

the Units issued by the Unit Trust of India will be eligible to be treated as trustee securities under the Indian Trusts Act, 1882 and the amounts payable to the nominees of Unit holders will, subject to certain conditions, vest in the nominees.

As regards security to the depositors, it needs to be noted that transactions of deposits are in the nature of contract between the companies and the individual depositor and as such the depositors have to pursue normal remedies open to them in cases of breach of contract. However, the Reserve Bank of India Act, 1934 has recently been amended in December, 1974 with a view to tightening the control of the Reserve Bank over the deposit-acceptance activities of non-banking companies. The Companies Act, 1956 has also been recently amended to regulate the invitation and acceptance of deposits by companies; the new section 58A inserted therein and the rules promulgated by Government on 3rd February, 1975 in exercise of the powers conferred by that section, make it obligatory for a company intending to invite or accept deposits from the public to issue an advertisement in the prescribed manner and containing the prescribed information regarding its management, financial position etc. These measures, together with the ceiling restrictions on the quantum of deposits that the companies may accept, as laid down in the directions issued by the Reserve Bank and the rules promulgated under section 58A of the Companies Act, 1956, are expected to help protect indirectly the interests of depositors.

12.00 hrs.

RE. DISCUSSION ON CONDUCT OF SHRI TULMOHAN RAM, M.P.

SOME HON. MEMBERS rose—

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I gave notice of an adjournment motion regarding a man who was beaten to death in the lock-up... (Interruptions).

MR. SPEAKER: So many things are happening in the country but they are not all subjects of adjournment motions. Please do not make the adjournment motion so common.

SHRI S. M. BANERJEE (Kanpur): Sir, I have given notice of a privilege motion... (Interruptions)

MR. SPEAKER: Let me make the position clear. This was already gett ed in my previous ruling. Many of you—Shri Madhu Limaye, Shri Vajpayee, Shri Jyotirmoy Bosu and some other friends— have given notices of a motion.

SHRI S. M. BANERJEE: I have also given a notice of a privilege motion.

MR. SPEAKER Shri Banerjee also, I am sorry to miss his name.

SHRI ATAL BILHARI VAJPAYEE (Gwalior): But that is not on Shri Tulmohan Ram.

MR. SPEAKER. If it is not on Shri Tulmohan Ram, why should he intervene when I am talking of motions on Shri Tulmohan Ram?

SHRI S. M. BANERJEE: I shall not be here on Monday, that is why I am raising it today

PROF. MADHU DANDAVATE (Rajapur). There is one privilege motion pending since the last session.

MR. SPEAKER: I have considered them and I have seen my previous ruling also. In that ruling I had clearly said that the principle of sub judice does not apply so far as matters of privilege of this House are concerned but the question of privilege will arise only on something which is in relation to the business of this House. As far as the conduct of the Member is concerned, there is no bar on its discussion even if some judicial proceedings are going on. This House is the master of its own judgement in the case of conduct of its Members. I have seen that you have brought it up in one shape or another. I have no

objection if this House discusses the question

SHRI JYOTIRMOY BOSU Thank you

SHRI ATAL BIHARI VAJPAYEE
But how to discuss it?

MR SPEAKER On a motion, but not on a motion of privilege because, as I said something must happen in the House to constitute breach of privilege

श्री अटल बिहारी वाजपेयी मेरा निवेदन आप सुन ले। मोशन हमने दिये हुए हैं। लेकिन हमारी मुश्किल यह है कि किसी मेम्बर के आचरण के बारे में अगर चर्चा के लिये कोई मोशन आना है तो वह लीडर आफ दी हाउस की तरफ से आना चाहिए और अगर उसकी तरफ से ऐसा मोशन नहीं आता है तो हमने जा नोटिस दिये हुए हैं उसकी का आप चर्चा के लिये ले लें। अब उसके लिये आप कहेंगे कि बिजिनस एडवाइजरी कमेटी में यह चीज तय होनी चाहिये। वहाँ अगर सरकार नहीं मानेगी तो मामला कैसे तय होगा ?

अध्यक्ष महोदय : बड़े-बड़े मन्त्र वहाँ तय होते हैं। रोज हाते हैं।

श्री अटल बिहारी वाजपेयी . कल यह मामला वहाँ उठा था। तब तो कुछ हुआ उसका मैं ब्योरा देना नहीं चाहता हूँ। आपने देखा होगा कि सरकार चर्चा के लिये तैयार नहीं है।

अध्यक्ष महोदय : हाउस के किसी मेम्बर के कडप्ट की मोशन के वास्ते मेरी इजाजत की तो जरूरत नहीं है। मैं उसको इन बार्डर होल्ड करता हूँ।

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K RAGHU RAMAIAH) rose—

SHRI JYOTIRMOY BOSU Sir, let the Minister hear us and then reply

MR SPEAKER I am not allowing any debate. A debate is necessary if there is any doubt about it. I am not allowing any debate on this. We have had enough of it.

SHRI JYOTIRMOY BOSU There are substantive motions already (Interruptions) with your kind cooperation during the inter-session and during the last session we went through the CBI documents and basing on them we gave our memorandum saying that there is a *prima facie* case for a parliamentary probe. Now, the Government have disputed that. Therefore the matter must come before the House (Interruptions)

MR SPEAKER You can speak only if I listen to you. I am not listening.

SHRI JYOTIRMOY BOSU You have helped us as much as possible. All that I want to say is that the purpose of this debate would be to justify a parliamentary probe. Secondly, whatever loopholes are there in the matter of granting of licences Government should draw lessons from this debate so that the loopholes could be plugged. If Shri Tulmohan Ram is found to have committed a serious misconduct he should be removed from the membership of this House. There is my motion and other motions are also there. Let one of the motions be taken up and discussed without further delay because the whole country and the whole House are anxious to know (Interruptions)

MR SPEAKER I wish you sit down now. I am not listening to you any more.

SHRI S M BANERJEE Sir, kindly give me a chance.

श्री मधु लिमये (बाँका) : मेरा निवेदन आपकी सलिंग के ऊपर आधारित है। आपके सलिंग का एक हिस्सा मैं पढ़कर मुनाना चाहता हूँ। यह दो दिमम्बर का है।

"It is a well established law that the rule of *sub judice* does not apply to matters of privilege or in matters where disciplinary jurisdiction of the House with respect to its own Members is concerned. However, in order to constitute a breach of privilege or contempt of the House, the misconduct of a Member should relate to business in the House. In the present case the Member has allegedly abused his position as a Member of Parliament in sponsoring an application to Government for money and also after forging signatures of other Members. These allegations of bribery and forgery which have been *prima facie* established by the CBI are certainly very serious and unbecoming of a Member of Parliament, and he may be held guilty of lowering the dignity of the House."

आपका यह स्पष्ट निर्णय होने के बाद अगर आप मुडगल केस के आधार पर चलना चाहते हैं और इसको प्रिविलेज का नोटिस नहीं बनाना चाहते हैं, जैसा कि आपने निर्णय दिया है, तो क्या उम केस को दृष्टिगत रखते हुये इस सदन के नेता को, आपके सलिंग के बाद, श्री तुल मोहन राम के खिलाफ प्रस्ताव नहीं रखना चाहिए था? अरु क्या सर्वसम्मति से उसका पास करना नहीं चाहिए था? सदन की गरिमा, उसके डेकोरम और डिगनिटी की बात यहां कही जाती है। क्या उसके लिये यह आवश्यक नहीं था? आपने कहा है कि हमारे नोटिस को आपने मान लिया है। लेकिन क्या दूसरी जो नो डेट येट मोशज होती है, उन्ही के स्तर पर यह नामि है? आपने स्वयं कहा है कि यह प्रिविलेज और कटेम्प्ट से मामला उत्पन्न हुआ है? अब आप इसको

मुडगल केस के आधार पर तय करना चाहते हैं तो हमें कोई एतराज नहीं है। लेकिन दिक्कत यह है कि सदन की नेता आप के निर्णय के बावजूद इस तरह का प्रस्ताव सदन में रखने के लिये तैयार नहीं है। इससे यह आशंका उत्पन्न होती है कि तुलमोहन राम के द्वारा जो ब्राबरी और फोर्जरी का काम किया गया, प्रधान मंत्री उमको प्रोटेक्शन देना चाहती है।

श्री भागवत झा आजाद (भागलपुर) : कहा से कहा पहुंच गये क्या इम्प्लीकेशन लगाना शुरू कर दिया। (व्यवधान)

एक माननीय सदस्य : यह मामला कोर्ट के सामने है। (व्यवधान)

श्री मधु लिमये : कोर्ट की बात करके ये लोक स्पीकर के सलिंग का अपमान कर रहे हैं। अध्यक्ष ने स्पष्ट शब्दों में कहा है कि डिमिशनरी मामलों में कोर्ट प्रीसीडिंज का कोई मवाल नहीं है। सदन की नेता प्रस्ताव लेकर क्यों नहीं आई?

अध्यक्ष महोदय : अगर इस को साधारण नो-डे-येट-नेम्ड मोशज की तरह न माने। नियम 190 के अन्तर्गत आपको यह अधिकार प्राप्त है कि सदन नेता की सलाह से आप समय निर्धारित करेंगे। जब सदन नेता इस सबबध में पहल करने के लिये तैयार नहीं है, तो आप अपने, अधिकार का प्रयोग करके तत्काल इस बहस के लिये समय निर्धारित कीजिये, और हम लोगो को इस पर बहस करे और सदन से फंसला करवाने का मौका दीजिये। हम जानना चाहिये कि क्या कांग्रेस पार्टी के सदस्य इस प्रस्ताव का भी विरोध करेंगे और फोर्जरी तथा ब्राबरी को प्रोटेक्शन देने का काम करेंगे :

SHRI JYOTIRMOY BOSU: The Minister should read the last paragraph of the Speaker's ruling...

to see that we have not hidden anything from them...

SHRI MADHU LIMAYE: You have,

MR. SPEAKER: Why are you getting up every time? Why don't you have the patience to listen to others?

SHRI K. RAGHU RAMAIAH: So, in spite of the convention, we placed the matter for the perusal of the leaders for their own satisfaction. But that does not mean that a discussion should follow thereafter and that whatever has been secret and we have shown to them, should be ventilated here. If it is so, where is the original convention that we mentioned that the CBI report is not to be made public? Now you say, 'We have learnt so many things from the CBI report and we want to come to the House for a discussion' But what is the discussion about? The main purpose of our showing those reports to the hon. leaders of the opposition was to show them that we have nothing to hide and that only for certain legal, technical and constitutional requirements, it is not to be publicised. That is all. That purpose has been served and that is where the matter now rests. This is my humble submission.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, two points have been raised. As regards the first point a reference has been made to your ruling that the conduct of Shri Tulmohan Ram, as a Member of Parliament can be gone into and that the law of sub judice does not apply to it. The whole House accepts your ruling. The only point is, any discussion that takes place on this point, when it is to take place. As I made clear so often, the subject—matter of his conduct, as pointed out by Shri Limaye, that is, forgery and bribery, that as a Member of Parliament, he is guilty of those things, these are exactly identical matters which are being investigated and gone into by a court of law. Even now, we are seeing every day in the papers the evidence that is coming and so on. My submission is that such a discussion can take place after the court comes to a finding. It is the same identical matters which are being adjudicated in a court of law. It is not something different that is being investigated. According to me, and I submit in all humility, the proper time to discuss it will be after the court comes to a finding.

SHRI JYOTIRMOY BOSU: Your last ruling was: 'I, therefore, hold that the House can discuss any motion relating to the conduct of Shri Tulmohan Ram and the rule of sub judice does not come in the way.' That is your final and firm ruling.

SHRI BHAGWAT JHA AZAD: We are not challenging that.

SHRI JYOTIRMOY BOSU: We have not made any notes from the CBI report but we have recorded it into our heads.

MR. SPEAKER: You have already mentioned many things. Why do you want to repeat it?

As regards the other point that the CBI Report has been perused and, therefore, a discussion must follow, may I recollect that we have always maintained that the CBI Report is not for publication? Because it had been said that we were hiding something and we did not want the leaders of the Opposition, of the main parties, to go with an impression (Interruptions) Why don't you listen to me? It was because we wanted to give an opportunity to the leaders of the opposition

SHRI JYOTIRMOY BOSU: The Minister is no Super-Speaker here to go over your ruling and say something in this House.

MR. SPEAKER: You are a super-Parliamentarian.

SHRI JYOTIRMOY BOSY: No, Sir. I am only the most obedient servant of the House.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मंत्री महोदय ने जो कुछ कहा है उस के बाद आप का फैसला क्या है? आपने अपने रूलिंग में कहा है कि वहम हो सकती है, सब जूडिस का सिद्धान्त लागू नहीं होता है। मंत्री महोदय कह रहे हैं कि जब तक मामला अदालत में है, तब तक यह वहम नहीं होनी चाहिए। आप म्युनि देखिए कि आज अखबारों में मुकदमे की खबर आई है। रोज ये खबरें छरेंगी। हमारे सदन के एक मम्बर के आचरण पर अदालत में चर्चा हो रही है। देगवामी हम से पूछ सकते हैं कि आप के सदन के एक सदस्य ने गलत काम किया तो उस के बारे में आप के सदन का क्या फयला है।

एक और पहलू है। श्री तुलमोहन राम को अभियुक्त बना कर अदालत में खड़ा किया गया है। अगर यह वहम होगी तो उन्हें भी यहाँ अपनी मफाई देने का मौका मिलेगा। हम श्री तुलमोहन राम को भी मुतना चाहते हैं। उन्हें इस मामले में क्या करना है यह भी नामने जाना चाहिए।

अध्यक्ष महोदय : अब इस को छोड़िए।

श्री अटल बिहारी वाजपेयी : जब तक प्रदालन में फैसला नहीं होगा, क्या तब तक हम चुन-चाप बैठे रहेंगे? मंत्री महोदय ने जो कुछ कहा है आप उस की रोगनी में अरता फैसला दीजिए।

SHRI INDRAJIT GUPTA (ALIPUR): This question has got two aspects which, in my opinion, should not mixed up with each other. One is the specific aspect of the conduct of a member of this House which, as you correctly said, this House, as a sovereign body, has a right, has an unrestricted and unfettered right, to judge and if necessary and if it so deems fit, can proceed by take

action against him. I think Mr. Raghu Ramaiah, when he just now made a reference to the proceedings to the criminal case in the court, was not contesting your ruling and which he cannot, that the rule of *sub-Judice* does not apply in this matter. That is what he means, I think. Otherwise, it makes no sense at all. What he wanted to say, if I understood him correctly, is that, in his opinion, he does not consider it desirable or a matter of propriety—that is perhaps what he wants to say—while the case is going on in the court (*Interruptions*) Any way I am trying to bring out what is in his mind. If he cannot express himself, what can I do?

MR SPEAKER: After all you are all colleagues; you should help each other

SHRI INDRAJIT GUPTA: I believe, Sir, that this House has got complete sovereignty in this matter and we are of opinion also that there is nothing to bar this House from proceeding in the matter of sitting in judgement on the conduct of Mr Tul Mohan Ram against whom a *prima facie* base has been established and on the basis of that *prima facie* case alone proceedings in the court were instituted against him. So, I don't think that is ruled out. That can be taken up tomorrow or day after tomorrow or after a few days. As far as perusal of the documents is concerned we were all united when we made a demand that those documents should be made available because without going into those documents it is impossible to understand what was going on either to support or to refute any allegations and counter-allegations which were being made. So, this procedure of perusal has been gone through with your kind help and the cooperation of your office and I think, all facilities that were possible were given to the party leaders. And I can say, the representative of my party has not perused that document any less intensively than what

Shri Tulmohan Ram

other people have done. If they want to go into the record of perusal, how many hours one went into it, how deeply one went into it, that can be gone into and it is quite interesting to know how much time who has taken over the perusal. And now at the end of all this perusal, when the perusal is completed what happens? This is a big question mark, because this question has been before everybody, before the whole nation. Everybody is entitled to ask: What was your impression? What did you understand? Now, the impressions got from perusing those documents may not be the same in case of all of us. Some of my colleagues on this side of the House belonging to the other opposition parties have been saying it loudly that the perusal has convinced them that there is need for a further parliamentary probe. Now, as far as I have understood, from whatever our people who have perused those documents have reported to us, we do not feel that there is need for a further parliamentary probe because it will not serve any purpose. But that is a different matter and we can argue that out. But we cannot say that there is nothing further to be discussed. To say so would be doing a great injustice to this house and to the public because we have been all along demanding that we must get this opportunity to see these documents and, after having perused those documents, the study as a result of this perusal in an appropriate manner will have to be placed before Parliament. Therefore, I would request you to see to it and to ensure that a discussion is permitted and, only after that, the matter should be closed. Naturally, that discussion has to be within certain circumscribed limits. That is obvious. We cannot quote from that document; we cannot make direct references. We have not been allowed to take notes. That has been observed by everybody.

SHRI JYOTIRMOY BOSU: You can tell from memory.

SHRI INDRAJIT GUPTA: We are supposed to keep everything in mind. But, we cannot quote here. That was agreed to. Anyway, it is for the Speaker to regulate the discussion. And I think that most of the Members will certainly abide by these limits. But subject to that, there must be a discussion because certain broad things may have emerged from that perusal which has created some impression on our minds too, that is, the general responsibility of ministers, of officials, of Members of Parliament with regard to all these procedures of censoring as illustrated by the cases of these merchants of Mahe and Yanam. These may be particular cases. But, many things may come out of it. Why should the Parliament not also make suggestions and proposals for the future so that in the licensing procedures of this type, what we consider to be undesirable types of influence exercised by either the Ministers or by Government officials, secretaries of departments or by Members of Parliament can be obviated or minimised? And that would be a healthy thing. It is necessary in the interest of the country and in the interest of democracy. Why should the House not be permitted, after this perusal, to have a general discussion on this question. I cannot understand it. I think it is very necessary and thereafter the matter may be ended. If anybody wants that a further Parliamentary Probe is required, he is free to move that motion also. That can also be discussed.

So, Sir, I would request you to permit a discussion. I do not want to take the time of the House. Motions have also been tabled for a general discussion. There is a motion from our party also under Rule 193 or something like that. This is being listed for a discussion. That is regarding Shri Tul Mohan Ram. We

can have some consultation and decide about that for taking up the matter. Certainly it is not conditional on the proceedings being finished in the court. This is all I have got to say

SHRI S. A. SHAMIM (Srinagar):
 Sir, I want to say something on this.

प्रध्मस्त महोदय : देवि, इम को दिनेऽ न बनाइ ।

SHRI SAMAR GUHA: (Contd):
 Mr. Speaker, Sir, I want to say something on this.

प्रध्मस्त महोदय : आप के पीछे जो रेप्रेजेंटेटिव बैठे है वह बोल चके है ।

SHRI H. K. L. BHAGAT: (East Delhi): Sir, I am not entering into any debate nor am I making any speech I am only making a short and brief submission. I am taking only one minute.

The hon. Minister for Parliamentary Affairs has already made his submission and clarified the position. You have given your ruling that the House can discuss this matter certainly. What the hon. Minister said is about the propriety or desirability of it about which Mr. Gupta has also said. I am only inviting your attention for your kind consideration Under Rule 352, the first thing is that while speaking, a Member shall not refer to any matter of fact of which a judicial decision is pending. Of course, I am not challenging your ruling. (Interruptions) Please listen to me. I am only putting this for your consideration. My simple question is whether the discussion should be held now or, whether as the hon. Minister suggested, the same should be held later on after the case is decided. At present the case is going on in the court. I am not holding

any brief for Mr. Tul Mohan Ram I would certainly like that he should be proceeded against for anything which he has done. I am not holding any brief for him. And it is wrong to cast any aspersion on Government which has prosecuted him. What I am submitting most respectfully is: what are you going to comment on these facts about which evidence is being recorded and the court is to give its judgment? We will be speaking here and saying things on matters and on questions of facts which are in the court and we will be commenting on the evidence. You will kindly consider all these things before you decide that this matter might be discussed.

This is all what I want to submit in short.

SHRI JYOTIRMOY BOSU: Mr. Speaker has already given his ruling on this

SHRI S. A. SHAMIM: Sir, in the previous session, Mr. Vajpayee and referred to a letter which Shri Jagjit Singh has written to the Lieutenant Governor, and wanted the matter to be referred to the Privileges Committee. I was the lone Member of this House who voted against that Motion. I did not want it to be referred to the Privileges Committee because the fact whether this letter had been written by Mr. Jagjit Singh is not proved and when you refer to the Privileges Committee it may after some time come to the same conclusion that this letter was never written. I was over-ruled and I was one versus the rest of the House. Why I narrate it now is, the Privileges Committee of Rajya Sabha has found that Mr. Jagjit Singh refused having written that letter and the hon Member who had raised that issue did not come forward to adduce the evidence that that letter was written by him.

SHRI ATAL BIHARI VAJPAYEE:
 The Privileges Committee of this House is seized of the matter. Let him not comment on that.

SHRI S. A. SHAMIM: I presume you read the newspaper and you would have read this news item. I am saying this only to make the submission that in this present case the fact whether Mr. Tulmohan Ram is guilty of having accepted the bribe is being adjudicated upon. Suppose this House discusses this issue and condemns Tulmohan Ram and after a year and half the court finds that all these allegations against Tulmohan Ram were not correct and he is not guilty of the charges levelled against him. Sir, I do not see any contradiction in your ruling that the rule regarding sub-judice does not apply here but I do see a lot of wisdom in what Mr. Raghu Ramaiah says as to whether this discussion is going to lead us anywhere and whether it is desirable.

AN HON. MEMBER: What about the forgery part?

SHRI S. A. SHAMIM: That also the court will adjudicate upon. My contention has been that there has been no forgery and all the 21 signatures were genuine. Now, suppose the court says all these signatures were genuine and even the charge of forgery falls—Tulmohan will prove before the court that he never asked for bribe and the bribe was never paid—then the House must have wasted three hours in charging him. Suppose, the House is later presented with a court verdict saying he is innocent. So, I do not want that this House should be placed in a situation where it has to feel sorry that they passed a verdict without evidence on charges they were not able to prove in the court of law. That is why I say there should be no conflict. But whether it is desirable to have a discussion or not is a matter which the House must consider very seriously.

SHRI SAMAR GUHA: Sir, it is a part of the parochial short-sighted attitude of the ruling party. There was a whispering campaign let loose all over the country that almost all the

Members of Parliament indulge in this kind of either supporting this or that group for getting licences and the whole political image of the Members of Parliament to a large extent got tarnished. If they had agreed to have the discussion earlier not only many hours of the House could have been prevented from being wasted but also the image of the MPs that had gone down in the country would not have occurred. If they now maintain the peculiar attitude that no discussion should be held either on the CBI report or Tulmohan Ram not only another fresh wave of whispering campaign may start but also the image of Members of Parliament will go down. I will take the second thing first, about the CBI report. The hon. Minister has said that the leaders of the opposition parties and the representatives of the opposition parties had their satisfaction to peruse the CBI Report. It was not a psychological satisfaction. It was not a fine art. It was not that the Members have got psychological satisfaction by going through the language and the art of writing. It was not. It was not a research work. It has to be remembered that it was on the basis of a statement made on the floor of the House that you allowed the Members of the Opposition to see the CBI report. Therefore, the House is seized of this business. The House was given, through you, that right to peruse the CBI report. Firstly, it is a question of propriety that the House must know what had happened. Nothing was stated about the CBI report. The question whether the report should be quoted or not, the question whether an enquiry committee will be set up to go into this question and formulate a new code of conduct for Members, the question whether a Member of Parliament can recommend licence and soon, are different. The question is, the House must know what had happened after the perusal of the CBI report. The representatives of each group who have seen the report, must come before the House and report what they have seen, and after seeing it, what

their observations are and whether anything should be done in regard to the CBI report. This is the first point. The hon. Minister cannot escape from the obligation because that obligation was the obligation which he derived from this House.

Secondly, I would like to draw your attention to what you have said. I want to quote your ruling:

"I, therefore, hold that the House is free to discuss any motion relating to the conduct of Shri Tulmohan Ram and the rule of sub-judice does not come in the way."

Sir, when this matter came before the House, certainly, to circumvent a discussion in the House, Government, of course, approached the Court. When you formulated your ruling about this matter, the case was pending before the Court against Shri Tulmohan Ram. You have clearly and categorically given your ruling that this matter may be discussed. Therefore, Sir, I see there is no reason why this matter should not be discussed. If it is not discussed, I would say, again, it is the duty of those members who said, who denied that the signatures were theirs and that they have been forged, should come again and say that their signatures were forged. Sir, it is absolutely necessary that this matter should be discussed in some form or other. I also drew your attention to your ruling. You considered it desirable and legitimate. For that reason, you have admitted many motions in regard to Shri Tulmohan Ram and also in regard to the CBI report; you have admitted No-Day-Yet Named Motions.

SHRI VASANT SATHE (Akola): Sir, let us not create a confusion between

SHRI S. M. BANERJEE: Sir. You ask Shri Raghuramaiah to pay compensation to Shri Tulmohan Ram and retrench him from the party. (Interruptions)

SHRI DINEN BHATTACHARYYA (Serampore): Sir, you have categorically stated that you have no objection if the matter is discussed. (Interruptions).

SHRI VASANT SATHE: Let us not confuse the two issues. The first is whether this House is free to discuss and take action against a member because of the rule of sub-judice. You have rightly ruled that that does not come in the way of the right of the House. So this House is completely free and within its rights to take action as it may deem fit against an error member. But I am appealing to the sense of justice of the House itself (Interruption). I am appealing to the sense of justice of Shri Bhattacharyya.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): He has no sense. How can you appeal then?

SHRI VASANT SATHE: You know fully well that under the law of the land even the smallest man must have a right to defend himself.

SHRI DINEN BHATTACHARYYA: Let Shri Tulmohan Ram come here.

SHRI VASANT SATHE: Every accused must be presumed to be innocent till proved guilty. This is the principle which applies to all of us also. Now if you want to hang him on so-called allegations without satisfying yourselves that he is really fully and finally guilty of these charges, would you just like to satisfy your conscience and the so-called honour of MPs that somebody must be made a scapegoat and his head should be chopped off and then proceed? But will that be a sense of justice? Is that the way to approach the problem.

Therefore, the question is: if without any prejudice to our right, the matter which is already before a proper forum where it will be gone into in detail and where he will have the full right to defend himself, is proceeded with in that way, and we come to know all

the facts which are the same as are on question here, what is the harm?

SHRIMATI PARVATHI KRISHNAN (Coimbatore): When you have suspended him from the party, why not suspend him from the House?

SHRI VASANT SATHE: I am talking of action by the House. The Party may take its own action. But there is a distinction between the two. If we take action against a member, it is punishment; it is penal action. The House has the capacity to take penal action against a member. Would you like to do that only to satisfy a sense of vindictiveness? This is victimisation. I do not think this House would like to be guilty of that. Therefore, in wisdom and as a matter of propriety, let us not rush into this matter. This is of course without prejudice to our right.

Then as regards discussion of the CBI report, I think it was agreed that

SHRI SAMAR GUHA: The matter it has to be treated confidential but if members find something, they should individually, partywise, report to you.

SHRI VASANT SATHE: Do not try to mislead and confuse. They should report to you, and through you, to the Leader of the House. So that if there is really anything serious and you are satisfied that something calls for discussion by the House, it may be brought up. Otherwise, even the sanctity of the CBI inquiry will be prejudiced. Therefore, let us not open the Pandora's box once again. We have already wasted so much time last time. Let us not play the same joke again in this House.

MR. SPEAKER: No debate. I am not allowing any debate.

SHRI ATAL BIHARI VAJPAYEE: We were playing a joke. Are we wasting the time of the House?

SHRI VASANT SATHE: The opposition wasted so much time.

SHRI ATAL BIHARI VAJPAYEE: They went to the court only to shut out a discussion. (Interruptions).

MR. SPEAKER: Will all of you please sit down?

SHRI P. G. MAVALANKAR: (Ahmedabad): The Minister of Parliamentary Affairs said that he wanted a discussion but not at this stage. We want a discussion immediately because we make the distinction between criminal acts which could be decided by a court of law and misconduct and misdemeanour of a Member of Parliament which is very much the business of this House and which should be discussed immediately. We cannot tolerate any affront to our dignity as a Parliament.

You yourself said on 2nd December, 1974

"In the present case the Member has allegedly abused his position as a Member of Parliament in sponsoring an application to the Government for money and also in forging the signatures of other Members. These allegations of bribery and forgery which have been prima facie established by the CBI are certainly very serious and unbecoming of a Member of Parliament and he might be held guilty of lowering the image of the House. I therefore hold that this House is free to discuss any motion relating to the conduct of Tul Mohan Ram and the rule of sub judice does not come in the way."

I oppose any delay in the discussion. It is a question which affects the dignity of the whole House. Criminal matters are for the courts to decide but he wants a discussion on misdemeanour, misconduct of the Member.

SHRI FRANK ANTHONY (Nominated—Anglo Indians): Quite frankly, I have been very unhappy at the way matters have developed today. I am looking at it purely from an objec-

five, and if I may say so, and legal point of view. I do not know Tul Mohan Ram and certainly I do not know him by sight. I have no personal axe to grind. I see a distinction in this case. I have some experience of these matters. If there is a Commission of Enquiry and a trial, you can say they are not parallel proceedings. I know from personal experience how prejudice has taken place. I have done the case of a very senior lawyer; I was going to get him discharged and the Court was going to discharge him. Because there had been a commission of enquiry presided over by a former Supreme Court Judge, the court called me back and said to me something. The Commission of enquiry has no sanction; it is merely recommendatory. But the Court told me this. Because it was such a High powered commission of enquiry, the High Court told me: we do not feel like discharging him. That was the effect that the commission of enquiry had on a High Court judgement.

The way I am looking at it is this. Here are parallel proceedings covering precisely the same issues; it is not humanly possible to divide whether it is forgery or abetment of forgery. How can this House attempt to divide these two issues. What will happen? Let us assume that the House does so and comes to a finding. It may be prima facie or conclusive. Suppose it says: this gentleman abetted in this or that. This House having found that a person has been in effect guilty, what court in this country—I say with great respect—will in effect supercede the finding or opinion of this House? That is the way I look

at it. The whole trial will be prejudiced. Fortunately in America they have the due process clause. The press in India today, with great respect, is furthering a bad cause. They try people by newspapers, which is

very wrong. In America, if there is trial by a newspaper they quash the verdict. Unfortunately, our Courts have not gone so far. But will the Courts be able to say: here is a gentleman being tried by Parliament, and therefore any verdict by the Court must be void. They will not go so far. What I am worried about is that in any finding there is bound to be an overlapping of issues, which is bound to prejudice the judgment. That is the only thing I feel that this House ought to consider.

SHRI JYOTIRMOY BOSU: One more submission.

MR. SPEAKER: No, no. Enough of this. Do not get up every time. I am not calling you. When the Speaker is standing, nothing is recorded in any Member's name, I tell you once for all.

SHRI JYOTIRMOY BOSU: **

MR. SPEAKER: Does he care for any decorum, anything?

SHRI JYOTIRMOY BOSU: It is very difficult to function. You are not allowing us to express ourselves.

MR. SPEAKER: He was given a chance once, twice. He does not care.

SHRI JYOTIRMOY BOSU: No, Sir. It is a matter in which I have suffered. So, I should be given a chance.

MR. SPEAKER: You must have at least some regard for me.

SHRI JYOTIRMOY BOSU: I have a very regard for you.

MR. SPEAKER: I never have seen that you have it.

SHRI JYOTIRMOY BOSU: I wanted to make a small submission that..

MR. SPEAKER: How to deal with such people? I am very sorry. I warn

you, I am standing, there is a limit. You take pleasure in defying.

SHRI JYOTIRMOY BOSU: No, Sir, not defying at all.

MR. SPEAKER: Now, the position has been mentioned from both sides. So far as the ruling is concerned, that is there, and I left it to the House to discuss the conduct of the Member of the House, but I left it to the wisdom of the House as to when and how. There is no need for any further observation from me. I proceed to the next business Shri Pranab Kumar Mukherjee.

श्री सटल बिहारी बाजपेयी : अध्यक्ष महोदय हमने कम राको प्रस्ताव दिना है ।

अध्यक्ष महोदय : कोई क प-र-का प्रपत्र वीरु नशा रागा इनके बाद ।

श्री सटल बिहारी बाजपेयी : शे व आहुनवा के त व का गान इई है ?

अध्यक्ष महोदय : वे व आहुनवा के बारे मे रेकोर्डेड न नेगन किना है । आप प्रेपोडेड इइन पर वान करि ।

श्री सटल बिहारी बाजपेयी : हम नाव अत्रारो मे नइ रहे है ।

PROF. MADHU DANDAVATE: There is a pending privilege motion before the House.

MR. SPEAKER: No privilege. We have already taken up much time.

SHRI S. M. BANERJEE: I have given notice of a privilege motion.

अध्यक्ष महोदय : मुझे बताया गया है है कि आया नहीं है ।

I am not taking it up. We have no notice of it. You gave it today.

SHRI S. M. BANERJEE: I will make a submission in two minutes.

PROF. MADHU DANDAVATE: You have already admitted one privilege motion.

MR. SPEAKER: I am not bound to take it up when you get up.

PROF. MADHU DANDAVATE: I only want to know when it will be taken up at a later stage.

MR. SPEAKER: Please sit down.

PROF. MADHU DANDAVATE: Please excuse me. When we give you formal notice and the matter is already pending before the House, why do you get wild? I do not know.

SHRI JYOTIRMOY BOSU: You are getting angry today.

MR. SPEAKER: I have a bad temper for a man like you when you keep on defying the Chair like this.

SHRI S. M. BANERJEE: I tabled a notice of privilege under Rule 222 against Shri Om Mehta, Minister of State in the Home Ministry.

MR. SPEAKER: I have not got it. Unless I see it, I will not allow it. I did not know that you are dealing with the same privilege motion. Unless I hold it in order, how can you mention it?

SHRI S. M. BANERJEE: I sent this motion on the 20th February 1975. I would like to know why it has not reached you.

MR. SPEAKER: I have not seen it. I am really surprised you take pleasure in defying the Chair. How can I function?

SHRI S. M. BANERJEE: I am not against Shri Om Mehta...

MR. SPEAKER: I have not allowed you.

SHRI S. M. BANERJEE: When the business for next week comes, I will again raise the same thing.

12.57 hrs.

Re. ADJOURNMENT MOTION

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष महोदय, मैंने काम रोको प्रस्ताव दिया है।

अध्यक्ष महोदय : काम रोको प्रस्ताव अब नहीं आ सकता।

I have not held it in order.

श्री अटल बिहारी वाजपेयी : सरकार ने एक मवाल के जवाब में बताया है कि श्रेष्ठ अबदुल्ला से जो वानचीन हुई है, वह मदन में वनायेंगे।

MR. SPEAKER: It was mentioned in the President's Address. You can refer to it during the discussion on the Address.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, क्या मदन को अत्रेरे में रखा जाएगा। जम्मू काश्मीर भारत का भाग है या नहीं? अध्यक्ष महोदय, आप अखबारों में देखें कि श्रेष्ठ अबदुल्ला किस तरह से बोल रहे हैं। (व्यवधान) अध्यक्ष जी, वे यह कह रहे हैं कि 1953 के बाद से जो कुछ हो रहा है और जो पार्लियामेंट की राय में हुआ है, उस के बारे में फैसला हो गया है, उस को बदला जा सकता है।

श्री मधु लिवडे (बंका) : हम लोगों ने काम एटेंशन का नोटिस दिया है :

अध्यक्ष महोदय : आप को सारा पता है कि क्या हो रहा है।

श्री अटल बिहारी वाजपेयी : मदन को यह बताया जाए कि क्या हो रहा है। जम्मू काश्मीर किमी की जागीर नहीं है।

अध्यक्ष महोदय : ऐसा न कहिए।

श्री अटल बिहारी वाजपेयी : नहीं। अध्यक्ष महोदय, हम ने अभी तक यह मामला नहीं उठाया।

अध्यक्ष महोदय : प्रेसीडेंट एड्रेस पर डिबेट जारी है, उस पर आप बोलिए।

श्री अटल बिहारी वाजपेयी : अगर श्रेष्ठ अबदुल्ला भी चुप रहने और जो समझौता हुआ है, उस पर सरकार भी चुप रहे और श्रेष्ठ अबदुल्ला भी चुप रहे, तो बात दूसरी है। जो कुछ कहना है, सरकार मदन में आ कर कहे। श्रेष्ठ अबदुल्ला रोज नई बात कर रहे हैं कि जम्मू काश्मीर की विधान सभा भंग की जाएगी। यह किस ने फैसला किया है। क्या उस फैसले के बारे में मदन को नहीं बताना चाहिए?

अध्यक्ष महोदय : आप वडिये, आर्डर, आर्डर।

श्री जगन्नाथ राव जोशी (शाजापुर) : अध्यक्ष महोदय, मंत्री जी को कुछ बताना चाहिए कि क्या वाक्या है। (व्यवधान)

अध्यक्ष महोदय : आप को सब पता है।

श्री अटल बिहारी वाजपेयी : क्या राष्ट्रपति जी के भाषण में यह दिया हुआ है कि श्रेष्ठ अबदुल्ला को बर्बर-ए-आजम बनाएंगे।

अध्यक्ष महोदय : आप बात सुनिए। आप जो जो कहना है, वह प्रेसीडेंट एड्रेस पर कहें।