

THE DEPUTY MINISTER IN THE
MINISTRY OF COMMERCE (SHRI
VISHWANATH PRATAP SINGH):

(a) Yes, Sir.

(b) and (c). Necessary action, under the Import Trade Control Regulations, is being initiated against the Export House and certain other parties in connection with the irregularities which have come to notice as a result of the inquiry.

**Payment made by Nationalised Banks
on preferential rates of interest in
District of Gujarat**

1800. SHRI D. D. DESAI: Will the Minister of FINANCE be pleased to state:

(a) whether any applications have been received and payments made on preferential rates of interest by the nationalised banks in each of the districts of Gujarat in 1973-74;

(b) the total amount granted and total number of recipients in various districts of Gujarat for small scale industries; and

(c) the number of applications pending disposal and the reasons thereof?

THE DEPUTY MINISTER IN THE
MINISTRY OF FINANCE (SHRI-
MATI SUSHILA ROHATGI): (a)
Presumably the Hon'ble Member is referring to the advances made by the public sector banks under the Differential Interest Rate Scheme in each of the districts of Gujarat. The available data in this regard is given in the statement attached.

(b) and (c). The present arrangements for flow of data relating to advances under the Differential Interest Rate Scheme do not provide for compilation of either sectoral break-up of advances or of the number of pending applications.

Statement

Public sector banks' advances under Differential Interest Rate Scheme in the State of Gujarat as on the last Friday of December, 1973.

(Amount in lakhs of rupees)

Name of the District	Number of accounts	Amount outstanding
1. Mehsana . .	1517	6.68
2. Banaskantha . .	673	3.41
3. Sabarkantha . .	645	3.80
4. Panch Mahals . .	3151	11.62
5. Baroda . .	1500	7.97
6. Broach . .	2128	8.60
7. Bulsar . .	6298	14.58
8. Surat . .	847	4.70
9. Dangs . .	117	0.50
10. Bhavnagar . .	4048	16.25
11. Amereli . .	362	1.13
12. Junagadh . .	746	3.55
13. Surendra Nagar	977	6.73
14. Kutch . .	3068	10.58
TOTAL . .	26077	100.10

12.21 hrs.

QUESTION OF PRIVILEGE—contd.

Import Licences Case

श्री अटल बिहारी वाजपेयी (गुजरातर) :
अध्यक्ष महोदय, वह मामला आप लें, इससे पहले मुझे एक निवेदन करना है। मैं आपका ध्यान इस तथ्य की ओर दिलाना चाहता हूँ कि यद्यपि यह संकीर्ण केवल काका किया था, मैं उद्धृत कर रहा हूँ :

"I am arranging to have copies of the charge-sheet made available to the Parliament Library."

चार्ज शीट की बापी अभी तक लाइब्रेरी में नहीं पहुँची है। अरेजिंग का मतलब क्या है? कितने दिनों लगेंगे? चार्ज शीट तैयार है, अभियुक्त को दे दिया गया है, अदालत के सामने पेश है, उसे लाइब्रेरी में रखने में इतनी देर क्यों हो रही है?

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANNANDA REDDY): It is being placed today in the Parliament Library.

श्री अटल बिहारी वाजपेयी : इसमें दो बातें हैं। बलू गृह मंत्री ने कहा था

"It has not been the practice to place accessible documents on the Table of the House"

एक्ससिबल डाकुमेंट्स कोन में है? इसके बारे में बालू शन धर ने जो कुछ लिखा है उसकी ओर मैं आपका ध्यान दिलाना चाहता हूँ। यह पेज 395 पर है

"Questions seeking information which is available in gazettes, reports, documents, books and papers are not admitted. Such literature should ordinarily be available in the Library where Members can consult them at their convenience. Proceedings of the Rajya Sabha are accessible documents and questions are not generally admitted in the Lok Sabha if the answers are found in such proceedings and vice versa."

एक्ससिबल डाकुमेंट्स का मतलब यह होता है कि जो कोर्ट में उपलब्ध हों बल्कि उसको माँचा जायेगा जो लाइब्रेरी में उपलब्ध हो—

अध्यक्ष महोदय : कहा से एक्ससिबल है? हमें आप बता दें ताकि प्रश्न कर सकें। ऐसा तो हो सकता है। लाइब्रेरी इतनी बड़ी नहीं है कि सारी दुनिया में जो एक्ससिबल है वह रख दिया जाए। तब तो बड़ी मशकिल हो जाएगी।

श्री अटल बिहारी वाजपेयी : जिस विषय पर सदन में चर्चा हो रही है वह पूरी हो, फलदायी हो इस दृष्टि से जो जानकारी आवश्यक है वह जानकारी उपलब्ध करना सरकार का काम है और मेम्बरों को जानकारी दिलाने में सहायता देना आपका काम है। मैं इसमें दो तीन बातें कहना चाहता हूँ। बलू मंत्री महोदय ने कहा कि वह सी बी आई की रिपोर्ट से उद्धृत नहीं कर रहे हैं लेकिन उन्होंने उम पत्र का हवाला दिया जिसके बारे में मैंने उल्लेख किया था, सरोनी गाँव में श्री ललित नारायण मिश्र के स्वर्गीय पिता के नाम पर बनने वाले स्कूल के बारे में। आपको यह जानकारी सी बी आई की रिपोर्ट से मिली। अब क्या मंत्री महोदय को इजाजत होगी कि वह रिपोर्ट का एक हिस्सा सदन के सामने रख दे और दूसरा न रखे, केवल वह हिस्सा रखे जो सरकार के पक्ष में जाता हो और वह हिस्सा न रखे जो सरकार के खिलाफ जाता हो। सी बी आई की इनक्वायरी रिपोर्ट का अगर हवाला दिया गया है तो रिपोर्ट पूरी आनी चाहिए। इसके बारे में भी शकधर कौल ने जो कुछ कहा है उसकी ओर मैं आपका ध्यान दिलाना चाहता हूँ

"where a Minister gives in his own words a summary or gist of such despatch or State paper, but does not actually quote, it is not necessary for him to lay the relevant paper on the Table."

आपने यह भी कहा है

"But, if it is pressed that the documents should come on the

record of the House, the Minister lays the document on the Table."

इस में उद्धरण दिये गये हैं लोक सभा डिबेट 19-12-56, 17-4-63, 20-4-63। भले ही मंत्री महोदय ने टेक्नीकली उनको उद्धृत न किया हो, कोट न किया हो लेकिन उन्होंने इसका हवाला दिया है और वह जानकारी उन्हें सी बी आई की रिपोर्ट से मिली है। अब सदन में अगर मांग आ जाए कि इनकारी की रिपोर्ट आनी चाहिये तो स्पीकर महोदय सरकार को निर्देश दे सकते हैं इसके बारे में। इस तरह के निर्देश पहले दिये जा चुके हैं। मंत्रियों को ये निर्देश मानने पड़े हैं। सी बी आई की इनकार्यरी की रिपोर्ट सदन की मेज पर रखी जा सकती है। कई बार रखी जा चुकी है। इस मामले में अपवाद नहीं होने दिया जा सकता है। इसलिए मेरा कहना है अगर इस मामले पर चर्चा चलाने से पहले रिपोर्ट आप सदन की टेबल पर रखने के लिए गृह मंत्री को आवेदन दें।

SHRI SHYAMNANDAN MISHRA (Begusarai): The point is that even if it is a gist of a document that the Minister conveys to the House, if the House insists, that document will have to be placed on the Table of the House. What is the object of such a rule? The object of such a rule is, if the document happens to be long enough, then the entire document does not require to be placed on the Table of the House, only the substance or gist is required to be laid on the Table of the House, and it is only because of the length of the document. It is not because of the nature of the document that it is not required to be placed on the Table of the House. This is the point which will have to be borne in mind when we want to conform to the rules regarding the gist of the document to be conveyed to the House by the hon. Minister.

The second thing with regard to the CBI document is that the CBI

investigation was conducted in accordance with the wishes of the House and also because the hon. Minister chose to tell the House that further facts required to be brought to light before any action could be taken. That was a kind of anticipatory statement that the hon. Minister made to the House in order to satisfy the House that the House should not take any action in a hurry at that stage. If it was to fulfil the intention that the investigation had to be conducted in order to enable the House to come to a judgment in this matter, then the entire document has to be placed in the hands of the Members and on the Table of the House.

Thirdly, this investigation related to the conduct of the Members and related to the honour and dignity of the House itself. Now, a document which involves the honour of the individual Members, not only one Member but also 19 others, and also the collective honour and dignity of the entire House, that document cannot remain under the exclusive custody of the Government. That has to be under the custody of the House as a whole. In fact, it is the Chair which should insist on that.

Fourthly, there has been a doubt and the doubt would persist, the doubt would swallow the dishonest Ministers and dishonest officials, because the doubt is going to be established that you want to shield the corrupt Ministers and corrupt officers and, therefore, you are not revealing the entire document. So, it becomes obligatory on you to come forward with the entire document before the House. Otherwise this House will not satisfy itself with any kind of a manipulated or distorted information that you might choose to convey to the House. We are not going to be satisfied with anything of that kind. Please beware that, in this matter, the House is not going to let you go like this.

SHRI S. M. BANERJEE (Kanpur): Sir, yesterday when the Deputy Spea-

(Shri S. M. Banerjee—contd)

key was in the Chair, a point of order was raised by my hon. friend, Shri Limaye, and he was supported by all of us. The point of order was based on the Rules of procedure of the House, under Rule 358, that when a portion of the document or even a line from a particular document is read out by either the Minister or any Member of the House, under that Rule, a Member can rise on a point of order and request you, Sir, and the hon. Minister through you, Sir, to lay the entire document on the Table of the House unless the Minister asks protection from you under public interest which he has not asked.

For your information and to refresh your memory, I would like to give two instances which occurred in this House. One was raised by my hon. friend, Shri H. V. Kamath, who insisted that the CBI document in connection with the Orissa Government which was against the BLD leader, Mr. Biju Patnaik, be laid on the Table of the House. He went on insisting on that and, ultimately, Sardar Hukam Singh who was in the Chair, gave a ruling that it should be laid on the Table of the House. Similarly, the same document was laid on the Table of the other House.

The second instance was that my hon. friend, Shri Homi Daji and myself actually produced the Audit Report of the New Asiatic Insurance Co. and the Jupiter Insurance Co. and we said, "We certify that is a correct copy." We insisted that it was a correct and authentic document. The Finance Minister objected to that. Ultimately, the Chair directed the Minister that either he should deny that it is not a correct document or he should produce the document. And that document was produced. So, I would submit most humbly and respectfully that there is no other alternative for the hon. Minister, Shri Brahmananda Reddy, but to lay the entire document on the Table of the

House. Otherwise, the discussion of this matter in the House will be fruitless. Sometimes they say that the case in sub judice and sometimes they say that the document cannot be laid on the Table. I would like to say that Mr. Tulmohan Ram has taken enough time of the House. The country is tired of Mr. Tulmohan Ram. We are also tired of him. Let us discuss the matter and end it. We want to discuss the entire document also in addition to Mr. Tulmohan Ram. Let them lay it on the Table of the House.

MR. SPEAKER: Before you prolong it, may I express my view? I would make the position clear. This is not only very clear but it is also supported by many rulings. If a Minister or a member just makes a passing reference, it is a different case, but if he quotes from a document once or twice, the rule is very clear on that; the members have got the right to ask that it be laid on the Table. The House of Commons appointed a Committee on it and they had given their findings. Some of my predecessors, on the basis of those findings and in their own way, have conveyed their rulings. Only recently we discussed this also and we came to the conclusion that the rulings were very sound. We tried to judge it recently. In spite of the strong base that we had in the background of the House of Commons Committee and many other rulings, it had been contested in many Legislatures. So, this was again discussed last time, and the position is like this that, if he makes a reference from his memory, it is a different matter, but if he quotes from a document, then the members have got the right to ask that the document be laid on the Table.

As far as accessible documents are concerned, that is entirely a different case. As regards accessible documents, I quite agree with you that there are many accessible documents which can be had in the Library. But do not make use of our staff for

seeding to the courts. I am talking of our library staff. We have a very limited staff and if you every day ask them to copy the statements on various cases, though they are accessible, in that case we use our discretion. I leave it to them how they do it. I think, we need not prolong it. The ruling is very clear, unless as Mr Banerjee says, they need protection.

SHRI ATAL BIHARI VAJPAYEE
He has not asked for protection

SHRI SHYAMNANDAN MISHRA
In this case the House would like to have protection—for its honour and dignity

SHRI ATAL BIHARI VAJPAYEE
You direct the Minister to lay it on the Table

SHRI K BRAHMANANDA REDDY.
Can I bring to your kind notice the proceedings of yesterday wherein I have said—

"I am not quoting from any report. After checking up with the investigating authority, such information as is available I have tried to give to the House."

SHRI ATAL BIHARI VAJPAYEE
That means that there is no CBI inquiry report. Let him say 'Yes' or 'No'. I am putting a pointed question.

(Interruptions)

SHRI PILOO MODY (Godhra)
They have been cheating the country. They have been cheating the House. I challenge them to produce the report. There is no report and the whole case has been fabricated.

जी ब्रह्मन् विहारी ब्रह्मन् विहारी
महोदय, मेरे सवाल का जवाब दिलावा दीजिये।
बहुत की चीजें साफ हो जायेंगी। क्या
जी की आई की कोई रिपोर्ट है या नहीं?

SHRI PILOO MODY: Let him show within two hours even one copy to the House. I challenge, there is no report at all. I would like to ask a straightforward question whether there is any report or not so that we can haul him up for perjury and privilege.

SHRI M RAM GOPAL REDDY (Nizamabad): Yesterday, the hon. Minister has given .. (Interruptions).

MR SPEAKER: All of you had your say. Why not this side?

SHRI M RAM GOPAL REDDY
Yesterday the hon. Minister has given that Shri Tulmohan Ram has forged two signatures and he has given the names of two members. Now he has not given the names of 14 persons whose signatures have been forged. This is quite relevant. Unless and until those names are given the information given to the House is incomplete.

MR SPEAKER: That is not under discussion. It is something else which is involved here.

SHRI INDRAJIT GUPTA (Alipore)
I was present here yesterday when the hon. Home Minister made the statement. It is true that he was holding a copy of the statement in his hand and was reading from it and he made several references to various findings of what he calls the investigating authority. The investigating authority is the CBI in this particular case. Now he is stating and is taking shelter behind the plea that he was not quoting from the report but that he was only giving information to the House which he has obtained from the investigating authority. That is to say he claims he was not actually quoting but giving paraphrase or giving gist of the CBI report. In this sense I would say he has made matters much worse for the Government. And you correctly said this; you reminded us of the old ruling. Now, if he quotes from a particular document, then the House is entitled to have that document. Here he gets round it by saying I am not quoting it.

[Shri Indrajit Gupta]—contd.

but everything contained in his statement is supposed to be a paraphrase or gist or something based on that very report. This is much worse. We are not in a position to know whether any summary or any paraphrase or what is called a gist is actually correct or not and whether it corresponds with the original or not. Because, he gets round it by saying, it is a gist. Therefore we are more than ever entitled to know what is the actual, original, authentic text of the report, on the basis of which he is supposed to be making a paraphrase. My point is a very short one. You cannot allow him to get round by making these technical pleas. He quoted from it. I raised this yesterday. As a matter of fact the attitude of the Government and everybody here should be to try to assist the House to come to a proper considered conclusion on a matter which has aroused so much passion and so much agitation in the country. He should try to cooperate with the House by making this available to the House so that the House can pass its own judgment. He should not evade this under technical pleas saying, I am not quoting, I am only giving information and all that. Information is from the report. He may give us a wrong paraphrase. How are we to know? This is my submission.

श्री नबु लिंगे (बाका) अध्यक्ष महोदय, अगर स्पष्ट आपका निर्देश है कि ये होना चाहिए तो समय खराब न किया जाय और फिर मैं बोलूंगा नहीं। लेकिन अगर बहुमतव रेड्डी को सुनने के बाद आपका मन बदल गया हो तो हम लोगों को सुनिए।

अध्यक्ष महोदय : मुझे हम बात का फर्क पता है कि हर बात का साग कुछ हद पर उठते करके मेरी तरफ से देने हैं। मैं तो हूँ ही। अगर कोई क्लेश का 'आन्टर टीक' नहीं जाता है तब, वह है तब, हर बात में नये ऑरिजिनल प्रोपोज़ हो जाते हैं, नये क्लेश बन जाते हैं और सारे ही

दोनों तरफ से मिल कर मेरे सिर का जति है। मैंने क्लेश दे दी। अब बताइये और क्या करें। उलटा खड़ा हो जाऊं ?

SHRI B R SHUKLA (Bahraich): The position is clear. In a case like this the action of the Investigating Officer and others is reduced to writing and after completing the investigation of the case the investigating officer prepares a final report for sending it to a court of law or for dropping the proceedings of prosecution against the persons concerned or requesting the court concerned to take cognisance of the offence committed etc by the accused persons involved therein.

Now, a report has been submitted—whether it should have been submitted or should not have been submitted is a debatable point—but the word chargesheet is not known to criminal procedure code. The only phraseology which has been used in Cr P C is that a final report would be submitted to the court. Now, that final report is a public document. Once it is submitted to the court of law its copy can be obtained. I agree with the contention of the hon. Members of this House that for the sake of convenience a document which has become a public document could be made available to the hon. Members in the library.

The hon. Members on the opposite are contending that the whole document, that is, the entire CBI report must be placed in the library for perusal by the hon. Members of this august House. The whole case diary contains what the CBI has done from stage to stage. The position of law is that except the statement of the persons who appeared as witnesses in the case no portion of the statements of the witnesses can be used by any person. It is only the court concerned, that can send for the diary, can peruse the diary in order to appreciate the evidence. That is the legal compulsion as laid down under Cr. P.C. Therefore, only the final report, that is, the

charge-sheet that has been submitted to the court can be made available to the hon. Members and no other portion thereof.

श्री मधु सिन्घे : अध्यक्ष महोदय, यह मंत्री जी ने अभी जो कहा है—उन्होंने उन्होंने पुरानी डिबेट का हवाला दिया है, लेकिन कल उन्होंने नहीं कहा—

I am not quoting वे 12 तारीख का हवाला दे रहे हैं। कल क्या हुआ—देखिये। मैं आपसे पूछना चाहता हूँ—कोटेसन के मामले क्या है? आप केवल कोटेसन मार्क्स निकाल दीजिये तो आप कह सकते हैं कि यह कोटेसन नहीं है। यह जो जुमला उन्होंने कहा है—यह क्या सी० बी० आई० रिपोर्ट से उन्होंने नहीं लिया है—यह सन्दर्भ से मालूम हो जायेगा।

अध्यक्ष महोदय, ये कह रहे थे — ?

"Therefore, I am just trying to give the information to the House, Sir, so that they might not put forth questions on that. One other statement which I made was that investigations did not disclose that any of the officers who dealt with the matter was involved in the commission of the offence—that is, the offence indicated in the charge-sheet."

आगे देखिये—

"That Shri S. M. Pillai had stated that Shri Tul Mohan Ram and Shri Yogendra Jha had informed him that Shri N. K. Singh had advised Shri Tul Mohan Ram that he should submit a fresh representation signed by several Members of Parliament to strengthen the hands of the Minister for reopening the case and that Shri Tul Mohan Ram had also represented to Shri S. M. Pillai that an additional sum of Rs. 20,000 would be needed for paying to Shri N. K. Singh."

अध्यक्ष महोदय, यह चार उद्धरण नहीं है, कोटेसन नहीं है, तो क्या यह मनवकण्ड, कपोल-कल्पित बातें हैं। यह इन्होंने सी० बी० आई० की रिपोर्ट से लिया है, केवल कोटेसन मार्क्स को हटा दिया है। तो इस तरह की को-फ़िकरी के ऊपर चेयर का कलिंग कभी भी आचारित नहीं हो सकता है।

SHRI H. N. MUKERJEE (Calcutta—North-East): I would like you, Sir, to confirm the impression which I along with the rest of the House have received that you have laid down a definite ruling that the document concerned, which is the bone of contention, would have to be laid on the Table of the House. For myself, I have got that impression. My further submission is that I do wish you and the House to take further steps to exonerate ourselves from all the calumny which has been poured on us. Most of us are not concerned about ensnaring X or Y. What we are concerned with is safeguarding the honour of the House, and in the absence of the cooperation of the Leader of the House, of the Law Minister and other people concerned it devolved on you and the Opposition particularly to do something about the collective honour of the House. On this occasion I am not going to go on making any observation but we have already had our say in the last Session in such a way that the entire country has been convulsed over this issue and if there is any future of this parliamentary institution—as you have yourself been worrying about according to certain press reports I saw recently—this Government is expected to cooperate in bringing out the whole truth of this matter.

And if the sanctimonious Ministers on the other side even deny knowledge of such things as the involvement of politicians on their own side and particularly with smugglers and all kinds of undesirable people the honour of the House is in jeopardy in such a manner that it will take a great deal of salvaging.

That is why I plead with you that after giving that very upright ruling you pursue the matter so that the faces of the Ministers can at least be relieved of some of the soot which is blackening them because their face is also my face to some extent in so far as Parliament is concerned.

I look upon you and expect you to go on doing certain things in the spirit of the ruling you have given so that this matter does not keep pending in the manner this Government is doing.

12.00 hrs.

SHRI PILOO MODY: Mr. Speaker Sir, if you reply to what Mr. Mukherjee said, I shall sit down.

MR. SPEAKER: I am not sitting here to reply. I have given my ruling

SHRI PILOO MODY: I want to know whether your impression is correct or not.

MR. SPEAKER: You will kindly sit down. My impression is that you will kindly sit down.

SHRI PILOO MODY: I want to know from Mr. Speaker whether the impression that you have given in your ruling is correct or not.

MR. SPEAKER: I have given my ruling. And now you ask me what is my impression—Members from this side and that side ask about my impression. The ruling is clear. There is a habit of bringing in this sort of thing every time.

SHRI JYOTIRMOY BOSU (Diamond Harbour): May I make my submission? You called me first but, then, Mr. Banerjee got up and I had to sit.

MR. SPEAKER: You are the best judge of the partymen in the Opposition. How many times can I go on listening to you?

(Interruptions)

MR. SPEAKER: After all, there should be a time limit. Everytime I have look at this side. I would listen to you finally. Be rest assured.

श्री अटल बिहारी वाजपेयी : अध्यक्ष जी, आप ने रूलिंग दे दी। फिर बहस किस पर हो रही है? क्या आपकी रूलिंग पर बहस हो रही है?

अध्यक्ष महोदय : मुझे खुद पता नहीं है कि किस पर बहस हो रही है।

श्री अटल बिहारी वाजपेयी : आप कह दीजिये कि आपकी रूलिंग फाइनल है। उस पर बहस नहीं होगी।

MR. SPEAKER: The ruling is always final.

(Interruptions)

MR. SPEAKER: So far as my ruling is concerned, there should be no debate on it.

SHRI N. K. P. SALVE (Betul): Sir, I am on a limited question. If, as suggested by Prof. Mukherjee, in the larger interests of protecting the dignity of the House and the honour of the House, the document has to be laid on the Table of the House and, if this is going to be your ruling, I would have nothing to say; whether there is rule or no rule, in the larger interests of everybody and in the larger interests of the honour of Par-

lament, if it should be laid on the Table of the House, then I would have nothing to say. But, Sir, if you go through the provisions of the rule which was cited yesterday—and the ruling is based on that rule—I may respectfully submit that your ruling is vitiated by an error apparent from the records of the proceedings, I would beg of you to consider whether the same conforms to the rule itself. I think in your ruling there is an error apparent from the records of proceedings itself, that is, if it is vitiated, I would beg of you to consider that. There is a second proviso.

MR. SPEAKER: Mr. Salve, may I tell you one thing? My ruling was that if a Member or a Minister quotes from the document the other Members have got the right to ask for laying it on the Table. Now, the controversy started over it.

The Minister said that he was not quoting; he was just speaking. The other Members said that he was quoting and all that. Sometimes very kind honourable friends complicate the issue instead of helping him. The rule is very clear. When a Member or a Minister quotes from a document, the other Members can ask that let it be laid. There is a proviso also.

SHRI N. K. P. SALVE: The question is whether it falls in the second proviso.

SHRI SHYAMNANDAN MISHRA: I have replied to that.

MR. SPEAKER: I know this proviso 'shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest'. The Minister says he did not quote from a document.

SHRI N. K. P. SALVE: There is a proviso after that. 'You are reading the wrong proviso.'

SHRI VASANT SATHE (Able): There is a second proviso.

SHRI N. K. P. SALVE: 'Provided further that where a Minister gives in his own words a summary or gist of such despatch or State paper, it shall not be necessary to lay the relevant papers on the Table'.

MR. SPEAKER: This is what I have said, that the Minister said he was not quoting but he was making something else. That has created a bit of doubt. My ruling was clear, that if the Minister quotes from a document, the members have got the right to ask that it shall be laid on the Table. That is a clear position. I stated it in the House.

SHRI INDRAJIT GUPTA: How are you to find out whether it is gist or not?

MR. SPEAKER: I have not the document before me.

AN HON. MEMBERS: Let it be compared with the document.

SHRI N. K. P. SALVE: If it is not a quotation, it falls in the second proviso. If it falls in the second proviso, we take it that it is your ruling that he is not under compulsion under this rule to lay it on the Table.

SHRI PILOO MODY: No, no.

SOME HON. MEMBERS: Yes, yes.

SHRI N. K. P. SALVE: I take it that way; I interpret your rule that way.

MR. SPEAKER: My ruling was: if it is a document from which he was quoting, he will have to lay it on the Table, unless he invokes the first proviso. Now the Minister has taken up the position that he was not quoting, that he was speaking giving the information. Now it is such a very difficult situation. Now everybody throws the whole responsibility on this Table. Let me know what the procedure to be followed is.

SHRI VASANT SATHE: The procedure is clear. You do not have to worry about it.

MR. SPEAKER: Kindly sit down.

SHRI JYOTIRMOY BOSU: I would make a submission since you are turning it upside down. I want to read the rule. Let there be doubt about it. Rule 368 says:

"If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table:

"Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest."

This they have not claimed—

"Provided further that where a Minister gives in his own words a summary or gist of such despatch"—here it is in entirety, the whole of it, the whole summary, the whole gist of the whole document—

"of such despatch or State paper, it shall not be necessary. . ."

He has not given the summary in its entirety, he has not given the whole of it. Therefore, you in your wisdom have given a ruling which has gone on record, and that ruling is that the paper should be laid on the Table of the House. It should not be reversed. If it is reversed, we shall have to take very serious view of it; we shall have to revise our stand.

SHRI SOMNATH CHATTERJEE (Burdwan): The hon. Home Minister seems to rely on the second proviso and make out a case.

SHRI VASANTH SATHE: He has been relying on it since yesterday.

SHRI SOMNATH CHATTERJEE: So far as the second proviso is concerned, could the hon. Minister tell this House categorically and satisfy this House that he has given in his

own words a summary or gist of a despatch or State paper. The proviso does not refer to a 'part' which he finds convenient to refer in his own words. He can give a gist to avoid disclosing the paper, in its entirety. In that case he must give the gist of all the topics which have been dealt with in that document. He cannot say some some forged signatures were there and omit to mention the other parts. I was trying to go through his statements yesterday; nowhere does he say that he was giving in his own words a summary or gist of the State paper. In so far as he is relying on the second proviso, he admits that the CBI report is a despatch or State paper and it is covered by rule 368. Unless he satisfy you and through you the House that he was in his own words giving the summary of that paper, not the summary of some parts of that paper in the way he chooses, and that the report contained nothing else, the point raised here is valid and relevant. Kindly see what he has said. He is prepared to submit before the House, to place in the Library the chargesheet as a result of the CBI enquiry. He said so yesterday. There is a report of the CBI. We must know whether the chargesheet has been correctly prepared on the basis of the CBI report or not. This is an attempt to by pass Parliament. The whole country is interested in knowing the truth. In spite of solemn assurances given to this House, he is doing so. There is a little technical point. It is not clear, is the report an accessible document or not? Will the Law Minister assure the House that the CBI report which has been filed before the court is a document of which a certified copy can be obtained? If so, I shall have a certified copy. If it is not an accessible document, on this plea he is refusing to place it before the House. For the purpose of making the facts known to the people of this country through this House and for the purpose of finding out whether the Minister is shielding anybody or not and also to satisfy ourselves that the facts are coming out

in the proper perspective of the CBI report, it should be made available to us. Is it to be treated as a personal property of some Minister? The question of the dignity of the House is involved. The second proviso should not be used to shield some people. I am surprised that the Government is trying to refer to the second proviso and shield some for the purpose of protecting its Ministers and Parliament Members. You should kindly direct them to lay the report on the Table of the House.

SHRI P. G. MAVALANKAR (Ahmedabad): Sir, enough has been said about technicalities and rules on the 12th, yesterday and today. I am not quoting the rules again. You have given a clear and categorical ruling that all documents from which the Ministers are quoting directly or indirectly have to be laid on the Table. What bothers me is that the Home Minister has again shifted his ground after your ruling. This has been the practice of this Government on this issue from the very beginning. Since the last session, Government have been shifting ground from one position to another. They are shielding their own ministers. They may do that, but they have no right to cover up things and thereby damage the honour of this entire House. Let us not get bogged down in technicalities. The minister is shifting his ground after your ruling. What disturbs me, however, is that the Chair also is shifting its ground after another lame, weak defence by the minister.

The whole question is whether the Home Minister was quoting from the CBI report or not. If he was not quoting from the report, was he not referring to the CBI report in extensive detail? Whatever he has said yesterday, it was from the CBI report without the quotation marks. It is for the Chair to decide whether the Home Minister was referring to the CBI report or not. Whether he was quoting or not quoting is a mere technicality. I quite understand the weakness of

the Government. They have got huge Watergates on their side. They are shifting ground, manufacturing lies after lie and are constructing weak defences. But it is not for this House or for the Chair to go to their defence. Let them shift their ground. But the Chair should not permit itself to be dragged by newer and meaner strategies of the Government to shield some of their top people. Therefore, Mr. Speaker, Sir, please direct the Home Minister that he must lay the report on the Table as early as possible.

SHRI K. LAKKAPPA (Tumkur): Sir, they are not interpreting the rules correctly. Even in the extreme case, assuming that the CBI report is a State paper, the Minister is within his right in defending himself, because the interpretation of the rules is very clear. Even if it was a State paper, it shall not be necessary for him to lay it on the Table. The Minister is correctly interpreting the rules. Therefore, the opposition has no case.

SHRI S. M. BANERJEE: After you gave the ruling, the controversy arose when the minister said that he has not quoted from that particular document. When we talk of quotation, it does not always mean reading from that paper. I can recite a phrase or a sentence or para without saying it is a quotation.

Supposing I do not remember well a poem, I can recite it without a quotation mark. I would request you in all fairness to check up the statement of the Home Minister with the report of the CBI. You can take one hour or four hours to examine the documents. The question is not whether quotation marks have been used or not but whether sentence have been quoted from that report, may be without quotation marks. I would appeal to your sense of justice and impartiality to examine the documents as the custodian of Parliamentary democracy and give us your views.

SHRI P. K. DEO (Kalahandi): Sir, yesterday they wanted to take shelter on the plea that the matter was sub judice and so they cannot produce the paper. Yesterday while making this statement the Home Minister has categorically stated, and I say this on oath and I am sure all the members would bear me out, that he is quoting from the CBI Report. But in the uncorrected copy of the proceedings there is no mention of the CBI Report. So, I would request you kindly to play the tape recorder and compare it with the uncorrected version of the proceedings and see whether it has been properly recorded or not. My apprehension is that the proceedings have been intentionally mutilated and the Lok Sabha Secretariat is also a party to it.

SHRI K. LAKKAPPA: Sir, we take objection to making allegations against the Lok Sabha Secretariat. It is an irresponsible statements. How is he going to prove it? Such statements should not be made.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, आप ने पहले एक ऐसा क्लिप दिया कि हम ने समझा कि आप मिनिस्टर को सी०बी० आई० की रिपोर्ट टेबल पर रखने के लिए कह रहे हैं। लेकिन फिर आप ने उसकी ऐसी व्याख्या कर दी, जिसका मतलब यह हुआ कि वह रिपोर्ट टेबल पर नहीं रखी जायेगी।

अध्यक्ष महोदय : मैं ने व्याख्या नहीं की। उन्होंने खुद क्वोट किया।

श्री अटल बिहारी वाजपेयी : आज सबरे जब मैंने यह मामला उठाया, तो मैं जानता था कि मंत्री महोदय कहेंगे कि वह क्वोट नहीं कर रहे हैं। और इस लिए मैंने कोल एंड सक्कर का हवाला दिया :

"But, if it is pressed that the document should come on the record of the House the Minister lays the document on the Table."

उपर कहा गया है :

"Where the Minister gives in his own words a summary or gist of such despatch or State paper, but does not actually quote, it is not necessary for him to lay the relevant paper on the Table."

वह इसी का आशय ले रहे हैं। लेकिन इसी सदन में ऐंश उदाहरण हुए हैं—मैं ने उद्धृत कर के बताया है—कि जब सदन ने कहा कि अमुक दस्तावेज सभा-पटल पर रखा जाना चाहिए, यद्यपि मंत्री महोदय न उस दस्तावेज से क्वोट गही किया, तो सदन की मांग को मान कर वह दस्तावेज सभा-पटल पर रखा गया।

कल उन्होंने जो जवाब दिया है, उसको मुनिये :

"I am arranging to have copies of the chargesheet made available to the Parliament Library."

Shri Atal Bihari Vajpayee: What about the CBI Report?

Shri K. Brahmananda Reddy: The chargesheet is really the result of the CBI inquiry."

वह चार्जशीट तो टेबल पर आ गई, लेकिन वह चार्ज-शीट सी०बी०आई० की जांच रिपोर्ट के अनुसार बनी है या नहीं। इसका निर्णय कोल करेगा? यह मामला केवल नियम से संबंधित नहीं है। मेरा आरोप है कि प्रारम्भ से इस मामले में कुछ मंत्रियों और कुछ अफसरों की बचाने की कोशिश हो रही है। अगर अष्ट मंत्रियों और बेईमान अफसरों को बचाने की कोशिश हो रही है, तो इस सदन की जिम्मेदारी है कि वह सच्चाई की तह में जावे। और हम तब तक सच्चाई तक नहीं पहुंच सकते, जब तक हम यह न देख ले कि सी०बी०आई० की रिपोर्ट क्या है और क्या चार्ज-शीट उसके हिसाब से बनी है या नहीं।

कल बाप ने यह सबी महीय को मोका दे दिया कि वह उस विज्ञापन के बारे में सी.बी.आई. की जांच रिपोर्ट का एक हिस्सा सदन में रख कर मुझे सूटा साबित करें। मैं उस जांच रिपोर्ट का दूसरा हिस्सा सदन के सामने रख चुका हूँ। कौन यह तय करेगा कि सबी महीय सबी कह रहे हैं या मैं सबी कह रहा हूँ?—यह सदन तय करेगा। इस लिए सदन के सामने सारे तथ्य जाने चाहिए।

SHRI K. BRAHMANANDA REDDY:

I may bring to the notice of Shri Vajpayee that when he made a reference—kindly peruse the proceedings—his reference was to the recovery or so of a letter from Mr. Tulmohan Ram or from somebody. Therefore, I wanted to find out what has happened to that. Therefore, on enquiry I gave you that information. In your previous remarks, the other day, you did not mention anything about the school or the register or what is contained in the register.

SHRI ATAL BIHARI VAJPAYEE:

On 9th September, I had referred to it.

SHRI K. BRAHMANANDA REDDY:

During this discussion, he referred to a letter and, therefore, I enquired whether there was a letter. The information is about the letter which I mentioned to you the other day.

SHRI SHYAMNANDAN MISHRA:

The Chair is confronted with a very humble demand from the hon. Members of this House that a particular document should be made available to them. What is the guidance of the Chair in the matter? Whether the demand is a proper or an improper demand.

Now, this matter could be dealt with at two levels. One is the technical level of the rules and the other is the politico-moral level of the matter. . . (Interruptions). What I said was that this matter has to be dealt

with in two dimensions. One is the technical dimension. First, I would dispose of the technical dimension and the Chair has to give a clear ruling on it. If the statement which he made did not have quotations from a particular document, then another rule will apply. Then, the rule with regard to the gist will apply.

The rule about the quotation also says that, if the Minister makes a plea that it is inconsistent with public interest, it cannot be produced before the House. That is with regard to quotations. With regard to that also, the Minister has not taken a plea. But so far as the gist is concerned, there is no mention of public interest in this. Some words which are very remarkable and which must be noted are, "it may not be necessary". It does not mean, "it shall not be necessary". That only means, and I have been submitting to you without any reaction from you, that because of the length of the document, it may not be necessary. If it runs into hundred pages or if it runs into, just as the Kapur Commission's report contained, how many thousand pages and how many kinds it weighs, thousand pages, it may not be necessary in that case if the substance of that is made available to the House. That is, in fact, the intention of this rule. There, the plea has not been of public interest. That does not include any plea of public interest. So, that does not arise.

Now about the question whether it is necessary or not, the moment the word 'necessary' is introduced, the judgment of the Chair comes in whether it shall be necessary or not. That is the point I am trying to emphasize. That Chair can say that it is necessary in view of our honour and dignity. You have also to address yourself to this question whether it does involve the honour and dignity of the entire House or not. You are not addressing yourself to any one of those questions. These are the basic questions with which Parliament must grapple.

MR. SPEAKER: I have already expressed it—that it is a question of honour of the House.

SHRI SHYAMNANDAN MISHRA: We are making a reasonable and proper demand. In the case of Mr. Nixon, he could have taken the plea that the tapes were privileged, the tapes could not be parted with by the President of the United States. But that plea did not hold good even in the case of the United States. The tapes were made available.

Here because we are living under a cloud of innuendos, we want protection from you. We just cannot go by what he said. Let the other side be aware of the responsibility that rests on them that it is the members belonging entirely to their Party who would be exonerated or who would be involved. None of the members belonging to this side of the House is involved.

Then, Mr. Speaker, you would also recall that many issues were raised by the hon. members during the course of the debate in the last Session. It was not only a question of some members having appended their signatures or not. The question of ministerial responsibility did come in. We have raised that question. The question of the official responsibility did come in. We want to know where we stand after the investigation has been made by an agency which is paid for by us. The CBI is not the domestic staff of Shri Brahmananda Reddy or of Mrs. Indira Gandhi. This is an organisation paid for by us and we do require the services of the CBI.

Finally, I have raised a question of privilege, and the question of privilege is not subject to the rule of sub-judice. The question of privilege will have to be decided on the basis of this document. I have raised that question and I have made a formal motion with regard to that. It would rest on that very document fully. There, your ruling also cannot be of any equivocal nature, because the rule is quite clear that any privilege motion is not subject to the rule of sub-judice.

I would request you to give your guidance both on the technical and on the politico-moral aspect of the matter. We do require the document.

श्री कृष्ण चन्द्र पांडे (बनारसीबाद) :
अध्यक्ष महोदय, मैं आपके माध्यम से यह निवेदन करना चाहता हूँ कि इस सदन में जब से यह गैरानुमति प्रारम्भ हुआ है नाइसेंस बांड रोज आ रहा है। सदन की प्रतिष्ठा को रोज धक्का लग रहा है। आप से मेरा आग्रह यह है कि दो तीन चीजें हम लोगों को बता दी जाये। योगेन्द्र झा ने जिन आदमियों के दस्तावेज किये उनके क्या नाम हैं? दूसरी बात, एक तुलसीमोहनराम को लेकर इस सदन की प्रतिष्ठा को जो धक्का लग रहा है, एक बहादुर है कि एक मछली सारे तानाब को मन्दा कर सकती है तो वही बात हो रही है। मैं मांग करता हूँ कि तुलसीमोहनराम को निलम्बित किया जाना चाहिए जिससे इस सदन की प्रतिष्ठा बच सके।

SHRI PILOO MODY: I want to draw the attention of the Speaker and the House to three relevant factors.

It is all very well to go into the rule book and go into the niceties of the law and all that. But the basic fact is that this inquiry was ordered by this House and not to a guilty by this House. This is the basic fact and, therefore, the finding of the inquiry should have been submitted to this House and not to a guilty Minister.

The second point is that when we wanted to investigate the matter ourselves, it was denied to us, 'No, the CBI will do it and we will place the findings here, in order to stop us from making the inquiry ourselves. Therefore, I will first of all attach mala fides that they wanted the House to be kept in the dark. That is why they used this devious method of conducting an inquiry through an agency which, they think, is their own property.

The third thing is that having stopped us from making the inquiry and having made the inquiry themselves and having found incriminating material, they now want to deprive the House from enjoying the same information. I think this is the fact of the matter and I do not think it should stretch anybody's imagination and understanding that this is a concern of the Parliament and nobody else but the Parliament. I said this yesterday also, but, apparently, you did not take the counsel I give you for the simple reason that this involve the reputation of not only Shri Tulmohan Ram, not only of all those who are guilty both in this House and in that box also but the reputation of the Parliament itself when this privilege issue against the Pratipaksh came up. All through the inter-session wherever I went and I travelled all over India, the people were agitated on this issue and this issue alone. It is something hundred times bigger than the Watergate. It involves hundred times more people than in the Watergate. Therefore, by these niceties of one nature or the another, believe me, this Government is not going to get away by hoodwinking us. This campaign will be continued, continued, continued and continued till justice is done. . .

SHRI SHYAMNANDAN MISHRA: It cannot be discontinued. It will be continued right from now on.

SHRI PILOO MODY: If you want to continue this misery, if you want to suffer this misery session after session and inflict the same misery on us, by all means protect these crooks. If you are also getting fed up by what is happening here day after day, you insist that the inquiry was ordered by us and, therefore, we must have the finding of this inquiry. In fact we should have had the finding even before the Home Minister has got his itchy fingers on it.

Now, I come to my last charge. And my last charge is that frankly I have come to the conclusion from the debate that I have seen and heard, that

no inquiry was ordered at all, that the matter was so sensitive that the CBI was not informed, nobody in the CBI was involved in it and the information that they are giving about the CBI report is all a matter of fiction that has been manufactured in the Prime Minister's Secretariat and, therefore, the whole idea of hoodwinking the whole country and deceiving the people and the Parliament cannot be allowed to proceed. I am convinced as of now that there is no CBI report. I am charging the Government, I am making a sporting offer to them. I ask them: Let them show this great CBI report to any one of us,—barring the CBI, and particularly Mr. Banerjee. Let them show it to any two of us in the Opposition and let us look through that great CBI Report. I doubt whether he can produce it. I am charging him and I am challenging him. But if he does not do it then we would come to the conclusion that this whole thing is nothing but an eye-wash, manipulated just for the purpose of denying the people of justice. Thank you.

SHRI SAMAR GUHA (Contai): I want to make this submission to you, Sir, without entering into legal niceties or procedural wrangles. The issue is one of protecting the honour of the House. It involves not only honour of this side of the House or that side of the House but it involves the entire House and the Speaker also. Taking into consideration all these points, I tried to draw attention to one point, that during the last session, the situation developed and you had to undertake an unprecedented measure of adjourning the House and we came to an understanding and that discussion was held and on the basis of that discussion the then Home Minister made a categorical assurance in the House that the report will be made available and on the basis of that report, they will be guided by the advice of the House, etc. Sir, this is the basic issue. What they have come out with now is only a partial report. They have not submitted the complete re-

Shri Samar Guha]

port. We should get complete report. We should get the full report of the enquiry; otherwise, Sir, how can we give any sort of guidance to anybody in the matter? Therefore, what I say is, the House cannot proceed without this report, and the House cannot give advice without this report being made available. I request the hon. Home Minister to understand the position. I am not going into legal matters or procedural wrangles. Don't you think that the honour of this House should be upheld? The Government is taking camouflage after camouflage, one after another; there is huge inflation in the whole country and some deepseated malady is there and there is more and more suspicion all over the country and this suspicion is not against the Government only, but suspicion against the whole institution of Parliament, all the Members of Parliament. They suspect that Members can forge signatures. There are certain elements which the Government want to shield and protect. This is not the first time that this has happened. Earlier also this has happened and licences were granted. So, this is known. A number of Members of Parliament made joint appeal to this Minister or that Minister and perhaps got the licence also. What is now happening is, Parliament is being reduced to the position of a dustbin, this is getting all the suspicions of the people. And this can be cleared up only if the whole matter is brought up before the House and through this House to the whole people. We should show that we are above suspicion. Sir, we cannot allow this House to remain under the cloud of perpetual suspicion of the people outside. Why should the morality the integrity of Members remain under suspicion? Why should the whole institution of Parliament remain under such kind of suspicion? That cannot be allowed, Sir. We will not allow this.

श्री नयू लिन्गये : अध्यक्ष महोदय . . .

अध्यक्ष महोदय : आप तो बोल चुके हैं।

श्री नयू लिन्गये : आपने इसे फिर री-ओपन कर दिया है, इस लिये फिर बोल रहा हूँ। अगर आप इसको री-ओपन नहीं करते तो मैं नहीं बोलता—आप ने अपना रुलिंग बदला है, इस लिये हम को सुनिये

श्री इवानमन्धन मिश्र : हम को डाक्यू-मेन्ट चाहिए, आपका रुलिंग चाहे जो हो।

श्री नयू लिन्गये : रुलिंग कभी भी "इफ" और "बट" के आधार पर नहीं दिया जाता है, रुलिंग कोट करने के लिये होता है। आप कल 368 को देखिये

श्री इवानमन्धन मिश्र : रुलिंग के बदले सी० बी० आई० की रिपोर्ट टेबल पर आये तो ज्यादा मोभा देनी।

श्री नयू लिन्गये : आप कल 368 को देखिये—मब से पहले इसके सन्दर्भ को आप ध्यान में रखें—यह सी० बी० आई० की रिपोर्ट क्यों मागी जा रही है? हमारे जो प्रिक्लेज मोशन हैं

अध्यक्ष महोदय : आप हम पर काफ़ी कुछ बोल चुके हैं।

श्री नयू लिन्गये : आप मुन लॉजिये, मैं बहुत जल्दी समाप्त करूँगा।

अध्यक्ष महोदय : आप दस दफ़ा ज़ेड होते हैं—कितनी दफ़ा खड़े होंगे?

श्री नयू लिन्गये : मैं 10 हजार दफ़ा खड़ा हो सकता हूँ। आप एक हजार दफ़ा इयूरिय-दि-प्रोसीडिङ्स बोले हैं। रुलिंग बदलते रहे हैं—इस लिये हम को दो दफ़ा बोलना पड़ा है।

SHRI PILOO MODY: You have provoked this debate by adding 'if' and 'but'.

SHRI INDRAJIT GUPTA: Please tell us something about your ruling.

MR. SPEAKER: The ruling is very much there and the rules are there. The ruling is if a Minister or a Member quotes from a document the other Members have got a right that that document be laid on the Table.

श्री मधु लिमये : यह आप क्यों तय करना है कि कोट किया है या नहीं किया है और कोट करने का मतलब क्या है—यह भी आप को तय करना है।

अध्यक्ष महोदय : मैंने यह रूलिंग इसलिये दिया—क्योंकि आप ने कहीं या किसी डाक्यू-मेंट्स को कोट कर रहे हैं।

श्री मधु लिमये : मैं भी "कोट" पर ही बोल रहा हूँ।

MR. SPEAKER: I gave my ruling on the basis that the document is quoted.

श्री मधु लिमये : अध्यक्ष महोदय, आप सब से पहले इसके कार्टेक्स्ट पर ध्यान दीजिये। कार्टेक्स्ट यह है कि प्रिविलेज मोशन के लिये सी०बी०आई० रिपोर्ट चाहिए—यह सुप्रीम कन्सीडरेशन इस सदन का अधिकार है। अब "कोट" का मतलब क्या है? डिक्शनरी में पाच रेलेवेट मीनिंग्स दिये हुए हैं—उनमें से एक है—

to include with quotation marks

लेकिन यह अकला नहीं है।

अगर कोई डिक्शनरीस्ट कोटेशन मार्क हटा दे—तो

it does not cease to be a quotation.

इस के अलावा चार मायने

और हैं—

to refer: to cite; to adduce as authority to give the actual words.

अब मैं जानना चाहता हूँ कि जो बर्ड्स मैंने कोट किये हैं—

whether they are the actual words occurring in the report or not.

यह कौन देखेगा? आप देखिये। मैंने जो एन० के० सिंह के बारे में और मिनिस्टर के बारे में कोटेशन दी है—

He has dishonestly removed the quotation marks.

इस के लिये

आप क्या कहेंगे। मैंने आप के सामने डिक्शनरी के चार मीनिंग्स रख दिये हैं।

SHRI SHYAMNANDAN MISHRA: Sir, you should say that your ruling will produce the document.

श्री मधु लिमये : केवल बेईमानी से कोटेशन मार्क हटा देंगे।

अध्यक्ष महोदय : मैंने तो रूलिंग दी है कि डिक्शनरी कोट किया है तो टेबल पर रखो।

श्री अटल बिहारी वाजपेयी : क्या आपकी रूलिंग हवा में होगी कि अगर कोट करेगा तो? यह कौन देखेगा कि कोट किया है कि नहीं?

MR. SPEAKER: I asked him to lay the document on the Table of the House. He says he did not quote. What should I do now?

SHRI SHYAMNANDAN MISHRA: What is your judgement?

SHRI H. N. MUKERJEE: Sir, we have been shouting ourselves hoarse. The country knows the technical as well as the political aspect of the matter but these miserable Ministers do not know about it! Are we going to swallow that proposition?

MR. SPEAKER: How should I say to them. I have already given the ruling. You tell me any other procedure.

SHRI H. N. MUKERJEE: your ruling must be productive. You have said it is open to the Minister to accept the ruling or not to accept the ruling. The House is concerned to see that your ruling produces the result for which we have been shouting for a couple of hours and you have also been drawn into the bargain. Unless they say it is in the public interest not to divulge it they are under a bounden obligation to lay it on the Table. What kind of corrupt, inefficient and ridiculous Government is this? They must respect the Parliament and you

SHRI PILOO MODY: Otherwise I will complain to the IPU.

MR. SPEAKER: You can go there. You should try to be serious some time.

श्री पीलू मोदी (सीरमपुर) :
ठीक से बोलिये ।

MR. SPEAKER: : आप बैठिये यहां
आ कर । क्या आप ने बता लिया है ?

My ruling is very clear. You asked for my ruling and I gave my ruling.

SHRI PILOO MODY: It is no ruling with 'ifs' and 'buts'.

SHRI INDRAJIT GUPTA. That is a rule and not a ruling.

MR. SPEAKER: You asked me what is the ruling about the document and I gave the ruling.

SHRI SHYAMNANDAN MISHRA: Sir, this House consists of the representatives of the people who do not happen to be so well-versed in many of the technicalities.

We want your guidance in this matter. How are we to understand the rules so far as production of the documents is concerned?

MR. SPEAKER: I asked him the document from which he quoted to be laid on the Table of the House because of the ruling. Now you are taking the position that he was not quoting...

श्री जयु सिन्हा : वह बेईमान है ।

श्री जदव बिहारी बाजपेयी : आपका क्या फैसला है ? क्या आप उनकी बात से सहमत हैं या हमारे बात से ?

MR. SPEAKER: What is your position now, Mr. Reddy? (Interruptions) What else can I do?

SHRI PILOO MODY: Let it be laid on the Table of the House. (Interruptions)

MR. SPEAKER: Order, please. Let me know how to satisfy myself. I cannot go beyond that.

SHRI SHYAMNANDAN MISHRA: That is a dishonest statement. (Interruptions).

SHRI H. N. MUKERJEE: We will have to bind your hand and foot as they did in the House of Commons in the 17th century.

MR. SPEAKER: Though they did not.... Don't put everything I have state the position.
(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: They cannot be allowed to defy the House. They cannot shirk their responsibility of laying it on the Table of the House.

MR. SPEAKER: I have stated the position I have made my observation. I have given my ruling. And I cannot do anything beyond that.

(Interruptions)

SHRI ATAL BIHARI VAJPAYEE: Our Breach of Privilege notices cannot be pursued unless we see the CBI Report. (Interruptions)

SHRI KRISHNA CHANDRA HALDER (Ausgram): Sir, he is telling lies.

SHRI ATAL BIHARI VAJPAYEE: He has misled the House. (Interruptions).

SHRI S. M. BANERJEE: You will kindly keep it pending.

SHRI K. BRAHMANANDA REDDY: I have said yesterday and I have drawn your kind attention to the passage in the Lok Sabha proceedings and I have definitely stated before you that I have not quoted from any report. (Interruptions). You must also listen to my point.

14.00 hrs.

SHRI PILOO MODY: We do not want excuse. We want the records.

We are not interested in how many rules you quote. We want the report, no argument; the report, the report, the report.

SHRI K. BRAHMANANDA REDDY: If you do not want to listen to me, I do not want to waste my breath (*Interruptions*).

Even if according to Shri Madhu Limaye I have said something which though not a quotation is a gist, it is a gist from a charge-sheet and that charge-sheet is being laid in the Library. (*Interruptions*).

SHRI SHYAMNANDAN MISHRA: We should not allow the Minister who utters nothing but nonsense and untruth to get away with this. I cannot accept anything from a person of his calibre. Does he think he can get away with this?

ऐसी ऐसी कैलिबर के लोग होम मिनिस्टर बनते हैं।

The entire world supports us. We want the Chair to support us. The entire world is supporting you

MR. SPEAKER: I have given my ruling. I cannot go further.

SHRI PILOO MODY: You never wanted the report to be laid on the Table. That is your instruction (*Interruptions*).

SHRI K. BRAHMANANDA REDDY: Mr. Mishra, I want to tell you this: when you speak, have some better equilibrium. But you do not seem to possess even commonsense (*Interruptions*).

SHRI SHYAMNANDAN MISHRA: He thinks he is very clever when he makes a reply (*Interruptions*).

SHRI P. K. DEO: In the past, the Leader of the House always used to

come to the House. But we do not see the Leader of the House now. For a situation like this, let the Prime Minister guide us. (*Interruptions*).

SHRI K. LAKKAPPA: This seems to be a wrestling arena and you are keeping quiet.

SHRI JYOTIRMOY BOSU: What is your ruling?

MR. SPEAKER: I have given my ruling. (*Interruptions*).

SHRI JYOTIRMOY BOSU: What is your ruling?

MR. SPEAKER: I have repeated it.

SHRI JYOTIRMOY BOSU: The first, second or the third one—what is your ruling.

श्री हुकूम चन्द कड़वाय (गुरेना) :
घापकी पूजा करे? घाप झूठ बोलते हैं। यह
घाघ्र प्रदेश या हैदराबाद नहीं है। यह
दिल्ली है।

MR. SPEAKER: I have given my ruling.

SHRI H. N. MUKERJEE: A Minister named Uma Shankar Diskhut was responsible last session for making a statement to the House. But he does not turn up and Mr. so and so, his successor, makes a messy statement which repudiates the assurance. It is a matter of the privilege of the House. Notice has been given of that. This House was promised to be given all the material regarding the results of the investigation. But now his successor gives an imaginary gist; he gives no substantiation, he has not given any document, he gives an imaginary gist. This goes against the grain of parliamentary functioning; all the promises given to the House by the ex-Minister have been repudiated.

The privilege of the House is attracted. It must be taken now. You throw the other rules to the winds for the time being; the privilege matter

must come up and Mr. Mishra has already given it. It should be taken up, if you care for Parliament... (Interruptions).

श्री श्यामनन्दन मिश्र : ब्रह्म यज्ञ शुरू हो गया है। हम कितने क्लियर हैं अपनी सेस आफ इयूटी में इसकी आप देखें। हमें लोग एक्यूज करेंगे कि तुम ने . . .

श्री अटल बिहारी वाजपेयी : अभी प्रो० हिरेन मुखर्जी ने कहा कि गृह मंत्री ने, कानून मंत्री ने सदन में आश्वासन दिया था कि सी० बी० आई० की जाच के बारे में सारे तथ्य सदन के सामने रखे जायेंगे। क्या आप समझते हैं कि मंत्री महोदय ने अपने आश्वासन का पालन कर दिया है और क्या उनको उसका पालन नहीं करना चाहिये? अगर आप समझते हैं कि पालन करना चाहिए तो क्या बिना रिपोर्ट आये उस आश्वासन का पालन हो सकता है?

अध्यक्ष महोदय : आपको याद होगा कि पहले दिन जब आप लाये थे तो कॅटगोरिकली कहा गया था कि एक्थोरेस था। उन्होंने यह पोजिशन ली और कई सेंकसज को कोर्ट किया saying this was beyond their control, this and that so on उसके बाद एक ब्राड क्वेश्चन आया क्वेश्चन आफ प्रिविलेज और होम मिनिस्टर ने स्टेटमेंट दिया। आप में से भी कई बोले। कल होम मिनिस्टर ने जवाब दिया। आप ने कहा उसके बारे में ला मिनिस्टर को जा करना है वह भी पता चलना चाहिये, दूसरों को भी सुनना है। वह तो अभी तक आया नहीं है। सुबह से यह काम चल रहा है

श्री श्यामनन्दन मिश्र : पहले डाकुमेन्ट आये।

अध्यक्ष महोदय : आज बीक एंड है। सवा दो बजने वाले हैं। सारा समय इसमें चला गया है। साठे तीन बजे भी आपका काम ही लिया जाने वाला है।

श्री श्यामनन्दन मिश्र : 21 दिमम्बर तक यही चलेगा।

अध्यक्ष महोदय : आपकी मर्जी है।*

श्री अटल बिहारी वाजपेयी : आप चाहे तो सारे मामले को हल कर सकते हैं।

अध्यक्ष महोदय : बैठे बैठे हल नहीं कर सकता हूँ।

The Speaker's position is to interpret the rules and I have interpreted them. I have given the ruling and I have given my opinion.

श्री अटल बिहारी वाजपेयी : आपने कहा कि गृह मंत्री ने त्रिभिनल प्रोसेजुर कोड की धाराएं दिखाई और कहा कि कोर्ट में जाना जरूरी था और इसलिए हम हाउस में नहीं आ सकते थे। मैं जानना चाहता हूँ कि रिपोर्ट पेश करने में कौन सी सी०आई०पी०सी० की धारा बाधक बन रही है?

SHRI JYOTIRMOY BOSU The report should be laid just now

MR SPEAKER Whatever observations I have to make, I have made, I have nothing else to add

SHRI SHYAMNANDAN MISHRA: Did we demand that document under a particular rule? No The document was demanded under the assurance made to the House earlier, for the performance of our duties. He chooses to take shelter under that and you choose to confine yourself entirely to that, which is unfair to us

MR SPEAKER: Let us decide whether we are adjourning for lunch or

not. I feel very much tired after all this.

SHRI PILOO MODY: I am contesting the fact that you have given a ruling. 'Ruling' is defined in the Oxford Dictionary.

MR. SPEAKER: What I have found in the rules, I have given. I am not going by dictionary. Will the Speaker go by the dictionary, when the rules are quite clear?

SHRI PILOO MODY: Mr. Speaker, a ruling is defined....

MR. SPEAKER: As I have told you, there is no question.

SHRI PILOO MODY: According to the Oxford Dictionary, 'ruling' is defined as "a judicial or authoritative decision."

MR. SPEAKER: The Rules of Procedure are clear. You are introducing new things every time.

SHRI PILOO MODY: I will speak after you have finished. Now after your successful interruption, let me start again. A ruling is a judicial or authoritative decision. It implies that there can be no two interpretations. It is a decision which you, and you alone, will have to give. You can give a decision saying that the report must not be laid—in that case, we will determine our line of action—or you can give a decision that the report has to be laid, in which case also we will determine our line of action. But the fact of the matter is that this decision has to come from you. That is why you are sitting in your chair and if you give less than a decision then we will have to assume that the Chair is not functioning.

MR. SPEAKER: You may assume anything. What ever I have to say I have said. I gave the ruling. I gave it.

SHRI SHYAMNANDAN MISHRA: May I crave your indulgence? I again

repeat that we want the commitment to be fulfilled. We have not asked for the production of the document under this rule 368. What is your ruling? Please address yourself to this?

MR. SPEAKER: If you speak like that, I will not do anything.

SHRI SHYAMNANDAN MISHRA: What are we to do? Did I ask for the production of the document under rule 368? मैं यह कहना चाहता हूँ कि हाउस में जो कमिटीट हुआ था उसके बारे में आपको क्या कहना है। आप उसके बारे में कहिये।

अध्यक्ष महोदय : आप ने एशोरम के बारे में कहा है। उसके बारे में बहस हो रही है। उसमें मने मिनिस्टर और दूसरे मेम्बरों को सुना है।

SHRI SHYAMNANDAN MISHRA: The CBI inquiry was instituted in lieu of the inquiry by the House, which was demanded by the House so insistently. Now, if that inquiry has been conducted, should that report not be placed on the Table of the House, in accordance with the assurance given?

SHRI JYOTIRMOY BOSU: श्री H. R. Gokhale stated on the 9th September, which I am quoting:

"Please refer to my remarks on the subsequent occasion. I have said at that time that we shall take the House into confidence after the investigation report was available. After the results of investigation are available, we shall take the House into confidence. The whole matter is open to the House to consider at that time."

SHRI ATAL BIHARI VAJPAYEE: The whole matter, barring the CBI Report, is open.... (Interruptions).

SHRI JYOTIRMOY BOSU: He further said:

"I am making a promise, I am giving an assurance, that, after this investigation is over, the first thing that we will do is to come to Parliament and say, "This is where we have arrived; please tell us what we should do". It is only after that, according to the wishes of Parliament, that we will proceed."

If this is not done, then do away with Parliament. (Interruptions): If they went to court of law, rightly or wrongly, due to technicalities that is one matter. But the second matter is that the CBI Report must be placed before the House. If they do not come with it before the House, they might call it the last day of Parliament. Mrs. Gandhi with a photograph of Hitler in her hands will come to the House and then we might as well get out... (Interruptions).

श्री अटल बिहारी वाजपेयी . अध्यक्ष महोदय सरकार ने दो अपराध किये हैं । एक तो सदन में आने से पहले अदालत में चले गये । 11 तारीख को सदन की बैठक शुरू हो गई थी । ये पहले दिन सदन के सामने नहीं आये । दूसरे अब ये सी०बी०आई० की रिपोर्ट नहीं ला रहे हैं । पहले तो कहा कि वानून ऐसा है कि हम रुक नहीं सकते ये अदालत में जाना जरूरी था । अब कौन सा कानून रोक रहा है इन्हें रिपोर्ट यहां रखने के लिये ?

श्री श्यामसुन्दर मिश्र : और वह कानून भी बेंचरूकों के लिए है । ... (अव्यवधान) ... हम से बातें कर रहे हैं ? पेटी प्रिबैरिकेटेड बात है यह ।

MR. SPEAKER: It is a pity that...

SHRI PILOO MODY: It is a pity that you did not give a ruling.

MR. SPEAKER: It is a pity that you are talking like that.

This is already contained in various privilege motions which you have given. We heard the Home Minister yesterday. . .

AN HON. MEMBER: Are you satisfied?

MR. SPEAKER: Not a question of satisfaction. I am still hearing them. I heard all of you. You demanded that they should also be heard. I asked them that they should also come and speak in this House. Now, about that, I can give my ruling only after hearing them.

SHRI JYOTIRMOY BOSU: Don't mix up the things.

MR. SPEAKER: Everything is contained in whatever you have mentioned. The same matter which you have raised is contained in your privilege motions. I cannot give the ruling piece-meal here and piece-meal there.

We now adjourn for lunch to re-assemble at 3.30 p.m.

14.25 hrs.

The Lok Sabha adjourned for lunch till thirty minutes past Fifteen of the Clock.

The Lok Sabha reassembled after Lunch at Thirty Minutes past Fifteen of the Clock.

(MR. DEPUTY-SPEAKER in the Chair)

QUESTION OF PRIVILEGE—contd.

IMPORT LICENCE CASE

SOME HON. MEMBERS rose—

SHRI JYOTIRMOY BOSU (Diamond Harbour): On a point of order.

SHRI MADHU LIMAYE (Banka):
On a point of order.

MR. DEPUTY-SPEAKER: Please sit down. I will hear all of you.

Now I seek your assistance on a purely technical point before you proceed further. Today is Friday, and you know the rules that, on every Friday, two and a half hours are devoted to Private Members' Business. Also when the time for Private Members' Business comes, we adjourn every discussion and take up the Private Members Business. That has been the practice. Now if we look at the order paper, we will find that we had fixed 3.00 p.m. for Private Members' Business. We are now behind by half an hour. I would like to have your opinion or desire in that regard whether you would like to do away with the Private Members' Business.

श्री हुकम चन्द कछवाय (मुरेना) :
उपाध्यक्ष महोदय, यह जा प्राइवेट मॅम्बर्स के प्रश्नाव का कार्यक्रम है आज हम उसको छोड़ना चाहते हैं. . (व्यवधान).

श्री कृष्णचन्द्र पांडेय (खलीलाबाद)
हम नहीं छोड़ना चाहते हैं।

श्री हुकम चन्द कछवाय : उपाध्यक्ष महोदय, इस सदन के जितने विरोधी पक्ष हैं, उन सब ने एक मत में नय किया है कि भारत सरकार ने जो वायदा किया है—गृह मंत्री जी ने वायदा किया है, विधि मंत्री जी ने वायदा किया है कि सी०बी०आई० की रिपोर्ट टेबिल पर रखेंगे—ये उसको टेबिल पर रखे उसके बाद आगे की कार्यवाही चलेगी। जब तक सी०बी०आई० की रिपोर्ट टेबिल पर नहीं रखते हैं हम किसी प्रकार की कार्यवाही नहीं चलने देंगे।

SHRI JYOTIRMOY BOSU: I would request you, Sir, since you had been a member of this House, an illustrious member of this House. . .

MR. DEPUTY-SPEAKER: I am still a member.

SHRI JYOTIRMOY BOSU: Now you are an elevated member.

MR. DEPUTY-SPEAKER: I am still a member and I sit there in front of you.

SHRI JYOTIRMOY BOSU: I would like you to listen carefully to what I narrate from the books of account, these documents, and give us your considered and upright opinion, upholding the dignity of the House, as to whether it has become obligatory on the part of the Government to lay on the Table of the House the CBI report.

I have to repeat this, Sir, because they do not understand these things; they do not want to understand these things. There are two persons, two senior Cabinet Ministers representing the whole Government of India on the floor of the Lok Sabha. What did they say? Mr Brahmananda Reddy, the Home Minister to-day, who was doing a lot of tight-rope walking without any success, his predecessor, Shri Uma Shankar Dikshit said:

"I am making a promise I am giving an assurance that after this investigation is over, the first thing that we will do is to come to Parliament and we will say, 'This is where we have arrived Please tell us as to what we should do.' It is only after that .

Mind the words.

"...It is only after that, according to the wishes of the Parliament that we shall proceed"

Now Mr Gokhale, an eminent lawyer and who was also a Judge of the Bombay High Court and who was also a practising lawyer at the Supreme Court, knowing all the limitations of the Government and the law, said:

"I have said at that time that we shall take the House into confidence after the investigation report"

was available. After the result of the investigation was available, we shall take the House into confidence. The whole matter is bound to come to the House to consider at that time."

I have quoted verbatim from the proceedings of this House. Now, they have taken a stand that under the existing laws they could not have possibly come before the House without going to a court of law once the CBI inquiry report establishing a case *prime facie* came into their hands. That is a matter for the Committee of the Government Assurances. But I will deal with it in a separate way.

Now, since the CBI inquiry report is in their hands and now they have gone to a court of law already, is it not obligatory on them to come before the House, read out the entire CBI inquiry report and lay it on the Table of the House so that the House is able to give its counsel and a direction to the government as to what are the things that are to be done? Now, the Government have not done it and, therefore, it is for the Chair to give a ruling in view of the two assurances that are on record that the Government must lay the CBI inquiry report on the Table of the House because I am positive that the original report is now being altered and they are only trying to take time from the House so that a fabricated report is placed on the Table of the House.

You are the only person present in the House who can save the House from the indignity and disregard that is being showered on this House by this Government.

श्री डी० सोहन लाल (करोल बाग)

उपाध्यक्ष महोदय, कुछ से जो सरकारी कार्य या उसके अन्दर मेरे इन दोस्तों ने बाधा पहुँचाई या नहीं पहुँचाई—मैं नहीं कहता। लेकिन यह समय तो हमारे गैर-सरकारी

प्रस्तावों का समय है जो इस सदन के माननीय सदस्यों द्वारा पेश किये जाते हैं। मैं आप से आदेश चाहता हूँ—क्या यह उन सदस्यों के प्रति अन्याय नहीं है जो उनके टाइम में इस तरह से बाधा पहुँचाई जा रही है? मैं इसके ऊपर आपका आदेश चाहता हूँ।

MR. DEPUTY-SPEAKER: I will give my ruling.

श्री बबू लक्ष्मण : उपाध्यक्ष महोदय, इसमें सन्देह नहीं कि लोक सभा की कार्यवाही में बाधा उत्पन्न हो गई है। सदन को जो आश्वासन दिये गये थे मन्त्रियों के द्वारा उनका उल्लंघन करके बिल्कुल बेशर्म बन कर अपने आश्वासन से सरकार भुकरना चाहती है। . . (ध्यक्षजी) सरकार ने अपने आश्वासन का उल्लंघन किया है। श्री अरुण मामला प्रोसीजरल नहीं है। सदन की गरिमा और मानहानि का मवाल है। श्री स्वयं अध्यक्ष महोदय ने कहा कि लीगल नाइनिटीज में मैं नहीं जाता हूँ। उन्होंने 12 तरीक़ों को कहा। अगर आप चाहते हैं तो मैं उनका उद्धरण दे सकता हूँ।

"MR. SPEAKER: So far as that assurance was concerned, it was quite categorical. His (Speaker's) concern was that MPs. were involved in it. If it were somebody from outside, then, that was a different matter. But here MPs. were involved and so the House was seized of the situation.

Now a difficulty had arisen because the CBI instead of waiting, and laying it before the House, had followed another course by sending it direct to the court. A plea could be taken that it was now a sub-judice matter. But this House was directly concerned with the honour of these MPs. So, some way should be found out of this tangle. So far as MPs. were concerned, the House should be in a position to express its opinion. In the matter about our own Members, some way should be found

lest this House should be deprived of its own decision on their conduct and character. After all, we had to keep the image of Parliament clean. He (The Speaker) would have to find a way out."

अब उन्होंने यह भी कहा है कि पार्लियामेंट को उसके ऊपर चर्चा करनी पड़ेगी सब-जुडिस के बावजूद, और मैं रास्ता निकालूंगा। अब यह चर्चा होगी कैसे, यह प्रिलिमिनरी चल रहा है। चर्चा के लिये यह आवश्यक है कि सी० बी० आई० ने क्या जांच की, किन किन मामलों की जांच की? अभी गृह मंत्री ने क्या कहा कि पिले साहब ने जो बयान दिया, मैं मरकारी पिने की बात नहीं कर रहा हूँ, के० एन० आर० पिले जो चीफ कंट्रोलर आफ इम्पोजिट और एक्स्पोजिट है उनकी बात नहीं कर रहा हूँ, बल्कि एस० एम० पिले की बात कर रहा हूँ। जो पिले साहब ने यह कहा है सी० बी० आई० को, इन के कथानुसार, कि कौमर्स मिनिस्टर के स्पेशल असिस्टेंट, जो माननीय ललित नारायण मिश्र के समय में भी स्पेशल असिस्टेंट थे, उन्होंने तुलसीमोहन राम ने यह कहा कि एन० के० सिंह कहता है कि मिनिस्टर के हाथ मजबूत करने के लिये कोई और हस्ताक्षर वाला एक नया आवेदन-पत्र चाहिये। श्री डी० पी० चट्टोपाध्याय के हाथ मजबूत करने के लिये नहीं। इन की तो आखिरी मजबूत करने के लिये चाहिये। लेकिन ललित भाई के हाथ मजबूत करने के लिये यह भाग की गई है। एन० के० सिंह ने यह कहा। तुलसीमोहन राम यह कहते हैं कि 20,000 रु० एन० के० सिंह के लिये चाहिये। अब हम यह जानना चाहते हैं कि इन का प्राये इन्वेस्टिगेशन क्यों नहीं किया गया? सी० बी० आई० ने क्या इस पहलू का इन्वेस्टिगेशन किया? क्या उन्होंने एन० के० सिंह को ऐक्जामिन किया था? अगर पार्लियामेंट्री कमेटी के सामने मामला होता तो एन० के० सिंह की खाल निकाली जाती, और जो सत्य उसकी खोज किये बिना पार्लियामेंट्री कमेटी नहीं रहती। श्री के० एन० आर० पिले को

बुलाया जाता और दूसरे अफसरों को बुलाया जाता और पार्लियामेंट्री कमेटी इस बात की तह में चली जाती कि क्या वास्तव में जैसे तुलसीमोहन राम ने पैसा लिया, क्या अधिकारियों ने भी पैसा लिया? तो आपने इन सारे मामलों की जांच नहीं की। और अगर की है तो उसको आप छिपा रहे हैं। मेरा आरोप है कि अगर सी० बी० आई० ने इस पहलू की जांच की है तो उसको आप छिपा रहे हैं। और इसलिये सदन को जानकारी देनी चाहिये, और यह रिपोर्ट प्रिब्लेज का मामला तय करने के लिये सदन की मेज पर आनी चाहिये।

आप ने तो हम को कल डाट कर यह कहा कि इस सदन में जो भी बात कही जाती है वह आप के कान पर जरूर आ जाती है। तो मैं आशा करता हूँ कि जो कार्यवाही आज सबेरे और दोपहर की है वह आपने सुनी है। अब आप को इसके ऊपर चलना है कि स्पीकर साहब की रूलिंग क्या थी। उन्होंने कहा

"If a document has been quoted my ruling is that it must be laid on the Table"

कल की तरह यह नहीं चलेगा कि स्पीकर ने इस को भ्रूरा छोड़ा है, मैं नहीं निर्णय करूंगा। स्पीकर का यह रिकार्ड है। नहीं तो टेप बजाया जाय।

"If a document has been quoted my ruling is that must be laid on the Table."

इसका निर्णय अब आपको करना पड़ेगा। अब आप भागेंगे नहीं। और प्रोफेसर हीरेन मुखर्जी साहब जो यह कहते हैं कि डिक्शनरी बगैरह के चक्कर में क्यों पड़ते हैं? तो मैं आप की मदद करने के लिये पड़ रहा हूँ। "कोट" के पांच अर्थ हैं जो कि डिक्शनरी में दिये गये हैं:

- (1) To refer to a document;
- (2) Cite;

- (3) Adduce as authority;
- (4) Give the actual word;
- (5) To enclose in quotation marks.

तो पहले चार तो हुवा मे उड गये, और केवल माननीय ब्रह्मानन्द रेड्डी ने कोटेशन मार्क नहीं लगाया इसलिए हमारा अधिकार छीन लिया जाएगा ? मैं तो कहता हूँ कि कोटेशन मार्क नहीं लगाया यह इनकी बेईमानी का द्योतक है और कुछ नहीं है। आप के पास सी० बी० आई० की रिपोर्ट नहीं है। प्रोफेसर चट्टोपाध्याय ने कहा कि कई रिपोर्टें हैं। मैं उनकी वर्डिंग देता हूँ मुझ को जो उन्होंने पत्र लिखा है उसमें उन्होंने यज्ञ कहा है

"As regards the delay in replying to your letter, I was out of the country for a number of days and besides certain consequential action had to be taken on receipt of the interim reports mainly from CBI."

इंटरिम रिपोर्टें मन् ले सी० बी० आई० से। यानी सी० बी० आई० के अलावा भी इसी मामले के बारे में और रिपोर्टें भी हैं, और सी० बी० आई० की कई इंटरिम रिपोर्टें हैं। तो कोई एक इंटरग्रेटेड रिपोर्ट नहीं है यह इस के पत्र से लगता है।

अब मैं आप की थोड़ी मदद करना चाहता हूँ। एम० एम० पिले ने स्टेटमेंट दिया और यह कहा कि एन० के० सिंह और मिनिस्टर के लिये तो सी० बी० आई० की प्रधान मन्त्री ने डायरेक्शन दिया कि इस मामले को अग्रे इन्वेस्टीगेट नहीं करना है। आज सी० बी० आई० माननीय ब्रह्मानन्द रेड्डी के हाथ में नहीं है, वह जमाना चला गया जबकि गृह मन्त्री के हाथ में सी० बी० आई० और इंटेलीजेंस ब्यूरो होता था। एक मामूली प्रश्न पर आप निर्णय नहीं कर सकते। आप को नरौरा टेलीफोन से सम्पर्क करना पड़ेगा।

आप बहुत ज्यादा इस सब को ठगने की कोशिश न करो। आपके हाथ में कुछ नहीं है।

प्रधान मन्त्री ने सी० बी० आई० को कहा कि पिले और एन० के० सिंह की जांच बन्द करो क्योंकि इसमें बहुत शंका और घोटाला पैदा हो सकता है। उसी तरह ट्रैफिकिंग इन लाइसेन्स का जहां तक ताल्लुक है यह भी इसी का एक रूप है। प्रो० चट्टोपाध्याय ने कहा कि हमारी जानकारी के अनुसार यह नौ तारीख का वाक्य है, कोई ट्रैफिकिंग नहीं हुआ है। लेकिन 28 तारीख को अगस्त महीने में इनको जानकारी दी गई थी इंडो-बंगला देश ट्रैडिंग कारपोरेशन के ऊपर छापा पड़ा है, और भी कार्यालयों के ऊपर छापा पड़ा है। ये छापे किम ने मारे ? इनकम टैक्स ने मारे, रेवेन्यू इंटेन्सिज ने मारे, एक्साइज डिपार्टमेंट ने मारे, एनफोर्समेंट ने मारे इनको इसका खुलासा करना चाहिये। इसमें भी बहुत मे तथ्य मिलेंगे।

तब फिर आगे प्रधान मन्त्री ने दूसरा डायरेक्शन दिया कि इसके बारे में अब आगे जांच नहीं करनी चाहिये नहीं तो मामला बहुत दूर तक चला जाएगा। इसलिए ये इंटरिम रिपोर्टें थी। हमने कभी नहीं देखी ऐसी बात। बीजू पटनायक के बारे में एक इंटेन्सिज रिपोर्ट थी। लेकिन जब प्रधान मन्त्री ने डायरेक्शन मिलता है कि इस लाइन को परम् नहीं करना है, इस एम्पैक्ट में नहीं जाना है तो एक रिपोर्ट आएगी कैसे। ऐसी ही क्रिमिनाल रिपोर्टें आएंगी। इसलिए मैं कहना चाहता हूँ कि आप को सारी रिपोर्टें को मगाना चाहिये। मध्य ही ब्रह्मानन्द रेड्डी साहब ने जो वक्तव्य दिए हैं 12 तारीख को और कल उममें कई वाक्य आप देखेंगे। टू गिव एक्स्प्लेन वर्ड्स उसमें आपको मिलेगा। प्राइम मिनिस्टर सैंक्रेडरिएट में कुछ लोग हैं उनके कहने पर उन्होंने कहा है कि पकड़े जाएंगे, इसलिए कोटेशन मार्क निकाल दो। आपकी अकल नहीं है। मैं आपको साफ करने के लिए तैयार हूँ। आपको बरी करना हूँ इस बाब में।

कल मैंने सभास उठाया था कि सुसमोहन राय ने पत्रकारों को कहा था कि मैं बंबेड़ी नहीं जानता, केवल बंबेड़ी में सिमनेयर करना जानता हूँ। लेकिन अभी तक इस प्रश्न का जबाब नहीं मिला हमें कि उनका लैटर किस ने ड्राफ्ट किया था—

श्री तुलू चण्ड कखवाय : लल्लू भाई ने।

श्री जयु लियवे : लल्लू भाई की अफल नहीं है। हरि भाई का इंटरव्यू मिला कि ऐसा आपको लिखना है कि सब-जुडिस है। इस मामले को किसी तरह सब-जुडिस बनाना था। हरि भाई गोखले ने अपनी... (व्यवधान) बिल्कुल कह रहा है। ताकत के साथ कह रहा है। मेरा सीधा आरोप है।

(Interruptions)

You are trying to give protection to the criminals. You may deny that.
(Interruptions)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H R GOKHALE): Sir, he was referring to the letter of Mr. Tulmohan Ram addressed to the Speaker obviously. He is alleging that it has been done under my advice or it is drafted by me. I want to make it clear that although Shri Tul Mohan Ram has been a Member of the House, I have not seen his face I have not dealt with any letters which he has drafted or not drafted.

SHRI PILOO MODY: I did not know you had to see a man's face to draft a letter.

SHRI H R GOKHALE: I have also said that I have not drafted any letter for him.

एक माननीय सदस्य : एल० एन० मिश्र ने इनको कहा ड्राफ्ट कीजिये।

श्री जयु लियवे : इसकी छत्री में जो लैटर ड्राफ्ट किया गया है यह न श्री ब्रह्मानन्द देवडी का काम है और न ही श्री एल० एन० मिश्र

का काम है, यह हरि भाई गोखले का काम है ही निकला हुआ है। मैं इनकी कॉन्सिमेंट दे रहा हूँ। इसके रेमिफिकेशन की आप मंजूर लें।

मैं आप में कहना चाहता हूँ कि आप इन सारी रिपोर्ट्स को सदन की मेज पर रखने का आदेश दें।

श्री तुलू चण्ड डागा (पाली) : मुझे तो बाने कहनी है। आप रिवाइज्ड लिस्ट ऑफ विजिनेम को देखें। फिर आप रूल 26 को देखें। रूल 26 इस प्रकार है :

The last two and a half hours of a sitting on Friday shall be allotted for the transaction of private members' business."

यह सफ है कि फ्राइडे के रोज प्राइवेट विजिनेम के लिए ढाई घंटे निश्चित किए जाएंगे। रिवाइज्ड लिस्ट ऑफ विजिनेम में यह है कि तीन बजे से साढ़े पांच बजे तक इसको निजाला जाएगा... (व्यवधान) दूसरे दिन में यह भी है।

"The last two and a half hours of a sitting on Friday shall be allotted for the transaction of private members' business:

"Provided that the Speaker may allot different Fridays for the disposal of different classes of such business and on Fridays so allotted for any particular class of business of that class shall have precedence."

एक माननीय सदस्य : वह स्मूट हो गया है।

श्री तुलू चण्ड डागा : तीन बजे से साढ़े पांच बजे तक प्राइवेट मीम्बरों विजिनेम का निजाला जाता है और इसकी अप्रैप्राय है।

The matter is already *sub judice*.

जिस मामले पर बहस हो रही है

उसके बारे में बार बार कहा गया है जब यह शीट कीट में चली गई है तो बार बार इस सवाल को दहा क्यों उठाया जा रहा है।

The Speaker has already given ruling. *(Interruptions)*

इसको दारे हाउस को मान लेना चाहिये।

SHRI MADHU LIMAYE. What is the ruling?

श्री मूल चन्द्र डागा : स्पीकर की कलिंग को भी ये नहीं मान रहे हैं और हल्ला कर रहे हैं। जो पेपर टेबल पर था वह ब्रेरी में रखने से बेरख दिए गए हैं, चार्ज शीट की कपी रख दी गई है। फिर भी ये क्यों हल्ला कर रहे हैं मेरी समझ में नहीं आ रहा है। क्यों ये हाउस की बरबादी को रोक रहे हैं।

SHRI MADHU LIMAYE. What is the ruling?

श्री मूल चन्द्र डागा : जो पेपर टेबल पर रखने के लिए स्पीकर कह रहे थे या खे रख दिए गए हैं।

श्री हुकम चन्द्र कछवाय : सी० बी० आई० की रिपोर्ट पढ़व डो।

श्री मूल चन्द्र डागा : स्पीकर का कलिंग हो चुका है। उनको हाउस को एक्सेस करना चाहिये। इनको इस तरह से हाउस में गडबडी पैदा करने की इजाजत नहीं होनी चाहिये।

THE MINISTER OF HOME AFFAIRS (SHRI K BRAHMANANDA REDDY) Mr. Deputy-Speaker, may I submit to you and through you to the House that I have sent a communication to Mr Speaker seeking his guidance?

(Interruptions)

SHRI MADHU LIMAYE. He is not competent? *(Interruptions)*.

MR. DEPUTY-SPEAKER: Order please.

(Interruptions)

16 00 hrs

MR DEPUTY-SPEAKER. I will not shut out anybody .. *(Interruptions)* Please listen to me This creates another complication because the Home Minister suo motu has come forward with a statement before the House *(Interruptions)* What he has said just now

SHRI PILOO MODY (Godhra) . shows that he is as confused about the ruling

MR DEPUTY-SPEAKER. The Home Minister suo-motu came forward with a statement that he has sent a communication to the Speaker seeking his guidance That is what he said.

SHRI AT'AL BIHARI VAJPAYEE: Oral or written?

MR DEPUTY-SPEAKER I do not know I do not know what the communication is but the House is now seized of that matter Once a matter is stated before the House and the Members seized of that matter I would leave it to the Home Minister to consider whether he should also take the House into confidence as to what that communication is

SHRI JYOTIRMOY BOSU And elobrate what guidance he has asked for?

SHRI K BRAHMANANDA REDDY: I sent a communication in writing to the hon Speaker seeking his guidance and instructions on the matter whether the CBI report should be placed on the table of the House or not.

SHRI SHYAMNANDAN MISHRA (Begusarai) I rise on a point of order. If it so pleases you Kindly permit me to move a motion of contempt of the Chair against the hon. Home Minister or I shall give it in writing that he has committed a contempt of the Chair and also a contempt of the House. We have been dealing with this issue under your Chairmanship and in the meantime the hon. Minister takes the

matter out of the hands of the House and out of the hands of the Presiding Officer who happens to be in the Chair, the hon. Deputy Speaker. This is a grave contempt of the House and a grave contempt of the Chair.

SHRI K. BRAHMANANDA REDDY: That communication (Interruptions).

SHRI SHYAMNANDAN MISHRA: He can speak later:

So, it requires your very clear guidance whether a contempt of the House or the Chair has been committed or not in taking the matter out of the hands of the House and in his trying to refer it to the hon. Speaker whosoever happens to be in the Chair is for our purposes the Speaker of the House. This matter cannot be referred to the Speaker when we are grappling with that issue. Therefore, the Home Minister has to be charged with contempt of the House.

SHRI K. P. UNNIKRISHNAN (Bada-gara): On a point of order, Sir. When Mr. Mishra was speaking, one of the hon. members opposite called the Home Minister.....chor....

SHRI PILOO MODY: He is not even an assistant to the Deputy Whip. He has no business to speak to the House and to address you from the Treasury Benches. Let him go back to the last bench where he belongs.

SHRI JYOTIRMOY BOSU: I will quote from Kaul and Shukla to show how the conduct of the Home Minister has been unbecoming of a member, not to speak of a minister. On page 273 it says:

"If a member desires to make an observation on a matter before the House or to ask a question from another member who is speaking, either to obtain clarification or for the purpose of any explanation about a matter which is under consideration of the House, he has to address the question through the

Chair."

Here this is a matter which is very much before the House and he has tried to obtain a clarification about a matter which the House is fully seized of. Now, Mr. Speaker is not in the Chair at the moment. You are in the Chair. Therefore, by addressing it to the Speaker, the Home Minister has shown disregard to the Chair and to the House and has behaved in a manner which is unbecoming of a member. I shall be grateful if you uphold the dignity of the House and of the Chair by reprimanding him right now.

श्री अटल बिहारी वाजपेयी (बालियार):

उपाध्यक्ष महोदय, आज 12 बजे मे यह मामला विवाद का विषय बना हुआ है और इसको लेकर सदन में गतिरोध पैदा हो गया है। जो कुछ हो रहा है, हम चाहते नहीं हैं कि वह हो, लेकिन हम मजबूर हैं। अब प्रधानमंत्री महोदय 4 बजे खड़े होकर कहने हैं कि वह स्पीकर की गाइडेंस चाहते हैं। यह गाइडेंस किस नियम के अन्तर्गत वह मांग रहे हैं? किस नियम के अनुसार गृह मंत्री महोदय ने स्पीकर को चिट्ठी लिखी है? प्रारम्भ में उन्होंने कहा कि वह सी०बी०आई० की जाच रिपोर्ट मना-पटल पर नहीं रखेंगे। इस पर एक लम्बी बहस हुई। स्पीकर महोदय का फैसला हुआ। स्पीकर कहते हैं कि अगर गवर्नमेंट रख दे तो उन्हें कोई आपत्ति नहीं है। गवर्नमेंट को गाइडेंस की कोई जरूरत नहीं है। गवर्नमेंट रखना चाहती है तो रख सकती है, स्पीकर उसमें बाधक नहीं बनेंगे। लेकिन एक बार रिपोर्ट रखने से इनकार करना, इतनी बहस के लिए मौका देना और फिर स्पीकर को मुसीबत में डालना, मेरा निवेदन है, इस समय आप चेयर पर बैठ हुए हैं, सब मामले पर गौर कर रहा है, क्या आपकी पीठ के पीछे, सदन की पीठ के पीछे कोई गाइडेंस इस समय मांगी जायगी? क्या ये आपका व्यवहार करने के तरीके नहीं हैं? मेरा कहना यह है कि गृह मंत्री ने केवल सदन का समय

बारबाद करने के दोषी हैं, बारह बजे से अब तक जो कुछ हो रहा है इसके लिये दे जिन्मेदार हैं और अब ये बार बजे आ कर फिर स्पीकर का गाइडेंस मांग रहे हैं, स्पीकर साहब अपनी इच्छा प्रकट कर चुके हैं कि अगर मंत्री महोदय रिपोर्ट रखना चाहते हैं तो उन्हें कोई आपत्ति नहीं है, और इस समय आप बेयर पर बैठे हैं, आपकी गाइडेंस मांगें, आप इन्हे गाइडेंस दें और नहीं तो आप इन्हे मदन की अवहेलना करने का दोषी मानें।

SHRI N. K. P. SELVE (Betul): One need not be a genius and study parliamentary precedents and practices to know that while you are presiding and when the House is seized of a matter, it is your verdict alone that will ultimately matter. But unnecessary motives are being imputed and unnecessarily time is being wasted. Before the lunch hour, in terms of rule 368, the Speaker gave a certain ruling. None of us knew, including Shri Piloo Mody....

SHRI PILOO MODY: Or the Home Minister.

SHRI N. K. P. SALVE:or the Home Minister. None of us knew whether in terms of that ruling it was incumbent on him to lay certain papers on the Table of the House or not. Is there anything wrong, is it contempt of the House if he asks of the Speaker to know whether the ruling is that he should lay it on the Table of the House or not? However, if it commends itself to you that the matter being where it is that the ruling being vague as it is, as the House is seized of the issue, it must continue, why do we waste the time of the House, Let us go ahead. He has only said "I have sought the guidance of the Speaker". The ruling is the issue to be tested. (Interruptions) Before the lunch hour the Speaker said he had given a certain ruling. What that ruling meant is a matter of interpretation.

They are interpreting it in one manner and we are interpreting it in another manner and God alone knows what the Speaker actually meant by that ruling. In view of this position of the matter, it is but natural that he has asked what exactly is the ruling and what he has to do in compliance with that ruling, whether he should lay something on the Table of the House. Therefore, my respectful submission before you is that in whatever he has stated there is no contempt of the House, there is no contempt of the Chair. If you are seized of the issue, you are the presiding officer, whatever you decide is final and we will abide by it. I think that is what he meant.

SHRI H. N. MUKERJEE (Calcutta—North-East): Sir, I fear, the crookedness of the Government will lead to a presumption of the criminality of their intention.

What has happened is that, in the morning, the Speaker gave a ruling and the trouble was that the ruling could not be implemented on account of the doggedness of the Government. The Government did not choose at that point of time to ask the Speaker for his indulgence for some more time and for an opportunity to plead with the Speaker either openly in the House or elsewhere, if the Speaker permitted it, to convince the Speaker of the rightness of their opposition. The Government merely sat silent and repudiated, in effect, the implementation of the ruling given by the Speaker.

This was not an ordinary situation. It was an extraordinary situation. We have been driven to this unpleasant situation of having to hold up the Private Members' Business. We have hardly ever done it in the history of Parliament. In an extra-ordinary situation, we are continuing the discussion which started in the morning and which went upto 2.30 P. M. That extra-ordinary situation was developing in the course of the debate when suddenly the Home Minister pops up

and says something to farther complicate the whole situation. I could have accepted the *bona fides* of the Government's position if the Government during the recess had sought to contact different parties and Independent Members in the Opposition, had sought also to contact the Speaker and had also sought to contact the Leader of the House who is in Narora, accessible on telephone, I suppose. They could have done a lot of things in order to get over a situation of their creation. But they did nothing of that sort.

Sir, the debate was proceeding and you were conducting the entire proceeding in an absolutely dignified manner. You have called everybody, Congress Members and non-Congress Members, to speak on this matter. Suddenly, in the midst of it, the Home Minister pops up in his own fashion—I am sorry, I have to say these things. He is unused to the ways of this House. His colleague, the Law Minister, chooses to be a dumb creature, a kind of dumb animal whose name come to my mind. I am sorry to say all these things. It is because of these things that we have to go on discussing this matter.

When this matter is being discussed and you are in the Chair, you are told, "Hold your peace. We have written to your boss elsewhere." We are not going to tolerate this sort of thing. If any of us were in the Chair in your place, we would have looked upon it as an insult to the Chair, not personally so much but to the institution of the Chair. Whoever sits in the Chair, Gurdial Singh Dhillon or G. G. Swell or anybody else, the Chair is important, the honour of the Chair is important. If you, Mr. Sathe, were in the Chair, could you let that letter be used as an instrument of circumventing the duty and the responsibility of the Chair and also the dignity and respect of the Chair?

You, Mr. Deputy Speaker, are conducting a debate which you have permitted. You are listening to all sorts

of people, the people on the other side, who usually cannot formulate a syllable of significance about parliamentary propriety. Even so, you are allowing all kinds of people to take part in the debate. Now, they come forward with a suggestion which is a slur on the Chair. We are not going to tolerate this sort of thing. We have all respect for all Speaker. We shall have it again with him when he comes here. But that is a different matter. The Chair has to be respected. The Government is not expected to hold up the proceedings like this. I do not think the Parliament is going to stomach it.

I know, the Leader of the House has to go to various places. She has so many things to do. She has to worry about a hell of a lot of things. I hope, she has written to the Speaker about her absence. I do not know. She may not have done so. I can forgive her for not doing that. But I cannot forgive the Leader of the House, from day to day, absenting herself when questions, discussions, agitating the whole House irrespective of party affiliations come before it.

I cannot forgive a person who calls himself Shri Uma Shankar Dikshit and who, as the Home Minister of this country, had given an assurance to this House on the last day of the last session. He spoke on behalf of the Government and he spoke in a manner which suggested that he owed a duty to this House to come before it on the opening day of this session to apprise the House about the progress of the case. He has never appeared before us since. He is a Minister without Portfolio. But he is a Minister with responsibility to the Lok Sabha.

He should go and read the Constitution. He is responsible to the Lok Sabha, whether he sits in the Rajya Sabha or wherever else it may be. He may go and sit in the Sabha to which he may belong, but he is responsible to this House. The Prime Minister does not come when this discussion takes place every time. Mr. Uma

Shankar Dikshit chooses to stay away. The hall is in the court of Shri Brahmananda Reddy; he is an indefinable person—cannot formulate anything because he himself cannot be defined. He delights in the contemplation of Brahma, which is *ब्रह्म मनसा गच्छत* well beyond the understanding through words or mental processes! I am not surprised to see that his mental processes are such that we, ordinary mortals, cannot get the hang of it! So, what can I do? The Prime Minister is not here. Mr. Uma Shankar Dikshit is not here. The Law Minister is mum. And poor Mr. Brahmananda Reddy is preoccupied in the contemplation of Brahma! Where do we go? In this predicament, he intervenes to suggest that, because of a letter to the Speaker, the proceedings should be stopped. This is a reflection. That is why, an extraordinary motion has been made in the most abnormal situation. This extraordinary motion should be accepted by the Chair and discussed. (Interruptions)

MR. DEPUTY-SPEAKER: What happened to Mrs. Maya Ray during the inter-session period? She must have been to a hill station.

She is full of energy. She is full of vim and vigour.

SHRIMATI MAYA RAY (Raiganj): I did not go to Shillong

MR. DEPUTY-SPEAKER: You did not go to Shillong; you had been to Darjeeling

Now I am not shutting this out. But I want to make a small reference. There is just one flaw in the otherwise impeccable speech of Prof. Mukerjee, and that is the use of the unfortunate word 'boss'. Now may I say that the relationship between the Speaker and the Deputy-Speaker of this House...

AN HON. MEMBER: ... is like husband and wife.

MR. DEPUTY-SPEAKER: You may be interested in wife. I am not

The relationship between the Speaker and the Deputy-Speaker is

not one of boss and under-study. We are both independently elected by this House and we occupy independent offices under the Constitution. He discharges certain duties under the rules and I discharge certain other duties. Of course, we have a responsibility to this House, and as far as it lies in my power, I shall cooperate to the fullest extent in order to see that this democracy functions and this House functions.

SHRI B. R. SHUKLA (Bahraich): My point of view has been fully made out by your goodness. The Chair of the Speaker is one and the same, though it may be occupied by different individuals at different times. Therefore, my submission is that, if any communication seeking guidance from the Speaker... (Interruptions) My submission is... (Interruptions). It is for your benefit. Kindly listen.

My submission is that the communication which has been sent to the Speaker is presumed to be in your possession because you are continuing in the same Chair and the same office. Therefore, if it is in your possession, then, on that basis, give us guidance which is sought by the hon. Minister. If it is not in the possession of the Speaker and, therefore, it is not in your possession, kindly ignore it and give your ruling independent of whatever communication has been made.

SHRI S. M. BANERJEE (Kanpur): I have listened to the submissions made by my various friends. But I was surprised to hear that the hon. Home Minister has invited a direction from the Speaker. Kindly remember that when Shri Ishaque Sambhali was the Chairman, he got something in writing from the hon. Speaker to put it before the House and he did it and had to face the music. Still he carried out the order of the Speaker. Even then, when the hon. Speaker returned to the Chair, he said that he was going to uphold whatever the Chair might have said.

Here, the Speaker knew very well that the matters were continuing. Then in all fairness to you and in all fairness to the House, he should have continued in the Chair because whatever happened in the morning, it was based on a ruling given by the hon. Speaker. I have quoted instances and it is correct that the Speaker gave a ruling that if anything is quoted from any document, it should be laid on the Table of the House. I can quote verses from the works of Tagore but do you think it is all my creation? I can cram the whole report and produce it without quoting. Even then it is a quotation. Quotation is a quotation. Otherwise, right from the childhood we were asked to cram so many things, but do you think it is all our creation? I can quote hundreds of Ghazals from Begum Akhtar's records. Do you think it is all my writings? I am surprised there are too many quotations in his speech. Do you think only if the inverted commas are there, it is a quotation, otherwise, not? I knew Mr. Reddy is a very able person but even during the probationary period he is committing such mistakes. He may not be confirmed. Sir, you use your own discretion and give a final ruling. Had I been in your place, I would have asked the Minister to go out and adjourned the House, and we would have all met on Monday in a cooler atmosphere. I would request that when you are occupying the Chair, you are the Speaker. If any Chairman, Mr. Sathe included, is occupying the Chair, he is the Speaker. I am sorry. They should have apologised to the House. Mr. Gokhale is here. Mr. Uma Shankar Dikshit gave us an assurance and he lost his portfolio. Let the Prime Minister come. Without the Prime Minister, nobody can give a decision, whether Speaker or non-Speaker.

SHRI SOMNATH CHATTERJEE (Burdwan): In the morning, when the hon. Members on this side were asking for laying the CBI report on the Table of the House, the ground on which it was being resisted by the hon. Home Minister was that he had

not quoted from the report. He took refuge under the second proviso to Rule 368 trying to suggest that what he gave was only a summary in his own words and that he had not quoted from it. Mr. Speaker never suggested that the document cannot be laid.

On the other hand Mr. Speaker was very clear that if the Minister had quoted from report, it was the duty of the Minister to lay it on the Table of the House. Throughout the Morning session this was strenuously resisted by the Minister and some Members on the Congress side when this matter was continuing to be discussed. After the lunch recess this reference to a letter or communication sent to the Speaker is made. This is nothing but a deliberate attempt to scuttle discussion in the House, under your Chairmanship, and to tie your hands so that you may think more than once before you decide and give your ruling thereupon. And also it implies that you should wait for the decision of the Speaker on this communication (which has been sent to him) and that you should not try to come to your independent judgment and so on. The attempt is to try to interfere in a manner which I may term ugly, and trying to scuttle discussion. There is no provision in the rules for seeking guidance from the Speaker. You have got all the powers of the Speaker when you occupy the Chair. Therefore, I don't know why this information has been given to you and to the House, except for scuttling the discussion in the House. Sir, I appeal to you to decide the matter according to your conscience. An attempt is being made that permission of the Speaker is required that is, from Dr. Dhillon, and they cannot decide on their own, to lay it on the Table. Their attitude, I should say is not only unbecoming of a Minister of the Government of India, but, Sir, it is a clearly derogatory attitude towards the House and proper steps should be taken in this regard by your good self. This is my submission.

श्री श्री० एल० सिन्हाजी (गोपालराज) :
उपाध्यक्ष जी, जिस वक्त लंच के लिये हाउस
एडजर्न किया उस वक्त स्पीकर साहब ने एक
रूलिंग दी। कुछ ने समझा, कुछ ने नहीं समझा।
कुछ लोगों ने क्या स्पीकर ने रूलिंग दी यही
नहीं समझा। हमारे गृह मंत्री जी ने स्पीकर
से क्लेरिफिकेशन मांगा कि मैं आपकी रूलिंग
के सम्बन्ध में क्या करूं। आपका क्या आदेश
है? पेपर ले करू या न करूं? आपकी रूलिंग
है, और चूँकि स्पीकर साहब ने रूलिंग दी और
इन्टरप्रीटेशन उन से ही लेना था इसलिये
उनको लिखा। यदि आप रूलिंग दिये होते तो
आपको लिखते। स्पीकर की रूलिंग के बाद
शायद दूसरी रूलिंग नहीं देते। इसलिये
उन्होंने स्पीकर को लिखा कि आप हम को बता
दीजिये कि इस सम्बन्ध में मैं क्या करूं। तो
कोई गलत काम नहीं किया, कोई मानहानि
नहीं हुई। चूँकि रूलिंग दे चुके थे इसलिये
उन्होंने स्पीकर से पूछा।

माननीय हीरेन मुखर्जी और श्यामनन्दन
मिश्र जी ने जो कहा कि कंटेमट आफ़ दी
हाउस है, तो यह कैसे होता है? उन्होंने
स्पीकर से क्लेरिफिकेशन मांगा था कि आप के
रूलिंग देने का क्या मतलब है, हम को बता
दीजिये कि मैं क्या करूं। तो इसमें सदन की
मानहानि कैसे हो गई? आप दूसरे सम्बन्ध में
रूलिंग दे दे हमें मतलब नहीं है। लेकिन इस
केस में जो उन्होंने रूलिंग दी और गृह मंत्री जी
न जो पूछा उसमें कोई गलती उन्होंने नहीं की।

PROF. MADHU DANDAVATE
(Rajapur): At the outset I would say
this, Sir. If any Member of this
House, (including any Minister) sends
any 'private' communication to the
Speaker or any one else privately,
we are not at all concerned about the
communication. Without this House
knowing if a Minister sends any com-
munication to the Speaker we do not
feel concerned about it at all. And I
will quote the precedent. Yesterday
when the Minister for Parliamentary

Affairs got up here and said that we
should take up the next item on the
agenda, that is, papers to be laid, many
of us got up and said, when we ad-
journd for lunch at that time the
Speaker had not made it clear as to
what will happen after the lunch
break. Therefore, it was considered a
continuation of the morning stage. At
that stage the hon. Minister said that
during lunch hour he had talked with
the Speaker. And you rightly said
what private conversation took place
between the Parliamentary Affairs
Minister and somebody else is of no
consideration to the House at all. If
that were to be quoted to the House it
would not have come before the House
at all. But if the Minister quotes that
he had talks with the Speaker on the
Floor of the House then that becomes
part and parcel of the proceedings of
Lok Sabha. Sir, you in your inimi-
table and humorous style said that if
I try to bring into discussion my own
wife, even she will become part and
parcel of the House. Then Mr. Baner-
jee jocularly quipped: Don't bring
your wife into the picture unless
somebody else will demand that she
should be laid on the Table of the
House.

Sir, on the basis of the clear under-
standing given to this House and on
the basis of all the past traditions you
rightly said that what transpires be-
tween the Minister and the Speaker or
anyone else outside does not become
the property of the House. But when
it is quoted on the Floor of the House
that becomes the property of the
House and part and parcel of the pro-
ceedings. Here the Home Minister
has not merely sent a communication
to the Speaker seeking his guidance
as to what is to be done about the
CBI report but has had the temerity
to say in the presence of the Deputy
Speaker that I have sought clarifica-
tion and guidance from the Speaker.
He has the temerity to say so in your
presence. We are not concerned with
who sits in that Chair. We are only
concerned about the Chair.

(Interruptions)

When he shows the temerity to make the statement on the Floor of the House in the presence of the Deputy Speaker, let me make it clear that we, the Members on the opposite side, are not concerned with who sits in that Chair—whether it is the Speaker or the Deputy Speaker or whether it is the Chairman—but it is the Chair that we respect. I would go to the extent of saying that tomorrow even if Shri Brahmananda Reddy sits in that Chair we will have to respect the Chair.

Therefore, we feel in your presence and in the presence of the Members of the House when he has said I am seeking guidance from the Speaker, it is an insult to the authority and Chair of the House. This is a contempt of the Chair. Therefore, not only must he apologise but I would also suggest that Shri S. N. Mishra's motion expressing concern of the House should be taken up.

SHRI K. BRAHMANANDA REDDY: I have greater respect to the Chair, whoever is the occupant, than many others who profess it.

Now, my submission, as I have already stated, is that I have sent this communication—written—to the Speaker during lunch. (*Interruptions*).

श्री जनेश्वर मिश्र : (इलाहाबाद) यह नहीं कहा। यह झूठ बोलते हैं।

श्री अटल बिहारी वाजपेयी : लंच आवर की बात अभी कहीं जा रही है। पहले नहीं

SHRI BHAGWAT JHA AZAD (Bhagalpur): Mr. Deputy-Speaker, Sir, we, on this side, are actually feeling about what the hon. Members from the Opposition feel that the dignity of the Chair should always be maintained. It is only a question of understanding and interpretation on whether a minister, by writing a communication to the Speaker, and that too in this particular case, had in any way brought down the dignity of the Chair presently presided over by you. The question is very simple. Everybody knows that. The hon. Spea-

ker gave a ruling. That was not a ruling in my opinion but it was only stating the facts under the rules from Parliamentary Practice of Great Britain—May's Parliamentary Practice—or also of the House. If something is quoted from a document, a Member has got the right to demand that it be laid on the Table of the House. The Speaker gave this as a ruling in this particular case because, since the Minister was quoting from a document, that has to be laid on the Table of the House. He did not clarify the position. He had given the ruling. But, later on, it transpired—only a few minutes later—that on this point he was silent and, therefore again, the Members from the Opposition rose on their feet to say 'what about this document?' In the meantime, the Minister came and said that he had not quoted from the document. He said that he was not referring to the document. When the hon. Members stood up, the House was adjourned for lunch.

As the hon Members on the Opposition side and this side as also my hon friend, Shri Salve and myself said, they could not understand his ruling as also what the Minister intended to know from the Speaker and what was the meaning of his ruling. Did he, by that ruling, ask the Minister to lay it on the Table? What is he to say on the Table of the House? He has written a letter subsequently. During the lunch hour, that communication is made in the name of the Speaker. The Minister, during lunch hour, wrote to the Speaker. Why? Because the ruling was given by him and he has asked him as to what is meant by that ruling? 'Am I to lay it on the Table of the House or not' he asked him. There was not the slightest intention on the part of the Minister to show disrespect in any way or the slightest sign that he had, in any way, insulted the House in this case. My second point is this. After this communication, if he felt that he was to give a ruling, possibly he might have or he might not have passed that on

to you. Now, when you are in the Chair and when the matter is being discussed in the House, the Minister says 'I had sought the guidance of the Speaker'. Because you are now in the Chair at the present moment, you can give your ruling if you want: I do not know whether the previous ruling of the Speaker can be superseded by your ruling. I have nothing to say on this.

12.45 hrs.

[MR. SPEAKER in the Chair]

I submit the Minister has not committed any indiscretion in writing to the Speaker asking for the interpretation of his ruling and he has not shown any disrespect to the Deputy-Speaker who was in the Chair.

SHRI PILOO MODY: Shri Bhagwat Jha Azad, an hon. member, wanted to know what is wrong. I will tell him what is wrong. On the first occasion, Shri Brahmananda Reddy, the Rt. hon. Member for Home Affairs, did not specify that he had sent this communication during lunch time. His later interpretation where he says it, we accept. Then I would like to ask if he did send that during lunch time, why did he not come and tell the House the moment the House reassembled at 3.30 instead of telling us a full half an hour later?

SHRI MADHU LIMAYE: One hour.

SHRI PILOO MODY: The second thing is this. If the Home Minister wishes to find out something from the Speaker—and for us the Speaker is the man who occupies that Chair—has he sent the communication to the Speaker and to the Deputy-Speaker in the Chair then? That communication should have been immediately sent to the Deputy-Speaker to be dealt with. That also was not done. Whether you are responsible or your office is responsible, I will not say. I will only say that this is what should have happened.

Thirdly, I can understand the confusion created in the mind of the Home Minister, because all of us were

confused. Nobody knew what the ruling was. Several attempts were made on our part to ask you to repeat it or at least to tell us the gist of it so that the debate thereafter could have proceeded on the basis of known facts instead of an illusory, imagined ruling that may or may not have been given and can only be ascertained after we see the record, after we see the uncorrected record, after we see the corrected record, and only then we know what was the fact. This has been amply proved by the fact that the Home Minister himself had to write to you and ask you what did you mean.

Now it is quite evident that in the ruling that was given, only one point has been pitched upon, the question of quotation, whether it was a quotation from A, whether it was a quotation from B, whether it was a quotation at all. But this is not only one reason why we have asked for that document. That document is our right. It should be in our possession and it has nothing to do with whether it was quoted or non-quoted. It is Government's argument that 'because we did not quote from it, that is why the House is not entitled to it'. It is absurd, it is ridiculous, and for us to speak and debate that for two hours is even more ridiculous.

Talking about quotations, this is rather interesting. The other day the Prime Minister awarded the Nehru Award to Mr. Andre Malraux. Very interesting. The citation read:

"Andre Malraux burst upon European literature not as a writer but as an event".

Malraux's own book had this quotation:

"Malraux entered into European consciousness not as a writer but as an event".

The citation said:

"Each man approaches God through his own Gods".

Malraux had said, page 206:

"Each man approaches God through his own Gods."

The citation read:

"Malraux's culture is, first and foremost, a vast resurrection".

Malraux's book, p. 246:

"Let us not forget that culture is but first and foremost a vast resurrection".

The citation:

"Nehru wanted India committed to a unique destiny dedicated to becoming the conscience of the world".

The book, p. 143 or 43—may be a misprint:

"Nehru wanted to see to it that India is committed to a unique destiny dedicated to becoming the conscience of the world".

You have to decide whether Mrs. Gandhi was quoting Malraux or she was coming out with original ideas in the citation on Mr. Malraux. If you maintain the first then we have to say that Mrs. Gandhi is a plagiarist. If you maintain the second then we have to say that she is dishonest. You take your choice. Would you like to refer to her as a plagiarist or would you like to refer to her as dishonest? The fact of the matter is that the same sort of tamasha is going on here—some words, could not conceivably have come from the mind of Mr. Brahmananda Reddy, could not conceivably have come from the mind of anybody except if it was a direct quotation from not only the report, but the charge-sheet which must have come out of the report. This is the report about which I have already submitted. Why this tussle has been going on, as Prof. Mukerjee revealed to you is, communication has broken down between Narora and Delhi.... (Interruptions)

This so called brains trust without any evidence of brains is going to decide the future of this country. Communications have broken down and therefore no instructions could be received whether the report should be placed or not. And the poor Home Minister has written to you merely to seek more time so that communications can be established.

Earlier it was said by Prof. Mukerjee that the Leader of the House ought to be here. She has all but disappeared from Parliament and therefore I have to openly confess that I do not recognize Mrs. Gandhi as the Leader of the House at all. Because the Leader of the House can only maintain that she is the Leader of the House if she occasionally at least for an hour or two every day puts in an appearance. Unfortunately we are left with two people in this House, one is the Minister of Parliamentary Affairs, I think he does the best he can to deputise for the Leader. And then Mr. Banerjee. Parliament has been reduced to a monologue in which Banerjee talks and Mr. Raghu Ramiah listens.

I think this thing has gone on for long enough. There is ample argument for you to reply categorically to the note sent to you by the Home Minister: that yes, the report of the C. B. I. has to be placed on the Table of the House. Had you done this, had communications perhaps been better with Narora had you done this there would have been none of this and we would not have wasted this time. We would have been on private Members business and the House would not have had any quorum and all of them would have gone home.

श्री जयदेव शिखर : अध्यक्ष महोदय, हम लोग बहुत ही संकट में पड़े हुए हैं। जैसे ही संघ-साबर खत्म हुआ और उपस्थित महोदय साबर बेयर पर बैठे, . . . अध्यक्ष महोदय, सब साथ साथे हैं, तो ही संकट है कि हमारा संकट बहुत बड़ा है या बहुत छोटा है। दोनों स्थितियाँ ही संकट हैं।

MR. SPEAKER: After I left, the Home Minister sent a letter to me. It came in my absence. I left here at a quarter to three for lunch and I had hardly finished my lunch when I received a call from my Private Secretary saying that the Home Minister had sent a letter and asking me, "Are you coming or should we sent it there?" I said, I am coming after 10 minutes. When I came and saw the letter it was 4 o'clock. You had already fixed the meeting of the Business Advisory Committee. I thought since you will be coming there, it is much better that I discuss it with you at that time. But in the meanwhile, I came to know that it has been referred to in the House already. It would have been much better if he had not referred to it till I had met them in the Business Advisory Committee. But it was already going on in the House. I thought if he referred to it, he might have also referred to the contents. Of course, the letters are addressed to the Speaker and not by my name. Mr. Piloo Mody, when you talk, you should talk with some responsibility. I would request all of you to see the proceedings. I repeated the ruling 5 or 6 times. Every time you asked, "What is the ruling", I said I have already repeated it a number of times.

SHRI PILOO MODY: You should pass the same stricture against the Home Minister also because he also did not understand your ruling.

MR. SPEAKER: He understands it and you understand it also. The ruling is not so complicated. After all, I just repeated what has been said by the House of Commons Speaker and by my predecessor. I said, we recently discussed it also and this is the interpretation.

SHRI PILOO MODY: There was no ruling at all.

MR. SPEAKER: You take it like that. But it was repeated 4 or 5 times.

SHRI PILOO MODY: A non-ruling does not become a ruling simply because it is repeated 4 or 5 times.

MR. SPEAKER: Don't try to ridicule everybody. You have this knack.

SHRI PILOO MODY: There is nobody here who thinks there was a ruling.

17.00 hours.

SHRI H. N. MUKERJEE: Our contention is that your ruling is not being implemented in practice. It must be enforced.

MR. SPEAKER: That is a different matter. The ruling was there. There was nothing much to say except that when a member or a Minister quotes from some document, it has to be laid on the Table. There is nothing much to say or elaborate. It is a simple thing—when somebody quotes something, it is laid on the Table of the House. Shri Hiren Mukerjee now says "the ruling was alright; our contention was that it is not being implemented". It is not my fault. I gave the ruling. Now the Minister takes up a different position that he did not quote from this and that.

SHRI SHYAMNANDAN MISHRA: All the greater reason that the House must insist that your ruling must be implemented. As it is, if your ruling is clear, categorical and unambiguous, why are they hesitating?

MR. SPEAKER: The ruling is given for implementation and not just for reading. But the Home Minister took up a different position later on, that the ruling refers to quoting from a document and that he was not quoting, whereas it is contended on this side that even though the inverted commas are missing it is a quotation. The whole of the debate was diverted to a matter which was so unfortunate. Now, if all you agree—I wonder if there will be any use in prolonging it—the letter will be laid before you.

SHRI SHYAMNANDAN MISHRA: Which letter?

MR. SPEAKER: The letter which the Home Minister wrote to me.

SHRI SHYAMNANDAN MISHRA: It is an insult to the House, an affront to the House. We do not want that. In the midst of the discussion we cannot entertain any letter..... (Interruptions).

PROF. MADHU DANDAVATE: Sir, when you were not in the House, Shri Shyamnandan Mishra raised the question of the contempt of the House committed by the Home Minister. He has formally given a motion to you through the Secretary-General. Now Shri Shyamnandan Mishra might be permitted to make his submission on the issue of contempt.... (Interruptions)

श्री जनेश्वर मिश्र : अध्यक्ष महोदय हम ने पहले ही कहा था कि आपके यहां घाने से हो सकता है कि हम लोगों का संकट बट भी जाय और बड़ भी जाय। हम को ऐसा लपटा है कि वह बड़ रहा है। इसलिए हम निवेदन करेंगे आप हमारी बात सुन लें। . . . (अवधान) . . . आप थोड़ी सी बात सुनने की धावत भी डालें। हम जब बोलने लगते हैं तब देखते हैं कि आप झट बोलने लगते हैं या बंटी बजाने लगते हैं। इसको मैं कभी पसन्द नहीं करता।

MR. SPEAKER: I am not coming into this. I will ask the Deputy Speaker to sit here.

श्री जनेश्वर मिश्र : आप जब भी बंटी बजायेंगे तब मैं बैठ जाऊंगा या आप खड़े हो जायेंगे तब मैं बैठ जाऊंगा। मैं बहुत ही शिष्ट मेम्बर हूँ। लेकिन मैं प्रक्सर देखता हूँ आप को बैठे बैठे बहुत करने की धावत पड़ गई है। . . . (अवधान) . . .

अध्यक्ष महोदय : अगर आप को ऐसा लगता है तो यहां कोई और बैठेंगे।

श्री जनेश्वर मिश्र : आप हमारी बात पहले सुन लीजिये।

अध्यक्ष महोदय : नहीं, मैं नहीं सुनूंगा। यहां और कोई बैठेंगे, मैं नहीं बैठूंगा। आप उनसे सलाह लें। यह सेटर भी पड़ा है उनके लिये।

श्री जनेश्वर मिश्र : नहीं, आप सुनिये। आप किसी की बात सुने बिना क्यों बोलने लगते हैं हम को यही समझा दीजिये। एक मिनट के लिए एक लम्ब कोई बोना नहीं और आप खड़े हो जाते हैं। यह हम लोग कभी भी नहीं चाहते। हम लोगों को भी कहीं की जनता ने चुन कर के भेजा है। यहां ऐसे ही नहीं चले आये हैं।

यह एक बहुत जबरदस्त पेंच फंसा हुआ है कि आया गृह मंत्री महोदय ने जो यहां पर बक्तव्य दिया उसमें उन्होंने सी०बी०आई० की रिपोर्ट का उद्धरण रखा या नहीं, इस पर एक पेंच फंसा ही था, लंच के बाद हम लोग बैठे थे, उपाध्यक्ष महोदय प्रेसाइड कर रहे थे, बात चल ही रही थी कि गृह मंत्री महोदय, जो अपनी बात को तोड़ने मरोड़ने में बहुत ही काबिल बन गये हैं, एक बात से दूसरी बात में पांच मिनट के अन्तर बदलते हैं, इन्होंने पहले झट से खड़े हो कर कहा सवा चार बजे, हम बड़ी देर रहे थे, कि हम ने अध्यक्ष महोदय को एक कम्यूनिकेशन भेज दिया है। हम लोगों ने हल्ला मचाया काहे का कम्यूनिकेशन, क्या कम्यूनिकेशन, एक हल्ला इस तरह से मचा इसी बीच में माननीय स्यामनन्दन मिश्र ने और दूसरे सदस्यों ने यह कहा कि यह जो बेयर पर उपाध्यक्ष महोदय बैठे हैं इनको नजरअन्दाज करके केवल यह दिखा कर के कि अध्यक्ष भीतर बैठे हैं और हमारा उम से कम्यूनिकेशन चल रहा है, इसलिए थोड़ी देर के लिए बात को रोकने की सलाह कर रहे हैं। यह जब हम ने चर्चा चलाई कि यह बेयर का समयान कर रहे हैं, इतने में यह खड़े हो कर कहते हैं कि हम ने कम्यूनिकेशन लच में भेजा है। पहले लंच बन्द का इस्तेमाल नहीं

या। आप टेप देख लीजिये। वह यह मंत्री महोदय जो हिन्दुस्तान भर में कायदे और कानून को चलाने वाले मंत्रालय के सब से बड़े हेड हैं वह लगातार मिनट मिनट पर अपनी बात को एक शब्द दो शब्द के अरिये बदलते चले तो हम नहीं समझ पाते कि सदन चल कैसे सकता है? आप हमें सबसाइए।

श्री अध्यक्ष महोदय, आप कहने हैं कि आप ने कलिंग दे दी। आप ने इंग्लैंड के स्पीकर की भी चर्चा कर दी। दुनिया में कहीं का भी स्पीकर अगर और मगर में कलिंग नहीं दिया करता। अगर कहीं का देता हो तो आप मुझे बता दीजियेगा। मैं ऐसे भी आरको इंग्रज करता हूँ और कलिंग भी। लेकिन वह व्यवस्था जो है, हम लोग खुद चक्कर में पड़े थे, माननीय मधु लिये पूछ रहे थे कि क्या व्यवस्था है? जब सदस्य आपसे पूछ रहे थे कि क्या व्यवस्था है। इतनी बड़ी कुर्सी पर बैठ कर आप इस तरह की व्यवस्था दे देंगे कि सारे के सारे सदस्य समझ न पायें कि आप क्या व्यवस्था दे रहे हैं तो हम लोग तो चक्कर में थे। कांग्रेस पार्टी के लोगों ने कहा, माननीय नाबख्त झा आजाद ने कहा कि होब मिनिस्टर ने नहीं समझा कि अध्यक्ष महोदय ने वा कलिंग दी है उस कलिंग के मुनाबिक इनको सी०बी०आई० की रिपोर्ट रखनी चाहिए या नहीं, इसलिए उन्होंने आप के चेम्बर में कम्युनिकेशन भेजा है। साहब साहब ने कहा। कई लोग यह कह रहे हैं। इतनी अवदस्त हास्यास्पद स्थिति उस सदन की हो जाये जो सारे देश का प्रतिनिधित्व करता हो तो हम समझते हैं कि हम लोग बहुत ही अपमानित स्थिति में हैं।

अध्यक्ष महोदय, माननीय स्वामनन्दन मिश्र ने जो होम मिनिस्टर के खिलाफ जिविनेस का सवाल रखा है—इन्होंने उपाध्यक्ष महोदय को जो वहाँ पर बैठे हुए थे उनको नजर अन्दाज करके उनकी सीट्टीन कबने के लिए इस बात को उठाया है कि उन्होंने आप के चेम्बर में

कम्युनिकेशन भेजा है, इसलिए इनके खिलाफ तत्काल कार्यवाही होनी चाहिए। मैं जानता हूँ होम मिनिस्टर साहब अपनी मर्जी से कुछ नहीं कर सकते। इन को प्रधान मंत्री से पूछना पड़ेगा। जिस कोर्टेशन की मर्चा चला रही है, हम केवल एक बात आप से कहने वाले थे, बहुत पहले कदना चाहते थे लेकिन आप ने मुना नहीं, कि प्राइवेट में होम मिनिस्टर साहब आप को सी०बी०आई० की रिपोर्टें दिखा दें, जिस पोर्सन को चर्चा माननीय सदस्यों ने की है कि इन्होंने कोर्ट किया है, आप के चेम्बर में चुपके से जा कर दिखा दें और अगर आप को तसल्ली हो जाय कि इन्होंने कोर्ट नहीं किया है तो धार चाहिये। हम लोग तो नहीं मानते, हम मानते हैं उन्होंने इसको कोर्ट किया। आप भी मानते हैं। आप ने जैसे ही कलिंग दी जैसे ही, जैसे अभी इन्होंने कह दिया कि लच में हम ने कम्युनिकेशन भेजा है, ठीक उसी तरह से जैसे ही आप कलिंग देने लगे कोर्टेशन के मामले पर, उन्होंने कह दिया कि हम ने कहीं से कोर्टेशन नहीं दिया है, अपनी तरफ से हम कह रहे हैं। केवल इसलिए कि सी०बी०आई० की रिपोर्ट वहाँ पर पेज न हो। अब अगर इसका सम्बन्ध आप देखना चाहें तो आप याद कर लीजियेगा पिछले जब मैं हम लोगों ने हुस्ना बघावा पर इसी लाइसेंस कांड के सवाल पर। हम लोग चाहते थे कि संसदीय जांच बैठे। हिन्दुस्तान भर में हम लोगों पर गालियाँ पड़ रही थीं, पूरे सदस्यों पर गालियाँ पड़ रही थीं, सब कदम पर गालियाँ पड़ रही थीं। लेकिन जगन्नाथ कोबिस इस सरकार की भी कि संसदीय जांच न बैठे क्योंकि इनको डर था कि इनका भंडा फोड़ हो जायगा। प्रधान मंत्री जी ने यहाँ आ कर के, उमाशंकर दीक्षित जी ने यहाँ आ कर के लगातार बार-बार कहा कि संसदीय जांच समिति नहीं बैठेगी। हम सी०बी०आई० से जांच करावेंगे। सी०बी०आई० के लोग बड़े

काबिल होते हैं। बराबर को समझने बूझने में। हम लोगों ने हल्ला मचाया था कि यहाँ पर भारतीय सदस्यों की इज्जत का संवाल फंसा हुआ है। सी०बी०आई० का भावनी सरकार का कर्मचारी हुआ करता है, वह सरकार की मर्जी पर अपनी रिपोर्ट लिखेगा। आज भी हम लोगों को शक है कि यह जो तीन-चार घंटे की बेर की गई है इसमें सी०बी०आई० की रिपोर्ट को तोड़ने की साजिश होम मिनिस्टर साहब ने की है, इसके अलावा और कुछ नहीं किया है। अब वह कहेंगे कि हम यह रिपोर्ट सदन में रख सकते हैं, इन की रखनी भी पड़ेगी। लेकिन इस बीच में इस रिपोर्ट को तोड़ें-मरोड़ेंगे, जिन तरह से अपने वक्तव्य की तोड़ते-मरोड़ते हैं, कभी लंब शब्द से और कभी किसी दूसरे शब्द को जोड़ कर। बड़े चाल आदमी हो गये हैं... (अपवाचन)... चालू शब्द तो बहुत बढ़िया शब्द है।

प्रो० हीरेन मुखर्जी ने कहा कि ये प्रधान-रेड्डी हैं, लेकिन मैं कहूँगा कि ये "भरमान-रेड्डी" हैं, भ्रम पैदा करने वाले रेड्डी हैं, भ्रम में ही आनन्द निरा करने हैं। लेकिन इनके भ्रम पैदा करने से पूरा मुक्त और सदा अभिमत हो गया है।

जिस "तरङ्ग" में इन्दोने बरतमान का अपमान किया है—आप के चेम्बर में कम्प्लिकेशन पैदा करें—आज इनके खिलाफ तत्काल कार्यवाही कीजिये और एक ही कार्यवाही कीजिये कि इनको जेली इनके सिंग से उतारवा दीजिये, तब हम समझेंगे कि हिन्दुस्तान की ससद् की कुर्सी पर एक सम्मानित व्यक्ति बैठा है।

अध्यक्ष महोदय : आर के दिन में जो बात आयी है, कहे चले जाते हैं—मैं आप से खर्ब कहूँगा कि यह ठीक नहीं है...

As far as this ruling is concerned, I am prepared to withdraw it. You may ask the Deputy-Speaker or any

other Chairman to come and sit here and give the ruling. I want to make it very clear. I withdraw the ruling and you name any Chairman or the Deputy-Speaker. He may come here and give the ruling. I am not prepared to listen to such talks. Let any gentleman from the Opposition or from this side come to the Chair. You name any Chairman. He will come and give the ruling....

SHRI JYOTIRMOY BOSU: When a ruling has been given, it is absolute and final. You cannot withdraw it.

MR SPEAKER: I offer it. When you are dissatisfied and I also accept that you are dissatisfied, the only way out is I withdraw it. Let any gentleman come and sit here and deal with it. I am not prepared to deal with this subject. I am not prepared to listen to this debate.

SHRI ATAL BIHARI VAJPAYEE: Let your ruling be implemented... (Interruptions)

SHRI JYOTIRMOY BOSU: It is not left to your pleasure to withdraw it

SHRI H. N. MUKERJEE: There was not provocation for you to leave

MR. SPEAKER: I think there may be some feeling in you that, perhaps the Chair is leaning on this side. I want to be absolved of this. I am asking others to sit through the debate. I will come on other occasions. I offer it to you. As my esteemed friend, I request you. I will come on other items.

PROF. MADHU DANDAVATE: This is very unfair to the House. No member suggested it.

MR. SPEAKER: I leave it and you deal with it.

PROF. MADHU DANDAVATE: What about the contempt motion?

MR. SPEAKER: Regarding this, it will be dealt with by my colleague.

श्री अटल बिहारी वाजपेयी : आपका कहना है कि आप ने रूलिंग दिया है. . .

अध्यक्ष महोदय : जहाँ तक इसके इम्प्लीमेंटेशन की बात है, वह एक अलग चीज़ है। लेकिन यह कहना कि वह रूलिंग समझ में नहीं आया—मैं उसको वापस कर लेता हूँ—वह आकर क्लिअर रूलिंग दे देंगे। जहाँ तक कन्टेम्प्ट और प्रिविलेज का सवाल है—

I will gladly accept the findings of my colleagues and all of you.

PROF. MADHU DANDAVATE: Kindly take your seat. We want to make a submission to you.

In your absence, Shri Shyamnandan Mishra has given notice of a motion of contempt and he should be permitted to raise the motion before the House.

MR. SPEAKER: I tell you, I am fed up with all this. Everytime you sit like this and something dawns on you at the end of the day. Why do you not take up definite decisions? You create headache for the Speaker and Members all the time and after all this you come with this letter, 'No, no. We put it to you.' Why do you not make up your mind earlier?

SHRI SHYAMNANDAN MISHRA: I have made some preliminary remarks about the contempt that has been committed against the Chair and the House. But this is the formal motion of which I have given a verbal notice earlier. For the information of the House, I will read it:

"The House is of the opinion that the Home Minister has committed a grave contempt of the Chair and the House by making a statement in the midst of a discussion on the question of laying the CBI report that he has sought the Speaker's guidance in this respect, thereby blatantly seeking to take the matter from the jurisdiction of the House

when it was raised and seized of the matter and from the jurisdiction of the Deputy Speaker who was in the Chair at that point of time."

SHRI S. M. BANERJEE: I rise on a point of order.

MR. SPEAKER: It all happened during his time. He will now occupy the Chair.

17.19 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

MR. DEPUTY SPEAKER: Let me understand. Please sit down. Let us restore some amount of normalcy. Let me understand what is the issue at the moment. So many things are there.

Now, as far as I can understand, a certain point was raised. At this point I would not say it is a motion because a motion has got to be considered and whether I can accept that motion or I cannot accept it....

SHRI SHYAMNANDAN MISHRA: The Speaker at that time has accepted it....

MR. DEPUTY-SPEAKER: That I do not know.

SHRI SHYAMNANDAN MISHRA: There was no objection from the Chair. I was allowed to move it and I have moved it....(Interruptions)

PROF. MADHU DANDAVATE: Sir, Mr. Mishra has already put the motion formally before the House; it is the property of the House.

MR. DEPUTY-SPEAKER: I am in the hands of the House. I left the Chair when the honourable Speaker came, but I did not leave the House, I was sitting there....

SHRI MADHU LIMAYE: For which we are obliged....

MR. DEPUTY-SPEAKER: Honestly, I did not hear it, whether Speaker had said that he had accepted the Motion.

SHRI D. N. TIWARY (Gopalganj): No. Never.

SOME HON. MEMBERS: No.

SHRI MADHU LIMAYE: He did not say; but he did not reject it either. (Interruptions).

MR. DEPUTY-SPEAKER: Order now. It is correct that Shri Shyamnandan Mishra has read out that Motion. But as you know, it has happened several times, we read out a Motion even before a formal consent or approval is given by the Speaker. So I think we are still on that point just at the moment...

SHRI MADHU LIMAYE: Whether it is admissible....

MR. DEPUTY-SPEAKER: Correct. He had read it out. Members have been speaking for two hours or so submitting that the motion should be accepted and therefore I am still on that point.

Now, shall we proceed with it? Or do you want to make any more submission, please?

SOME HON. MEMBERS: No.

MR. DEPUTY-SPEAKER: Now, Shri Mavalankar.

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Deputy-Speaker, Sir, although I am addressing you like this, although I am starting my speech by addressing you as 'Deputy-Speaker' as far as the whole House including myself are concerned, you are at present the Speaker, and you are the Chair. You have therefore all the rights, all the duties, all the obligations of this august Chair.

Now, firstly, I want to say this. When my friend Mr. Shyamnandan Mishra got up to speak, when first he read out his motion, if the Speaker (who was then presiding) had any material or substantial objection, against Mr. Mishra's moving that

Motion, he would have at once interrupted him and would have said: No, no, no. I do not allow you. But he did not say like that. The very fact that the hon. Speaker, did not raise any kind of objection, but on the contrary, listened and permitted Shri Shyamnandan Mishra to read out his motion, obviously, to my mind, means that the hon. Speaker had held that Motion in order. That is number one.

Now, Sir, I want to make one submission before I go into the second point that I wanted to raise. A little while ago my hon. and esteemed friend Prof. Hiren Mukherjee has said that this House has been reduced to more than a cypher, by the Leader of the House and by this majority of 370 and odd in this House. Sir, the Leader of the House—I have been watching this for the last two years and more—is hardly present in this House except on Wednesday when she has to, because it happens to be her Questions day on those days. I have been watching matters of this august House for as long a period as 10 years, 1945 to 1956, not from the place where I am sitting now, but from the Speakers' Gallery, just above your head over there, and in those 10 years, I don't remember a day when the then Prime Minister was absent on any day; whenever I had occasion to be in the Speakers' Gallery, let me tell you this. I was there quite often—I don't remember a single day when the late Prime Minister Shri Jawaharlal Nehru was absent on any important debate and, day in Parliament, Sir. Sir, I don't remember a single day like that; yes, even a single day, except those rare occasions but those were very very rare exceptions, and you know, the Prime Minister was so apologetic, so respectful to the then Speaker, and he always took the Speaker's consent before leaving Delhi for any national work. Today we find that the Leader of the House and the Prime Minister has not left Delhi for any national work. She has gone for party work. (Interruptions). I repeat she has gone for party work, not for any State duties, etc.;

[Shri P. G. Mavalankar]

but perhaps for some underground activities and Heaven knows, what they are! (Interruptions).—to discuss, perhaps, about snap poll or general elections in the whole country. (Interruptions). But let me say this to the Prime Minister and her vast majority here: if you want a snap poll tomorrow, we are ready this evening! Let us settle it by going to the people!

MR. DEPUTY-SPEAKER: Mr. Mavalankar I thought you were making a submission on the admissibility of the motion.

SHRI P. G. MAVALANKAR: In order to speak on the admissibility of the motion, I said, I am speaking by way of preface about the dignity of the Chair.

MR. DEPUTY-SPEAKER: I do not think that is relevant.

SHRI P. G. MAVALANKAR: That is relevant. My friends on the Congress benches should remember that this Chair is occupied by people who have been known for their independence of thought and impartiality and that the Chair has come today in disrespect because of the Home Minister's very unfortunate and very uncalled for action.

My point is that when the Leader of the House chooses to be absent, at least the Minister without Portfolio—I hope he is a man with honour—would have considered it proper to be present because he had spoken in so many words on 9th September that everything which will come out by way of inquiry in regard to this case will be in the custody of this House and the Government will come to this House and inform the House and seek guidance of the House and then take appropriate action. Instead of doing that they have decided to bypass the hon'ble House. Can we all that?

At 3.30 P.M. when you came to preside if the Home Minister wanted guidance of the Speaker, that is the Chair, he should have addressed the

communication to you for your guidance rather than leaving it to the Speaker in his Chamber. My charge is that the Home Minister and Government deliberately sent that communication not to you but to the Speaker with a view to circumventing your own authority, because the matter was very much in the possession of this House at that point of time. That is why Mr. Mishra's motion is very much in order because he is saying in his motion that the Home Minister by sending the communication to the Speaker and adding later, after 43 minutes, that that was sent during the lunch hour—another additional explanation by way of trying to defend an already weak case—and then he says that the Speaker will decide which meant obviously that you as Deputy-Speaker sitting in the Speaker's chair were not to be consulted because they thought your ruling would be perhaps embarrassing to the Government. The whole point is whoever sits in the Chair continues to take the responsibility and power of that Chair. If the Speaker left the proceedings before lunch hour and then after lunch hour when you presided it was your responsibility to carry on but the Home Minister, I charge, deliberately and wilfully ignored you and the Chair and the Parliament and the House and ignored all practices of parliamentary procedures. I feel Shri Mishra's motion which is already declared as in order by the Speaker should be permitted and, I hope, you would allow the House to discuss the motion of contempt of the House committed by the Home Minister by his giving false and perverted information.

MR. DEPUTY-SPEAKER: Just a minute. It is not a question of catching the eye. Here, the Members have made submissions with regard to the admissibility of the Motion. I am not calling those who have already made submissions for the second time.

SHRI S. M. BANERJEE rose—

MR. DEPUTY-SPEAKER: You have

spoken on this. Let us not mix it up. Let us talk one by one. Those who have already spoken I am not calling them. Please do not insist. Mr. Banerjee, don't complicate the matter. I will do everything. Now, Mr Raghu Ramaiah.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): MR. DEPUTY SPEAKER, I am not here on the technical aspect of the motion. This august House, while considering a serious matter like this, must not rest merely on technicalities. The prime charge levelled against my colleague, the Home Minister, in this motion is that there is an attempted contempt of the Chair and of the House.

Sir, I would like to say here and now categorically that there has never been nor there would ever be any such intention as far as the Government is concerned (*Interruptions*). Let me state the facts. I am not yielding (*Interruptions*).

SHRI JYOTIRMOY BOSU: Sir I rise on a point of order.

SHRI K. RAGHU RAMAIAH: I am not yielding. I did not disturb anybody in the Opposition. I do not want to be disturbed. I am not yielding. It is not fair. This kind of bullying will not do. We have a right to speak on this side. Since morning I have not said anything. I must be heard. This is a serious matter and the whole House must hear the entire story before we come to any decision.

Sir, this morning, when the hon. Speaker gave a ruling—I am not going into the merits or demerits of it—there was a widespread expression of feeling on the Opposition side and they said that they would like the CBI Report, or whatever it is, to be placed before the House. This was the demand. Then the House adjourned for lunch. The Home Minister, in order to show respect to the House, through the Chair, wanted certain doubts to be cleared and he wrote to the Speaker as he mentioned just now. Because

that was lunch hour, and the House was not in session, as Mr. Bhagwat Jha Azad and some of my colleagues said, there was then no other alternative but to address the Chair. During lunch hour, it is an empty House. Do you want us to address the empty House? You have to address the Chair. So a letter was sent to the Chair asking for some clarification, direction or guidance or whatever it is. There is no other course for that. Then, you were good enough to come and occupy the Chair. Now, if it was meant to be a communication behind the back of you, as some Members said, there is no need for the Hon. Home Minister to mention it in the open House. The very fact that he mentioned it in the open House that a communication was sent to the Chair shows that he does not mean disrespect to you.

On the other hand, he wanted to bring to your kind notice that such a communication was sent. It shows respect to you so that you may not function in a vacuum. (*Interruptions*), so that the Chair and the House do not function in a vacuum. So that it may not be said that we have not brought it to the notice of the House and so that it may not be said that we have done something behind your back. This exactly was his purpose in bringing it to your notice in the House and in the manner as it was done. I would like to say that there is absolutely no question of contempt of this House. If the fact that he addressed a letter to the Chair during lunch hour is a contempt I do not know what the Law of contempt is. I am a Barrister and I know something of the English Law of Torts and Contempt. This is the highest respect shown to the Chair to ask for guidance.

SHRI SAMAR GUHA: The whole matter appears to be as if it is some wrangling over a procedural matter. But you will appreciate that the whole matter from which it started has a serious importance which involves not only the honour of the members of this House and the dignity of the Chair but also the whole concept and

values of the institution of parliament-Chair but also the whole concept and But you will appreciate that the whole matter from which it started has a only the honour of the members of this House and the dignity of the serious importance which involves not tary democracy itself. That is the reason why this is agitating our mind The Government was trying to change their stand from one to the other and trying not to come out with the facts This is what is agitating our minds.

Before I proceed, I want to know when the hon. Home Minister wrote to the Speaker whether the report of the C.B.I. had been sent alongwith the letter to the hon Speaker. This is very important. It is not my suspicion. You will remember not one but three very important national dailies in Delhi have expressed their doubt about the integrity of the CBI itself and said that at the behest of some higher authority the CBI may even change the content of the report. If the hon. Minister was serious or sincere in seeking the Speaker's guidance, he must submit the CBI report, if he has not done, so, immediately to the office of the Speaker

The second point is this. I was ready to accept the explanation that has been given by my hon. friend, the Minister of Parliamentary Affairs. He wanted to create the impression of taking the Deputy Speaker into confidence and not doing thing in the background. With that very good motive, he made that statement that the Home Minister had written to the hon. Speaker for his guidance.

Let us see what actually happened. The hon. Home Minister came out with the information about the fact of a letter he had addressed to the Speaker not in the beginning. First he said he sought the guidance of the Speaker. For what purpose? Members were agitated. Then he said he wanted to find out whether the CBI report should be placed on the Table or not. Then there was a haffa and when arguments were being made, he came out with the information that he had written

during lunch hour. Now the hon. Minister of Parliamentary Affairs has said that he wanted to take you into confidence and wanted to honour you. Therefore, he made that statement that he had written to the Speaker. If he was serious and sincere in what he has said, what should have happened? At 3.30 when the House reassembled, when you took the Chair, it was the first duty on the part of the Home Minister to communicate to you and through you to the House that he had written a letter to the Speaker. This was what he was bound to do. But he did not do it. Fifteen minutes, twenty minutes, half an hour passed, then an hour passed and then he disclosed that he had written to the Speaker. When did he disclose it? When you made the observation that you were not subordinate to anybody. The office of the Speaker and Deputy-Speaker is a whole, an office in continuity. The Speaker and the Deputy Speaker have a continuous entity. You have your own independent judgment. Without attributing motive this is the reasonable interpretation one can put on it because the Home Minister found that you may give an independent judgment or independent ruling to clarify the confusion created by the former ruling of the Speaker, just to scuttle that possibility, he came out with the statement that he had sent a communication to the Speaker seeking his guidance whether the CBI report should be laid on the Table or not.

Therefore, what the hon. Minister of Parliamentary Affairs has said may not be the correct version on the basis of facts, though I want to believe him. But interpretation of the facts leads to a contrary impression, that the Home Minister wanted to scuttle the possibility of your giving your independent opinion or independent judgment over the matter.

The matter has become so serious, not only in regard to the procedure, not only in regard to the right of the Speaker or the Deputy Speaker. When the matter was seized by this House he should have communicated to this House. Why is all the opposition

united? The reason is that the whole country is looking to us because it involves the honour, dignity, integrity and the very concept of parliamentary institutions. That is why the opposition is so agitated and people outside are also agitated. It is a fundamental thing that involves the dignity and honour of not only Members of Parliament but the institution of Parliament itself. I think therefore that you will accept this motion and allow it to be discussed so that through this motion if need be other matters also can be brought up for discussion.

SHRI DINESH SINGH (Pratapgarh): We are now apparently making our observations on the point connected with the letter written by the hon. Home Minister to the hon. Speaker. Since the hon. Speaker has already indicated that he would have no objection to place this letter on the Table of the House and since the content of the letter would help us in further observation that may be made in the House....

श्री मधु दिलये अगर आप क पास हैं तो पढ़ कर सनाइये।

SHRI DINESH SINGH (Pratapgarh): Since Mr. Limaye has also kindly added his voice to the letter being read here, may I request you to take the trouble of reading that letter.

SHRI SHYAMNANDAN MISHRA: My submission is that placing that letter on the Table of the House would be adding insult to injury. If the hon. Member Shri Dinesh Singh read out that letter it would have been informal.

SOME NON. MEMBERS: Let him read it.

SHRI SHYAMNANDAN MISHRA: It has been enough of an affront to the Chair and the House..... (Interruptions.)

MR. DEPUTY-SPEAKER: I have my own views in the matter. I suppose you have finished your submission on the question of admissibility.

SHRI SHYAMNANDAN MISHRA:.. No No. I have not started. This is interlocutory submission.

MR. DEPUTY-SPEAKER: That is exactly what I had in my mind also. But I was waiting till the Members have made their submissions, and then I will make certain observations. I think Shyam Babu made some submissions on admissibility in the beginning.

SHRI SHYAMNANDAN MISHRA: I have yet to make my submissions.. .. (Interruptions.)

MR. DEPUTY SPEAKER: I do not know what has happened to Mr. Patel since yesterday.

SHRI NATWARLAL PATEL (Mehsana): He has made his observations.

MR. DEPUTY SPEAKER: If you want to talk I will just sit down and you go on talking.

SHRI NATWARLAL PATEL: He has made 100 observations; since the morning he has been speaking on this, but now he says he has yet to make some observations.

MR. DEPUTY-SPEAKER: I thought Shyam Babu who sought permission to move this motion had already made an observation. Anyway, it does not matter. Since there is so much confusion, I do not mind hearing him again. After that, you will allow me at least to give a ruling on this limited question of admissibility.

SHRI SHYAMNANDAN MISHRA: I am submitting in all humility that the motion that was read out by me while the Speaker occupied the Chair may be deemed to have been admitted by the Chair, because nothing can come before the House unless it is permitted by the Chair and it would be nobody's contention that in spite of the Chair's objections to it, I went on reading my motion. There was complete silence at that point of time and I think there was the implied approval of the Chair at that time.

[Shri Shyamnandan Mishra]

Whenever any contempt is committed in the presence of the House, that has to be taken by the House as a live affair and it does not even require previous intimation. It is instantaneous. Whenever any person from the gallery throws any leaflet into the House, the House takes immediate notice of it. When the Minister of Parliamentary Affairs comes before the House with a motion, we accept it. Similarly, at 4.10 an event of a very ugly character happened in the House. While we were making submissions to you that the documents for which we were pressing in the morning should be made available to the House the hon. Home Minister, chose to make a statement. Whenever he makes a statement, he puts his foot in his mouth. He had the audacity the other day to say something about JP. So long as those ugly words remain on the proceedings, Mr. Brahmananda Reddy's appearance would appear to me to be a very ugly affair. I am honest to the core. I want to say that since he has decided to make a statement of that kind, that is bound to linger in our mind all the time.

At 4.10 the hon. Home Minister conveyed this evil tidings to the House that he has sent a communication to the hon. Speaker. Some of the hon. Members on the other side submitted to you that it was in no spirit of contempt that he had made this communication to the hon. Speaker, that he simply wanted a clarification about the ruling that the hon. Speaker had given earlier.

May I remind this House that at no point of time when we were remonstrating with the Chair, clamouring for clarification, a single syllabus of that kind fell from the lips of the hon. Home Minister, or any member from the other side of the House. When the House adjourned for lunch, they came to know our inflexible determination to press it in the afternoon and they also knew that you were going to be in the Chair... (Interruptions). That is the precise accusation. He knew, everybody knows, just as the hon.

Shri Piloo Mody said, that you are the Speaker in the afternoon and the hon. Speaker is the Speaker in the morning. He knew about it. Then he made this statement. What did he mean by that intervention? That was a clear notice of injunction on you and injunction on the House "please do not proceed with this matter; this matter has been referred to a higher court." How can he take any other stand now?

The hon. Minister of Parliamentary Affairs said that it was a simple act of seeking clarification or guidance from the hon. Speaker. Was it not the duty cast on the hon. Minister of Parliamentary Affairs at that point of time to come before the House and ask for a clarification?

SHRI VASANT SATHE (Akola): Sir, on a point of order. On what is he speaking?

SHRI SHYAMNANDAN MISHRA: On the admissibility.

SHRI VASANT SATHE: Under what rule is the motion being made and under what rule is he speaking for the last two hours?

PROF. MADHU DANDAVATE: He is pleading for the admissibility of his motion.

SHRI VASANT SATHE: He makes a point for two hours and he does not know under what rule.

SHRI SHYAMNANDAN MISHRA: I am not that ignorant of the rules, I am telling you.

MR. DEPUTY-SPEAKER: He has given a notice under rule 184.

SHRI VASANT SATHE: That rule reads:

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

Is this a matter of general public interest? (Interruptions). This is mat-

ter strictly within the precincts of the House, strictly related to the rules. How is it a matter of public interest? (Interruptions).

MR. DEPUTY SPEAKER: May I request the hon. Members that we are reaching a conclusive stage? Please don't create more complications now. Let us finish.

SHRI SHYAMNANDAN MISHRA: Sir, in my humble opinion, there cannot be any subject of greater public interest than a subject which involves the lowering of the dignity of the Chair and the lowering of the dignity of the House. The distinguished occupant of the Chair, whenever you, Sir, do not happen to be in the Chair, must know more than anybody else that it is a matter of the highest importance.

So, my submission is that there is already an implied approval and consent of the Speaker so far as my motion is concerned. The motion is of the highest importance which you, in your pleasure, must ask the House to discuss it.

MR. DEPUTY SPEAKER: Now, I hope, we have done with all speaking and other things.

I am dealing with this limited question of the admissibility of this motion which was given notice of and raised by Shri Shyamnandan Mishra, Shri Atal Bihari Vajpayee, Prof. H. N. Mukerjee, Shri Janeshwar Misra and Shri Piloo Mody. There is another one by Shri Jyotirmoy Bosu.

Since the whole matter arose out of a certain observation made by the Home Minister relating to a particular communication which he had sent to the Speaker during the lunch hour when the House was in recess, I think, it will be fair that this letter should not be kept away from the House. The House is seized of this that a communication has been sent to the Speaker and the Speaker has also said that he was intending to place the let-

ter before the members of the Business Advisory Committee and to seek their assistance and their opinion on the matter. I think, he said so when he was in the Chair for some time.

We have gone many steps beyond that. Therefore, I think it is only fair that this letter should not be kept away from the House any more. Whether you agree or disagree, let it go on record. This is the communication that he sent to the Speaker. So, I will read that out.

SHRI SHYAMNANDAN MISHRA: Thanks for the mediatory role played by Raja Dinesh Singh.

12.00 hrs

MR. DEPUTY SPEAKER: For the last two hours, it was in my mind that this letter must be brought here. Whether we are both big men or small men, I think, Raja Dinesh Singh and myself thought alike. But, I think, in physical stature, we are about the same.

This is the letter:

'Dear Mr. Speaker,

I am writing to you to seek your guidance and your direction on an important matter that has been thrown up in the course of discussions in the House. When the CBI was entrusted with investigation of certain specific offences, they completed their inquiry expeditiously. According to the normal practice, the CBI incorporated the results of their investigation in the form of a report."

So, there is a CBI report. Many of you were saying ..

AN HON. MEMBER: It is only the form of a report.

MR. DEPUTY-SPEAKER: All right.

SHRI PILOO MODY: Then he will be able to say, 'I never said there was a report'.

SHRI MADHU LIMAYE: Is there one report or are there several reports? Mr. Chattopadhyaya said that there were several interim reports.

MR. DEPUTY-SPEAKER: I am only reading this.

Mr. Piloo Mody learnt his English, perhaps, in England and America. I learnt my English only in India.

SHRI PILOO MODY: I learnt in India.

MR. DEPUTY-SPEAKER: Maybe, you learnt English from the English governess when you were young. But I did my studies in a far-out tribal village. Would you believe me if I say that I started learning my English after I took my Master's Degree? Before that, I had discovered. I had learnt all my English wrong.

SHRI PILOO MODY: I will not enquire as to who was your governess nor will I question the quality of your English. But somebody said that this now proves that there was a report. That is not written in the letter. It is your comment that I object to.

MR. DEPUTY-SPEAKER: That is what I am saying. It is said:

... investigation in the form of a report."

"According to the normal practice, the CBI incorporated the results of their investigation in the form of a report to enable them to decide whether any prosecution should be launched. The report contains..."

Not the form, but the report.

"The report contains a gist of the statements of all the witnesses who were examined in the course of the inquiry and all the documents similarly found relevant. It also contains the appreciation of the evidence by the investigating authorities."

Appreciation of the evidence.

"The CBI have also entered into some correspondence with the Ministry of Commerce in regard to action to be taken against the licence-holders, and this aspect has been explained in the House by me. We felt that the disclosure of the report of the CBI resulting in the prosecution of certain accused would inevitably lead to disclosure of the statements recorded in the course of the investigation."

SHRI SHYAMNANDAN MISHRA: So what? (Interruptions).

MR. DEPUTY-SPEAKER: "Such a disclosure may create legal problems. It may also prejudice a fair trial. It is, for these reasons, that we did not wish to place a copy of the report as such on the Table of the House. Government would not wish to do anything which would interfere with the judicial process or course of justice."

SHRI SHYAMNANDAN MISHRA: In the matter of privilege, we are the highest court of justice. No court is above us.

MR. DEPUTY-SPEAKER: "At the same time, Government deeply regret that an impression should have been created in the House that we have anything to hide. I am having a copy made of the relevant report..."

SEVERAL HON MEMBERS No. no.

SHRI MADHU LIMAYE: All the report.

SHRI SHYAMNANDAN MISHRA: The corruption is exposed. The intentions are exposed.

MR. DEPUTY-SPEAKER: I am just reading out the letter.

PROF MADHU DANDAVATE: It is as bad as placing one part of the entire Sugar Industry Inquiry Commission's report.

MR. DEPUTY-SPEAKER: "...I am having a copy made of the relevant report of the CBI for your perusal."

and it will reach you by this evening. In view of the important issues involved, we would be grateful for your guidance and directions in the matter."

So, this is the letter.

SHRI SHYAMNANDAN MISHRA: It is not worth the paper on which it is written.

SHRI PILOO MODY: Who has written it?

SHRI JYOTIRMOY BOSU: Mr. Gokhale has drafted it.

श्री बदल बिहारी बाबूदेवी : अब आप को फैसला करना है, स्पीकर साहब आप पर इस मामले को छोड़ दिये हैं।

MR. DEPUTY-SPEAKER: I have not done anything else except to read out the letter and pass on the information to you. The letter is before you.

Now, I will come to the question of the admissibility of the motion.

SHRI MADHU LIMAYE: Not before hearing my point of order.

SHRI SAMAR GUHA: The hon. Minister has misled the whole House. The hon. Minister said here 'the relevant portions of the report of the CBI'.

SHRI K. BRAHMANANDA REDDY: There is no mention of relevant portions. It clearly says 'the relevant report'.

SHRI SHYAMNANDAN MISHRA: ...which involves corrupt Ministers. These are not relevant for a corrupt administration and a corrupt government.

SHRI ATAL BIHARI VAJPAYEE: It is clear from the letter that there are several reports. Who should decide whether the report is relevant or not? It cannot be left to the Home Minister.

SHRI JYOTIRMOY BOSU: Arising out of what the Minister has chosen to say, how many reports he is talking about? It is one or more than one?

MR. DEPUTY-SPEAKER: Now, I have only read out the letter which is now part of the proceedings of the

House and the House can do anything it likes with that letter, but at the appropriate stage, not at his stage. Now, let us not conclude about this. We are not discussing this letter now. Therefore, let us not mix up the issue. We are now on this question of the admissibility of the motion of contempt against the Home Minister.

SHRI ATAL BIHARI VAJPAYEE: That is a side issue.

MR. DEPUTY-SPEAKER: Now, first of all. . .

SHRI MADHU LIMAYE: Sir, we want ruling on the main issue; please give ruling on the main issue.

MR. DEPUTY-SPEAKER: Please wait, step by step.

SHRI S. M. BANERJEE: One submission, Sir. Just a minute. This motion is against the Home Minister. It says, he has committed contempt of the House, as far as you are concerned. He has committed breach of privilege or contempt of the House, as far as you are concerned. That being the position I would request you, Sir, that this matter should be taken up when the Speaker is in the Chair; you should not do it.

MR. DEPUTY SPEAKER: No, no. Let me say about the admissibility. The letter is different. The letter is your property now.

SHRI MADHU LIMAYE: The motion arises out of that letter.

इसलिए मुझे स्टेटमेंट करना है। एड-मिनिस्टरिबिलिटी काहे पर है? लैटर पर है। लैटर पढ़ने के बाद तो और साबित होता है।

MR. DEPUTY-SPEAKER: The point is, whether the Home Minister, by writing this letter to the Speaker, and informing the House about it, while the House was discussing the matter, has committed contempt of the House or not. That is the point. The letter is different. So, I will start with the point of Mr. Mishra. He has

made a very strong point that nothing can come before this House without the permission of the Chair,—thereby meaning that the Chair has accepted this. Now, may I remind him and the House about this? There are two stages, one is, a notice of a Motion and the Speaker's consent to raise the Motion. Now, the Speaker may consider that in his chamber but very often he also hears the Members concerned and he listens to their submission before he makes up his mind about it.

SHRI SHYAMNANDAN MISHRA: Contempt is committed in the presence of the House.

MR. DEPUTY SPEAKER: That is a different thing. We are at that stage; things happen so suddenly, and so many wanted to speak, I allowed them to make the submission. I allowed them not only on this side but the other side also. But that does not mean that the Motion is admitted. That is the first point.

Now, we go to the second stage.

Rule 187 says:

"The Speaker shall decide whether a motion of a part thereof is or is not admissible under these rules."

Now, I am at this stage—whether it is admissible or not admissible. (Interruptions). Now, let us understand one thing—the whole thing flowed from what happened before the lunch, the whole thing after lunch was a continuation. But unfortunately, here on both sides, this side and that side, there was terrific confusion when the House adjourned for lunch; I will give you instances. Mr. Azad went on record as saying in so many words, we could not understand his ruling. That is what you said.

SHRI BHAGWAT JHA AZAD: I understood all right; I understood

him that he was stating the rules in this regard, on this issue. But the Opposition wanted to understand whether CBI report could be laid on the Table of the House and Government understood that the CBI report is not to be laid on the Table of the House.

MR. DEPUTY-SPEAKER: A little while ago, Mr. Raghu Ramaiah stated that 'doubts had to be cleared'. And I think it was Mr. Piloo Mody who was asking again and again, what is the ruling, what is the ruling. And Mr. Shyamnandan Mishra also asked.

PROF. MADHU DANDAVATE: Mr. Piloo Mody is always the first to be confused, Sir!

MR. DEPUTY SPEAKER: So, we are all agreed on this that there was confusion about the ruling and under these circumstances it is no surprise if the Home Minister also felt confused about it. I am an optimist. I believe in the goodness of people. If the Home Minister honestly felt confused I do not see anything wrong if he writes to the Speaker and seeks clarification. Now, very often many of you write to the Speaker. But the very fact that he wrote to the Speaker that by itself would not mean that he was committing contempt of the Chair or me. At least, I do not feel that way.

श्री मधु लिमये : मैं प्रार्थना करना चाहता हूँ कि यह कान्फ्यूज मोल है, इनके कार्य को साफ किया जाय और अब श्यामनन्दन मिश्र जी अपना मोशन वापस ले ले ।

SHRI SHYAMNANDAN MISHRA: Sir, if it is your pleasure, on compassionate grounds I am not pressing my motion.

(Interruptions)

MR. DEPUTY SPEAKER: Now, you may draw your own conclusions. You say he has said this at a particu-

lar time to convey it to me that I should not proceed in the matter. That is your opinion. But they say they never meant it.

SHRI MADHU LIMAYE: That is why we are withdrawing the motion.

(Interruptions).

SHRI PILOO MODY : Sir, I rise on a point of order. My point of order is that the Motion has not been moved. (Interruptions).

PROF. MADHU DANDAVATE: It is regarding the admissibility.

MR. DEPUTY-SPEAKER: Just a minute. (Interruptions). May I request Mr. Patel to sit down? You are not helping the House at all. Kindly sit down

SHRI SHYAMNANDAN MISHRA: On a point of order. Since I have read out my motion and I sought your indulgence for permitting me not to press the Motion on compassionate grounds, would you not be pleased to grant me the permission? Is there any embargo on the hon. Members of the House to perform an act of commiseration in sympathy or pity? Can I be permitted at any point of time to do this? I do not want to proceed with my motion because enough pity has been evoked in me. So, on this ground, I do not want to proceed with my motion.

SHRI S. M. BANERJEE: I do not talk of compassionate grounds or anything else. Now Shri Mishra has taken back the motion. But, Sir, today it has been established that without the Prime Minister, they do not know what to do.

SHRI NATWARLAL PATAL rose—

MR. DEPUTY-SPEAKER: Why don't you allow me to finish? Can you ask Mr. Patel to cooperate? I

do not understand why he often gets up.

SHRI PILOO MODY: You ask the Minister for Parliamentary Affairs to control his Member just as we control our Members.

MR. DEPUTY SPEAKER: Will you give me just two minutes? I fully agree with Shri Mishra that any Member who has moved the motion can withdraw it. But, here I am sorry he has not yet been permitted to move the motion and, therefore, the question of withdrawal does not come.

Now, I would like to pose just this question. If it is me or if it is the Speaker or Shri Mishra or anybody, if I make a remark which you do not understand, from whom would you seek the clarification if you do not seek from him? Now, here is a ruling which, the Speaker says, he has given but, the Home Minister could not fully understand and which we do not understand and, now the question comes up here. I would put it this way. This is how I would understand and this is how I would interpret. When the discussion was hotting up, he might honestly and legitimately feel that if he kept this out of the House, he might be committing some graver mistake. Therefore, while the discussion was hotting up, he felt the urge to say that. We should be grateful that he was honest to the House. He has given the whole thing. Therefore, there is no question of this motion.

Now, the House stands adjourned to meet again at 11 A.M. on Monday, the 25th.

18.25 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, November 25, 1974/Agrahayana 4, 1896 (Saka).