

12 hrs.

# RE. REPORTED SETTING ON FIRE OF JHUGGIS OF LABOURERS IN DELHI

**SHRI S. M. BANERJEE (Kanpur):** Sir, there has been a ghastly incident in Delhi, where the jhuggis of labourers were set fire to because they refused to work for low wages. Two valuable lives have been lost.... (Interruptions).

**SHRI JYOTIRMOY BOSU (Diamond Harbour):** Such a brutal thing has happened in the capital. So, a mere calling attention notice will not do.... (Interruptions).

**श्री हुकम चन्द कछवाय : (मुरेना) :**  
ठेकेदार ने जानबूझ कर मजदूरों की झोंपड़ी में आग लगायी है।

**श्री शंकर क्याल सिंह: (चेतरा) :**  
मामला बड़ा गम्भीर है, इस पर आप को काल अटेंशन स्वीकार करना चाहिए।

**श्री हुकम चन्द कछवाय :** योजना बद्ध तरीके से झोंपड़ी में आग लगा कर दो बच्चों को जान से मारा गया है।

**अध्यक्ष महोदय :** किसी मेम्बर को बुलाया नहीं, अपने आप सब खड़े हो गए।

**SHRI KRISHNA CHANDRA HALDER (Ausgram):** Sir, I have tabled a calling attention motion....

**SHRI JYOTIRMOY BOSU:** Sir, I have given notice of a privilege motion against Prof. Chattopadhyaya....

**अध्यक्ष महोदय :** आग झुगियों में लगी गई है उस के बारे में मैं उन को यह सन्देश है कि वह स्टेटमेंट दें। इसमें एडजुस्टमेंट मोशन तो पैदा नहीं होता।

**श्री एस०एम०बनर्जी :** काल अटेंशन तो एडमिट होना चाहिए।

**अध्यक्ष महोदय :** वह मैंने स्वीकार कर लिया है।

12.01 hrs.

## QUESTION OF PRIVILEGE—Contd.

### IMPORT LICENCE CASE—Contd.

**SHRI JYOTIRMOY BOSU (Diamond Harbour):** Sir, there is my privilege motion against Prof. Chattopadhyaya.

**MR. SPEAKER:** Until I give my ruling on the earlier motion, you cannot take up another one.

**SHRI JYOTIRMOY BOSU:** To save the energy as well as the time of the House, if you give half a minute....

**MR. SPEAKER:** I gave a ruling yesterday that we will not take anything new unless the earlier one is disposed of. In spite of that ruling, again you are raising it.

**SHRI JYOTIRMOY BOSU:** It is my right under the rules to raise one motion a day.

**MR. SPEAKER:** Not until this is disposed of.

**SHRI JYOTIRMOY BOSU:** Professor Chattopadhyaya has categorically stated that no licence has been given improperly....

**MR. SPEAKER:** Order, order, I have not called him. Prof. Chattopadhyaya.

**THE MINISTER OF COMMERCE (PROF. D. P. CHATTOPADHYAYA):** Mr. Speaker, Sir, this has reference to the privilege motion against me which, to my mind, deals with the following points. Firstly, if the licences were issued according to the rules, why they have been impounded since? During the course of the CBI investigation, trafficking in licence was suspected. The Chief Controller of Imports and Exports issued a show

cause notice on the licenses, asking them to explain why their licences could not be cancelled and, during the pendency, the licences have been rendered inoperative. The act of rendering the licence inoperative is on the ground of suspected trafficking and not on the eligibility or otherwise of the licence.

The second question is whether the firms in question have been indulging in trafficking in licences. I said in the Lok Sabha on the 9th September, which has been referred to by hon. Members, and I quote:

"Nothing to our knowledge has been brought raising or warranting any doubt that these licences have been trafficked into".

I also said then and I would like to reiterate now :

"If it is brought to our knowledge, we will look into it."

This is precisely what is being done.

Third. Whether these firms are benami, non-existent, black-listed and their Income-tax verifications have not been ascertained?

Available records show that these firms are established quota holders, do not figure in the list of firms debarred or kept in abeyance by the Chief Controller of Imports and Exports, and their Income-tax verifications, either in respect of payment or exemption, were duly ascertained before the grant of licences.

Fourth. The names of certain officers of the Ministry have been mentioned.

As this point has already been clarified by the Home Minister on behalf of the Government, I do not like to say anything more except that unless something to the contrary comes to the eye of law, the presumption of

their innocence should not be questioned simply because their names have been mentioned in a sensitive context.

Finally, as regards the point of "Reports" of CBI, I would submit that besides an interim CBI Report on the verification of the authorship of the letter dated 17th November, 1972, and another Report of verification into an application purporting to bear the signature of several M.Ps., I was referring to a letter from the CBI to the Chief Controller of Imports and Exports with regard to the alleged trafficking in licences by the importers in question.

Mr. Speaker, Sir, from what I have said, it will be clear that there is no inconsistency between my earlier submissions before the House and the subsequent course of events.

I would like to humbly affirm that I never had the slightest intention to mislead this august House.

SHRI JYOTIRMOY BOSU: I rise on a point of order, Sir. I have already written to you, giving detailed analysis....

MR. SPEAKER: A point of order on what?

SHRI JYOTIRMOY BOSU: On what he has stated.

Prof. D. P. Chattopadhyaya, on the floor of Parliament, on 27th August, categorically, stated:

"The licence has been issued strictly on merits and it is maintained that the licences are issued in accordance with the rules and regulations. There is nothing illegal or irregular and that allegation of bribery is absolutely incorrect. The reference made by some hon. Members about some bribery or money considerations in issuing licences is extremely unfortunate...."

[Shri Jyotirmoy Bosu]

He firmly said that it was absolutely unfortunate and he further said that the licences were issued purely on merits....

MR. SPEAKER: What is your point of order?

SHRI SHYAMNANDAN MISHRA (Begusarai): This is the point.

MR. SPEAKER: It is not a point of order.

SHRI SHYAMNANDAN MISHRA: Why not? (Interruptions).

MR. SPEAKER: Why are you interrupting, Mr. Mishra? (Interruptions).

DR. KAILAS (Bombay South): He cannot address the Speaker like this. (Interruptions).

SHRI C. M. STEPHEN, Muvattupuzha: I rise on a point of order. (Interruptions).

MR. SPEAKER: All of you may please sit down.

I am sorry, Mr. Shyamanandan Mishra started it. There was nothing. I have a right to ask the Member to be relevant.

SHRI SHYAMNANDAN MISHRA: What was he doing then? We must be allowed to perform our duty.

DR. KAILAS: We cannot tolerate this sort of behaviour with the Speaker by Mr. Shyamnandan Mishra..... (Interruptions).

MR. SPEAKER: Let me listen to the point of order. I had asked him to raise only his point of order and in between there was an intervention for nothing.

SHRI JYOTIRMOY BOSU: Sir, on the 9th September.... (Interruptions). When the Leader of the House, the

Leader of the Party, is present here, how are they behaving.... (Interruptions).

MR. SPEAKER: Why do you make unnecessary observations which have nothing to do with the point of order?

SHRI VASANT SATHÉ (Akola): Have you allowed him to raise the point of order?

MR. SPEAKER: He said that he wanted to raise a point of order, and when he was making a regular speech, I interrupted him to be relevant to the point of order and then Mr. Shyamnandan Mishra, in between, made an intervention.

श्री श्री राम सहाय पांडे (राजनंदगांव) : श्री अटल बिहारी वाजपेयी ने बड़े रोष के साथ कहा था कि हम सदन की कार्यवाही को नहीं चलने देंगे। मैं भी एक निवेदन करना चाहता हूँ। अगर ये आपका सम्मान नहीं करेंगे, आपकी कृति नहीं मानेंगे, आपको प्रतिष्ठा नहीं देंगे तो हम भी इनको बोलने नहीं देंगे और हम भी इनको नहीं सुनेंगे।

अध्यक्ष महोदय : पार्लिमेंट इसलिए है कि आपस में शांति से बहस की जाए और सब को साथ ले कर चला जाए। सब को कनविस करना पड़ता है। अगर इस तरह से आप लोग हकावट पैदा करेंगे, गड़बड़ करेंगे तो कोई काम तो होगा ही नहीं और यही काम चलेगा। मैं दोनों साइड्स से अपील करता हूँ कि शांति से काम लें।

SHRI JYOTIRMOY BOSU: I gave a notice under the Rules this morning....

MR. SPEAKER: The Prime Minister wants to say something.

SHRI JYOTIRMOY BOSU: Leave it to me. I know what courtesy should be shown to the lady. Whether a person deserves it or not, I will

certainly consider. Bearing the fact in mind that she is a lady Member, I sit down.

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS AND MINISTER OF SPACE (SHRIMATI INDIRA GANDHI): I am not getting up as a lady. It does not concern me at all whether Shri Jyotirmoy Bosu considers me a lady or a gentleman. That is his business. It makes no difference to me what others may think of me.

SHRI PILOO MODY (Godhra): Don't be so ungallant.

SHRIMATI INDIRA GANDHI: I am sorry, I was a little late and, therefore, I did not hear the remarks made by the hon. friend opposite, Shri Shyamnandan Mishra. But it is obvious from what I hear from the other side.... (Interruptions). Why I lend credence to what is being said on this side is that day after day I hear the hon. Members from the other side attempting to cast aspersions on your impartiality here, not outside, and on what we consider the dignity of the Speaker. Obviously, if some such things is stated or done by the opposite side, members on this side feel agitated. Nobody wants shouting—but we cannot have it that one side, the smaller side of the House is always shouting and is holding the House to ransom.... (Interruptions). If Shri Shyamnandan Mishra has not said anything against you, Sir, then I have absolutely nothing to say.

I wish to appeal to the hon. House to realise that we have got very little work done in this session. We have a heavy agenda and there are many important issues. The situation in the country and the world deserves

serious consideration. I appeal to all sides. Unless hon. Members of the Opposition co-operate in this, what is the point in merely asking this side to keep quiet.

SEVERAL HON. MEMBERS rose.

SHRI SAMAR GUHA (Contai): Place all the CBI reports on the Table of the House.... (Interruptions).

SHRI JYOTIRMOY BOSU: It is no Government worth the name. You want to run away? You want to shield the criminals and that is why you went to the court in defiance of the assurance given to the House.

SHRI K. LAKKAPPA (Tumkur): How far are you going to allow him to speak all sorts of things? Unless you regulate the House according to the Rules, it will be very difficult for us to function. It is not their monopoly. We know the procedure.

SHRI SHYAMNANDAN MISHRA: Personal reference is made to me, by the hon. Prime Minister who did not happen to be present in the House at that time and on the basis of the information from her friends here she has come to certain unwarranted conclusions.

SHRI K. LAKKAPPA: Why do you allow him? Under what rule do you allow him?

SHRI PILOO MODY:\*

SHRI K. LAKKAPPA:\*

SHRI ATAL BIHARI VAJPAYEE (Gwalior): Let him not talk like that. This should not be allowed.

SHRI K. LAKKAPPA: Uncharitable remark is made against us.



MR. SPEAKER: Mr. Lakkappa, why did you use that word?

SHRI K. LAKKAPPA: Sir, I would like to submit to this House, I have great respect for the House and for hon. Members. Mr. Piloo Mody said....\* (Interruption). What does it mean?

MR. SPEAKER: I am sorry; no such word should be used; in spite of the interruptions and noise, nobody should use such word. They will not form part of the proceedings. They will not be put in the proceedings of the House. Order, please. May I request you, whatever be the difference, whatever be your views, please express them in a better way, in a calm manner?

SHRI SHYAMNANDAN MISHRA: What has happened just now is a clear indication of who observes decorum and who does not. We have been observing that there is organised systematic attempt on the part of the ruling party to scuttle opposition from performing its duty. What happened this morning when the hon. Member Mr. Jyotirmoy Bosu, about whom I must say, that with all the respect he commands in the House, he is being prevented from getting his due in making a contribution in this House. His views and my views are diametrically opposite on many matters but I do feel the hon. Member, Mr. Bosu, who happens to be the Chief Whip and Secretary of the Party and has got a place in the House, is being prevented from performing his duty.

Secondly, when he began his speech only after two or three words the Chair was pleased to say that he should not proceed in the matter and there were organised and systematic interruptions on the part of the ruling party. Some times, with due deference to the Chair, if I may say so, there are interruptions from the Chair and this is a matter which is bound to irritate us,

MR. SPEAKER: Let me make my position clear. In the very beginning without my permission he started reading the privilege motion on which I said the ruling was given yesterday that so long as one privilege motion is under consideration the other cannot be taken up. He sat down and the other item came. You can see the record. He started making a regular speech and I just said he should speak only on the point of order raised. In the meanwhile, what Mr. Mishra, said followed. Even when I call the attention of the Member to relevancy and you say why do I obstruct then I cannot help it. (Interruption)

SHRI JYOTIRMOY BOSU: He has made a statement and arising out of that this is the point of order that I want to make.

Sir, my point of order is: Prof. D. P. Chattopadhyaya on the Floor of Parliament categorically stated that the licences have been strictly issued on merits and it is maintained that the licences are in accordance with the rules and regulations.

Now, Sir, also on 9th September, he said:

"I, therefore, decided in September, 1973, that some relief may be accorded to such of the importers of Yanam and Mahe, who fulfilled the rules of eligibility."

My submission is that the issue of special additional licences was discontinued from October, 1959. That is number One. My second point is that the concern's application was rejected earlier because it did not fulfil the conditions laid down in the relevant public notice for the grant of such licences.

In that context, I want to ask the hon. Minister as to how these special additional licences were granted even though it was totally banned from October, 1959.

\*Not recorded.

My third point is this: How can they suddenly make up the lapses that were there in the original application which debarred them from receiving the licences.

My contention therefore is that the statement made on the floor of the Parliament is totally false. He has misled the House and it is wholly untrue.

MR. SPEAKER: Mr. Bosu this is not a point of order.

SHRI SHYAMNANDAN MISHRA: Sir, I rise on a point of order.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Today, the hon. Minister has made the statement and the matter should now rest there. You should now go to the next business. Everybody goes on speaking endlessly. This matter cannot go on endlessly. He has already made a statement. It cannot go on endlessly.

MR. SPEAKER: I would listen to the point of order for a minute each. You have made a speech in other matters. And then the Minister gave a reply.

Don't make a speech like Mr. Bosu. I now find that—he himself says that—he is asking questions. You can raise a point of order. Now, all of you will please sit down.

SHRIMATI MAYA RAY (Raiganj): Sir, may I rise on a point of order. My point of order is this. I do not object to what the hon. Members say here. But, what I do object to, is the manner in which the Chair is addressed. I would like your ruling as to what degrees of courtesy are required of the hon. Members in this Houses in addressing the Chair?

SHRI JYOTIRMOY BOSU: (\*)

MR. SPEAKER: What all is said by the hon. Member just now will not form part of the record.

श्री मधु लिनये (बांका) मुझे एक प्वाइंट आफ आर्डर रेंज करना है ।

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है ।

श्री शंकर बयाल सिंह : प्वाइंट आफ आर्डर पर आप ने एक विरोध पक्ष के सदस्य को मौका दिया अब आप इधर के सदस्य को मौका दीजिए ।

अध्यक्ष महोदय : आप को भी दूंगा । लेकिन आप को खड़ा तो होना चाहिए ।

श्री शंकर बयाल सिंह : मैं आप से अनुरोध करना चाहता हूं कि आप इस कुर्सी पर बैठें हैं । आप एक बार इन की तरफ देखें, एक बार इधर देखें । बार बार उन को ही मौका मिलता है, हम को मौका नहीं मिलता । अभी आप ने ज्योतिर्मय बसु को मौका दिया तो अब श्रीमती माया रे को मौका दीजिए ।

श्री अटल बिहारी वाजपेयी : जहां तक देखने का सवाल है आप उधर ही देखिए लेकिन मौका इधर ही दीजिए ।

श्री शंकर बयाल सिंह : आप न उधर देखिए और न इधर देखिए, आप सामने देखिए तो मैं दिखाई दूंगा ।

अध्यक्ष महोदय : मैं आप की तरफ जरूर देखूंगा लेकिन आप शान्ति रखिए । यह रोज ऐसे ही चलना ठीक नहीं है । क्यों कि आप ज्यादा हैं, चेंबर अकेली है इसलिए आप मेरा भी ब्याल रखें तो ज्यादा अच्छा होगा । फिजिकली भी इस तरह से रोज चलना इम्प्रासिबल है ।

**श्री अटल बिहारी वाजपेयी :** अध्यक्ष महोदय, नियम 222 के अन्तर्गत हम लोगों ने कुछ मंत्रियों के खिलाफ विशेषाधिकार के उल्लंघन के प्रस्तावों की सूचना दी थी — आप ने हमें वे मामले उठाने की इजाजत दी। अब नियम 222 के अन्तर्गत :

"The Speaker, if he gives consent under rule 222 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and while asking for leave to raise the question of privilege, make a short statement relevant thereto:"

आगे कहा गया है। आप ने रिक्र्यूज तो नहीं किया, हमें इजाजत दी, इसलिए मैं आगे का पढ़ रहा हूँ।

"Provided further that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time...."

अब दूसरी स्टेज आती है :

"If objecting to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty-five members rise accordingly, the Speaker shall declare that leave is granted. If less than twenty-five members rise, the Speaker shall inform the member that he has not the leave of the House."

मुझे बड़ी खुशी है कि प्रधान मंत्री जी ने कहा कि वह चाहती हैं कि नियमों के अनुसार सब काम चले तो अब आप नियमों का पालन कीजिए। ....

**यवधान)** ... यह गला फाड़ कर चिल्ला हैं, यही नियमों का पालन हो रहा है।

**अध्यक्ष महोदय :** मंत्रियों ने वक्तव्य दे दिया। अब आप को निर्णय करना है। लेकिन निर्णय करने से पहले मंत्रियों के वक्तव्यों में कहाँ खामियाँ हैं, कहाँ कमी है, किस तरह से उन्होंने सदन के सामने सारे तथ्य रखने से इन्कार किया। . . .

**अध्यक्ष महोदय :** यह बताइए कि यह कहाँ निष्ठा है कि मंत्रियों के बाद भी यह चलेगा ?

**श्री अटल बिहारी वाजपेयी :** आप कोई फैसला करें उस से पहले आप अगर हमें नहीं सुनेंगे तो आप को फैसला करने में मदद नहीं मिलेगी।

**अध्यक्ष महोदय :** चार दिन आप को ही सुनता रहा।

**श्री मधु लिमये :** मैं बता रहा हूँ कि क्या प्रोसीजर होना चाहिए, आप मुझे सुनिए।

**श्री अटल बिहारी वाजपेयी :** अध्यक्ष महोदय, हम आप की मदद करना चाहते हैं।

**अध्यक्ष महोदय :** मेरी मदद तो अच्छी कर रहे हैं आप। मैं जरूर मदद ले लूँगा अगर जरूरत पड़े।

**श्री अटल बिहारी वाजपेयी :** अध्यक्ष महोदय, आप को यह फैसला करना है कि क्या मंत्रियों के सारे आश्वासन जिन के बारे में दावा कर रहे हैं उन्होंने पूरे कर दिए क्योंकि उन्होंने जांच के परिणामों से सदन को सूचित कर दिया, क्या वे इस से पूरे हो गए? हमारा कहना है कि वे आश्वासन तब तक पूरे नहीं होंगे जब तक की सी बी आई की रिपोर्ट सभा पटल पर नहीं रख दी जाती। अब आप को फैसला करना है, आप को हमारे अधिकारों की रक्षा करनी है।

**अध्यक्ष महोदय :** मैंने तो पोजीसन अभी बता दी।

**श्री अटल बिहारी वाजपेयी :** आप ने बता दी जो गृह मंत्री ने चिट्ठी लिखी थी उस के बारे में। लेकिन सदन को दिए गए आश्वासन पूरे होंगे या नहीं, वे पूरे हो गए या नहीं, इस का निर्णय कौन करेगा ? यह निर्णय बहुमत नहीं कर सकता। बहुमत तो इन के साथ है। लेकिन सी० बी० आई० की रिपोर्ट आनी चाहिए। उस के बिना सदन को विश्वास में लिया गया यह नहीं माना जाएगा। यह हमारा कहना है और यह मंत्री महोदय बारी-बारी से बयान दे रहे हैं लेकिन वे सी० बी० आई० की रिपोर्ट रखने के लिए तैयार नहीं हैं।

**श्री मधू लिमये :** मेरा प्वाइंट आफ आर्डर है। मैं पहले से खड़ा था, मुझे रेकनाइज कीजिए।

**श्री शंकर दयाल सिंह :** मेरा व्यवस्था का प्रश्न पहले सुन लीजिए।

मेरा व्यवस्था का प्रश्न नियम संख्या 349, 350, 351, 352 और 353 के अनुसार है। मैं आप से इस के साथ एक अनुरोध यह भी करना चाहूंगा कि 349 से लेकर 353 तक के नियमों को आप एक अलग से साइक्लोस्टाइल करा कर मेम्बरों को भेज दें जिस से सदन की कार्यवाही करने में सुविधा हो जाए।

349—: Rules to be observed by members while present in the House.

350—Member to speak when called by Speaker;

351—Mode of addressing the House.

352—Rules to be observed while speaking;

353—Procedure regarding allegation against a person.

मैं इन नियमों को आप के सामने रखना चाहता हूँ और आप की व्यवस्था इस में चाहता हूँ अभी माननीय सदस्य श्री वाजपेयी जी ने कहा कि मैं सदन की कार्यवाही नहीं चलने दूंगा जब तक सी० बी० आई० की रिपोर्ट नहीं आती 2666 LS—9

है। इस प्रकार की बातें सदन में पहले भी कही जा चुकी हैं। मैं आप से जानना चाहता हूँ कि यह सदन क्लर्क श्रीर रेगुलेशन के अनुसार चलेगा, आपके आदेशों के अनुसार चलेगा या इन के डराने धमकाने से चलेगा ? यह बड़े ही धिक्कार की बात है कि कोई मेम्बर इस तरह की बात करता है। उन को इस तरह की भाषा का प्रयोग नहीं करना चाहिए नहीं तो मैं आप की सेवा में यह अपील करना चाहता हूँ कि इससे भी बड़े शब्दों का प्रयोग करना हम लोग भी जानते हैं। इसलिए मैं आप से यह अनुरोध करना चाहता हूँ (हूँ ब्यबधान) मैंने एक भी संसदीय शब्द का प्रयोग नहीं किया है, यद्यपि हम भी इन से बड़े शब्दों का व्यवहार करना जानते हैं।

**अध्यक्ष महोदय :** नियम सं० 349 350, 351, 352 और 353 के तहत आप की व्यवस्था चाहता हूँ। मैं आप से अनुरोध है, करना चाहता हूँ प्रतिदिन कार्य संवादन के लिये सदन के सामने एक कार्य सूची होती है इस लिये जो बातें हो चुकी हैं उन को समाप्त कर के कार्य सूची के अनुसार सदन की कार्यवाही चलायें। मैं चाहता हूँ कि आप इस पर अपना रुलिंग दीजिये।

**अध्यक्ष महोदय :** रुलिंग तो कई बार दे चुका हूँ—हाउस कार्य सूची के मुताबिक चलना चाहिए, एक दूसरे की बात सुननी चाहिए, रुकावट नहीं डालनी चाहिए, शान्ति से बैठना चाहिए, जब एक बोलता हो तो दूसरे को नहीं बोलना चाहिये, शाउट नहीं करना चाहिए, एक दूसरे पर रौब नहीं डालना चाहिये गलत लपज का इस्तेमाल नहीं करना चाहिये और इस हाउस की परम्परा, डिगनिटी और डेकोरम को रखना चाहिये। ये बातें मैं बहुत दफा कह चुका हूँ—बार बार क्या कहूँ।

**श्री शंकर दयाल सिंह :** ठीक है, आप इन नियमों को साइक्लोस्टाइल करा कर सदस्यों को भिजवा दें।

**अध्यक्ष महोदय :** आप लोग अब इस मामले को यहीं छोड़िये . . .

**श्री मन्मथ सिमर :** जी नहीं, मैं प्वाइंट आफ ऑर्डर पर खड़ा हूँ—जब मेरी टर्न आती है तो आप कहते हैं कि इस को यहीं छोड़-बीजिये । आप हमेशा ऐसा करते हैं—मैं नहीं छोड़ रहा हूँ ।

**श्री सनवर गृह (कन्टाई) :** आप हिम्मत दिखायें तो छोड़ सकते हैं—सी. बी. आई. की पूरी रिपोर्ट यहां पेश करायें तो छोड़ सकते हैं । रिपोर्ट पेश करा दें तो आप को छोड़ेंगे, हाउस को छोड़ेंगे, प्राइम मिनिस्टर ने जो कहा है उस को मानेंगे—लेकिन पहले पूरी रिपोर्ट टेबिल पर आनी चाहिये । रिपोर्ट का पेश होना देश के सम्मान के लिये, पार्लियामेंट्री इस्टीमेशन के सम्मान के लिये जरूरी है । आज सारे देश की निगाह हमारी पर्सलियामेंट पर है । प्राइम मिनिस्टर को इसे सम्मान चाहिये . . . . . (अवधान) . . . .

**श्री इन्द्रजीत गुप्त (अलीपुर) :** मि० स्पीकर, जिस मामले को लेकर यह झगड़ा चल रहा है, जिस को चार पांच रोज हो गये हैं, वह सी. बी. आई. रिपोर्ट के बारे में है । वह सही हो या गलत हो, यह दूसरी बात है—लेकिन उस वक्त जो अण्डस्टेकिंग, जो एम्प्लॉयर्स दी गई थी, उस के अनुसार इस रिपोर्ट को हाउस के सामने . . . . . (अवधान) . . .

मैं यह फर्मा रहा था—आप कहते हैं कि आप क्लिग नहीं दे सकते हैं, जब कि आप ने पहले क्लिग दिया था, जिस को लोगों ने एक ढंग से समझा, लेकिन बाद में पता चला कि उस क्लिग का मतलब वह नहीं था जो लोग समझते थे । फिर आप ने कहा कि मैं इस मामले में क्लिग नहीं दूंगा । सरकार पर छोड़ देता हूँ, उन की खुशी है वह रिपोर्ट कैसा न दें; लेकिन सी. बी. आई. रिपोर्ट पर क्लिग नहीं दूंगा । इसीलिये यह मामला आगे चल रहा है . . . . .

**MR. SPEAKER:** Why do you distort my words?

**SHRI INDRAJIT GUPTA:** This is what you said: I am not going to give a ruling; I leave it to the Government.

**MR. SPEAKER:** Yesterday when Home Minister asked my guidance as to what part of that was prejudicial to the judicial proceedings and what part was not, I said that it was not my function to sit as a court and tell the court that this was prejudicial and this was not prejudicial. It is not the Speaker's job. I am not concerned with it. I have considered it after a detailed study of everything. I know my limitations.

**SHRI INDRAJIT GUPTA:** Nobody wants to interfere with the process of law in courts. Even if we want to, we cannot interfere. But there is the question of the rights of this House as a sovereign Parliament to judge the conduct or misconduct of one of its Members.

**MR. SPEAKER:** That is the basic thing.

**SHRI INDRAJIT GUPTA:** How can the House give its judgement unless facts are known?

**SHRI H. N. MUKHERJEE (Calcutta—North-East):** We are interested in having a full stop put to this matter in so far as we can, but certain of your observations a little while ago have complicated the situation.

**MR. SPEAKER:** In what manner?

**SHRI H. N. MUKHERJEE:** I will explain. With all respect and humility, in relation to what you have been pleased to observe a little while ago as well as in pursuance of the implications of what you had observed yesterday, I would like to submit that the point in regard to the CBI report

having to be laid on the Table of the House has been before us and as far as we can understand it, you gave the ruling that the document should normally be put on the Table of the House, but if Government had some objection or other, you would give them a sort of the benefit of the doubt....

MR. SPEAKER: No. Please do not misquote me.

SHRI H. N. MUKERJEE: We have not got the CBI report or any text purporting to be so. But we have heard from you yesterday that certain documents docketed in a different way—Appendix A, Appendix B etc.—have been placed before you by the Home Minister. I am not concerned if the Home Minister or any member or any citizen has any private confabulation with you and submits to you certain documents for your private, personal consideration and advice. But on this occasion, the Home Minister has submitted to you certain documents in a public capacity, appertaining to a matter of which the Parliament had taken notice in a very serious manner last session and we had gone away with the impression, and the whole country had the impression, that the matter would be examined by Parliament before even judicial proceedings were instituted. But in the absence of any paramount legal arguments about the hands of the Government being tied we have been told that the Government would not do anything in the matter. In the meantime, they have submitted before you some documents. You told us yesterday that you are not going to bother about them. But I say and I am sure my friends would support me in the contention, that since these documents relate to something of which Parliament has already taken cognizance and since they are sent to you in an official capacity by the Home Minister, you are under a bounden obligation consistently with your

prerogative as the spokesman of the House to have them examined and the only methodology to get them examined is through a parliamentary methodology. You have neither eyes to see nor ears to hear except through the eyes and ears of Parliament. Therefore, following Mr. Lenthall's observations in the 17th century, which have become part of parliamentary history, no matter howsoever the Prime Minister might laugh it away, you are under an obligation to examine it only by a parliamentary mechanism. Therefore, it is in order, and nothing else is in order, after having intimated to the House that you are kept in possession of certain documents sent to you by the Home Minister that you have to have them examined by a committee of the House, confidentially or otherwise, under your directions. We have to clear ourselves before the country. Parliament's reputation has to be preserved, not the reputation of the Prime Minister or the Congress Government in this country. We must do all we can to see that our members are exonerated from the blame that attaches to them even by suspicion, which might not be warranted. Therefore, I am not interested in smearing Shri L. N. Mishra or XYZ; I am not interested in it. I am sick to death bearing the names of Ministers, who are supposed to be culprits according to the allegations of some of us. I am not interested of some of us. I am not interested in it at all. But we are all interested in the honour and integrity of Parliament. And if after the last session we did not do anything, what will the country say?

Shri Uma Shankar Dikshit seems to imagine that he can do a vanishing trick. He made a statement as Home Minister which, his successor in office, to his commiseration is holding as a baby, but the other gentleman never even turns up. Is this the manner in which we can carry on in an orderly

[Shri H. N. Mukerjee]

fashion? The Prime Minister does not seem to bother about it. But we are bothered because the honour of Parliament is at stake.

You, Sir, have said in this House that you are in possession of documents supplied to you by the Home Minister. You have to examine them, and you can only examine them, through the method of a parliamentary committee, but under your direction. Do it in whichever way you like, give them whichever rational instructions you think it necessary to give them, but have it examined.

When those documents are examined, those documents might justify the government's conduct, those documents might justify you in coming to the conclusion that the government need not do anything more on it, and we shall be satisfied with it. But there must be a parliamentary examination, the examination by you would have to be a parliamentary examination because, I repeat, you have neither eyes to see nor ears to hear, except what the Parliament gives to you. Sir, you have a bounden obligation to examine this matter to save the honour of the House. You have to do it, and if you chose not to do it, it is your business.

श्री म. लिमये (बाका) : अध्यक्ष महोदय मैं इकट्ठे अपनी बात कहूँगा सारे प्वाइंट्स आफ ऑर्डर के बारे में इसलिये बीच में मुझे न टोकिये। इस समय मैं प्रोसीजर के सवाल पर हूँ कि हम कहाँ तक आये। जो चार प्रिविलेज के नोटिस दिये गये थे उस पर आप ने हमारी प्रीसिडनरी बातें सुनीं। उस के बाद मंत्रियों को मौका दिया। इस के दौरान दो प्रश्न उठे। एक सी. बी. आई. की रिपोर्ट के बारे में और इन मंत्रियों ने जो ध्यान दिये उस के बारे में।

आप को आगे क्या करना चाहिये, दो प्रश्नों के ऊपर मैं आप का स्पष्ट निर्णय चाहता हूँ।

कल आप ने कहा कि सब-जुडिस वाले मामले में मैं अपनी कोई राय नहीं देना चाहता। लेकिन मैं भ्रदब से भ्रज करना चाहता हूँ कि सी. बी. आई. की रिपोर्ट को सदन के सामने रखने की जो मांग की गई है वह व्यापक सदन की मान हानि का जो सवाल है उस के संदर्भ में की गई है। तो सब से पहली बात तो मैं यह बार बार कहना चाहूँगा कि सब-जुडिस का सवाल विवेक के मामले में बिल्कुल नहीं आ सकता है। अध्यक्ष महोदय प्रिविलेज का सवाल उठता है आर्टिकल 105(3) के तहत और आप के जो रूल हैं उस के नियम 118 के तहत। अब कांस्टीट्यूशन खोले बिना काम नहीं चलेगा।

आर्टिकल 105(3) इस प्रकार है :

"In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law".

ऐसा कोई कानून आज नहीं है।

"and until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

केवल हम को इतना हो स्पष्ट करना है कि 26 जनवरी, 1950 को हाउस आफ कामन्स के सब-जुडिस के बारे में क्या अधिकार हैं, और वह बन्धनकारक हैं आप के लिये, आप उस से भ्रम नहीं हो सके कि हमारे और सदन के अधिकारों का सवाल है।

शकधर की किताब में यह लिखा हुआ है :

The following observations have been made on the *sub judice* rule in regard to privilege questions.

यह कोटेशन में है। यह माननीय ब्रह्मानन्द रेड्डी की तरह का कोटेशन नहीं है :

"So far as privilege matters are concerned, a Legislature is the sole judge of its privileges and the rules of *sub judice* does not apply."

यह एक मिनट में मामला आप खत्म कर सकते हैं। लेकिन मैं देख रहा हूँ, खेद के साथ, कि आप के ऊपर जो दायित्व इस संविधान ने और हमारे नियमों ने डाला है उस दायित्व को आप सोचते हैं कि न निभायें और समझौते के और सरकार के सौजन्य से यह मामला हल हो जाये।

MR. SPEAKER: No, not at all.

श्री मधु लिमये : यही कहा, आप ने सरकार पर छोड़ा दिया। मैं कहना चाहता हूँ कि आप को अपने दायित्व को निभाना है। अध्यक्ष महोदय, क्या कहा गया है :

"The Committee of Presiding Officers.....

आप बार बार उस का हवाला देते हैं। जो आर्टिकल 105 में दिया गया है :

"The Committee of Presiding Officers has considered the scope of the rule of *sub judice* and recommended the following guide-lines:

- (1) Freedom of speech is a primary right whereas the rule of *sub judice* is a self-imposed restriction."

प्राइमरी राइट जो संविधान से निकलता है। और सुविधा के लिये हम लोग अपने ऊपर जो

बन्धन या रोक लगाते हैं उनमें श्रेष्ठ कौन सा है उस का फैसला करने में एक मिनट नहीं लगना चाहिये।

"(2) The rule of *sub judice* has no application in privilege matters."

अब मेरा व्यवस्था का सवाल यह है, माननीय ब्रह्मानन्द रेड्डी को हम ने सुना मैं कोटेशन से आप का समय नहीं लेना चाहता लेकिन उन्होंने घुमाफिराकर बात क्या कही कि सी. बी. आई. की रिपोर्ट एक नहीं है। यह तो माननीय चट्टोपाध्याय के पत्र से ही स्पष्ट होता है interim reports mainly from the CBI कि सी० बी० आई० की ही रिपोर्ट नहीं है और ऐजेन्सीज की रिपोर्ट भी इस बारे में है। तो घुमाफिरा कर क्या तर्क दिया गया कि अगर यह सदन की मेज पर रखी जायगी तो अदालत की प्रोसीडिंग्स प्रजुडिस हो जायेंगे। और यह तर्क दिया 18 तारीख को, और यही तर्क 14 तारीख को तुल मोहन राम ने दिया। इस का स्रोत एक ही है। क्या माननीय ब्रह्मानन्द रेड्डी, क्या तुल मोहन राम और क्या माननीय एच आर० गोखले, सभी सब-जुडिस का आधार ले रहे हैं। तो इस का स्रोत है प्राइम मिनिस्टर के ब्रन का। तुल-मोहन राम का लेटर भी उसी से निकला। अब आप को इस बात पर निर्णय देना है एक और सब-जुडिस वास्तव में हाउस आफ कामन्स में तो दूसरा की रिवाज है ....

MR. SPEAKER: I am very clear about it.

श्री मधु लिमये : मैं दूसरे पहलू पर आ रहा हूँ।



अध्यक्ष महोदय : मैं ने कहा इसमें न पड़िए । जो सब-जुडिस का रूल है इसके बारे में मैं क्लीयर हूँ ।

श्री मधु लिमये : आप हमेशा ही क्लीयर रहते हैं इसलिए सारा हाऊस कनफ्यूज्ड हो जाता है ।

Every Member of this House remarked on Friday last :

MR. SPEAKER: If you refuse to understand, what can I do?

श्री मधु लिमये : मुझे कहने दीजिए ।

अध्यक्ष महोदय : यह एक किताब है ।

The Law of Parliamentary Privileges in U.K. and in India

इस में सब में जुडिस के रूल का दुसरा प्रोजेक्शन बताया गया है ।

SHRI C. M. STEPHEN: There is no controversy on this. All that is not necessary. The rule of *sub judice* is not applicable to privilege question. That is a clear proposition. But that is not the question here.

13 hrs.

श्री मधु लिमये : आप इनको रोकिए । प्रिविलेज के मामले में लोक सभा के अधिकतर किसी भी अदालत से सुप्रीम कोर्ट से भी अलग और अछूट है । मामला सदन में पेंडिंग है । सब-जुडिस का अखिर कार मतलब क्या है under consideration of the Court. यह पार्लियामेंट भी प्रिविलेज के मामले में सर्वोच्च कोर्ट है ।

The matter is pending in the House which means under consideration of Parliament.

इस के बारे में पृष्ठ 226 पर इन्होंने कहा है :

"Comments outside the House on matters which are pending the decision of the Speaker or a Committee of the House or even in the House may also amount to a contempt of

the House on the grounds of an affront to the dignity of the House in attempting to influence its decision or pre-judging an issue."

इसका मतलब है कि जिस तरह कोर्ट में मामला चल रहा है बाहर कोई उसकी चर्चा करेगा तो कोर्ट कहती है

It is an affront to our dignity. This is an attempt to prejudge and prejudice the pending case.

उसी तरह जब

Parliament is seized of the privilege matter.

अगर बाहर की कोई भी प्रायोरेटी जैसे मैजिस्ट्रेट की कोर्ट हो कोई एक्शन हो क्रिमिनल प्रोसीजर कोड का या कुछ और हो कान्टीट्यूशन से सुपरियर नहीं है । 106 आर्टिकल के सामने क्रिमिनल प्रोसीजर कोड की जो धाराएँ हैं जिनको इन्होंने साइट किया है सब को झुकता है । क्रिमिनल प्रोसीजर कोड कोई चीज नहीं है जब मामला पार्लियामेंट के विचाराधीन है, सब-जुडिस वगैरह कोई मामला नहीं आता है । मैं आपका सदन की मान हानि के सवाल के ऊपर में स्पष्ट निदेश चाहता हूँ । निर्णय करने के लिए सी० बी० आई० की और अन्य एजेंसियों की सभी रिपोर्टें सदन के सामने रखना जरूरी है इससे आप निकल नहीं सकते हैं ।

प्रो० चट्टोपाध्याय के बयान के बारे में प्लान्ट आफ आर्डर का मेरा अंतिम मुद्दा है । इन्होंने अपने भाषण के दौरान में कहा आप इनके बयान को देखें -

श्री शंकर बहाल सिंह : जितनी देर माननीय सदस्य कागज खोजने में लगाते हैं उतनी देर में मैं कले एंड शफर की पुस्तक

जिसको इन्होंने कोट किया है, उसमें जो पृष्ठ 924 पर लिखा है उसको पढ़ देना चाहता हूँ। उसमें लिखा है।

जो सदस्य व्यवस्था का प्रश्न उठाना चाहता हो उसे यह अधिकार है कि अध्यक्ष द्वारा निर्णय दिये जाने से पहले वह अपनी बात कैसे कह।

अब आपने निर्णय दे दिया है। फिर ये कैसे उठा सकते हैं। यह किताब में लिखा हुआ है। इस किताब में यह बात लिखकर इन्होंने हमें भारी परेशानी में डाल दिया है। इन्होंने कागज खोजने में इतनी देर लगा दी है। इनको चाहिए था कि कागज पहले से लेकर चलते।

श्री इयाम नन्दन मिश्र : कोन गड़बड़ी कर रहा है।

श्रीमती इविरा गांधी : वह कागज बूढ़ रहे थे इस बीच इन्होंने अपनी बात कह ली है।

श्री अटल बिहारी वाजपेयी : श्री ब्रह्मा नन्द रेड्डी भी उस दिन कागज बूढ़ रहे थे या नहीं?

श्री जय लिये : कागज नहीं बूढ़ रहा है क्योंकि प्रो० चट्टोपाध्याय का बयान बेरे पास है ही नहीं। उन्होंने अपने बयान में कहा कि सी बी आई की कोई रिपोर्ट नहीं है, केवल सी बी आई का काम ईमिन स्ट्रिके नाम से एक पत्र है। अभी कहा है। हाउस के सामने यह गलत बयानी हो रही है आप के सामने ही रही है। आपको मने दो बार यह पत्र पढ़कर सुनाया जा जिस में उन्होंने कहा था—ये उनके शब्द हैं :

"Certain consequential action had to be taken on receipt of the interim reports mainly from the CBI."

अब क्या रिपोर्ट नहीं है पत्र है? रिपोर्ट को गायब कर दिया है इन्होंने आप के सामने यह सब हो रहा है। दूसरी बात है मन्त्रीफ्राम दी सी बी आई। इसका मतलब है अगर इनक्विस्टीटिव एजेंसी की रिपोर्ट सार्वजनिक तक नहीं करते हैं जिन्होंने ईन्डो बन्गला देश ट्रेडिकारपोरेशन के ऊपर छाप मारा इन रिपोर्ट्स का ये जिक्र तक नहीं करते हैं। सदन को जान बूझ कर धुमराह कर रहे हैं। इस लिए आप हमारे प्रिविलेज मोशन को से लें और सी बी आई रिपोर्ट्स के बारे में स्पष्ट निर्णय दें।

SHRI N. K. P. SALVE (Betul): In fact we have never disputed that the right of the House is supreme where the question of privilege is involved and you, in your wisdom, allowed so much of debates on them. What their objective to-day is that under the garb of raising points of order what is virtually being discussed is a ruling which you have given yesterday. Even for the purposes of privilege, if the rights of this House are utterly supreme, then, it only means that this House can debate and discuss the privilege. But whether or not in such a debate a document has to be tabled is a matter for which various considerations will come. You, in your wisdom, have yesterday stated that you are not going to decide that issue, whether it has to be tabled or not. When that decision has been taken and communicated that is not to be laid on the Table of the House at your command, they are virtually asking again and again every day that it has to be laid on the Table of the House and that you should give such a direction. Whether under the garb of raising a point of order or a point of disorder, whatever it may be, it is virtually nothing but re-agitating the issue on which you have given your

[Shri N. K. P. Salve]

ruling. Therefore, I seek your protection that if the ruling has been given yesterday, it was a ruling that you are not going to determine and decide whether the document is to be tabled or not in connection with the privilege. That is the ruling that has been given and it is final and binding on everybody and I submit nobody should be allowed to agitate that issue.

SHRI JYOTIRMOY BOSU: I want to elicit one information—whether yesterday in the meeting of the Congress Party executive it was decided that the CBI report will not be tabled in the House. We want to know that.

SHRI C. M. STEPHEN (Muvattupuzha): I just want to reiterate what I submitted the other day, just to put the matter in the proper perspective. What exactly the point of order I am raising is just this. You must now proceed and determine the question as to whether the privilege motion which has been given notice of is admissible or not. That is the only matter we are now discussing and all the others are ancillary matters.

The proposition my friend, Shri Madhu Limaye, has propounded that during the deliberations of a question of privilege, the question of sub-judice does not come, is unexceptionable. I do not challenge that proposition. The question now is whether this privilege motion should be admitted for consideration or whether he must be permitted to ask for the leave of the House. That is where we are now. As an exceptional case, my friends who gave notice of the motion, were given freedom to speak. The incriminated Ministers were permitted to reply to that. You should now proceed to the question of ruling. Then, Sir, I would submit, having heard every-

thing, that there are two considerations from which there cannot be any escape.

Sir, Rule 224 says about conditions of admissibility. Please see Rule 224, sub-rule (iii)—It says where 'the matter requires the intervention of the House.' The right to raise a question of privilege shall be governed by the following conditions, and then, these conditions are given, and under sub-clause (iii) you have this 'the matter requires the intervention of the House'. What is the allegation here? The allegation is in respect of certain assurance which was given and they say this assurance has not been carried out and therefore there is contempt of the House and so on. That was the main allegation. As to whether the assurance was given, as to whether it was deliberately not carried out, what are the contents of that assurance, whether the assurance is in the same form as it is propounded, these are all questions on which there are very serious doubts. Mr. Gokhale held out the proposition yesterday that the assurance was not what friends from the opposition said it was. And here one question arises. Who is to determine? How it is to be determined? My submission is that the rules provide a machinery which decides these things. The machinery is given under Rule 323. It says:

"There shall be a Committee on Government Assurances to scrutinize the assurances, promises, undertakings, etc. given by Ministers, from time to time, on the floor of the House and to report on—

(a) the extent to which such assurances, promises, undertakings, etc. have been implemented.."

My submission is this. There is a Committee already which is constituted by you. That Committee has got the jurisdiction to determine

what assurances have been given and how they have been carried out, etc. Please let me conclude....

MR. SPEAKER: Just a minute, please. Now everything is before us. I have given the ruling and after all that, this is going on, points of order, this and that. May I tell you one thing? My ruling yesterday arose out of a letter which the Home Minister wrote to me during lunch time, which reached me at about 3-30 or so. I think that was on the 22nd. In that letter he had sought my guidance about which matter in the C.B.I. Report will prejudice the judicial proceedings and which will not. And, in the meanwhile, he sent me that report also.

I made it clear yesterday that it is not the Speaker's job to mark out that these lines or these observations will prejudice the Court's decision or these will not prejudice, etc. I am in no position to express such opinion, nor is it my duty or function. This was the sense of my observation yesterday.

As far as the laying of the C.B.I. Report is concerned, well, it is not for the Speaker to lay on the Table on behalf of the Government. It is their business to do it or not to do it. This was what I said yesterday and I still hold it. As for the privilege motion and the position explained by my hon. friends, Sarvashri Bosu, Limaye, Mishra and Vajpayee and others that the rule of *subjudice* does not apply to the proceedings regarding privileges motion, I have no difference of opinion over that. I am going to see the proceedings and the observations which have been made because so much has gone on record. After that I want to give my ruling. It is because so many things have been said, I thought, I must see them again before I give my observation so that you may not be in a position to say later that something has been left out.

I am very clear that I cannot decide on judicial proceedings. Mr. Home Minister's letter put me in great difficulty. I am sending it back today. It is their business to lay or not to lay.

AN HON. MEMBER: Please fix a date for your ruling.

SHRI C. M. STEPHEN: Sir, if it is your position that you are giving a ruling then I will not proceed further but if they are going to speak then I may be allowed to continue.

MR. SPEAKER: I thought you have finished. Before you, Mr. Mishra, was standing. I told him I will give him one minute for his point of order. After that I am not going to listen. You, please, finish in one minute. I have to conduct the proceedings of the House. I have to listen to the points of order. Let me know how can I refuse a point of order. Mr. Sezhiyan says that he has not made his observation even once.

(Interruptions)

SHRI C. M. STEPHEN: What I was submitting to you was that under the rules, mere violation of an assurance will not constitute a breach of privilege.

MR. SPEAKER: I want to study the rules. What is the use of forcing so many things on me again?

If all of you speak simultaneously I cannot listen to you. What is all this? Please sit down. You are all addressing the Chair. After all, there should be some procedure or method. You cannot force me like this. These are privileges which cannot be discussed here.

SHRI S. M. BANERJEE (Kanpur): Why don't you allow me to make my submission?

MR. SPEAKER: I am not listening to you. I am calling the other hon. Member. Mr. Mishra.

SHRI SHYAMNANDAN MISHRA: Mr. Banerjee, if you want, I can yield to you.

Sir, the Chair has given guidance to the House in the situation in which the House finds itself at the moment. (Interruptions).

MR. SPEAKER: May I request you all kindly to sit down?

SHRI SHYAMNANDAN MISHRA: Earlier, we had complained of a breach of privilege against the Ministers. They have come out with a statement that they have not committed any breach of privilege. We made our complaints on the basis of certain concrete grounds. We had quoted from the proceedings of the House. Now it is only interpreting the statement of the hon. Minister as against the factual statement made by the hon. Ministers on that side of the House that they have not committed a breach of privilege. How do you solve this problem now? These are the questions. Today the hon. Minister of Commerce said that he had not committed a breach of privilege although we have made it categorically clear that he said earlier that no injustice had been done and that every case had been considered on merits and all the licences were granted in consideration of justice and equity.

It now transpires that the charge-sheet itself contains that these licences had been cancelled. Now they say they were given on the basis of justice and equity. What was the reason for this?

SHRI C. M. STEPHEN: Sir, we are also entitled to know what is happening here. There must be an end to this matter. Instead, there is a regular discussion that is going on.

SHRI SHYAMNANDAN MISHRA: In fact, it was backed by quotation that the licences were granted in a very shady manner. And now that is being proved by the charge-sheet which has been submitted. That can be solved only by the production of the C.B.I. Report before us. Otherwise, it cannot be solved.

अध्यक्ष महोदय: आप मिश्रा जी आप प्वाइंट ऑफ ऑर्डर पर बोल रहे थे।

श्री श्याम नंदन मिश्र: जी हां। मैं तो बोल रहा था। और मैं क्या कर रहा था?

अध्यक्ष महोदय: मैं कोशिश कर रहा हूँ देखने की कि क्या बोल रहे हैं।

SHRI SHYAMNANDAN MISHRA: You have to consider whether we can proceed with the discussion of the privilege motion without the production of the document. We have been landed in a blind alley. We cannot proceed a step further in this matter.

SHRI C. M. STEPHEN: We are not proceeding with the privilege motion at all because it has not been admitted. We proceed with the privilege motion only when it is admitted. The question is whether the privilege motion is in conformity with the rules. It is not...

MR. SPEAKER: Do not interrupt now.

SHRI SHYAMNANDAN MISHRA: It had been pointed out to you in the last two or three days that we act as the highest court of justice in the matter of privilege. We are guided by our own laws in this matter. There is no appeal from us in the matter of privilege. This has been pointed out to you during the course of the discussion. But may I add to it a further argument? Even when criminal proceedings are going on, commissions of inquiry have been appointed. What happened in the case of the murder of Din Dayal

Upadhyaya? A Commission of Inquiry called the Chandrachud Inquiry Commission was appointed. Similarly in other cases, commissions have been appointed. In a case in which offences have been committed in Parliament, we do not require any commission to go into them; we can examine the matter ourselves.

Therefore, this rule would not apply even when criminal proceedings have been going on in certain courts. May I also say this that the Chair will have to bear in mind that this inquiry was conducted in lieu of an inquiry by the House at that stage, and it was never the contention of the other side of the House that after the investigation had been conducted by the CBI it would not be open for the House to appoint a committee? So it is incumbent on them to produce the document even for the purpose, the limited purpose, of the consideration of the motions of privilege in this matter. We cannot proceed an inch further without that.

MR. SPEAKER: Shri Piloo Mody.

SHRI P. G. MAVALANKAR (Ahmedabad): I must have risen umpteen times. I had written to you yesterday and today. Please tell us what is the rule under which I cannot get an opportunity to speak?

MR. SPEAKER: If you take shelter under points of order, it will only mean endless prolongation of the matter.

SHRI P. G. MAVALANKAR: I have not expressed myself. How do you know that I am going to take shelter under a point of order? I have written to you yesterday and today. I am not shouting. You are not giving me an opportunity to speak.

SHRI S. A. SHAMIM (Srinagar): If shouting is necessary to catch your eye, let me shout.

SHRI P. G. MAVALANKAR: This is not the way to conduct the House.

MR. SPEAKER: That is very bad—if everybody advises me like that.

SHRI P. G. MAVALANKAR: You are calling only those who are shouting. You do not allow those who go by the law, those who write to you.

MR. SPEAKER: This is very unfortunate.

SHRI N. K. P. SALVE: Mr. Mavalankar is a very responsible person.

SHRI PILOO MODY: The Prime Minister just now was concerned that there is very important business connected with her great programmes, particularly the programmes that they have crashed through at Narora.

SHRI C. M. STEPHEN: What is the point? We are not going to allow this. Let nothing happen here. What is the point of order? We will not allow this. The matter is a point of order. Let it come.

SHRI H. N. MUKERJEE: Are you ashamed of Narora? I thought they should be proud about it.

SHRI C. M. STEPHEN: We are ashamed of Narora being talked about by the B.L.D. That is a grand alliance. They may mind their business.

SHRI PILOO MODY: I mentioned this in view of what the Prime Minister has said. It is true that legislation in this House has been very largely upset as a result of this particular thing on the licence scandal. You will recall and I will ask the Prime Minister also to check from her Minister of Parliamentary Affairs, that we all in the Opposition had given him a guarantee of a certain amount of official hours in which the Government business can go on provided that the

[Shri Piloo Mody]

House is not steam-rollered in this fashion.

The issue in point is very simple. On the first day of this session, 11th November at 12 O'clock the Home Minister should have placed the report on the Table of the House and asked the House for its opinion on how to proceed with this business. This was not done. You in your wisdom did not choose to pull up the Minister for not having performed his duty and thereafter privilege motions had to be introduced because it meant that certain assurances given by more than one Minister were not carried out. Therefore a series of privilege motions against all manner of Ministers were introduced in the House. Each one of these will be proceeded with, one by one, till the 20th December or later if you choose to extend the session or earlier if the Prime Minister wishes to dissolve Parliament. It will continue because after all the assurances given by representatives of 44 per cent of the people to representatives of 56 per cent of the people clearly stated that this report and what should have happened as a result of it should be a matter for the House and the House alone to discuss. A ruling like this was supposed to come out of you. You did not give that ruling. You gave a ruling full of ifs and buts and gave the Government any number of loopholes to escape.

MR. SPEAKER: It is a very clear ruling. There is also a rule on that subject. So, it is not only a ruling but quoting a rule also. Why do you mention it every day and say it is not clear? It is a definite ruling.

SHRI PILOO MODY: If you think that my understanding is wrong can you not have the patience till I have finished and then correct me?

MR. SPEAKER: What 'ifs and buts' were there? Kindly read it out. Let

me know where is the 'if' and where is the 'but'. Please quote my ruling. It is a clear ruling.

(Interruptions)

SHRI PILOO MODY: I wish you were not so sensitive on that particular ruling because not only did I not understand it; none of my colleagues also did not understand it; Stephen did not understand it; Sathe did not understand it. Salve did not understand it, Bhagwat Jha Azad did not understand it, the Home Minister too did not understand it. What is the point of defending that ruling?

MR. SPEAKER: If it was not clear to you, let me know where it was not clear.

SHRI PILOO MODY: I may tell you that you quoted the rules, but you did not give a ruling. There is a difference. Please let me finish.

MR. SPEAKER: Why do you lose your temper? Please do not do it.

SHRI PILOO MODY: As a result of that ruling, Government did not know what to do and the Home Minister has written you a letter.

MR. SPEAKER: The Home Minister has never mentioned the ruling in his letter. He asked my opinion as to what part will affect the judicial proceedings and what part not. I am prepared to show you the letter in my chamber. You are a very respected member and it does not look nice that we should quarrel over it.

SHRI PILOO MODY: My quarrel is not with you. My quarrel is with the Government. Why do you unnecessarily come into this? The Home Minister read out a letter, which ended by saying, "I seek your guidance." But your reply was not read out.

SHRI ATAL BIHARI VAJPAYEE: We are aware of the reply.

**SHRI PILOO MODY:** Now when the Home Minister is asking for your guidance, why is it that you do not give him clear guidance by saying, "In my opinion, I think you should place the report on the Table"? The bone of contention is very simple. All of us in the opposition are firmly convinced that there is some hanky-panky going on, the report has something revealing to say and that we are being deprived of that because they think that as a result of this, the scandal is going to go up further.

The Home Minister the other day said, and we have all now accepted, that the *sub judice* situation does not apply in this position. Yet, the Home Minister read the Cr. P. C. How does the CBI report in any way come under the Cr.P.C.? I do not want to get confused by lawyers, but I want to know what has an investigating agency to do with the Cr.P.C. You go and consult any good judicial expert, not these quacks who could not do well at the legal profession and have come to politics.

**SHRI VASANT SATHE:** It has the same relation which the profession of architect has to the construction of a building. (*Interruptions*)

**SHRI PILOO MODY:** Therefore, all the trouble that has arisen in the last week and more arises from this simple fact that the report has not been placed on the Table. I have said it once, I have said it many times. My colleagues here in the opposition have also said it that in Parliament we will be continuing this till that report has been placed on the Table. The Government because it can subvert procedures more freely than the opposition, will not be allowed to shield anyone as a result of not placing that report on the Table of the House.

**THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY. MINISTER OF ELECTRONICS AND MINISTER**

**OF SPACE (SHRIMATI INDIRA GANDHI):** We do not want to shield anyone.

**MR. SPEAKER:** The Minister of Parliamentary Affairs is giving lunch to the visiting Parliamentary Delegation and the time has been fixed at 1.30. So, we will take it up again tomorrow. Then I will hear only Shri S. M. Banerjee, Shri Sezhiyan and Shri P. G. Mavalankar and that also only purely on points of orders, for not more than half an hour.

We will now adjourn to meet again at 2.45 p.m.

13.42 hrs.

*The Lok Sabha adjourned for Lunch till forty-five minutes past Fourteen of the Clock*

*The Lok Sabha re-assembled after Lunch at forty-eight minutes past Fourteen of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

**MR. DEPUTY-SPEAKER:** Papers to be laid.

**SHRI JYOTIRMOY BOSU (Diamond Harbour):** Sir, I am told, a visitor has been found with an explosive in the Gallery. It will be desirable if the details are given to the House.... (*Interruptions*) I would like the correct facts to be given to the House before we take up any other work.

**श्री मधु सिमये (बांका) :** मुझे श्री बसु की तरह जानकारी मिली है कि बिजिटिंग गैलरी में कोई एक्स प्लोसिव बगैरह मिले है। जिस तरह जर्मनी में राइशटेग फायर केश हुआ था और उसके नाम पर पालियामेन्ट्री डेमोक्रेसी को खतम किया था हिटलर ने क्या उसी तरह से रघुरमैयाजी भी खुलासा करेंगे कि आप ही ऐसे लोगों को और एक्सप्लोसिव में गैलरी को नहीं भेज रहे हैं ताकि इस देश में पालियामेन्ट्री



[ श्री मधुलिमये ]

डैमोन्ट्रेसी को खत्म करके राइस टेग फायर केस के बाद जर्मनी में जिस तरह की तानाशाही आई थी उसी तरह की तानाशाही इस देश में भी आए और आप उसको लाना चाहते हैं. . (इंटरप्शंस) मेरा चार्ज है आपके ऊपर कि यू आर प्लांटिंग पीपल विद एक्सप्लोसिवज ।

श्री शंकर दयाल सिंह (बतारा) : बिल्कुल गलत है, बिल्कुल बेबुनियाद है ।

श्री मधु लिमये : राइस टेग फायर केस इस देश में एनकट किया जा रहा है ।

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : What he says is baseless, has no foundation. (Interruptions).

MR. DEPUTY-SPEAKER: Order, please. Will all of you sit down?

श्री रामावतार शास्त्री (पटना) पास किसने दिया है ? यह राइटिस्ट्स तत्वों की कार्रवाई है ।

MR. DEPUTY-SPEAKER: Mr. Ramavatar Shastri, will you kindly sit down?

Now, a certain thing has been mentioned in the House. I am not aware of it myself. . .

SHRI MADHU LIMAYE: Are you ever informed about anything? You are always kept in the dark.

MR. DEPUTY-SPEAKER: In these days of trouble, if people keep me out of everything, I think, it is a blessing. .

श्री मधु लिमये : आपके लिए ब्लैसिंग है । हमारे लिए डिजास्टर है ।

MR. DEPUTY-SPEAKER: I have my own light and nobody need give me any light.

A certain thing has been brought to the notice of the House by some hon. members. As far as I can understand, they say that somebody has been found with an explosive in the Visitors' Gallery. But, beyond that, we do not know what the facts are, I do not think, it is proper at this stage to throw accusations against anybody that he is responsible or that they are responsible. We do not know. But I think that, since the matter has been mentioned, if there is any information, I can pass on the information to the House; if there is no information, then information may be given. (Interruptions) I am now in-charge of the House. This thing has happened in the House. The Minister for Parliamentary Affairs has no business as far as the precincts of the House are concerned. It is the responsibility of the Speaker. Let this be very clear.

SHRI JYOTIRMOY BOSU: Why have you been kept in the dark? This is a very serious matter.

MR. DEPUTY-SPEAKER: Order, please.

SHRI VIKRAM MAHAJAN (Kangra): Nobody mentioned the name of the Minister of Parliamentary Affairs.

MR. DEPUTY-SPEAKER: Somebody said that the Minister of Parliamentary Affairs must come forward with a statement. That is why I pointed out that it was not the business of the Minister of Parliamentary Affairs at all. It is the Speaker who must pass on this information and whatever information is to be given to the Speaker, we have got our own security staff here, they are at it and they will collect the information and that information will be passed on to the House. I am only saying that it is not right to attribute motives. If that is darkness, I am quite happy to live in that darkness.

SHRI VAYALAR RAVI (Chiray-wkil): Something has gone on record—what Shri Madhu Limaye has said....

MR. DEPUTY-SPEAKER: I have also said that it is unfortunate.

SHRI VAYALAR RAVI: This is the second incident. Last time one man came with a knife. He was caught, reprimanded and punished by this House.

Hon. Member, Shri Jyotirmoy Bosu was on his legs and he accused that he was a member of the Youth Congress and a Congressman.

It is very clear that all accusations made by Shri Madhu Limaye and Shri Bosu are baseless. He was arrested while attacking a Congress rally recently held. I can prove that he belongs to the group of JP. Even to-day the other person raised the slogan of JP Zindabad. They want to escape the responsibility. That is why they have planted him.

SHRI SAMAR GUHA (Contai): I have nothing to say about what my friend, Shri Madhu Limaye has said or what Shri Vayalar Ravi has said. It is upto you what portion you want to keep and what portion you want to expunge.

MR. DEPUTY-SPEAKER: I am not expunging anything.

SHRI SAMAR GUHA: My young friend, Shri Ravi has mentioned the name of JP. It is an insinuation. I want to draw your attention that Mr. Bansilal has made a public statement.... (Interruptions)\*\*

MR. DEPUTY-SPEAKER: No, please. I am not allowing anything to go on record. You are going far beyond. We have a knack of enlarging on things.

Now, papers to be laid.

14.57 hrs.

PAPERS LAID ON THE TABLE  
STATEMENT RE. CENTRAL GOVERNMENT  
MARKET BORROWING IN NOVEMBER,  
1974.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI PRANAB KUMAR MUKHERJEE): I beg to lay on the Table a statement (Hindi and English Versions) indicating the result of the Central Government Market Borrowing in November, 1974. [Placed in Library. See No. LT-8570/74]

REPORTS RE. THE METTUR CHEMICALS AND INDUSTRIAL CORPORATION LTD., THE SYSTRONICS LTD., AHMEDABAD AND M/s. TELERAD (P) LTD., BOMBAY AND CENTRAL GOVERNMENT ORDERS THEREON

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI BEDABRATA BARUA): I beg to lay on the Table a copy each of the following Reports (Hindi version) of the Monopolies and Restrictive Trade Practices Commission under section 62 of the Monopolies and Restrictive Trade Practices Act, 1969:—

- (i) Report under section 21(3) (b) of the said Act in the case of Mettur Chemicals and Industrial Corporation Limited and the Order dated the 27th September, 1971 of the Central Government thereon.
- (ii) Report under section 21(3) (b) of the said Act in the case of Systronics (a division of Sarabhai Sons Private Limited) Ahmedabad and the Order dated the 20th July, 1973 of the Central Government thereon.
- (iii) Report under section 21(3) (b) of the said Act in the case of M/s. Telerad Private Limited, Bombay and the Order dated the 21st February, 1974 of the Central Government thereon. [Placed in Library. See No. LT-8571/74].