUTY-SPEAKER: Let the time of the House not be wasted by interruptions.

SHRI C. C. DESAI: In the Report, to which Professor Mukerjee was a party, the Committee pointed out that:

"In our Parliament which not only affects the dignity of the President, Parliament and its Members, but also raises the wider issue of laying firm foundations for the successful working of the Constitution and Parliament, such walk-outs were undesirable and should not be practised. After all, it is the constitutional obligation for the President to deliver his Address which is a statement

[Shri C. C. Desai.]

of the Government policy of which, as the constitutional head, he is the mouthpiece".

Again, the Committee went on to say :

"On such an occasion, solemnity and dignity....."

SHRI MADHU LIMAYE : Humbug. (Interruptions).

SHRI S. K. TAPURIAH (Pali): Law and order is always humbug. for these people.

श्री मधु लिमये : डेकोरम और डिगनिटी । कच्छ दे दो और डेकोरम तथा डिगनिटी की बात करो ।

SHRI C. C. DESAI : The Committee went on to say :

"On such an occasion, solemnity and dignity are of the utmost importance since the President represents not only the executive authority, he is in a sense a symbol of the Constitution."

What was the recommendation of that Committee? The recommendation of the Committee was :

"In future, for any disorderly conduct during the President's Address committed by a Member, he may be suspended from the service of the House for a period which may extend up to one year."

श्री मधु लिमये : अगर हिम्मत है तो करो । इन में हिम्मत कहाँ है ?

SHRI C. C. DESAI : We want to establish sound conventions in this House. We do not want, particularly, to pursue any individual. Even at this stage, if Prof. Hiren Mukerjee who is sitting here expresses regret..... (Interruptions).

SOME HON. MEMBERS : No, no.

SHRI C. C. DESAI : ...at what he did which he must be sorry for in calmer moments, I hope, my hon. friend, the mover of this motion will accept the apology and treat the matter as closed.

All that I want to say is that we, particularly of the Swatantra Party, as I said in the beginning, are anxious to establish sound parliamentary practices and democratic decencies Prof. Mukerjee, while walking out, referred to parliamentary practices and democratic deficiencies. Who are these people to talk of democratic decency? The people who have committed Naxalbari atrocities..... (Interruptions) and the people who are shouting all the time even in this House? Who are they to talk of parliamentary practices? This is not the way..... (Interruptions).

श्री जार्ज फरनेन्डीज : अगर नक्सलवाड़ी वाले नहीं बोल सकते , तो क्या टैक्स-चोरी वाले बोल सकते हैं ?

SHRI C. C. DESAI : I do not have to learn anything from Mr. Madhu Limaye on democratic decency. If on sound democratic practices he is to teach me, I will be his student.... (Interruptions).

In conclusion, I say, the House should still give an opportunity to these erring Members for repenting what they did on that occasion and for expressing their regret and, if they don't I hope, the House will support the Motion.

SHRI N. SREEKANTAN NAIR (Quilon): I rise on a point of order under article 14 of the Constitution. Article 14 says :

"The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

(M.)

Here is a motion under which only two of the delinquent Members are being hauled up who staged a walk-out on that occasion. There were about 70 to 80 Members who staged a walk-out—I am one of them. Is it right or proper to penalise only two Members and not to penalise others? Is it equality before law?

15 Hrs.

MR. DEPUTY-SPEAKER: The names of those who said something and led the walk-out, are included here in the Motion. If the hon. Member wants that all should be clubbed together, he should have moved an amendment to that effect; that would have been better.

SHRI N. SREEKANTAN NAIR: I am not interested in clubbing or not clubbing. I am only interested in pointing out that a large section of the Opposition walked out. If walk-out alone, according to the interpretation of the Mover of the Resolution, constitutes a breach of privilege of the House or an insult to the President, then all of us are equally guilty. Those two members alone should not be victimised or penalised.

SHRI RANDHIR SINGH: He is making a confession. It should be recorded(Interruptions).

SHRI N. SREEKANTAN NAIR: I don't mind.

MR. DEPUTY-SPEAKER: The Mover of the Resolution has himself said that it is not with gusto that he has brought forward this Resolution. He has himself said that they are our colleagues, but to preserve the decorum and dignity of Parliament, he has brought forward this Motion. For a symbolic punishment, only two names are mentioned. So, the hon. Member need not insist that all the names should be included.

Mr. Shri Chand Goel.

श्री शिव नारायण : एक इधर से भी तो बुलाइए । एक उधर से एक इधर से इस प्रकार चलना चाहिए ।

श्री रणधीर सिंह : दो दो मिनट इधर से भी बुलवा लीजिए ।

MR. DEPUTY-SPEAKER: I want to conclude the debate early. So, I will conduct accordingly.

SHRI SHEO NARAIN: We have a right in this House....

MR. DEPUTY-SPEAKER: He will get his chance. He may now resume his seat.

श्री प्रेम चन्द वर्मा : वेंकटसुब्बइया जी ने जो प्रस्ताव रखा है.....

MR. DEPUTY-SPEAKER: He may please resume his seat. This is not their way. He will not be called. I have called Mr. Goel.

श्री श्रीचंद गोयल (चण्डीगढ़) : उपाध्यक्ष महोदय, इस समय सदन के सम्मुख एक विशेष महत्व का प्रस्ताव विवाद के लिए उपस्थित है । मैं इस विचारधारा का नहीं हूँ

MR. DEPUTY-SPEAKER: I would like to point out that not more than five minutes will be given to each Member. I want to finish it by 3 O' Clock.

SHRI SHEO NARAIN: It is already past 3 O'Clock.

SHRI S. M. BANERJEE: This is a very serious matter.....(Interruptions).

SHRI H. N. MUKERJEE (Calcutta North-East): I do not know how many.....(Interruptions).

MR. DEPUTY-SPEAKER: Order, order.

MR. DEPUTY-SPEAKER: That has given a substitute motion....

MR. DEPUTY-SPEAKER: That has been ruled out of order.

SHRI JYOTIRMOY BASU: That is very unfair, Sir, because I was one of the persons who walked out....

MR. DEPUTY-SPEAKER: If he wants it to be on the record that he was also one of the offenders, that can be done.

SHRI JYOTIRMOY BASU: What I was trying to say was that you must give me a few minutes.

MR. DEPUTY-SPEAKER: That is a different matter. But so far as the substitute motion is concerned, it has been ruled out of order.

Mr. Mukerje

SHRI H. N. MUKERJEE: I do not know how you were allocating the time. At 4 O'Clock, we are supposed to have another discussion. You will have to allow me a considerable amount of time in order to express myself in this House...*(Interruptions)* because I am in the dock. Therefore, I would like to know how you were allocating the time.

MR. DEPUTY-SPEAKER: Normally for all such motions, we give 2 to 2½ hours. We could finish by 4 O'Clock. I entirely agree with the hon. Member that he must be given full opportunity to express himself because, as he said, he is unfortunately in the dock.

SHRI DATTATRAYA KUNTE (Kolaba): I would like to make a submission, not on this motion but in connection with it. The point is this. When a serious matter is being discussed, if you are going to say that it must be disposed of in 50 minutes or 52 minutes, it is really a hardship which every Member of the House is labouring under. Either it is a serious matter and should be discussed threadbare or it is a matter to be disposed of within 50 minutes. It could be either of the two. If you want to dispose of it properly, you

must allow Members to express themselves...

SHRI NATH PAI (Rajapur): Adequately.

An HON. MEMBER: How long?

SHRI DATTATRAYA KUNTE: Someone is asking 'how long?' Till the matter is properly discussed. That is the only way it can be discussed. The way in which many times we conduct our business wanting to dispose of it looking at the clock rather than the matter in hand is really, allow me to say, a departure from proper parliamentary practice. Parliament has to discuss properly; it is a matter of parleying.

Therefore, my humble submission is that you must not restrict the time. If a Member is repeating himself or arguments advanced are being repeated, there he could be controlled. That is the only way by which the debate could be controlled, not by pointing to the clock and saying that the debate must be finished within 50 minutes or whatever it is.

MR. DEPUTY SPEAKER: I fully agree that this matter is very serious and it should be debated properly. But we must keep in mind the time factor too. I will bear in mind what he has said. Opportunity will be provided as far as possible. Let it be 10 minutes for each Member, but not 20 minutes.

SHRI S. M. BANERJEE: If this had been referred to the Business Advisory Committee, we would have demanded 5 hours for it. Now that it has not been referred to the Business Advisory Committee, allow us to have our full say.

SHRI JYOTIRMOY BASU: Government may withdraw the motion and he done with it.

SHRI SHEO NARAIN: It is not a government motion; it is a Member's motion.

श्री श्रीचंद्र गोयल (चण्डीगढ़) : उपाध्यक्ष महोदय, मुझे इस बात पर आपत्ति है कि यह समय का नियंत्रण आप उस समय करते हैं जब कि कांग्रेसी सदस्य ने या इस प्रस्ताव के प्रस्तावक ने लगभग एक घंटा इस सदन का इस पर लिया है और बाकी सदन के माननीय सदस्यों को केवल एक घंटा आप देना चाहते हैं। मैं समझता हूँ कि यह आपत्तिजनक बात है। अगर नियंत्रण करना था तो आप को शुरू से नियंत्रण करना चाहिए था ताकि बाकी दलों के माननीय सदस्यों को भी उचित समय मिलता।

अब मैं इस सिलसिले में यह कहना चाहता हूँ कि मैं इस सिद्धांत को स्वीकार नहीं करता कि ब्रिटिश पार्लियामेंट के अन्दर जो परम्पराएं रखी गई हैं हम उन के शत-प्रतिशत दास हैं या उन के अनुसार हमें अपने आचरण का नियंत्रण करना पड़ेगा। मैं यह भी मानने के लिए तैयार नहीं कि जो कमेटी का प्रतिवेदन है जिस के श्री हीरेन्द्र मुखर्जी सदस्य थे उस का जो आवेदन है उस का पूरे तौर पर सहारा लिया जायेगा उस की आड़ ली जाय। मैं समझता हूँ कि आज के इस सदन का चित्र बिल्कुल बदल गया है। आज के इस सदन का रूप बिल्कुल भिन्न है। उस समय इस का रूप कुछ था आज इस का रूप कुछ और है। इस प्रकार के प्रस्तावों को हल करने के लिए मैं समझता हूँ कि एक सर्वदलीय समिति का निर्माण होना चाहिए, आल पार्टी मीटिंग होनी चाहिये जो आपस में मिल बैठ कर कर के गम्भीरता से इस प्रश्न पर विचार करे क्योंकि एक बहुत बारीक लाइन खींचने का प्रश्न है कि कहां पर राष्ट्रपति का अपमान शुरू होता है कहां उस का सम्मान खत्म होता है किस बात से हम उस के सम्मान को धक्का पहुंचाते हैं किस बात से हम उस की रक्षा करते हैं। इसलिए मैं यह समझता हूँ कि वैसे सरकार की नीतियों के प्रति सरकार के कार्यों की असफलता के

प्रति हमें भी उतना ही रोष है, हमें भी उतना ही गुस्सा है लेकिन उस को प्रकट करने का उस को व्यक्त करने का जो ढंग है वह राष्ट्रपति के अभिभाषण का बायकाट करना नहीं है। लेकिन इस परंपरा की स्थापना हम सर्वदलीय समिति का निर्माण कर के उस के द्वारा करें। इसलिए मैं यह मांग करता हूँ कि यह जो मामला है कि एक सर्वदलीय समिति को सौंप दिया जाय क्योंकि इस में दो बातों की तरफ इशारा किया गया है। एक यह कहा गया है कि जो कुछ इन माननीय सदस्यों ने उस रोज किया उस को नापसंद किया जाय। उस के साथ साथ यह भी सूझाव दिया गया है कि उन की ताड़ना की जाय उन को तम्बीह की जाय। मैं इस दूसरे भाग के साथ सहमत नहीं हूँ। जों कुछ उन्होंने किया उस के प्रति असहमति तो मैं प्रकट कर सकता हूँ उस का डिसअप्रूवल तो मैं व्यक्त करना चाहता हूँ। लेकिन उस को किसी प्रकार का दण्ड दिया जाय, किसी प्रकार की ताड़ना की जाय—मैं इस के पक्ष में नहीं हूँ।

उपाध्यक्ष महोदय, मैं यह मानता हूँ कि जो हमारे राष्ट्रपति हैं वह हम सब लोगों के मत से और देश के अन्दर विधान मण्डलों के जितने सदस्य हैं उन के मतों से चुन कर आये हैं। उन के प्रति हमें किसी प्रकार की शिकायत नहीं है किसी प्रकार का रोष नहीं है और उनकी गरिमा को कायम रखना सदन की गरिमा को कायम रखना है। उन के प्रति किसी प्रकार के असम्मान का मैं समर्थन नहीं करता परन्तु उपाध्यक्ष महोदय मैं यह निवेदन करना चाहता हूँ कि ऐसे प्रसंगों में यह उचित रहता है कि जिन माननीय सदस्यों का किन्हीं बातों के कारण रोष है सरकार की असफलता के कारण, सरकार की गलत नीतियों के कारण, सरकार के गलत कार्यों के कारण यदि उन के मन में गुस्सा है तो उस के व्यक्त करने के

[श्री श्रीचंद गोयल]

अनेकों तरीके हैं। परन्तु जहाँ तक सदन की गरिमा का प्रश्न है हम सब का कर्तव्य है कि उस की रक्षा करें, लेकिन इस के साथ साथ यह बात तय होनी चाहिये, आप इस मामले को एक सर्वदलीय समिति को सौंपे जो इस सारे मामले पर गम्भीरता से विचार करे और उस के बाद इस प्रकार की एक आचार-संहिता बनाई जाय कि जहाँ पर बारीक लाइन खींची जाय। कौन सी बात ऐसी है जो राष्ट्रपति के सम्मान को, प्रतिष्ठा को, गरिमा को धक्का पहुंचाती है और कौन सी ऐसी बातें हैं जो हम संवैधानिक तरीके से कर सकते हैं, क्योंकि वह हमारे संविधान के एक प्रपचारिक हैड हैं।

इस सुझाव के साथ मैं अपना भाषण समाप्त करता हूँ।

SHRI THIRUMALA RAO (Kakinada): It is not with pleasure that I take part in this discussion.

I would like my hon. friends to consider one aspect of this question. All the opposition parties have contested for the Presidentship of India. Suppose by some chance or turn of events the other gentleman who had contested against the Congress nominee had succeeded and become the President of India, and if some others had walked out of the opening Address of the President to the joint session of Parliament or if some other opposition members created scenes which have been now created, how would you have taken it? I would like you to have some minimum standards of conduct, because every one of us is protesting that we are upholders of democracy, but in the public attitudes that have been now clearly shown and owned, the Jana Sangh and the Swatantra Party have been really outraged at the conduct of the others who have got different ideologies.

The others who have combined in this are both the Communist Parties

and the SSP which has been trying to be a constitutional party, to be a party entirely within the country but in its conduct is more akin to the Communist Party. I want you to realise that at a time when they are all aspiring to occupy the Treasury Benches, to run this Government, and to run the Government according to the Constitution and the rules that are obtaining today, what is happening? Some of my hon. friends were complaining that the S.V.D. Governments are being thrown out I would like to draw the attention of the house to what has appeared in yesterday's newspapers about Shri Charan Singh's leadership and how he is relinquishing it. The components of the S.V.D., he has said, are not patriotic enough, that is the certificate he has given to his colleagues with whom he has served in all these months. Therefore, I would like you to remember that the Communist Party have extra-territorial loyalties; they take their orders from Moscow or Peking, but there are other parties in this country who want to come to power one day or other. (Interruptions)

MR. DEPUTY-SPEAKER: He is entirely within his rights.

SHRI THIRUMALA RAO: I am not going to leave. I can shout louder.

If you want to come to power, you must have minimum standards. My hon. friend Mr. Vasudevan Nair had told us that there would be more such walk outs. I do not expect anything better from him; he is a left communist... (Interruptions.) There is no secret about it. But others should think how to keep this country in tact and keep it independent and not hand it over to a foreign. If you are agreed on this, you will also agree that this matter should go before a Committee which will enquire into it. I was much pained at this. I wonder very much how it was possible for a courteous, educated and cultured person like Mr. Mukerjee to begin the

Communist Party. He has become a prisoner of his own party. He was not a leader that day; he was led that day. His inner self should have revolted against such discourteous conduct. I know this because we have been friends for more than a decade and we know each other and have mutual respect for each other. This is not the way of conducting oneself; he himself once condemned such a conduct. He forgot that and he was not also allowed to remain where he was and he was forced to conduct himself like this. That is all I have to say....
(Interruptions.)

श्री शिवनारायण : उपाध्यक्ष महोदय,
आप इन को कंट्रोल कीजिये... (व्यवधान)
इस तरह से पार्लियामेंट के स्टैंडर्ड को
मेन्टेन नहीं किया जा सकता ।

SHRI S. KANDAPPAN (Mettur):
Let me at the outset point out that I am no less eager to uphold the dignity, decorum and decency in the House. I can understand the stand taken by Mr. Desai because everything concerned with the Communist Party is taboo for him and his party and so they demand drastic action against them. But I am unable to appreciate the view taken by an old and senior Member like Mr. Venkatasubbaiah who had thought it fit to move a motion to reprimand Prof. Mukerjee; it is somewhat amazing and astonishing. This kind of attitude is not going to end the trouble in the country. The resolution is rather harshly worded and it says that the conduct was undesirable, undignified and unbecoming. It may be the subjective attitude taken by him and some others. In 1942, when there was an agitation against the British, persons like Mr. Venkatasubbaiah indulged in acts of burning and holliganism but then it was called heroism.... (Interruptions). It was praised by the country.

MR. DEPUTY-SPEAKER: We are concerned with the conduct of Members in Parliament.

AN HON. MEMBER: The events of 1942 are a glorious chapter in our country's history.

SHRI S. KANDAPPAN: Do the Members of the Congress party deny that there is political turmoil in the country after 1967 elections? Has not the whole complexion changed? More than half the states have become non-Congress, which meant a definite demand for a review of political pattern in the country. In the face of these new forces emerging, has the Government searched its heart? They are not going to solve the problems of the country by reprimanding professors like Mr. Mukerjee.

This is my sixth year in Parliament. I might say here and now, without any fear of contradiction, that it has never happened in this House, where Prof. Mukerjee even at the peak of his anger or even when he was talking in a temper and charged with emotion on certain subjects, even then—he did not violate the rules of the House. He still maintained the dignity of the House. It has never happened that he has taen back a word that he had uttered on the floor of this House. Such a Member with great restraint went out of the Hall when certain things happened. Unfortunately, we were not there; we of the DMK group had abstained; that can also be explained as a disrespect to the President, because the President was there. We have no quarrel with the President, but still, we abstained from attending the joint session, because we felt very keenly and acutely on a certain thing on which the Government had not taken any stand and given any satisfaction to us. So, we feel very acutely on certain things and try to exhibit and demonstrate our disagreement with the Government. It might be that the action of Shri Mukerjee and others may be approved by Mr. Venkatasubbaiah, but that does not mean that it is mandatory for Members to hear the President.

Much has been said about the constitutional obligation of the President

[Shri S. Kandappan.]

to come and address the House. But let me ask my friend, the mover of the motion is it mandatory for the Members to remain and listen to the President's speech? (*Interruption*) No. It is not mandatory on the part of Members that they must be present and they must listen to the speech of the President. It is not at all mandatory. You may not agree with their action fully, but it is definitely not mandatory for all the Members to remain there.

I would like to tell the House, through you, that it is time that instead of resorting to this kind of reprimand and all that, the Congress should honestly move and take initial steps to see that they, by and large, rule this country on a larger agreement with the citizens of this land. Simply because they have got a brute majority here, it does not mean that they can indulge in this kind of thing. We know the anxiety and even the agony, and the consequent indecent exhibition of certain Congress members where they happened to be in the Opposition, to capture power. What happened in my State of Madras? Recently, they have passed a resolution—(*Interruption*). I am just referring to it; you better listen to me. A resolution was passed, wherein they have stated that they are for two-language formula. We all know it; it was published in the papers. The Congress was there, in the Opposition; the Swatantra party, the SSP, the PSP were there. Both the communist parties were there, but not a single party moed or pressed for an amendment for the retention of the three-language formula. They all kept quiet. They sensed the mood of the country there. Afterwards, it was even referred to by the Governor when he addressed both the House of the Legislature there recently. After that, senior Congressman who happened to be the President of the Congress in Tamilnad,

come with the charge against the resolution, wherein he stated—it is reported in *The Hindu*—that it is the biggest political fraud—(*Interruption*).

SHRI K. N. TIWARI (Bettiah): Sir, a point of order. That question is pending before the Madras Assembly. Already there is a proceeding against Mr. Subramaniam, the President of the Tamilnad Congress. That should not be referred to here. The other thing is, the hon. Member has taken the oath of allegiance to maintain the dignity of the Constitution and all that. After that he is speaking against the Constitution. Is it proper?

MR. DEPUTY-SPEAKER: So far as the first objection is concerned, he is quoting from *The Hindu*. I have also read that report. So far as the other objection is concerned, the hon. Member should not show disrespect to the Constitution in his expressions.

SHRI K. N. TIWARI: There are some proceedings going on against that report published in *The Hindu* and against Mr. Subramaniam.

MR. DEPUTY-SPEAKER: That come as evidence before the Privileges Committee. But so far that portion is concerned, I am not taking it as a fact or as true, that which has appeared. Whatever he has said has appeared in the press. That is all.

SHRI THIRUMALA RAO: Mr. Subramaniam's case is referred to the Privileges Committee. We are also asking for the same thing here.

SHRI S. KANDAPPAN: I know the feeling of the Congress Members. I can reply to the point made: that I am opposing the Constitution. But let me point out that the Governor, appointed by the Central Government, in Tamilnad, has demanded an amendment of the Constitution.

Does it mean that he shows disrespect to the Constitution? Certainly not. So, if we demand amendment of the Constitution, it does not mean we

are showing disrespect to the Constitution. Considering the anxiety of a senior Congressman like Mr. Subramaniam branding the unanimous resolution passed in the Tamilnad Assembly as the 'biggest political fraud', you can imagine the agony through which the Congressmen are going. After ruling the country for 20 long years, when these power-mongers are in the opposition, they become such maniacs and try by hook or crook to topple the non-Congress Governments.

What is the position in Bengal? What is wrong if Prof. Hiren Mukerjee gets against over that? Let us have a little patience and think over it. A few months back, when the UF Chief Minister wanted a month or so to be given for convening the Assembly, the Governor did not agree and asked him to convene it right at that moment.

SHRI K. N. TIWARI: How is it relevant?

MR. DEPUTY-SPEAKER: It is quite irrelevant so far as this motion is concerned. We are concerned now with the conduct of Members of Parliament.

SHRI S. KANDAPPAN: What happened in Bengal afterwards is within everybody's knowledge and I need not dilate on that. Prof. Mukerjee comes from Bengal and naturally when such political happenings are going on there, he had an intense feeling over that issue. That feeling was expressed, probably in a manner not agreeable to the Congress benches. But in his judgement, he thought that was the proper way to express his anger and sentiments over that issue. We may approve of it or not. Personally speaking, I may not approve of it. The DMK decided to abstain. That was our attitude. But they thought differently and they expressed their feeling in that way. There might be difference of opinion on that, but definitely it is not a case for reprimand. I would appeal to Mr. Venkatasubbiah, who was quite a reasonable man. Normally he upholds the dignity,

rights and privileges of members of the House. For him to move a reprimand motion against a senior colleague of his own is rather beyond my comprehension. I would appeal to him to withdraw this motion. If all sections of the House feel that something must be done about his, let the Speaker convene a meeting of the leaders of various parties in his chamber and let us decide it there. The 1963 committee report has no relevance at all, because the whole political complexion has changed now. Therefore, I would plead with the member not to press this motion, but to withdraw it.

SHRI P. VENKATASUBBIAH: On a personal explanation, Sir, Mr. Kandappan said that I have indulge in conflagration and all that in the 1942 national movement. Sir, many people made sacrifices at the altar of freedom at that time and I take reasonable pride in participating in that great movement. Sir, I did not expect Mr. Kandappan to speak differently, because I know they do not believe in the Constitution and there were occasions when they have burnt the Constitution.

MR. DEPUTY-SPEAKER: I pointed out to him that it was not relevant and the matter ended there.

SHRI S. KANDAPPAN: It is not the Government that is against the Constitution there. There are reports in the papers that the students there are demanding secession and they are burning the Part XVII of the Constitution. We have got nothing to do with it.

SHRI R.D. BHANDARE (Bombay Central): Mr. Deputy-Speaker, Sir, Shri Venkatasubbaiah in bringing forward this motion has done yeoman's service to parliamentary institutions. The relevancy of this resolution is so clear that I am really surprised that some Members of the Opposition have taken courage to oppose it. I do not know whether they have applied their

[Shri R. D. Bhandare.]

mind and paid attention as to what they oppose.

Here is a question of constitutional propriety. The President the other day was performing a constitutional obligation. When he stepped in the procession some of the Members got up, and they made a statement when the President was about to speak. If he was thwarted, obstructed from speaking and delivering his Address, was it not obstruction? If it was not obstruction what else could it be? It is not necessary that the President should say it in so many words. We have to take into consideration the action, the process and the act done by the Opposition Members. Here was a process of an action. When the President stepped in to perform a constitutional obligation under article 87 and he was about to speak he was obstructed. Therefore, Shri Venkatasubbaiah was right in putting these words in the motion "who created obstruction and showed disrespect to the President". It is not necessary to adduce evidence for the purpose of coming to this conclusion that the very acting proves beyond a shadow of doubt that in the performance and in the discharge of constitutional obligation some senior Members of this House obstructed the President.

Sir, I am speaking without passion or prejudice I am for the preservation of the sanctity of Parliamentary institution. We have accepted the Parliamentary institution (*Interruption*). The very fact that we have moved this motion shows clearly that we are not giving up the parliamentary institution at all. On the contrary, whoever tries to create obstruction in the running of the parliamentary institution we shall oppose him tooth and nail. That is exactly the purpose of moving the resolution. Their action must be judged according to the rules. it must be tested on the touchstone of the Constitution (*Interruption*). Sir, they are bringing extraneous matters

in the discussion. There is no other way open to the House except to reprimand these two Members however senior they may be.

SHRI P. RAMAMURTI (Madurai): Mr. Deputy Speaker, Sir, I cannot understand the mentality which make them bring a Resolution of this type. It is a flippant Resolution. After all, they talk of the Constitution and the sanctity of the Constitution. The sanctity of the Constitution is recognised by all. After all, the President is the Head of the State. But being the Head of the State does not make him a demi-God.

SHRI SHEO NARAIN: But do you believe in God?

SHRI PILLAI MODY: It is only a demi-God.

SHRI P. RAMAMURTI: I am reminded of what happened in Madras some 50 or 60 years back. There was a zamindar in a village in Madras at that time. A trunk road was being laid through his village to Kanyakumari. He immediately presented one lakh of rupees to the Government of Madras to see that the trunk road did not go through his village. Do you know why? Because, according to him, once the trunk road goes through his village, buses will start plying through that road and his peasants, who are accustomed to appearing before him with their clothes tied down—that how they used to show their respect to superiors—they will cease to give him respect and he will become just an ordinary villager. Now Shri Venkatasubbaiah wants to reduce the President of India to the level of that boorish zamindar. This is their mentality.

SHRI P. VENKATASUBBAIAH: What else can I expect from Shri Ramamurti who does not owe allegiance to the Constitution?

SHRI P. RAMAMURTI: After all, the President of India is not a demi-God. Therefore, if some people tell

him that they do not like the activities of the government and, therefore, voice their protest they do not want to listen to him, it becomes derogatory behaviour I cannot understand this mentality. What is this kind of thing? If the President of India cannot withstand this simple protest by elected Members of Parliament, I do not know what to think of the President of India. What is this kind of thing? After all, what happened on that day? Shri Hiren Mukerjee got up and laid that in view of what the government has done.....

श्रीमती लक्ष्मीकांतम्ना (खम्मम) :

उपाध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है । 352 के अन्तर्गत श्री पें० वैकटा सूत्रव्या जो मोशन लाये हैं उस त्रिह्वेयिर के बारे में उस में यह दिया हुआ है :

“using the President's name for the purpose of influencing the debate”

श्री राममूर्ति प्रसीडेंट का नाम लेकर इस डिबेट को इन्फुलुएंस कर रहे हैं । यह गलत है ।

MR. DEPUTY-SPEAKER : There is no point of order. That was only an analogy.

SHRI P. RAMAMURTI :After all, what happened on that day? Shri Mukerjee was commissioned by all of us to take that stand. I myself take the fullest responsibility for what Shri Hiren Mukerjee has done.

Then, as far as the walk-out is concerned, it is not Shri Mukerjee alone that has made the walk out. Many of us also walked out. So, if he has to be censured, all of us also must be censured. We are prepared to give the names of the members who walked out that day. Let Shri Venkatasubbaiah bring a resolution to reprimand all of us. Why should Shri Hiren Mukerjee alone be selected? Leave that alone.

But the question is this When the President came, Mr. Mukerjee got up and then told him, in as polite a lan-

guage as possible—there is nothing impolite about the language used; there is nothing derogatory in that—“Mr. President, we are pained at the doings of your Government with regard to number of these things. We do not think that much useful purpose will be served by our participating in this august ceremonial function. Therefore, we are going out”. The reasons for our walking out were told to the President. He was not interrupted. There was no unseemly scene; there was no attempt to prevent him from making the speech. He sat down and heard the whole thing. Now, if our telling the President that we walk out is something derogatory, I cannot understand what you are reducing the President to. After all, he is a human being; he is the Head of the State. If a simple right of protest by the Members of Parliament against the doings of this Government of which he is the head is denied to us—this is sought to be in the name of parliamentary decorum—I would say that parliamentary institutions are being brought to contempt, not by us, before the public but by the ruling party itself. What has the people of this country to do? If the Members of Parliament raise their protest in a simple way, in a dignified way, if even if that is sought to be prevented, what will the people of the country think of the Parliament itself? I want them to realise this. When we did it, we did it with the full sense of responsibility, more than that of the Congress Party. more than the majority which they command, in the name of which they will carry the motion. We believe that the destinies of the country are going to be decided by the people of this country and we are prepared to justify before that tribunal. Let the Congress Party go and justify their activities before that tribunal. It is that tribunal to which we owe our allegiance, not to the Congress Party which might command a majority today.

[Shri P. Ramamurti.]

I would also like to point one thing more. This question of passing strictures or something on the Members of Parliament is not something which has got to be trifled with or taken lightly. After all, when a Member of Parliament has got to be reprimanded, if that thing has got to be done seriously by the people of this country, that reprimand must be given with the unanimous support of Parliament. Otherwise, it will lose its significance whatsoever. If a reprimand is carried by a majority, simply because they have a majority, if this issue is treated as a party issue, if, on that basis, reprimands are given, I would say, respectfully, that the people of this country are not going to tolerate it and they will not respect it also. That is why I ask them to think about it. They may carry this reprimand with their majority but this is not a question to be decided by the majority of a party. If you still insist on doing it, it is the Congress Party, the ruling Party, which is bringing Parliament itself into disrepute. Let them do that. If ultimately, the Parliament's authority today does not run and will not run in this country, they will be responsible for that. We are not the people who are responsible for that. They will be bringing Parliament itself to contempt. Let them think hundred times before passing this motion. If, in spite of that they want to do it, we will not be a party to bring Parliament itself into disrepute. As to what action we should take, we shall decide at that time.

SHRI PILO MODY: I do not know why all this fuss is being made? There was a great shortage of chairs in the Central Hall. When the President was addressing, some people walked out and other people moved into those chairs.

SHRI DATTATRAYA KUNTE (Kolar): The Motion that is before the

House has been moved by the Mover, as he himself said, with all seriousness and with great restraint. The real question is whether he really wants this matter to be properly discussed and wants us to come to a proper conclusion. If that is so, then it would not be a matter of a mere Resolution passed by a large number of members voting for or against. It has to be a consensus where the dignity of the House is concerned. He has told us as to what happened on the 12th February. I would like to say that I have been a Member of this House since 16th March, 1967, and I have been seeing many a sorry spectacle in this House itself. I would really like to ask of the Mover of the Resolution this question. He need not answer the question to me; let him answer it to himself. The question is whether they have at all made any attempts in their own Party and with their colleagues to maintain the decorum and dignity of the House. I do not want to support any person who, by any conduct of his wants to do away with the dignity and decorum of the House because if we call ourselves as Parliamentarians, we have to decide, we have to come to conclusions, by parley and not by any other method. The argument of shouting, the argument of cowering down people by hearsay, is out of code as far as Parliament is concerned. But what is the experience in this House? Experience in this House, as far as I have seen, is that all these things are at a premium. The decorum and dignity and attempts to maintain it are at a discount and whenever such matters have been brought to the notice of the Chair, may I humbly submit that the Chair itself has not come to our help? I am prepared to take the reprimand for having said this. If the reprimand comes, but I want to plead on this occasion before you, Sir, that the position is this. Since the time that I have been here, I have been finding this in this Parliament.....(Interruptions). What is it doing? We are not

following any Parliamentary convention. If this is Parliament, we have to parley. But what happens? There are only shouts and shouts and whoever has a larger lung shouts more. That is what one finds. If this is the position, does the Mover of the Resolution feel that merely reprimanding a person like Prof. Mukerjee, for whom he has great respect and for whom he has such nice words to say, will help? You may come to the conclusion that the dignity of the House is maintained, that the Constitution is upheld. But we have seen occasions in this House where the Constitution has been trampled down by the Party in power itself. What does one see? Why did the walk-out take place? If I have followed the newspapers properly, it was on something that happened in West Bengal. What happened in West Bengal? The Governor acted on his own authority, trying to read something in the Article of the Constitution which could not be found there. He did not want to abide by the advice given by the Ministry, as if the Heavens would fall if the Assembly had been called on a particular date given by the Cabinet. When the representatives of the people, the representatives of the House, gave some advice to the Governor, he did not want to abide by it. After all, who is this Governor? The Governor is just nominated by the President. A Governor is only a nominated person whereas they were the representatives of the people. Does the Government want to stand by such Governors or does it want to stand by the people? This was the question which was raised and I was happy about it. I do not want, at any stage, to justify any rowdism or any bad conduct in this House, whether it is on my right or on my left. At the same time, to single out two individuals and to say that they only misbehaved and therefore, they should be reprimanded is..

AN HON. MEMBER: Discrimina-
tory.

SHRI DATTATRAYA KUNTE: . . .
. . . . not merely discriminatory, but is ridiculing the whole Parliament itself. If it was discriminatory, I can understand. There are human beings and their thinking is subjective. About discrimination, I have no objection.

But the question really is: Why did not the Mover of the Resolution bring forward a resolution to say that any kind of indulgence by any Member of this House in conduct derogatory to the dignity of Parliament either in the past or in the future ought to be reprimanded by the Chair? No, he is only wanting to reprimand two Members of the House.

What does he see to his right to to his left among his own Members? Even today, when we are trying to maintain the dignity of the House, the way it was maintained is there for all to see. Some Member made a jocular remark and another Member got annoyed. The Member need not have made the remark, but there it is. That is the position.

Therefore, we have really got to decide whether we are wanting to maintain the dignity of the House and upheld it. It is not merely a question of the Constitution. Do we want to call ourselves a Parliament? Do we want to parley with each other? That is exactly the reason why I raised a question earlier as regards the time. When an important matter is being discussed, are we just to look at the clock and say that it must be disposed of within such and such time? If that be so, why do we have to parley at all? The best method really would be for people to raise their hands and then decide matters that way.

The hon. Member, Shri Thirumala Rao, who supported the Mover was under the impression that it was going to a Committee. It is not going to a Committee. Nobody can dispassionately discuss it. There is not going to be exchange of views across the table where party labels do not bind people. But the question is really going

[Shri Dattaraya Kunte.]

to be: who did not like what Prof. H. N. Mukerjee and his 87 other colleagues did the other day? What Prof. Mukerjee said there was being mutely said by others also. But the Mover of the Resolution wants to reprimand only two of them. As one Member has rightly pointed, he should have named all the 88 Members.

If this was a matter of the dignity of the President only, the President, as Shri Venkatasubbaiah pointed out, is part of Parliament, if the President and the two Houses make the Parliament, if the dignity of the House is not maintained every day in the absence of the President, are we not showing disrespect to the President and to the Constitution? Why has not any Member who has supported this Motion raised his objection to that?

SHRI R. D. BHANDARE: A number of times we have raised it.

SHRI DATTARAYA KUNTE: Shri Bhandare says that they have raised it a number of times. Will he persuade his friends and colleagues, over whom he can have some control and bring them round? That is the only way it can be done. But they say 'All right.' Because they shouted, therefore we will shout'. Therefore, shouting becomes respectable.

SHRI MANUBHAI PATEL (Daboi): Look to your right.

SHRI DATTARAYA KUNTE: I may tell my hon. friend that I have condemned this shouting whether it is to my right or to my left. Naturally, he being, after all, a member of the Congress Party, would naturally side with them only. I am not sorry about it.

AN HON. MEMBER: You come back to us.

SHRI DATTARAYA KUNTE: My friends are asking me to go back. Let me tell them that it is their own conduct that made me leave their party, and I am very happy about leaving it.

I must point out that if we are simply going to pass this Resolution and reprimand Prof. Mukerjee and another colleague of his and not going to say anything as regards the way this House behaves, we will only be ridiculing Parliament itself. May I say it might be that the Chair tolerates all this. I would really like the Chair in whom the ultimate authority of this House is vested to exercise its authority. What do I find? If any one wants to get up and interrupt the debate, the best method is to raise a point of order. Even during the Question Hour there is a point of order. Even before there is any motion before the House, there is a point of order. All these things are tolerated, and I really feel very sorry, sometimes humiliated, when the Chair has to tell us, "Well, gentlemen, please remember that I am on my legs". He has the authority, he can do it, and we have found that if the Chair says this will not be recorded, it does not go on record. That authority the Chair has. Why should not the Chair exercise its authority? But then, if the Chair is fair to every one, that is not sufficient, the Government has got to be fair to every one.

SHRI P. VENKATASUBBAIAH: We are not discussing the conduct of the Chair.

SHRI DATTARAYA KUNTE: Mr. Venkatasubbaiah, a parliamentarian who is sitting here, thinks I was discussing the conduct of the presiding officer. No, Sir, let him understand I am saying what is happening here in the House, and therefore if I refer to that the Chair has been doing or allowing us to do, naturally it is my right and privilege, even at the cost of being reprimanded, to bring it to the notice of the House.

So, it is really a good opportunity that this question has been discussed, it should be discussed threadbare, it should be discussed dispassionately, not what was done to the President. As a matter of

fact, I was there in the Central Hall that day. The President took it in a very different light when somebody interrupted. He had, as a matter of fact, not begun his speech, when Mr. Mukerjee said something which I could not hear, in such a mild voice he had spoken. The other friend whom they are trying to reprimand said something, and then the President beckoned him and asked him to sit down or something of that sort. That is the way the President took it, and here all of a sudden a motion has come to reprimand the two members.

MR. DEPUTY-SPEAKER: We have to take up another business.

SHRI DATTATRAYA KUNTE: I will stop. I will begin tomorrow. This is exactly what happens. If you think that my remarks are irrelevant, that I am repeating any of my remarks, I am in your hands, but otherwise, if you are going to still my remarks, in protest. . . .

MR. DEPUTY-SPEAKER: You have not heard me properly. I have to take up some other item. Do you want to conclude now or would you like to resume your speech on the next occasion, that was the question.

SHRI DATTATRAYA KUNTE: I would like to resume on the next occasion, because otherwise if you want me to finish I will do so in half a minute.

MR. DEPUTY-SPEAKER: I request him to resume his speech on the next occasion.

15-59 hrs.

STATEMENT RE: PROCLAMATION IN RELATION TO WEST BENGAL
[MR. SPEAKER in the Chair]

MR. SPEAKER: The Home Minister will make a statement now.

SHRI NATH PAI (RAJAPUR): Before that may I say—I am not interrupting. I am only asking your permission—that I had given a motion in respect of Bihar. Whereas this is the fourth occasion that you are

affording my hon. friends from West Bengal. . . .

MR. SPEAKER: Let Bengal be over. We will take up Bihar later on.

SHRI NATH PAI: You will take it up, I understand.

16-00 hrs.

MR. SPEAKER: I shall allow one after another; every day we are having one thing or another. The Home Minister.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): I beg to lay on the Table a Notification and an Order by the President regarding the Proclamation under article 356 of the Constitution and the report of the Governor of West Bengal to the President to issue the Proclamation. [Placed in Library, see No. LT-148/68].

I should like to make a few observations on this occasion. I have placed on the Table of the House a copy of the letter from the Governor of West Bengal addressed to the President wherein the Governor has given a detailed account of the recent developments in West Bengal. It will be seen therefrom that floor crossings by Members of the Legislative Assembly had become a serious problem. As early as June, 1967, 5 members of the Assembly who had hitherto been supporting the United Front Government had crossed the floor. It is not necessary for me to recapitulate the developments associated with violent gharaos, Nuxulbari and the lawlessness in which the State was deliberately being plunged. The House may recall that the United Front Government was only united in name and not a day passed without one Minister or the other making public criticism of his colleagues. The principle of collective responsibility was more a fiction than a principle which commanded the support of the Council of Ministers. The House is also aware that matters had indeed gone so far that Shri Ajoy Mukerjee was himself compelled to think in terms of resigning on October 2, 1967. The reasons he gave as to why he contemplated such a resignation were illuminating.