

[Mr Speaker]

the same mood sometimes this may lead to desperation

SHRI SAMAR GUHA My point of order is this. For the last fifteen minutes I have been trying to raise my points of order Everyone has been able to raise his point of order I am not able to raise my point of order though I have been standing for the last fifteen minutes

MR SPEAKER Mr Guha, kindly sit down I allowed so many points of order Why do you do it every time?

SHRI SAMAR GUHA I have raised the point of order But not a single word had been uttered by me My point of order is this According to rule 58, there are restrictions on right to make motion When I asked for the Government's making a statement your contention was that it might be done only when the matter was a continuing one I was told that this matter had already been discussed earlier That is perhaps not a correct statement I want to refresh the memory of the House that in this session the price rise has not been discussed although discussion took place on the Essential Commodities Bill Sir day before yesterday in the report of the Reserve Bank of India the words hyper inflation have been used This is not a continuing matter To-day the price has risen to 272 points And Government is going to consider the question of granting the Dearness Allowance

MR SPEAKER This is not a point of order Please sit down

SHRI SAMAR GUHA Sir this is not a continuing matter Look at the jump in the price rise—quantum jump This is not a continuing matter and therefore my adjournment motion is on a very serious matter Sir we have to go back to our Constituency. With what face we can see

the people in our constituency The price is rising We are not discussing this matter. That is why I say there should be a discussion on the price rise in this session

SHRI S M MANERJEE Now you have disposed of the adjournment motion Now please permit me to make my submission to you I would request the Minister, through you, to make a statement on the abnormal rise in price of essential commodities. Either you allow us to raise a discussion under Rule 193 or under 189 Everyday the motion is coming up Please allow a discussion on the rising prices

1310 hrs

RE QUESTION OF PRIVILEGE

अध्यक्ष महोदय इसका मतलब तो यह हुआ कि एक एक आइटम पर क्लिफ देना जाऊ और इनकी बात मानना चला जाऊ वही काम चल सकता है। ऐसे कैसे काम चलेगा? वही मुश्किल है।

श्री मधु लियये :

श्री मधुलियये (बांका): वल चूकि मदन में शोरगुल था इसलिए श्री गोखले को न मैं सुन सका और न ही आप सुन सके। इनके वक्तव्य में दो जुमले मैं आपके सामने रखना चाहता हूँ।

'Sir this is our view that these matters can be looked into only by a court of law The proper agency the statutory agency that can investigate into the matter is the court Perhaps that stage may come later on after the investigation is completed And then this House can decide about this.'

आज तक तो मैं यही समझता रहा हूँ कि एक भाई घर फाड़ करने के बाद पुलिस

के द्वारा इनवेस्टीगेशन होगी और बाद में जिस्ट्रेट कागनिजमें लेगा और कोर्ट के सामने ट्राइल होगा लेकिन अब मुझे पता चला है कि इनवेस्टीगेशन का काम भी कोर्ट करेगी । इनके शब्द हैं ।

"The proper statutory agency that can investigate into the matter is the court"

इसका माफ मतलब होता है कि श्री गोखले श्री पीनू मादी का जो विशेषाधिकार का प्रस्ताव है उस पर इनका कुछ नहीं कहने था न एडमिनिस्ट्रिटी के हक में इन्होंने कुछ कहा और न ही उसके विरोध में कुछ कहा और बीच में केवल इमलिए दखल दे रहे थे इटरबीन कर रहे थे कि मदन के सामने जाये प्रस्ताव पड़े हुए है, पार्लियामेंटरी प्रोव के बाग में इन प्रस्तावों पर बहस न हो इसलिए वह बहस को प्रीएम्प्ट करना चाहते थे । उनका ही नहीं इन्होंने यह भी कहा कि मेम्बरों के खिलाफ क्रिमिनल आफेंस है मैं उनका वाक्य पढ़ कर सुनाना चाहता हूँ

The persons who have committed the offence are all Members of Parliament of this House This matter is under investigation A case has already been registered

अब आपका आबजर्जेशन है कि इस मामले की जांच करने के लिए मैं प्रोमीजर ले डाउन करूँगा । डिप्टी स्पीकर का आबजर्जेशन है बाहर की एजेंसी नहीं करेगी । अब गोखले साहब क्या कह रहे हैं कि माने आफेंसिस मेम्बरज आफ पार्लियामेंट ने किया है । कितना गम्भीर आरोप है . . . (अब बखान) ये बाद में बोले । कानून

न ने स्वयं गम्भीर आरोप लगाया है कि जो आफेंसिस है वे सारे मेम्बरज आफ पार्लियामेंट के खिलाफ है । ऐसी हालत में पुलिस के द्वारा या अदालत के द्वारा इनवेस्टीगेशन करने के बजाय जैसे डिप्टी स्पीकर ने कहा इसी मदन की एक कमेटी को इसका इनवेस्टीगेशन करना चाहिए । इस में सी बी आई, रेवन्यू इंटेलेजेंस मैट्रुल इंटेलेजेंस ब्यूरो इनकम टैक्स डिपार्टमेंट, एक्साइज डिपार्टमेंट, कस्टमर डिपार्टमेंट की वह मदद ले सकती है (अब बखान)

तीस लाख रुपया नकद लिया है और इन लोगों के बीच भी बाटा गया है । नकद नारायण ने तीस लाख रुपया लिया है । जैसे कि मैंने नाटिस में कहा है मुझे प्रस्ताव पेश आप करने दे इन टर्ज आफ नोटिस और अगर आप यह चाहते हैं कि गोखले साहब को सुनने के बाद मैं प्रस्ताव पढ़ता हूँ या नहीं मैं करने के लिए तैयार हूँ ।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) Sir the script of what I said yesterday has been received by me today morning and I have been given time to correct it by tomorrow I will correct it within the time given to me There is only one portion which is not correct reporting of my speech at all That portion is

"The persons who have committed the offence are all Members of Parliament of this House"

That is how it has been put What I said was As a result of investigation the persons who may have committed the offence may not be all Members of Parliament of the House and the argument which I was developing was that outside persons could be involved Therefore, the proper thing to do is to have investigation and wait for the

[Shri H. R. Gokhale]

result of the investigation to be known. I did not say House cannot discuss this matter. I said the House can discuss it. I did not plead that this is subjudice and on that account it should not be discussed. I said I am only putting an opinion for the consideration that under these considerations the proper stage for the House to discuss the matter would be when we have got full facts ascertained after investigation. Whether that is acceptable or not is a different matter but I did not want to scuttle the discussion on this matter

MR. SPEAKER: Mr. Bosu, this is just the same as that of Mr. Madhu Limaye's—the one which you have given.

SHRI JYOTIRMOY BOSU: No, Sir,

MR. SPEAKER: If it is not the same; I cannot take another one also. I can take only one.

SHRI JYOTIRMOY BOSU: Sir, the question is this. Yesterday, Mr. Sezhiyan asked a question. It reads as follows:

"I want to know when the preliminary investigation by the CBI was ordered and when it was completed; when the full fledged enquiry or investigation by CBI was ordered. The Minister says a case has been registered because of the criminality involved in this case. I want to know when exactly the case was registered."

This came out of the mouth of Mr. Sezhiyan, sitting next to me. To that, our learned friend, a very careful man in the House, Mr. Gokhale said 'The case was registered in the last couple of days'. This is the debate dated 3rd September 1974. You kindly read the front page news item in Hindustan Times, with a dateline of 3rd September 1974. They say, only yesterday it was registered. That establishes that

the case was registered on 2nd September and not really a couple of days ago. By saying this, he wanted to absolve the Government; he wanted the Government to go out of the limelight and he did not want us to accept that Government had acted in undue haste and in an unusual manner when the matter was seized by Parliament. This is a clear, deliberate and engineered utterance of a clever lawyer, Mr. Gokhale. This is not the first time he is being hauled up on a privilege motion. This is a very serious matter. Sir, he should either express his regret before the House or the matter should be sent to the Privileges Committee. There are some very serious things including what he said 'It is our view that these matters can be looked into by a Court of Law. The proper agency, the statutory agency that can investigate into the matter is the Court.' When the Court is to be the investigating agency, we do not know. We are not quite clever as you are. But, kindly spare us from being taken in for a ride. Thank you very much.

SHRI SHYAMNANDAN MISHRA (Begusarai): I have already made a request to you on this particular subject. May I make my submission on a point arising out of what the hon. Member Mr. Madhu Limaye has said? The position is, the hon. Law Minister....

SHRI C. M. STEPHEN (Muvathupuzha): Sir, we want to make a humble submission. If on this particular subject, discussion has started, then everybody must have say. otherwise, the business of the House must go on. The question that is now being discussed is about signatures and all that. This is being discussed in another way. The basic point is, without establishing a *prima facie* case, and without the Leader of the House and the Speaker having satisfied themselves that there is a *prima facie* case, the question of referring the matter to the Parliamentary Committee cannot arise at all. That is the stage at which

we are. We are going into the entire subject. MPs are being called names: presumptions are being made and allegations are being flaunted. This should not be allowed. If you are allowing a discussion on the question of referring the matter to the Parliamentary Committee, kindly give us notice.

MR. SPEAKER: I have dealt with Mr. Limaye and given a chance to Mr. Gokhale. I have not yet held it in order.

SHRI C. M. STEPHEN Then, Mr. Bosu has started; Mr. Shyamnandan Mishra has started?

Mr. Mishra I am not going to allow Mr. Bosu has given a notice against the Law Minister and I thought that since the Law Minister is here, let him make his submission. But, so far as the question of holding it in order is concerned, I have not yet decided.

MR. MISHRA: I am not going to allow my debate. You make your point in a minute. Is it technical or what?

SHRI SHYAMNANDAN MISHRA: The issue we are dealing with is whether breach of privilege has been committed by the hon'ble Minister of Law or not. Now the hon member, Shri Madhu Limaye, pointed out a misrepresentation. I would go by the version of the hon. Law Minister that he has not had the time to correct it, and that it was an uncorrected statement. We accept it. We will not go into that.

But arising out of the statement that the hon. Minister has made, there is a reflection on the House and on the hon'ble members of the House who disowned their signatures. The hon. Minister has said that the offenders may not be all members of this House. Let me interpret it. That does not mean that all members of the House who are alleged to be offenders are not offenders (Interruptions). He says the offenders may not be all members of the House. So if the number of members of the House is X, then

X is not excluded; it may be X plus 1 NY. That is, some outside element also might be there. That is what the hon. Law Minister has said.

Therefore, in a sense he has confirmed that the hon. members of the House who are alleged to have been associated with this unsavoury deal have indeed been associated, and he is saying that with a degree of plausibility because a certain amount of investigation has been under taken in this matter. Now, I ask you whether it does not confirm the earlier misgivings and suspicions created by the statements of the hon. Ministers. We want your protection.

MR. SPEAKER: I am not going into it. He has not corrected it. When it is corrected, we will see to it.

SHRI SHYAMNANDAN MISHRA: Kindly give me a hearing coolly. He has said in the presence of all of us that the offenders may not be all members of this House. We grant that there may be some outside elements, some strangers also might be offenders. But then by that statement, he has confirmed the suspicion that the members of this House have indeed been guilty of the offence that has been associated with them. Here we have a clear statement from the hon. members that they disown their signatures. Who is casting a reflection on them?

MR. SPEAKER. He will correct it. Then we will see to it.

SHRI SHYAMNANDAN MISHRA: The second thing that I want to submit in this very connection is this. The hon. Law Minister by bringing in the court and many other things has tried to pre-empt the constitution of a committee for which there are motions admitted by you.

MR. SPEAKER: I hope you will understand me. This is a privilege motion over his statement. It is not a discussion about the constitution of a committee. He will give the corrected copy; then we will see.

SHRI SHYAMNANDAN MISHRA: By bringing in the court and other extraneous matters, he has tried to pre-empt the constitution of a committee.

MR. SPEAKER: I am very sorry.

SHRI SHYAMNANDAN MISHRA: What have you to say on the first point?

MR. SPEAKER: I have not to say anything on that unless he sends in the corrected copy. I do not think any question arises out of this in a privilege motion.

श्री अटल बिहारी वाजपेयी (ग्वालियर) : अध्यक्ष महोदय, मुझे एक निवेदन करना है। आज मंच पर आपने हिन्दुस्तान टाइम्स की एक रिपोर्ट का हवाला दिया और यह कहा कि आप को भी उस में घसीट लिया गया है। लेकिन आप ने जो कुछ कहा उस से एक बात साफ हो गई कि सरकार ने इस मामले में केस रजिस्टर करने से पहले आप को पूछा नहीं, आप से सलाह नहीं ली।

अध्यक्ष महोदय : आप के दिमाग में जो एक चीज बैठी है कि पार्लियामेंट की एक कमेटी हो वह हर बात में आ जाती है। अब आप प्रिविलेज के तौर पर जानना चाहते हैं।

श्री अटल बिहारी वाजपेयी : जब आप के सामने यह मामला जेरे गौर है तो कोई भी केस रजिस्टर करने से पहले सरकार आप की सलाह लेती, कम से कम आप को खबर दी देती।

अध्यक्ष महोदय : आप तो उस से भी कहीं आगे बढ़-चढ़ गये हैं। अब वह बात कहा रह गई है, वह तो आप ने खत्म कर दी।

श्री अटल बिहारी वाजपेयी : कहां खत्म कर दी? क्या आप यह नहीं समझते हैं। कि गवर्नमेंट ने इम्प्रोप्राइट की है। मे उन को केस रजिस्टर कराने से पहले आप को बताना चाहिए था।

अध्यक्ष महोदय : इस पर काफ़ी बात हो चुकी है। इसलिये इस वक्त यह सवाल नहीं आ सकता।

श्री अटल बिहारी वाजपेयी : तो फिर इस को अलग से उठावेंगे।

अध्यक्ष महोदय : उस वक्त देखेंगे।

SHRI JYOTIRMOY BOSU: Let Mr. Gokhale reply.

SHRI H. R. GOKHALE: The only thing I said was that the case was registered in the last couple of days. It is not an inaccurate statement at all.

SHRI SHYAMNANDAN MISHRA: We want to know the exact date.

MR. SPEAKER: He has given information. How can it be a matter of privilege. He gives information which according to you may not be proper. But how does it constitute privilege?

SHRI SHYAMNANDAN MISHRA: What about the point I raised that he had further cast reflections on the hon. Members of this House.

MR. SPEAKER: I shall see the proceedings; I cannot say offhand. There is no question of reflection.