

to which I want to add another, namely, the accident of a ghastly nature which took place so far as the Asansol-Puri passenger is concerned, on 14th July, 1969".

I beg leave of the House to support me in this Adjournment Motion.

Mr. DEPUTY-SPEAKER : Yes ; I take it that leave is granted. We shall take it up at 4 O'clock.

12.28 hrs.

*Re. ORDINANCE ON NATIONALISATION OF BANKS*

SHRI PILOO MODY (Godhra) : I want to know whether the Prime Minister is going to take over the courts.

SHRI NATH PAI (Rajapur) : Does the Prime Minister know about the stay order ?

श्री मधु लिमये (मुंनेर) . श्री पीलु मोदी ने जो सवाल उठाया है, उसका क्या हुआ ? क्या सुप्रीम कोर्ट के स्टे आर्डर के बारे में कानून मंत्री कोई वक्तव्य देंगे ?

MR. DEPUTY-SPEAKER : The House has taken notice of her statement yesterday, and I would like to ask the Government whether they would like to make any statement today.

THE PRIME MINISTER, MINISTER OF FINANCE, MINISTER OF ATOMIC ENERGY AND MINISTER OF PLANNING (SHRIMATI INDIRA GANDHI) : Yes ; before the House rises for the day.

MR. DEPUTY-SPEAKER : Before the House rises today, further information will be given.

SHRI PILOO MODY : At 6 O'clock or 2 O'Speaker ?

MR. DEPUTY-SPEAKER : Before the House rises at 6 O'clock.

श्री कंबर लाल गुप्त (दिल्ली सदर) : सरकार को यह क्लेरिफाई करना चाहिए कि जो स्टे आर्डर हुआ है, उसके इम्प्लीकेशन क्या

होंगे ? डिपार्जिटर्ज के मनी का क्या होगा ? लोगों के लिए यह मामला एक बड़ा पचल बन गया है ।

MR. DEPUTY-SPEAKER : That will be made clear before the House adjourns.

SHRI S.M. BANERJEE (Kanpur) : Sir, after the ordinance was issued, some people have gone to the Supreme Court and the various high courts. The same thing happened when the Essential Service (Maintenance) Ordinance was promulgated. We were overruled. Some of us went to the high courts, and some of us, Mr. Joshi and others, requested this House, and the Chair just to stay the consideration of anything contained in that particular Bill, but it was overruled by the Chair, by the Government. It is, therefore, surprising that this particular thing is being taken note of. Once an ordinance has been issued in the interests of the people, that is being challenged by the reactionary forces of this country. (Interruption)

MR. DEPUTY-SPEAKER : A pertinent point has been raised. I do not know what has happened in the Supreme Court. Mr. Mody and others have raised it, and the Government have said that before we rise this evening the Government will give information.

श्री मधु लिमये : शायद श्री बनर्जी समझते हैं कि यहाँ पर इस बारे में विचार करने पर रोक लगाई गई है । यह तो सुप्रीम कोर्ट नहीं दे सकती है ।

12.29½ hrs.

*QUESTION OF PRIVILEGE RE DELHI HIGH COURT NOTICES AND SUMMONS TO MPs*

MR. DEPUTY-SPEAKER : I have to inform the House that on the 22nd June, 1969, the former Speaker, Shri N. Sanjiva Reddy, received a notice from the Assistant Registrar of the High Court of Delhi in the matter of Suit No. 228 of 1969: Shri Tej Kiran Jain and others, Plaintiffs, versus Shri N. Sanjiva Reddy, Speaker, Lok Sabha, and Sarvashri Narendra Kumar Salve, B. Shankaranand and S. M. Benerjee, Members of Lok Sabha, and Shri Y. B.

[Mr. Deputy Speaker]

Chavan, Minister of Home Affairs, Defendants, and requiring Shri N. Sanjiva Reddy to appear in the High Court of Delhi in person or by a Pleader duly instructed and able to answer all material questions relating to the Suit, on the 4th day of August, 1969. With the notice, a copy of the plaint claiming a sum of Rs. 26,000/- as damages in favour of the plaintiffs and against the defendants in respect of certain observations made by the Speaker and other Members of Parliament named above in Lok Sabha on the 2nd April, 1969, during the proceedings of the House on the Calling Attention Notice regarding the statement of Shri Shankaracharya of Puri on untouchability and his reported insult to the National Anthem, was also enclosed.

Since the matter relates to the proceedings of Lok Sabha and the powers, privileges and immunities of Parliament and its Members, I place the House for such directions as it may deem fit to give in the matter.

I also lay on the Table the notice, together with its enclosures, received from the High Court of Delhi in the above-mentioned suit. [Placed in Library. See No. LT-1326/69].

On the same issue Shri N.K.P. Salve has raised a question of privilege. He may now move his motion.

**SHRI N.K.P. SALVE (Betul):** Sir, I am seeking leave of the House to raise this question of very grave and serious contempt of the House and of breach of privileges of the Members which privileges are categorically and unequivocally mentioned in our Constitution. The charge of the plaint is that I and four others made malicious, false and defamatory statement against Shankaracharya. The charge further is that the entire decade on 2nd April, 1969, on the Calling Attention Motion was outside the purview of the rules and the immunities granted to us under the Constitution and the privileges would not protect us from a proceeding in a court of law. The whole move is so utterly sinister and serious that the plaint *inter alia* reads :

"The Speaker is no more privileged to call a stranger to the House a dog as the stranger is no more privileged to call the Speaker a dog."

Further, they are imputing motives. In their misadventure they are mis-quoting the entire proceedings. I will just read a few lines to show how grave the entire offence is :

"The defendants severally and collectively in the manner already herein stated before in this plaint maliciously spoke and published of His Holiness Jagadguru Ananta Shri Swami Niranjan Deva Teertha of Gowardhan Peeth, Puri, words and sentences which not only mean that he is a criminal of the worst type who should be punished with public whipping, but also that he is also a degraded and wretched person unworthy of being permitted to live in this country, that he should therefore be hanged, and in any event he was a person who was so defiled, malignant and polluted that it was not proper for anyone even to touch him and in any event his status on earth was no better than that of a mongrel that he should be placed under the table."

Whatever else the Members who participated in the motion might have said, they have never uttered these words and that only shows the utterly sinister and false implications involved in this matter. In the history of this Parliament at least there has never been a case where there has been such a frontal attack and such contempt has been brought on the Speaker himself. Nor have the members been so attacked, maligned, dishonoured and disrespected in this manner. The irony of the fate is that the judge, on whose authority the notice has been issued, has the authority to dismiss the suit in limine but he did not do so: Because article 105 (2) in terms says that the immunity granted to us from all proceedings in a court of law is absolute; it is not subject either the provisions of the Rules of Procedure or the Constitution. That is a matter which has been interpreted by the Supreme Court in Sharma's case; I am sure you are aware of it.

**AN HON. MEMBER:** Why did the judge do it ?

**SHRI N. K. P. SALVE:** I do not want to cast any aspersion on the judge right now. It would be unsafe to cast any aspersion on

the judge. But it is really surprising that he should not have dismissed the suit but should have summoned all five of us to the court. I, therefore, submit that the matter be referred to the Privileges Committee, and the Privileges Committee be directed to instruct us as to what we should do on the 4th of August, 1969.

MR. DEPUTY-SPEAKER : Shri S. M. Banerjee. Then I will call the Law Minister.

SHRI S. M. BANERJEE (Kanpur) : When I received the notice I was surprised to read the contents of the notice. When this question came up.....

SHRI M.R. MASANI (Rajkot) : Sir, since the matter is going to the Privileges Committee, why should it be discussed now ?

SHRI BALRAJ MADHOK (South Delhi) : A discussion here will make things worse. Even that day so many things were said which were not proper. Let the matter go to the Privileges Committee without any discussion here.

MR. DEPUTY-SPEAKER : The matter is not so simple as all that. It is not a question of abusing some Member.

SHRI PILOO MODY (Godhra) : Already so many remarks have been made which are very unfortunate.

SHRI RANDHIR SINGH (Rohtak) : The judge is also guilty of breach of privilege.

SHRI R. D. BHANDRE (Bombay Central) : Sir, I rise on a point of order. Since it is a matter between the House and the court, I think the hon. Speaker and the members should not submit to the court until the actual decision is given by the court *suo motu*. Whether it is a question of breach of privilege or not can be determined after court has given its decision, because I presume...(interruptions).

MR. DEPUTY-SPEAKER : It is not a point of order. Let him resume his seat. This is a suggestion as to what we should do. I will decide it after listening to the Law Minister.

SHRI R. D. BHANDARE : I have every right to say whatever I want to say.

SHRI PILOO MODY : Sir, why is it that Shri Banerjee alone is called ?

MR. DEPUTY-SPEAKER : Because he has been served with a similar notice. So, I must give him an opportunity to make a speech. Then I will call the Law Minister. Hon. Members should remember the sequence of events. In a former case we as Parliament have totally ignored the court. We have done that before. But in this case the matter is still pending. If he had not entertained it, things would have been different. You follow the events properly. At this stage we cannot refer it to the Privileges Committee. Have a little patience. Let Shri Banerjee make a statement and then I will hear the Law Minister.

SHRI RANDHIR SINGH : Why are you barring Congressmen from expressing their opinion ?

MR. DEPUTY-SPEAKER : It is not a question of Congressmen or others. Only those who have got a notice from the court are called, not all. I have read out their names.

SHRI PILOO MODY : No explanation is called for from them.

MR. DEPUTY-SPEAKER : You have not realised the legal implications. I have given sufficient thought to it and I will explain it to you.

SHRI PILOO MODY : Then, have a discussion so that I will also say something.

MR. DEPUTY-SPEAKER : I have placed before the House the whole history.

SHRI PILOO MODY : You must tell me whether you are going to permit a discussion or not.

श्री मधुलिमये (मुं गेर) : उपाध्यक्ष महोदय मेरा प्वाइंट आफ आर्डर है। पीलू मोदी साहब को जरा हमको कुछ बताना पड़ेगा।

SHRI PILOO MODY : He may raise a point of order but I will not be educated by him.

SHRI MADHU LIMAYE : You refuse

[Shri Madhu Limhey]  
to be educated. It is high time you got yourself educated. उपाध्यक्ष महोदय, इस पर कार्यवाही नियम के अनुसार चलेगी। इसके लिए नियम 224 के आगे जितने नियम हैं, उनको देखना पड़ेगा। नियम 225 में अगर अध्यक्ष अपनी अनुमति देगा तो इस मामले को उठाया जायेगा उसके बाद जिन्होंने शिकायत की है वह अपना बयान देंगे—यह बयान आ गया है। अब वह सदन की अनुमति मांगे। अब इस बयान के बाद हमारा स्याल है कि अनुमति मांगने के पश्चात प्रस्ताव हम दे सकते इस सम्बन्ध में आप 226 को पढ़िए।

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member.

इसलिए आप उनको लीव मांगने के लिए कहिए, उसके बाद या तो यह मामला विशेषाधिकार समिति को जायगा...

श्री नरेन्द्र कुमार साल्वे : मैंने लीव मांगी है।

श्री मधु लिमये : मैं आपको दोष नहीं दे रहा हूँ, आपको स्पीकर साहब से अनुमति के बारे में कहना चाहिए। उसके बाद प्रस्ताव आयेगा, जिसे वह खुद भी रख सकते हैं, अगर वह नहीं रखते हैं तो मैं रख सकता हूँ, मैंने तैयार किया है...

श्री कंवर लाल गुप्त (दिल्ली सदर) : वगैर डिस्कशन के भी भेजा जा सकता है।

श्री मधु लिमये : इसके लिये तीन रास्ते हैं, आप स्वयं भी भेज सकते हैं, अगर आप स्वयं भेजते तो इसको बढ़ाने की जरूरत नहीं थी, परन्तु आपने उस अधिकार का इस्तेमाल नहीं किया और यह मामला सदन के सामने आया है। अब सदन या तो प्रस्ताव के द्वारा निर्णय

कर सकता है या यह प्रस्ताव कर सकता है कि यह मामला विशेषाधिकार समिति के पास जाय। इसलिए आप सबसे पहले उनकी लीव मांगने के लिए कहिए।

SHRI PILOO MODY : I do not understand the language of Shri Madhu Limaye; so it is quite possible that I do not understand what he was reading. But it is said quite categorically that either it is decided to refer it to the Privileges Committee or a discussion is to be permitted here. I want to know ahead of time, before anything is said, whether you are going to permit any discussion or, on your own, you are referring in it to the Privileges Committee.

श्री मधु लिमये : यह लीव के बाद होगा, वह अनुमति मांग रहे हैं।

श्री रवि राय (पुरी) : आप प्रोसीजर के अनुसार क्यों नहीं चलते हैं। आप पहले लीव करने के लिए कहें।

MR. DEPUTY-SPEAKER : You have referred to the rule without following the implications of this notice. (*Shri Piloos Mody* : Teach him, teach him). There are two things. The Speaker has been served with a notice. In the past, we have never taken cognizance of such a notice. That is one thing. On that matter, we are very clear. There is a precedent also. So far as the question of privilege is concerned, today the stage is that this matter has been entertained by the court. It has not gone further than that. At this stage, it is not a question of just, without enough thought, handing it over to Privileges Committee. (*Interruptions*).

श्री मधु लिमये : आपने इजाजत दी, आर्डर पेपर पर इसको रखवाया—एक स्टेज पूरी हो गई...(व्यवधान)—आप मेरी व्यवस्था पर निर्णय दीजिए, इस तरह से नहीं चलेगा।

SHRI R.D. BHANDARE : Don't precipitate matters. Unless the matter is decided this way or that way, don't take notice of it. This is my point.

श्री मधु लिमये : पहले आपको मेरी व्यवस्था पर निर्णय देना चाहिए ।

MR. DEPUTY-SPEAKER : You have quoted the rule; I have also seen that. As I have said, there are two parts. So far as the first part is concerned, we are very clear in our mind. The first part is about the notice issued against the Speaker or this House—the Speaker means the custodian of this House. In the past, we have ignored that. This is very clear. We have also a precedent. So far as the second part is concerned, the individual Members have received the notice and Mr. Salve has raised the issue. I wanted an opinion from the Law Minister. He has also written to me. (Interruptions).

श्री मधु लिमये : आप मेरी व्यवस्था पर निर्णय क्यों नहीं दे रहे हैं ? मेरी विनती है कि आप निर्णय दीजिए । सवाल यह है कि आपने इजाजत दी है...

MR. DEPUTY SPEAKER : You cannot dictate to me; you have raised a point of order which is under consideration. Please resume your seat.

श्री मधु लिमये : मैं डिक्लेट नहीं कर रहा हूँ । आपको मेरे प्वाइंट आफ आर्डर पर निर्णय देना चाहिए ।

MR. DEPUTY SPEAKER : It is under consideration of the House. Every Member has a right to say something when a point of order is raised on the floor of the House. I said for the benefit of the House that there are two parts. The first part is over. So far as the second is concerned, I have said that I will give a little opportunity to those who are directly served with notice and call the Law Minister to clarify the position. Then, whether at this stage or a little later we should decide to refer it is the only question. (Interruptions).

SHRI H. N. MUKERJEE (Calcutta North East) : Mr. Limaye has raised a point. The fact is that you have permitted this matter to be put on the Order Paper. That means a certain preliminary decision has been taken by you.

MR. DEPUTY SPEAKER : That is about raising it on the floor of the House.

SHRI H.N. MUKERJEE : The Speaker's responsibility goes very much further than that. The Speaker permits a matter to be raised on the issue of privilege with which he is satisfied that there is something on which you can proceed. Therefore, we can go ahead. I do not know how then you have permitted this matter to be put on the Order Paper.

श्री रणधीर सिंह (रोहतक) : मेरा प्वाइंट सीधा है । मुकदमा अदालत में जा चुका है । इसमें स्पीकर की इज्जत का सवाल नहीं, होम मिनिस्टर की इज्जत का सवाल नहीं, मेम्बर की इज्जत का सवाल नहीं बल्कि सारे हाउस के प्रिविलेज की इज्जत का सवाल है, जोकि कांस्टीट्यूशन में दिए हुये हैं । जज ने आंस बन्द कर ली, कांस्टीट्यूशन जानता नहीं, कोई बेकार आदमी पहुँच गया तो जज ने वगैर माइन्ड एप्लाई किए समन इस्यु कर दिये । मैं जानना चाहता हूँ कि जज का यह ऐक्शन ब्रीच आफ प्रिविलेज है या नहीं ?... (व्यवधान)... मेरा दूसरा प्वाइंट यह है मेरे भाई ने जो अदालत के मामले को मिनिमाइज करने की कोशिश की, असल में यह बड़ा सीरियस मामला है, इसमें लेजिस्लेचर और जुडीशियरी के अस्तित्वा-रात का सवाल आ गया है । इस कन्ट्री का जो हायस्ट फोरम पार्लैमेंट है उसके स्पीकर, होम मिनिस्टर और दीगर मेम्बरों को जो एक पटीशन पर समन किया गया है, इसमें जज के खिलाफ ब्रीच आफ प्रिविलेज बनता है या नहीं, इस पर मैं आपकी रूलिंग चाहता हूँ ।

SHRI N. K. P. SALVE : rose.

MR. DEPUTY-SPEAKER : I have given sufficient thought to it. I must give a hearing to Mr. Banerjee and the Law Minister and then dispose it of. I am not prepared to yield to any one. Mr. Banerjee.

श्री स० भो० बनर्जी (कानपुर) : मैं यह निवेदन करना चाहता हूँ कि मैं हाईकोर्ट के जज

[श्री स० मो० बनर्जी]

के खिलाफ नहीं हूँ। मैं किसी भी कोर्ट के खिलाफ नहीं कहना चाहता हूँ। मैं हाईकोर्ट के जज की बहुत इज्जत करता हूँ और अब तो काफी इज्जत करने लगा हूँ।... (व्यवधान)... आज हमको नोटिस मिला और मालूम हुआ कि हमारे स्पीकर साहब, संजीव रेड्डी, होम मिनिस्टर चव्हाण साहब और दो सदस्यों को कोर्ट में अपीयर होना है। चार्जज क्या है? आपको मालूम होगा कि जब यह सवाल शंकराचार्य के बारे में इस पार्लैमेंट में आया था, जब कि उन्होंने सारे हरिजनों की बात कहकर कलक का टीका अपने ऊपर लगा लिया था, तो उस वक्त इस सदन में प्रस्ताव आया था कि उनको गिरफ्तार किया जाये। फिर मैंने कहा था कि उनको गिरफ्तार करने के बाद सदन की भेज पर रखा जाये।... (व्यवधान)... मैंने उनकी बेइज्जती नहीं की थी, मैंने यह नहीं कहा था कि उनको इस्टाब्लिशमेंट में फेंक दिया जाये बल्कि यह कहा था कि उनको यहाँ भेज पर रखा जाये। उस समय जो हमारे स्पीकर साहब थे उन्होंने काफी अच्छा नमूना दिखाया था और कहा था कि ऐसा व्यक्ति जो डिसअफेकशन फैलाता हो उसको टेबिल पर कैसे रखा जाये।

MR. DEPUTY-SPEAKER : He may conclude.

SHRI S. M. BANERJEE : These are the charges. You will not pay Rs. 26,000 ; I will have to pay.

इसलिए मैं आपसे कहना चाहता हूँ कि इस समय जो परिस्थिति उत्पन्न हुई है इसको प्रिविलेज कमेटी में इसलिए भेजना चाहिए क्योंकि श्री संजीव रेड्डी तो इस्तीफा देकर चले गए, वे राष्ट्रपति बनें या न बनें वह दूसरी बात है... (व्यवधान)... वे लोकसभा के सदस्य हो सकते हैं लेकिन अब वे स्पीकर नहीं हैं, तो इस वक्त जो परिस्थिति उत्पन्न हुई है और जिस पर हमारे भाई चाहते हैं कि डिस्कशन न हो लेकिन अगर यह केस चलता रहा तो फिर वे राष्ट्रपति

का चुनाव कैसे लड़ेंगे क्योंकि अगर एक व्यक्ति के खिलाफ मुकदमा चल रहा हो तो वह राष्ट्रपति का चुनाव कैसे लड़ सकता है, यह बात मेरी समझ में नहीं आती... (व्यवधान)... उसमें रेड्डी साहब के खिलाफ भी चार्जज है कि उन्होंने शंकराचार्य को बुरा भला कहा है और अब अगर जनसंघ चाहे भी तो उनको वोट नहीं दे पायेगा।... (व्यवधान)...

SHRI N. K. P. SALVE : On a question of procedure. I should not be penalised for following the procedure. Please give me just half a minute. After permission is given to me in terms of rule 225, and after I have made the statement, there is very little option with you in terms of rule 226 which says that after the statement is made in terms of rule 225 and after leave under rule 225 is granted, which you have granted me, the House may consider the question and come to a decision or refer it to the Committee of Privileges.

MR. DEPUTY-SPEAKER : The hon. Member is making a mistake. He has not followed the procedure.

I have permitted this matter to be raised on the floor of the House. I have not given him and the House has not given him leave to refer it to the Committee of Privileges. Therefore, that question does not arise now.

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : I share fully the feelings of this House that this is a very grave matter where the privileges of this House, its Members and of the Speaker are involved. The provisions of article 105(2) are absolute in their terms, and I am, therefore, in complete agreement with Shri N. K. P. Salve that this is a suit which ought to be dismissed *in limine*. I have no doubt about it. I have also no doubt that the plaintiffs in this matter, by the very fact of having made these allegations and made a complaint to the court are guilty of a breach of privilege.

So far as the court is concerned, the provisions of the Code are as follows. If a suit is filed in a court with proper court fee, then summons issues as a matter of course

and it is not necessary and it is not usual for the judge to read the plaints before summons is issued. In Order 14 of the CPC it is stated that as soon as the notice comes, it is open to a party to go and tell the court that this suit would not lie. For the enlightenment of the House, I would like to read it. It reads thus. It is stated in Order 14, rule (2) that :

“Where issues both of law and of fact arise in the same suit and the court is of opinion that the case or any part thereof may be disposed of on the issues of law only, it shall try that suit...”.

Therefore, it is the duty of the defendants in this case to point out to the court that under article 105 (2), this is a matter which should be dismissed *in limine*.

SHRI NATH PAI (Rajapur) : The judges are supposed to know that article.

SHRI GOVINDA MENON : Of course, the judges are supposed to know it. Under the rules of practice, the only thing looked into at the time of issue of notice is whether there is court fee. What Government propose to do is...

SHRI RANDHIR SINGH : Why should the Speaker go to court ?

SHRI GOVINDA MENON : What Government propose to do is to make arrangements to see that on the hearing date the court will be told and should be told on behalf of this House and the Speaker...

SHRI NATH PAI : No.

MR. DEPUTY-SPEAKER : No. That is not permissible. The House and the Speaker does not come in... (*Interruptions*)

SHRI GOVINDA MENON : I stand corrected. Government can make arrangements to point out to the court that this is a matter covered by article 105 (2), and, therefore, the suit should be dismissed *in limine*. After that, I have no doubt in my mind that the Privileges Committee of the House or the House itself should call the plaintiffs to order under the rules regarding privilege, and if the court also persists in that matter, we may have to consider it. I,

therefore, submit that this may be kept pending.

MR. DEPUTY-SPEAKER : The question is this. The Law Minister...

SHRI NATH PAI : We have followed the Law Minister, and we disagree.

MR. DEPUTY-SPEAKER : The question that arises here is this, namely whether going to the court or the fact of going to the court and the issuing of the summons constitutes a breach of privilege...

SOME HON. MEMBERS : It does constitute a breach of privilege.

13 hrs.

MR. DEPUTY-SPEAKER : These are the issues involved. The question is whether that constitutes a privilege issue or whether it is entertaining that petition or suit and not dismissing it. The Law Minister has pointed out that at this stage we may keep this question of privilege pending. If Government—not the Speaker, because we ignore it—wants to educate the Indian judiciary at the lower level regarding the basic, fundamental, features of the Constitution, it may make an appearance. We shall then refer the matter to the Privileges Committee, not at this stage. Because this is a ticklish issue, at this stage, as I said earlier, we cannot go into it.

SHRI NATH PAI : I want to know what happens to the motion moved by Shri Salve for leave.

MR. DEPUTY-SPEAKER : As the Law Minister has suggested, this matter is kept pending at this stage.

Now we adjourn for lunch till 2 P.M.

13.02 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*]

QUESTION OF PRIVILEGE *RE*.  
DELHI HIGH COURT NOTICES AND  
SUMMONS TO M.P.s—*contd.*

MR. DEPUTY-SPEAKER : Papers to be laid.

श्री मधु लिमये : पहले व्यवस्था के प्रश्न पर आप निर्णय दे दें ।

MR. DEPUTY-SPEAKER : I have already disposed of it.

श्री मधु लिमये : मेरी आप से प्रार्थना है कि व्यवस्था का प्रश्न मेरा सुन लीजिए ।

MR. DEPUTY-SPEAKER : I have said that the matter will be kept pending unless we hear something further.

श्री मधु लिमये : क्या निर्णय किया ।

MR. DEPUTY-SPEAKER : Before we adjourned I made it clear. The point was that if a citizen went to the court with a petition, did it constitute a breach of privilege? It does not.

SHRI MADHU LIMAYE : Why not ?

MR. DEPUTY-SPEAKER : If it contains things which are not true, that is a different matter.

श्री मधु लिमये : आप नियमों को नहीं तोड़ सकते, माफ़ कीजिएगा । आप मेरी बात सुन लीजिए और फिर निर्णय दीजिए । व्यवस्था के प्रश्न पर निर्णय होना चाहिए ।

एक माननीय सदस्य : निर्णय हो चुका है ।

श्री मधु लिमये : मैं दो एक मुद्दों को रखता हूँ ।

MR. DEPUTY-SPEAKER : I have given my decision.

श्री मधु लिमये : आप ने सुना ही नहीं और निर्णय दे दिया । नोटिस जारी करना कानूनी कार्रवाई प्रोसीडिंग्स है या नहीं, इस पर आप मुझे सुनिए ।

MR. DEPUTY-SPEAKER : I have gone through it all. If you want to argue it again, you are only taking time. I have kept the matter pending before the House.

श्री मधु लिमये : मैं सदन के अधिकारों की रक्षा कर रहा हूँ । अध्यक्ष महोदय, स्पीकर का इस में मामला है ।

MR. DEPUTY-SPEAKER : It is a question of the Chair.

श्री मधु लिमये : मैं वही कह रहा हूँ ।

MR. DEPUTY-SPEAKER : Last time I mentioned before the House, the matters discussed in the Privileges Committee.

श्री मधु लिमये : चैंबर का मामला है ।

MR. DEPUTY-SPEAKER : We find that it is a question of dignity of this House. If a matter of privilege is without due consideration referred to the Privileges Committee, it does not add to the dignity.

श्री मधु लिमये : यह निर्णय सदन करेगा, आप लोगों को मौका नहीं दे रहे हैं । आप मुझे पाँच मिनट दे दीजिए ।

MR. DEPUTY-SPEAKER : I am coming before the House with the report at the appropriate time. I have given serious consideration to all aspects of this matter. We must be alert and vigilant. We should see what constitutes privilege and whether there has been a breach of it or not. All these aspects must be considered.

श्री मधु लिमये : अध्यक्ष महोदय, मैं पाँच मिनट से ज्यादा नहीं लूँगा । आपने कार्य सूची में यह मामला रखा, इसके बारे में कोई दो राय नहीं हो सकती । कार्य सूची में विषय आ गया और आपने नियम 225 के अन्तर्गत उनको

व्यान देने की इजाजत दी। अब व्यान क्या है ? यह कहा है कि

“The Member concerned who shall raise in his place and while asking for leave to raise the question of privilege, make a short statement relevant thereto.”

आपने व्यान करने दिया और उसके बाद जो इजाजत मांगने की प्रक्रिया है, उससे आप ने उनको रोक दिया। यह कोई कार्य प्रक्रिया है ? अध्यक्ष महोदय, 224 नियम के अन्तर्गत अगर आपकी यह राय होती कि इसमें विशेषाधिकार का सवाल नहीं उठता है, तो आप इजाजत नहीं देते, लेकिन आपने देखा कि 224 के अन्तर्गत जो शर्तें हैं, उनको ये पूरा करते हैं, इसलिए आपने इजाजत दी और उन्होंने व्यान दिया। अब जब अनुमति मांगने का समय आया तब आपने बीच ही में रुलिंग दी है। यह किसी भी हालत में ठीक नहीं है। आपने जो सवाल किया कि केवल कस करना यही मर्यादा भंग है तो संविधान की धारा 105 (2) आप पढ़ेंगे तो उससे यह बिल्कुल साफ हो जाएगा

“No Member of Parliament shall be liable to any proceeding in any court...”

नोटिस जारी करना अदालती प्रक्रिया, प्रोसीडिंग है या नहीं, इस पर आप रुलिंग दीजिए। वह तो आप देते नहीं। पहले आप यह निर्णय दीजिए कि नोटिस जारी करना प्रोसीडिंग है या नहीं। मेरी राय में यह प्रोसीडिंग है। आप सुप्रीम कोर्ट ने स्टेट, रोक टुकुम दे दिया और कोई फंसला नहीं किया, लेकिन यह भी लीगल प्रोसीडिंग है। जब नोटिस जारी किया तब कोर्ट ने उसपर विचार किया, उस का कागनीजेन्स लिया है और उसके बाद कोई भी कार्यवाही होती है तो उसको प्रोसीडिंग कहा जाता है। इसलिए प्रोसीडिंग तो हुई। अब जब इसमें लिखा हुआ है।

“No Member of Parliament shall be liable to any proceedings in any court

in respect of anything said or any vote given by him in Parliament or any Committee thereof and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, vote or proceedings.”

जब यह बात है, अध्यक्ष महोदय, तो आप कैसे कह सकते हैं कि मर्यादा का हनन नहीं हुआ। इसलिए अगर आप उनको इजाजत देंगे तो बाकायदा मैंने प्रस्ताव लिख कर नोटिस दिया है उस पर विचार हो पायेगा। इसमें किसी अदालत की हम आलोचना नहीं कर रहे हैं, किसी अदालत को गाली नहीं दे रहे हैं। अगर आप इजाजत दें तो मैं प्रस्ताव करता हूँ।

MR. DEPUTY-SPEAKER : One minute. I permitted you to raise it and reiterate your plea. But I have not called you to place those points—

श्री मधु लिमये : प्रोसीडिंग के बारे में मैं ने उस वक्त नहीं कहा था। अगर फंसला दीजिए कि यह प्रोसीडिंग है या नहीं।

MR. DEPUTY-SPEAKER : That is all right. I am going to give my ruling.

SHRI S. KUNDU (Balasore): Before you give your ruling, I wish to submit that I have given a motion.

MR. DEPUTY-SPEAKER : I am not admitting it.

SHRI S. KUNDU : The motion is before the House. You must decide it.

MR. DEPUTY-SPEAKER : Order, order. There is a certain legal issue involved in this. Please resume your seat. When I allowed a member to raise the matter, then, because I have allowed him, is it binding that I must also allow him further to ask leave?. That is one issue.

The second issue is this. Yesterday, the question of *sub judice* was raised from this side. I ruled that by the mere fact that somebody has gone to the court the question

[Mr. Deputy-Speaker]

does not become *sub judice*. I have said "No." I have read the proceedings and the section very carefully. The question of proceeding will begin when cognizance is taken. I said just now—it ought to have been observed that they have not taken cognizance.

SOME HON. MEMBERS : They have.

MR. DEPUTY-SPEAKER : I cannot yield because there is shouting. These matters are not decided by shouting. You must apply your mind. Please resume your seat. In this House, matters of privilege are not decided by shouting. No, no. Please resume your seat. I am giving my ruling. I will not yield to your shouting. I have gone through it carefully. I am not prepared to reconsider my ruling. Because he has made a second plea I am giving this ruling. On this point whether it constitutes "proceeding" I may say the hon. Member has not heard the Law Minister carefully.

श्री मधु लिमए : कानून मंत्री ने इस पर कोई राय नहीं दी ।

MR. DEPUTY-SPEAKER : I have followed him. He has said that when certain matters come before the court automatically summons are issued (*Inerruption*). Therefore, I have kept the whole issue pending. I am not going to allow any hon. Member to raise any point now (*Interruption*). Order, order. These issues are not decided by shouting.

14.11 hrs.

#### PAPERS LAID ON THE TABLE

Annual Reports of Development Councils and Notification under Industries (Development and Regulations) Act, 1952 etc.

THE DEPUTY MINISTER IN THE MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE & COMPANY AFFAIRS (SHRI BHANU PRAKASH SINGH) :

Sir, on behalf of Shri F. A. Ahmed I beg to lay on the Table—

- (1) A copy of Notification No. S. O. 1737 published in Gazette of India

dated the 3rd May, 1969 regarding management of the Messrs Jessop and Company Limited, Calcutta, under sub-section (2) of section 18A of the Industries (Development and Regulation) Act, 1951. [Placed in Library. See. No. LT-1280/69]

- (2) A copy each of the Annual Reports of the following Development Councils under sub-section (4) of section 7 of the Industries (Development and Regulation) Act, 1951 :—

- (i) Development Council for Oils, Detergents and Paints for the year 1966-67.

- (ii) Development Council for Automobiles, Automobile Ancillary Industries, Transport Vehicle Industries, Tractors, Earthmoving Equipment, and Internal Combustion Engines, for the year 1967-68.

- (iii) Development Council for Drugs and Pharmaceuticals for the year 1967-68.

- (3) A statement showing reasons for delay in laying the report mentioned at (2) (i) above.

#### Notifications under Forward Contracts (Regulation) Act, 1952

SHRI BHANU PRAKASH SINGH ;  
Sir, on behalf of Shri Raghunath Reddy, I beg to lay on the Table—

- (1) A copy of Notification No. S.O. 2137 (English version) and S.O. 2140 (Hindi version) published in Gazette of India dated the 26th May, 1969 issued under section 17 of the Forward Contracts (Regulation) Act, 1952. [Placed in Library. See. No. LT-1282/69]

- (2) A copy each of the following Notifications issued under section 18 of the Forward Contracts (Regulation) Act, 1952 :—