

(ii) From the records it is seen that one case relating to 1970 was investigated and the officer was awarded "severe displeasure". In respect of two cases relating to 1968 and 1969, Regimental funds which were kept in unauthorised private account were got reimbursed and credited to the correct Regimental account. One case relating to 1963 was investigated and finally dropped. In two cases relating to 1960 and 1965, there are no records to show whether any action was taken".

SHRI SWARAN SINGH: Sir, I would like to add with your permission . . . (Interruptions)

13 hrs.

MR. SPEAKER: Let me listen to him. This is very bad. I am not allowing you.

SHRI SWARAN SINGH: I would like to add only one word that I know and all of us know that if he talks of the statutory complaint by an officer, who is under cloud, he will have a copy of that, that statutory complaint. There was no point in suppressing because that is more or less a public document at any rate available with the petitioner. But, I have explained the unfortunate circumstances by virtue of which this mistake has crept in. I would also like to add that if you talk of the complaints, statutory and non-statutory, the number is not even twelve, but, even more. I cannot complain that Mr. Jyotirmoy Bosu is trying to suppress any information.

13.02 hrs.

# CIGARETTES (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) BILL.\*

THE MINISTER OF HEALTH AND FAMILY PLANNING (DR. KARAN SINGH): Sir, I beg to move for leave to introduce a Bill to provide for certain restrictions in relation to trade and com-

merce in, and producing, supply and distribution of, cigarettes and for matters connected therewith or incidental thereto.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for certain restrictions in relation to trade and commerce in, and production, supply and distribution of, cigarettes and for matters connected therewith or incidental thereto."

*The motion was adopted*

DR. KARAN SINGH: Sir, I introduce the Bill.

13.03 hrs.

## RE. PROCEDURE ABOUT PERSONAL EXPLANATION BY MEMBERS

SHRI SHYAMNANDAN MISHRA (Begusarai). Sir, with your permission, I rise on a point of order under Rule 37b(1) for the interpretation and enforcement of Rule 357 and the related Direction 115C. Sir, the other day, that is on 21-4-75, Shri Morarji Desai, an hon. Member of this House made a personal explanation. A copy of the statement has to be submitted in writing by the Member concerned to the Speaker in advance according to Direction 115C. But, four copies of the statement were demanded by the Lok Sabha Secretariat and supplied accordingly. Soon after the supply of the statement to the Lok Sabha Secretariat, I learnt that a copy of it was supplied to the Government or the Prime Minister. This, I submit, constituted a breach of Rule 357 and the related Direction 115C. Rule 357 and Direction 115C do not posit that an advance copy of the statement would be made available to the Member whose remarks had warranted the personal explanation. The Rule and the Direction are unambiguously clear that an advance copy of the explanation has to be made available to the Speaker. The fact that in this particular case, the Member whose remarks had caused the personal explanation to be made happened to be a member of the Government or the Prime Minister,

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[Shri Shyamnandan Mishra]

does not make any difference. A Rule or a Direction cannot be interpreted or used in such a way that a Member of the Government is put on a high pedestal or in a position of relatively greater advantage than a private Member. The operation of a Rule or a Direction cannot admit of any distinction or discrimination. The House functions on the basis of—it cannot swerve from it—the fundamental principle of equality among Members. In the circumstances, I request you to be so pleased as to give your ruling on the following points—(a) Whether Rule 357 and Direction 115C require that advance copies of the relevant statement be made available to the Member whose remarks warrant personal explanation?; Also, whether four copies are to be supplied to the Lok Sabha Secretariat? (b) Whether in the matter of supply of advance copy any discrimination can be made in favour of a Member of the Government? (c) If the replies to (a) and (b) are in the negative, whether supply of advance copy of the statement of Shri Morarji Desai to the Prime Minister did not constitute a breach of order?

MR SPEAKER: Thank you very much. You have brought in something which, in my opinion, is a matter which needs much consideration.

I have seen that either we follow a rule or direction or practice or convention. The practice has been that when you make a personal explanation with respect to which a Minister is involved, we inform the Minister also. This has been followed in this House. Even today you will have seen in the case of the statement under Direction 115 that Shri Swaran Singh was informed about it, and along with that he has also spoken. The principle involved is almost the same.

SHRI JYOTIRMOY BOSU (Diamond Harbour): The only difference is that he gets my copy but I do not get his.

SHRI SHYAMNANDAN MISHRA: I will come to that.

MR. SPEAKER: In the case of the Prime Minister's statement, the Prime

Minister was not making a personal explanation so that a copy could be given to the other member.

SHRI SHYAMNANDAN MISHRA: Allegation.

MR SPEAKER: This was a statement and out of that statement, Shri Morarji Desai came with a personal explanation. That is the only difference.

The basic principle we follow is that if it is a question brought by a member under 115, we send that to the Minister. Then if the member is not satisfied, the member has got the right to reply, as the practice goes. The practice has been there. There is no specific rule on this. It is for the Rules Committee to examine it, or let the practice go on as it has been going on.

SHRI SHYAMNANDAN MISHRA: My submission is that it should go on without discrimination.

MR SPEAKER: There is no discrimination.

SHRI SHYAMNANDAN MISHRA: This matter should be made absolutely clear that no discrimination can be exercised in favour of a member of the Government. If this rule has to prevail, it has to prevail in relation to all the members of the House.

MR SPEAKER: I will just explain it to you. I think it was quite a lucky thing, because in such matters they are not done just privately or secretly. When Shri D. N. Singh, our MP, brought it, in his very presence, I said, 'Well, I think the Prime Minister should be present when this statement is made because this is concerning her'.

SHRI SHYAMNANDAN MISHRA: That was very right of you.

MR SPEAKER: I also said that I would inform her that this is the subject on which Shri Morarji Desai is making a personal explanation so that if some information is needed or some other explanation is needed from her, she may

be in a position to reply I do not think there is anything wrong in this principle. There is no discrimination.

I leave it to you to decide whether it should go before the Rules Committee. They may examine it and give a direction. But so far as the practices and conventions that are followed are concerned, we cannot defend them by quoting a rule. This is just the practice that has been followed in the House.

SHRI SHYAMNANDAN MISHRA: Only one more submission. The practice must be in relation to every member. We have found that we have never been supplied. . .

SHRI JYOTIRMOY BOSU: Earlier.

SHRI SHYAMNANDAN MISHRA: . . . an advance copy of a personal explanation. But in this particular case, an advance copy was made available to the Prime Minister.

MR. SPEAKER: Only if it involves the member. If it does not involve the member, there is no need for it.

SHRI JYOTIRMOY BOSU: On a point of order. I was asked to give a copy of my personal explanation statement well in advance. I should say they wanted it latest by Saturday, that is, three days earlier. But what Shri Swaran Singh has said to day, a copy of it was never given to me so that I could take into consideration how much more misleading materials are in that also.

THE MINISTER OF DEFENCE (SHRI SWARAN SINGH): I gave a detailed statement when I gave a reply and I had said that it might be passed on to the hon. member.

SHRI JYOTIRMOY BOSU: When?

SHRI SWARAN SINGH: Before that.

SHRI SEZHIYAN (Kumbakonam): It does not concern you. He is talking about the procedure here.

MR. SPEAKER: These statements are all there half an hour earlier than they come to the House. There is no question about it.

If you want it to be examined by the Rules Committee, you can get it examined.

SHRI JYOTIRMOY BOSU: Sir, I am on a point of order. I am asking a clarification: whether it is or it is not a fact that your Secretariat demanded from me to give advance copy of my statement three days earlier, whether it is a fact or not that they did not ask for the same from Sardar Swaran Singh who is a Member of the House, may be a Minister? Was it ever passed on to me three days earlier? It was not. So, there is discrimination and you are constantly making observations which we cannot understand.

MR. SPEAKER: Your statement was sent to him and he has come with a statement.

SHRI JYOTIRMOY BOSU: I should get three days earlier.

MR. SPEAKER: It will be a never ending system.

SHRI SHYAMNANDAN MISHRA: My submission is this. Whenever we make any allegation against any Member of the Government or against any Member of the House and the person concerned makes a personal explanation as a result thereof, are we supplied—I ask you—with advance copies of the personal explanation? We are never supplied with advance copies of the personal explanation.

MR. SPEAKER: I thought that the Prime Minister should be there because your Member was present and it was in his presence. Don't you think that the Prime Minister should be present I asked and he said: yes. I said: she must know what is coming. If it had been objected to, then I would not have gone on for this.

SHRI SHYAMNANDAN MISHRA: How can we object to the presence of the Prime Minister in the House?

MR. SPEAKER: I think the Prime Minister should have been here.

**SHRI DINESH SINGH (Pratapgarh):** Now that you propose to send to the Rules Committee. . .

**MR. SPEAKER:** I am not sending. Members can do so. He may like to present it in his own way and perhaps I may not be able to present it to the Rules Committee in the way he wants to.

**SHRI DINESH SINGH:** This does not relate only to something that happens between the Government and a Member. There can be a personal explanation against something said by another Member and Government may not be in the picture. Whatever may be decided should also be decided in relation to this matter also, that is when a member gives an explanation against something which is said by another Member.

**MR. SPEAKER:** The other day when Mr. Goenka was involved, he was informed that so and so was coming with a statement and he should be present here.

**SHRI SHYAMNANDAN MISHRA:** I am not confusing your request to the Prime Minister to be present on that occasion with the supply of advance copy. It was very right on your part to have asked the Prime Minister to be present on that particular occasion. To that I am not objecting. But I am taking objection to the discrimination exercised in favour of the Prime Minister by way of supplying an advance copy of the personal explanation.

**MR. SPEAKER:** It is not discrimination; it is the practice. You can ask the Secretary-General instances and he will produce them before you.

**SHRI SHYAMNANDAN MISHRA:** Would you be good enough to tell us any occasion of supply of advance copies of personal explanations? Never. I should like to go into this.

**MR. SPEAKER:** Don't go on hair-splitting. When the Prime Minister is to be present, I think I should tell her why she should be present.

**SHRI SEZHIYAN:** The Prime Minister also made a statement. He is asking whether a copy of that statement was given in advance.

**श्री मधु लिमये (बांका):** प्रधान मंत्री के वक्तव्य की कापी मोरारजी देसाई को देनी चाहिये थी ।

**MR. SPEAKER:** On principle, there was nothing wrong about it. If you want that there should be some set of rules for it, we may have it.

**SHRI SHYAMNANDAN MISHRA:** The facility granted to the Prime Minister should be available to other members also.

Another point which deserves your consideration is this. The Prime Minister made certain allegations against Shri Morarji Desai. There is a rule that when any allegation is to be made by an hon. member against another hon. member advance intimation has to be given to the member concerned and also to the Chair. Was this rule observed in this case?

**MR. SPEAKER:** When Mr. Morarji Desai gave the statement under Rule 357, there were controversial and debatable matters in that and I felt that those will not form part of the statement. But I did not insist, keeping in view his elderly position.

**SHRI SHYAMNANDAN MISHRA:** That was strictly within the rules. The point for consideration is, when the Prime Minister made certain allegations against Shri Morarji Desai, whether an advance copy of it should be sent to Shri Morarji Desai.

**MR. SPEAKER:** There were no allegations in her statement. If I found any allegation, I could have done it.

**SHRI JYOTIRMOY BOSU:** Yesterday, Mr. Madhu Limaye, Mr. Vajpayee and Mr. Sezhiyan had made certain observations which compel me to come before the House to make a personal statement. I have written to you in this regard. If you permit me to raise it today, I am ready. Or else, I shall be guided by your directions.

MR. SPEAKER: Not at this stage. We have some other matters on the agenda.

श्री मधु लिमये : इनका दर्म खत्म होने के पहले इनका स्पष्टीकरण हम चाहते हैं ।

SHRI S. M. BANERJEE (Kanpur): I want to raise this issue of the mass rape of girls in Ballia...

MR. SPEAKER: Raising something under rule 377 is not a daily phenomenon. I am not bound to do it. If you see the history of it, it was allowed once or twice. But nowadays there is no end to it. So much is happening and everything cannot come here in between the agenda. This has already been raised in the State Assembly.

This matter relates to the State. It was raised there. We read this morning. I have already accepted one by Shri Sezhiyan, I am not allowing others.

SHRI S. M. BANERJEE: Do you want a Harijan girl to be raped like this?

SHRI JYOTIRMOY BOSU: Export of girls to the Middle East for immoral traffic. It is shameful.

SHRI S. M. BANERJEE: This happened in U. P. Shri Sarjoo Pandey comes from Ballia. You asked the Minister to make a statement. This relates to Harijans. It is the duty of the Home Minister.

अध्यक्ष महोदय : आपके जो बात है वह भेज देंगे ।

You ask me to decide about the admission of motions here. This is not the proper way. I cannot judge motions while sitting here. Everyday it comes like this asking for one minute, two minutes. It is a daily affair. I am not going to yield. No, no, not at all, if this is going to be a daily practice. Everyday you get up.

SHRI S. M. BANERJEE: I am not doing it every day. Why don't you give me an opportunity? I expect the Chair to react to certain things. You are a human being.

MR. SPEAKER: But I am also the Speaker occupying the Chair. Perhaps you may not be more than me as a human being.

SHRI S. M. BANERJEE: The Speaker speaks the whole day. You do not allow us to speak.

SHRI JYOTIRMOY BOSU: It is a matter for regret that the question cannot be raised by Shri Banerjee.

MR. SPEAKER: I do not want your comment.

13.22 hrs.

# MATTER UNDER RULE 377

FAILURE OF GOVERNMENT TO LAY ON THE TABLE APPROPRIATION ACCOUNTS AND AUDIT REPORTS IN RESPECT OF PONDICHERRY

SHRI SEZHIYAN (Kumbakonam): I want to invite the attention of the House to a serious lapse on the part of the Government in not placing on the Table of the House the Audit Reports that have been submitted in respect of certain States and Union Territories under President's rule.

At the present, the State of Gujarat is under President's Rule and this Parliament has been given the powers and the functions of the Assembly there. The same is the case with the Union Territory of Pondicherry. There is also the legislature has been dissolved and the functions have been transferred to Parliament.

On the 25th March I raised the question and you also said that a hint had been given to the Government that the respective Audit Reports in respect of these States under President's rule whether they are suspended under a particular provision or not, should be made available to the House. Your categorical direction has not been fulfilled so far.

In regard to the Pondicherry Assembly, I find that the Appropriation Accounts and the Audit Reports of 1971-72 and 1972-73 have been submitted by the Comptroller and Auditor General