

12.05 hrs.

RE. PERSONAL EXPLANATION
BY MINISTER

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I have written to you I want to find out from your good self whether the direction as written under 115 C on personal explanation has been made dormant or reversed, Sir I find that it is the third occasion when you were good enough in your wisdom to allow a Minister to offer personal explanation without giving it in writing to you as per rules. Without giving it in writing he has spoken and it is objectionable. During the No-confidence Motion the same Minister, Mr L. N. Mishra, and Shri D. P. Dhar got on their feet. Without sending anything in writing and without getting your approval they were allowed to make personal statements. Yesterday from the debates I read that you had been insisting that he should give it in writing but I am told after the Prime Minister intervened you had reversed your decision and you gave permission.

AN HON. MEMBER: No no

SHRI BHAGWAT JHA AZAD (Bhagalpur): It is not that way

SHRI JYOTIRMOY BOSU Direction 115C is very clear. It says:

No Member shall be permitted to make a statement by way of personal explanation under rule 357 unless a copy thereof has been submitted in writing by the member to the Speaker sufficiently in advance and the Speaker has approved it. Words, phrases and expressions which are not in the statement approved by the Speaker, if spoken, shall not form part of the proceedings of the House.

On the basis of this, what he has done is a violation of the rule. This is not the first time, this is the third time when the Minister was permitted to make a statement. I have to go through the drill in the lengthiest form

and be subjected to additions and subtractions and then only I am allowed. Why this ununiformity in treatment. Sir? Why this benefit only to the Government people and the Minister? Sir? How can we have confidence in the Chair if this sort of thing continues? Please tell us one instance where you have allowed the same facility to us. You allowed Mr. Inder Gujral to make such a statement. This is very bad, this will ruin Parliamentary Democracy, Sir.

श्रीमन्नु लिमये (बांका): अध्यक्ष महोदय, मेरा हम के बारे में व्यवस्था का प्रश्न था, आप के कहने पर मैं बैठ गया। 357 में मैंने व्यवस्था का प्रश्न उठाना चाहा था और मैं ने आप का ध्यान 357 की ओर दिलाया था। उस में यह कहा गया है स्पाटीकरण के बारे में कि:

No debatable point shall be raised and no debate shall arise

इन्होंने डिबेटेबल प्वाइंट कल उठा दिया और आयरेक्शन के अनुसार जो आप को कल दिखाना चाहता था, मैं ने कहा भी था कि लिखित बयान भ्राना चाहिए था आपने पहले कहा था कि अभी मत दीजिए लेकिन प्रधान मन्त्री खड़े हो गई और आप ने अपना निर्णय बदल दिया। आप ने हम थोड़ा सा भी कहन है तो आप कहते हैं कि कोई नियम काटै कानन होना चाहिए। लेकिन क्या प्रधान मन्त्री के लिए कोई कानून नहीं है? जहाँ नागराज मिश्र के लिए कोई कानून नहीं है? आप की गरिमा के लिए यह अच्छा नहीं हुआ। यह सब लोगों ने देखा। (उपस्थान)

MR SPEAKER I am very well aware of this rule. He is replying as a Member of the Council of Ministers. It is not a question of personal explanation. You make allegations

(Mr. Speaker.)

against him. He can reply there and then. He should make the position clear then and there. I do not take it in this light that it is a personal explanation.

श्री मधु लिनये : आप मुझे अपना बात पूरी करने दीजिए।

आप ने अपना निर्णय बदला। यह पूरे सदन ने देखा और अखबार वाला ने देखा और यह सदन की ओर आप की गरिमा के लिए अच्छा नहीं हुआ।

MR. SPEAKER: He is sitting on the Government benches and he is replying on behalf of the Government. This was not a question of the Minister's personal explanation. When my attention was invited, I was under the impression that his reply was on behalf of the Government. I allowed that. There is no question of any personal explanation.

SHRI P. G. MAVALANKAR (Ahmedabad): Sir, the Minister did say that it was by way of personal explanation and not on behalf of Government.

MR. SPEAKER: You made an allegation against a member of the Council of Ministers.

I told you the other day that in such cases this should be clarified before the Rules Committee. But, when he is a member of the Council of Ministers and when you are attacking the Government, he has got the right to reply to it. So, there is no question of personal explanation.

श्री मधु लिनये : लेकिन जो नियम था, उस का उल्लंघन क्यों हुआ? क्या एल० एन० मिश्र सुनार स्पीकर हो गये हैं, हम इस पोजीशन को बरदाश्त नहीं कर सकते हैं।

MR. SPEAKER: I do not agree with you. He is allowed to reply.

SHRI SHYAMNANDAN MISHRA (Begusarai): I rise on a point of order. We want to know what is the status of Rule 357 with regard to the Minister. This requires a clear pronouncement from the Chair as to whether rule 357 stands in relation to the Ministers or not. Secondly I am coming to what the Minister himself has said. He said that he was making a statement on the basis of rule 357—personal explanation. The words are there. May I now recall to your mind so that you may give a consolidated reply that, during the no-confidence motion, an unusual practice had been adopted that even after the reply by the mover of the no-confidence motion, the Ministers were allowed to make a statement—personal explanation. This can never be permitted to be done.

The mover replied back to the points that had been made by them. Two hon. Minister had been allowed to make personal explanations when the mover by then had already concluded his observations. At that time they claimed their privilege on the basis of personal explanations but they did not submit to you any written statement earlier.

SHRI H. N. MUKHERJEE (Calcutta-North-East): Sir, I am very unhappy..

MR. SPEAKER: Just a minute.

SHRI BHAGWAT JHA AZAD: You will all agree that Rule 357 applies to everybody be he a minister or a member. The question here is: does it mean to say that in a debate when any member either on this side or that side is being attacked by a Member of the Opposition and vice-versa we all should silently hear? Yesterday, you definitely said—it is on record—that if he makes a personal statement, under Rule 357 he has to give it in writing. But, when he said that on

the spot, you allowed him. What the hon Members say now would only set wrong precedents for the future that in a debate when a certain charge is being levelled against a Member, he would hear silently all the time. What is the next stage? I want a further explanation to Rule 357? This is a wrong interpretation of Rule 357.

PROF. MADHU DANDAVATE (Rajapur) If you will check up the records of yesterday's proceedings, you will know it.

MR SPEAKER I have called Mr Mukerjee. What do you want to say? I am very clear of what I said.

PROF. MADHU DANDAVATE Sir, I am only requesting you to see the proceedings. The Minister categorically said that he wanted to make a personal explanation. It is on record. You then said that, according to rules, the personal explanation should be in the form of a statement that should be given to you early.

MR SPEAKER He has got the right to reply.

PROF. MADHU DANDAVATE That is never permitted under the rules.

MR SPEAKER I do not agree with you.

SHRI H N MUKERJEE Sir, I shall be very brief. I am very unhappy, for whatever reasons things are said in the House which suggest any kind of lack of confidence in the Chair because that kind of expression is a serious thing which requires a substantive Resolution, and any kind of difference as far as the Speaker is concerned should better be agitated elsewhere. But on this occasion I feel, yesterday's events did cause certain confusion. You had first expressed your preference for a written communication, but you decided later on, if the Minister was making an extempore statement you would not stand in the way. The earlier instance quoted by

Shri Mishra is a little more intriguing if it happens that after the reply of the mover of the motion of no-confidence the Minister was permitted without earlier notice to make a statement of a personal character. Whatever the quality and the desirability of the statement it was procedurally wrong. In view of these things having come to light I would not like any objectionable observations to be made about the Chair in the House. I would desire that you call a meeting of the leading Members of the House so that you can discuss this matter.

MR SPEAKER In the case of No-Confidence Motion the last reply that the Mover gives is in relation to the facts that arise in the debate, but the Mover of the No-Confidence Motion while exercising his right to reply introduced many new things which were not mentioned earlier but which he mentioned in his last speech and to which the Minister had no opportunity to have any notice of and on the basis of this conscientious consideration, I think, it is much proper that the Member should confine himself to the facts that arise in the debate. If he introduces new things or new allegations of which the Minister was not given a chance earlier it is much proper the Minister should reply there and then on the spot.

As regards the present case, yesterday when the Prime Minister said it is not a personal explanation but is a reply on behalf of the Government I agreed to that. When you make a definite allegation against the Minister and he is sitting there on the spot should I say 'no' to him and ask him to come some other day?

After this observation of mine, I am not allowing anything. I have made the position clear. This is how I think.

SHRI JYOTIRMOY BOSU This is a democratic institution. Is it a

[SHRI JOTIRMOY BOSU]

Moghul darbar? What does the debate say? Yesterday's debate says:

"SHRI L. N. MISHRA: Sir, I want to give a personal explanation.. (Interruptions)

SHRI MADHU LIMAYE: Have you read and approved it, Sir?

अध्यक्ष महोदय: आप मुझे लिखकर भेज दीजिए, क्योंकि प्रोसीजर यह है कि

I must get a copy of that."

MR. SPEAKER: I had made the position very clear. He was replying on behalf of Government.

Whatever I may have said, on reconsideration, when the Prime Minister got up, I was of the view that it was not a question of having to give anything in writing because he was giving a reply to the allegations on the spot.

SHRI JYOTIRMOY BOSU: You had made the observation yourself Sir. I feel sorry for you.

MR. SPEAKER: No, he need not feel sorry for me. Let him look after himself.

SHRI JYOTIRMOY BOSU: The debate says:

अध्यक्ष महोदय: आप मुझे लिखकर भेज दीजिए, क्योंकि प्रोसीजर यह है कि

I must get a copy of that."

That comes from your mouth. Then the Prime Minister got up....

MR. SPEAKER: I am sorry. I am not leaving him. I made it very clear.

श्री हुसैन अहमद कछवाय (मुरेना):
अध्यक्ष महोदय भेरा व्यवस्था का प्रश्न है। आप मुझे मंजूर लीजिए। आपने बाकी लोगों को मना है, मुझे क्यों नहीं मनाते हैं। (व्यवधान) आप मन्त्रियों की रक्षा मत कीजिए।

MR. SPEAKER: There is no protection at all. When it was said that it was a personal explanation, I said that he might give a copy. But the Prime Minister said that it was on behalf of Government and he was replying on behalf of Government, so, I allowed it.

When I said that he might give the copy, I thought he was making a personal explanation; but later on I found that he was speaking on behalf of Government and replying to the allegations, and I said that on the spot he could do it.

Let not the hon. Member put his own meaning into it. I had called him and he had every right to do it, and say that it was not in that shape but in this shape.

SHRI JYOTIRMOY BOSU: The debate says very clearly:

"Shri L. N. Mishra: Sir, I want to give a personal explanation."

Now, you want to convert it to suit your convenience, and say that it was Government's reply. What distortion of truth.

MR. SPEAKER: If anybody wants to refute the allegations, whether in the form of personal explanation or otherwise, in my opinion, that is the very procedure to be adopted.

SHRI SHYAMNANDAN MISHRA: You are changing the rule....

MR. SPEAKER: That rule does not apply when Government want to give a reply.

I have given my view. This is my view. There can be no points of order now.

Whatever it is I have done it and I have done it conscientiously. If an hon. Member makes allegations, the hon. Minister has got the right to refute them there and then.

SHRI SHYAMNANDAN MISHRA: We have also tried to bring up many things but you are always pleased to tell us 'Please tell me the rule under which you are wanting to bring up the matter'.

(Interruptions)

MR. SPEAKER: Mr. Limaye, I have made the position, as I see it, clear.

जो मैं ने समझा बता दिया, आप एक्सेप्ट करें या न करें।

श्री मधु लिमये : इसमें रास्ता निकल सकता है। पर्सनल एक्सप्लेनेशन बहुत ही सैफ़ेड प्रोसीजर है उसका दुरुपयोग न कीजिए। (स्ववचन) मैं जवाब का विरोध नहीं कर रहा हूँ लेकिन आरोपों का जवाब और पर्सनल एक्सप्लेनेशन में फर्क करना चाहिए।

SHRI SHYAMNANDAN MISHRA: Let there be no French rule with regard to our rules of procedure.

MR. SPEAKER: Mr. Jyotirmoy Bosu I have heard you. I am not allowing you.

श्री श्यामनंदन मिश्र : हमारे दिल में बहुत दुख है, बेयर हर वक्त इवल स्टैंडर्ड करती है।

The chair should express regret over this issue.

MR. SPEAKER: I would request you to please sit down. Now, Shri Dikshit.

SHRI P. G. MAVALANKAR: On a point of order.

MR. SPEAKER: No, I am not allowing you. I have disposed of this. Shri Dikshit.

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKAR DIKSHIT): rose—

SHRI P. G. MAVALLANKAR: Should I have to shout to make a point of order?

You are perfectly right, and we accept your ruling, that whenever any 1966 LS—7

member of the House, particularly of the Opposition criticises any member of the Government at any time during the debate or makes an allegation, particularly of a serious nature, either the Minister concerned or any other Minister on behalf of the Minister whom the allegations are made is within his right to get up immediately and intervene in the debate. That is not under question at all. We accept that and your ruling is very right. But what happened yesterday was not intervention by the Railway Minister in the debate. He stood up and specifically said 'I want to make a statement on a personal explanation.' Then you were about to tell him 'No'. But before you told him 'No', Shri Madhu Limaye at once got up and asked you: 'Has you examined it? Have you approved of it? He did not say anything. Therefore, you said he has not done it. So you were about to tell him 'You cannot do it'. You told him, 'No, you give a written statement; I will see tomorrow'. At that point of time, the hon. Prime Minister and the Leader of the House got up and requested you—I do not know what exactly happened—that he must be allowed to speak and he spoke. Even then I agree with you that the Minister has got a right to speak if the Prime Minister wants him to speak on behalf of Government. There, I agree. But, even after the intervention by the Prime Minister, the Minister got up again and said 'I am on a personal explanation' and you permitted him. That is what we object to. Our objection is this. Personal explanation is a sacred device which cannot be abused by any Member of the House, much less by a Minister, and he cannot take the Chair for granted.

SHRI C. M. STEPHEN (Muvattupuzha): Sir, my position is, even for personal explanation, whenever an allegation is made any Member of the House including a Minister has got the right to get up and say 'I repudiate it

(Shri C. M. Stephen)

and I would like to give a personal explanation'. This is covered by rules. I quote from the Practice and Procedure of Parliament:

"Normally if a member during the course of debate makes any allegation in the House against another member or a Minister without giving advance notice thereof to the Speaker as required under the rule on the subject the member is called to order. However, where any such allegations have gone on record, the Minister or the member against whom allegations have been made, is allowed, on his request, to make a personal explanation in the House with a view to clarifying the position either on the same day or later on.

"When the member is present in the House at the time the allegations are made he is normally permitted to make a statement by way of personal explanation at the end of the speech of the member who makes the allegations or, if the latter gives way, immediately after the allegations are made ...

About the statement:

"When the member in question does not wish to make a personal explanation on the spot or if he is not present at the time in the House, he is allowed to make a statement later on. In this case the member seeking permission for personal explanation either places personally the facts before the Speaker in his Chamber or makes a written request to him enclosing a copy of the statement to be made by him by way of proposed explanation or a gist thereof. The advance copy of the statement is examined with a view to seeing that it is brief and concise and does not introduce any further controversial or debatable matter."

Sir, the position, therefore is, whenever an allegation is made the member

has got the option either to make an explanation on the floor of the House or to offer to make an explanation on a subsequent day. If it is on the spot there is no question of any statement being submitted to you for scrutiny. But, if it is a latter submission, he must go to your Chamber, give a statement to you to scrutinise in order to satisfy yourself that the statement does not contain any debatable matter. If the Member is present when the allegations are being made, he is permitted to make a personal explanation on the spot. This is covered by a catalogue of rulings a long list of rulings. Even on his own, not on behalf of the Government, a Member can make his personal explanation and he is perfectly in his right. Any Member has the right to demand that he be heard on personal explanation under Rule 357.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Yesterday, when the House met, the House was exercised about it and they wanted to know the full facts. In fact for that purpose, the opposition wanted suspension of the question hour also. Certain allegations were made and the whole House was anxious to know in what circumstances the licences were granted or the applications made. Certain allegations were made against Mr. L. N. Mishra, who was the Minister at that time, implicating him. If he had not made that explanation, we would have all gone back with a wrong impression and it is in fairness to the House that the facts are stated.

(Interruptions)

Let us look at the pith and substance of the matter. Let us not go into a web of rules. He has done a great service by making the personal explanation and we appreciate your having permitted him to do so.

(Interruptions)

MR. SPEAKER: The ruling is clear. I am not allowing anyone.

Now, Papers to be laid.