

STATEMENT CORRECTING ANSWER TO USQ
No. 2523 DATED 14-8-73 RE. FIRING BY
CRP AND BSF DURING STUDENTS AGITA-
TION IN BIHAR.

SHRI RAM NIWAS MIRDHA: Sir,
on behalf of SHRI F. H. MOHSIN: I
beg to lay on the Table a statement
correcting the reply given on the
14th August, 1974 to Unstarred Question
No. 2523 by Shri G. P. Yadav
regarding firing by C.R.P. and BSF
in Bihar during students agitation.

STATEMENT

Sir, while furnishing a reply to
the Unstarred Question No. 2523 in
the House regarding the rounds fired
by CRP and BSF in Bihar during
students agitation, I *inter alia* fur-
nished the following information for
para (a) of the Question:—

"The CRP units fired 1 round at
Patna on 18.3.74, 41 rounds at Patna
on 19.3.74 and 2 rounds at Gaya on
12.4.74."

2. It has come to my notice that
CRP units actually fired 41 rounds at
Patna on 18.3.74, 1 round at Patna on
19.3.74 and 2 rounds at Gaya on
12.4.74. As soon as this mistake
came to my note, I sought Chair's
permission to make a necessary cor-
rection to the answer given earlier to
the Lok Sabha Unstarred Question
No. 2523. I, therefore, request that
in para (a) of the answer the follow-
ing amendment may please be made:

For the words and figures :—

"The CRP units fired 1 round at
Patna on 18-3-74, 41 round at Patna
on 19.3.74 and 2 rounds at Gaya on
12-4-74".

The following may be substituted:—

"The CRP units fired 41 rounds
at Patna on 18-3-74, 1 round at
Patna on 19-3-74 and 2 rounds at
Gaya on 12-4-74."

11.34 hrs

QUESTION OF PRIVILEGE

Certain Nes Rewport in Pratipaksh,
a Hindi Weekly

SHRI PILOO MODY (Godhra):
Sir, it has been brought to my notice
this morning that in a report publish-
ed in a paper called 'Prati Paksh' a
most scurrilous attack has been made
on the Members of Parliament. Sir,
I think it is a matter which goes even
beyond the pale of privilege because
it says, apart from other things,

AN HON. MEMBER: Who is the
editor of this paper?

SHRI PILOO MODY: I think it is
Mr. George Fernandes, who has been
here some time ago.

It says:

"ससद् या चोरो दलानों का घड़ा ?"
(जबबान)

श्री छदस बिहारी बाजपेयी (गान्धियर) :
मैं श्री पिलू मोदी की मदद करना चाहता
हूँ। मैं इस को पढ़कर सुनाये देता हूँ।

यह "प्रतिपक्ष" है। इस का जोर्ज है

"ससद् या चोरो दलानों का घड़ा ?"

"इन्दिरा नगर गिरोह की जालसाजी"

MR. SPEAKER: You are just read-
ing a paper. What is there in it? What
do you want to make out of this
paper? There are so many papers in
this country. They write so many
things everyday. You start reading a
paper. What do you aim at?

SHRI PILOO MODY: Are you
suggesting that if a paper says that
those who have come and sworn
over here are all liars, their signa-
tures are forgeries, it is not a matter of
privilege? If that is your opinion,
then I am afraid you will have to
redefine privilege all over again.
This paper goes on to say that this
is a crowd of cheros, dalals, pimps who

have opened brothels and things like that, and you do not think that this is a matter of privilege? You think this is normal day-to-day journalism? Either you give credence to the fact that what the man has written is true, in which case I would have no argument with you, or it has to be gone into and thoroughly investigated that whatever charges he has made in this paper are applicable to members, that such members can be identified, that the charges against them can be proved, and if proved that they lose their seat in the Lok Sabha. Unless these things are gone into and done deliberately in a calculated and business like fashion, I am afraid you will have made a mockery of parliament and a mockery of privilege. Anybody can go and thereafter say anything he likes and you will not have a leg to stand on. And the next time you summon some poor officer over here and ask him to apologise because he said 'boo' to a Member of Parliament....

MR. SPEAKER: Privilege against whom?

SHRI SHYAMNANDAN MISHRA (Begusarai): Against the editor.

SHRI PILOO MODY: The trouble is that you do not read what is sent to you. I sent it to you this morning. It was no mean effort to get it here before 9.30. I sent it to you so that you can read it and come prepared, so that you know what I am talking about—this coming particularly from a fellow who has been a member of this House.

MR. SPEAKER: You did not send it to me.

SHRI PILOO MODY: I sent a copy of the letter with this paper which was a clipping.

MR. SPEAKER: It has not reached.

SHRI VIKRAM MAHAJAN (Kangra): Then it is inefficiency of the office.

अध्यक्ष महोदय : मुझे नहीं दी है। और आप कह रहे हैं कि यह है, वह है, और पढ़ कर भी सुना रहे हैं।

SHRI P. K. DEO (Kalahandi): It is very serious matter.

SHRI PILOO MODY: I am handing over the copy of the paper to you, Sir, just now....

MR. SPEAKER: Not at this time.

SHRI PILOO MODY: I have no doubt that it has been lost in some transit. This is not the issue on which privilege will be decided.

MR. SPEAKER: But I must have known about it earlier, because he is asking for my opinion. I am asking him what he is reading from, because that is not before me.

SHRI PILOO MODY: I accept what you say that it did not reach you and I expect you to accept what I say, namely that I sent it. If in transit it has been lost, and this will not be the first time in the history of India when mail posts get lost during delivery, nevertheless, this loss of delivery....

SHRI ATAL BIHARI VAJPAYEE: Did he send it by post?

SHRI PILOO MODY: This loss through delivery cannot be the deciding issue of a privilege motion. If you would just read three lines of it, you would know it.

MR. SPEAKER: When he sent that letter, he should have sent along with it the relevant material also. I have not got it.

SHRI SHYAMNANDAN MISHRA: The case is so obvious that it should be remitted immediately to the Committee of Privileges. What is the difficulty about sending it to the Committee of Privileges?

SHRI P. K. DEO: There is unanimity in the House. This is a matter

[Shri P. K. Deo]

where we can cut across party lines and we want that it should be referred to the Privileges Committee.

SHRI PILOO MODY: When both sides are agreed, I do not see why it should not go to the Privileges Committee. It is absolutely scurrilous.

SHRI PRIYA RANJAN DAS MUNSHI (Calcutta South): I support him.

SHRI SHYAMNANDAN MISHRA: Never has Parliament and Members of Parliament been abused in such terms. This is scurrilous enough.

MR. SPEAKER. He has brought it to me only here.

SHRI VIKRAM MAHAJAN: It should be decided by the House, because it is so obvious. The editor should be called to the House and he should be made to apologise. There are no two opinions on this.

PROF. MADHU DANDAVATE (Rajapur): He must either substantiate the charges or withdraw them.

MR. SPEAKER: It is very charactering; I seldom come across such situations, when Members suddenly start reading out from a paper without my having any knowledge about it. I would go through it when I am free....

SHRI P. K. DEO: Privileges Committee is the proper forum for this.

SHRI S. M. BANERJEE (Kanpur): As regards what has come out in this newspaper, it has been circulated to all of us. I do not hold any brief for the editor of the newspaper, and she or he may be hanged. But the whole question is, if whatever is said in this House is correctly recorded in the newspapers it is just a reflection of that. Suppose we call them a bunch of thieves, if somebody writes it in the newspaper, it becomes a privilege

Issue. What is said in the House can be quoted in the newspaper. So, let us be very careful in our utterances in the House also. (Interruptions).

SHRI H. N. MUKHERJEE (Calcutta—North-East): I would like you to proceed in the way which you have indicated, namely that you take your time over it, even though quite obviously, very scurrilous things have been said about Parliament. But my submission, however, would be that if this matter is referred to the Committee of Privileges, which I feel you would be inclined to do, we should at the same time take some tangible steps in regard to the other matter regarding our own investigations of the alleged conduct of our Members. We cannot with any conscience appear before the people as not being dishonest unless we ourselves do something to show that we are cleaning our place of all the filth and dross which allegedly have accumulated. I should, therefore, say that we shall make mud of our names before our people if we refer this kind of thing to the Committee of Privileges and threaten the press or individuals but do not at the same time take investigating steps in regard to our own Members. These two things should be simultaneous. If they are not simultaneous I am not prepared to be a party to sending newspaper or an individual to the Committee of Privileges. A Member of the House of Commons once described that he was not paid by the country to become a Member of an idiotic circus, and he got away with the Committee of Privileges, because the House was behaving like an idiotic circus in England. If we in this country are also going to behave in that fashion, which allegedly we do, we have no business to refer it to the Committee of Privileges. Let us refer it to the Committee of Privileges. Let us have a parliamentary investigation of the matter which came up the other day about 21

or 22 signatories and that sort of thing. If we do not do it simultaneously we shall be inviting the wrath of the people and we may deserve it also

SHRI SHYAMNANDAN MISHRA Why do these things keep on coming in the press that we are a bunch of liars and so on? It is because a parliamentary probe into this matter is being denied or delayed by this Government. If it is not delayed by the Government these things could not have come in so many forms in so many newspapers. So, it is the Government which is bringing the whole House as well as the hon. members of this House into disrepute. Therefore, simultaneously a parliamentary probe is called for. Otherwise, we would not be able to do justice to this matter. Even the Privileges Committee will have to act as an investigating committee into the entire aspect of the matter. It cannot deal only with the scurrilous remarks against MPs by the editor of that paper, it will have to go into the entire matter to test the veracity or otherwise of the allegations

SHRI JYOTIRMOY BOSU (Diamond Harbour) There are two things. If you ask me personally, we should congratulate the editor of this paper on having taken a bold step and being so outspoken in describing this House to be a House of chors because Shri L. N. Mishra had misappropriated Bharat Sewak Samaj money and no discussion can take place. Then, out of the 21 signatures, it has come out that 7 are genuine.

MR. SPEAKER What is your motion?

SHRI JYOTIRMOY BOSU The difficulty is you do not read my letters. That is the unfortunate thing. You are the hon. Speaker. If somebody asks, "Is your Speaker loudspeaker?", I say, "No; he is Speaker only".

MR. SPEAKER Will you withdraw those words or not?

SHRI JYOTIRMOY BOSU: If it offends you, I certainly withdraw them. But having called me to speak, you should not interrupt like this.

MR. SPEAKER If something irrelevant is said, I have to stop it. I cannot sit quietly whatever you may say.

SHRI JYOTIRMOY BOSU: I am confining myself to the bold step taken by the editor in calling this House a congregation of thieves and dalals. I must congratulate him. This House may contain a number of thieves. At least one thief I have mentioned in my motion, Shri L. N. Mishra. The other thing is dalals. It has come out that 7 out of the 21 signatures are genuine. That is why it is necessary to go into the entire matter and that is possible by the privileges committee. Therefore, I recommend that the entire matter should be looked into. I congratulate the editor on giving the truth about this House.

SHRI B. K. DASCHOWDHURY (Cooch-Behar) On a point of order. Sir, the hon. member, instead of quoting from the newspaper—I am not sure whether he has gone through it—made certain other observations. He said, this House may contain some dalals, chors or something like that. It is a serious matter. I have not gone through the newspaper report that has been referred to. But the hon. Member himself—he is an honourable Member of this august House—says, it may contain some persons like that. He goes a longer way. My point of order is, whether in the circumstances, Sir, you are going to allow this remark to be recorded here or that will be expunged. (Interruptions).

SHRI P. G. MAVALANKAR (Ahmedabad): Sir, I want to make a submission and have your guidance.

The Editor in question who has published this report is not any Tom, Dick and Harry. He is an honourable citizen and an ex-Member of this honourable House. He has published

[Shri P. G. Mavalankar]

something which is a very grave and serious reflection on the character and honour of the entire House. So, my submission is that this matter must certainly go to the Privileges Committee and the Editor must be compelled to give evidence as to why he has written the way he has written.

Simultaneously, I want to make another submission. From last week, we have been requesting you again and again that this whole matter needs to be probed into thoroughly by an all-party parliamentary Committee under your guidance and control. Now, the Government have been trying to find some excuse or the other and trying to side-track the whole issue. Let us take for arguments sake that the signatures of 21 MPs. who are alleged to have been involved in this are genuine. Even if they are genuine, I still consider that it is a matter for a parliamentary probe. Can anybody in the Government of India, any Department, any Ministry, issue a licence or do anything under letters written by Members of Parliament?

There are two separate issues involved. One issue is whether 21 alleged signatures are genuine or forged. 20 of them have said that they are forged. One has not come here and said it. I do not know where he is. He has not made any statement. If this is going to be decided by a CBI Inquiry, is CBI Inquiry going to be restricted only to the verification of signatures? We are not interested only in the signatures part of it. We are interested in a much larger issue with all the implications involved. Therefore, let it not be left to the CBI.

Let me be frank about it. My suspicion is that by leaving it to the CBI alone, perhaps, what the Government are trying to do is that they will leave it to the CBI to give an interim report and start legal proceedings against one Member who has not said that his

signature is forged. Then, they will come and say it is a *sub judice* matter before a court of law and, therefore, nothing can be done.

Sir, before that eventuality comes, I would like you to take immediate steps right now to institute a parliamentary probe so that the honour of this House is established and vindicated.

श्री मधु लिनबे (बांका) : अध्यक्ष महोदय, मेरा जो प्रिविलेज मोशन है, वह बुलेटिन नं० 2 में निकलता है। मैं आप का ध्यान आज की बुलेटिन की धोर दिखाना चाहता हूँ। उस में यह लिखा है .

"Withdrawal of Name from Admitted Motion. "On 2-9-1974 Shri Krishna Chandra Pandey has withdrawn his name from the motion regarding appointment of Parliamentary Committee to go into questions arising out of replies to Rajya Sabha S.Q. No. 730 of 27-8-1974. ."

अध्यक्ष महोदय : यह तो कम फैनला कर दिया ।

श्री मधु लिनबे : मैं दूसरी बात कह रहा हूँ। मुझे दो मिनट ही आप दीजिये। लेकिन बीच में मत टोकिये। अध्यक्ष महोदय, मेरा यह कहना है कि प्रधान मंत्री और संसद् कार्य मंत्री का दबाव, प्रेसर सब रिजॉल्ट्स हो गया है और कोई कांग्रेस सदस्य जब उस के सामने टिकने वाला नहीं है क्योंकि कुछ लोग पहले झुक गये हैं वे और सब सह हमारे मित्र, जिन्होंने जोरों से, लाउडली यह कहा था कि मैं सदन का संरक्षण चाहता हूँ, प्रोटेक्शन चाहता हूँ वे भी अब भाग रहे हैं। अध्यक्ष महोदय, आप सरकारमेंबिजनेस एग्जिडेंट देखिये। व कहते हैं कि कोई दबाव प्रेसर नहीं है लेकिन अगर आप सरकारमेंबिजनेस एग्जिडेंट देखें तो पता चलेगा कि दबाव है और एक के बाद एक सदस्य बिड़ड़ा करते चले जा रहे हैं। इसलिये मेरा वह प्रिविलेज का क्लेम है प्रधान-मंत्री

और श्री रघुसैया के खिलाफ और उस को आप तत्काल मंजूर कीजिये।

अध्यक्ष महोदय : इस पर तो कल फैसला दे चुके हैं। इस का आप बार बार क्यों उठाते हैं।

श्री जयन्नाथ राव जोशी (शाजापुर) : अध्यक्ष महोदय, यह जो अखबार में निकला है (अवधान)

अध्यक्ष महोदय : आप तो बोन चुके हैं। बार बार क्यों बोलते हैं।

SHRI P. M. SAYEED (Laccadive, Minicoy and Amindivi Islands): Shri Piloo Mody has brought this matter before you just now. For the first time you are seeing this paper; you have not had the opportunity to go through it. The editor of this paper happens to be an ex-member of this august body. The March of the Nation is supplied to us free and even then we do not read. (Interruptions) I have not gone through it because it is in Hindi and I cannot read it properly. My submission Mr. Speaker, is that you may go through the paper, whatever is contained in it, and if you think that it is a fit case for referring to the Privileges Committee, you may do so. This is my humble submission.

श्री जयन्नाथ राव जोशी : मैं यह निवेदन करना चाहता हूँ कि यह जो अखबार में निकला है, यह मामला बहुत गंभीर है क्योंकि इस में उन्होंने सारे सदन के सदस्यों पर आरोप लगाया है कि यह सदन चोर और बलाजों का अड्डा है और इस का कारण यह है कि जिन सदस्यों के बारे में संदेह पैदा हुआ था, उस को हम ने धोने की कोशिश नहीं की है। इस का बहुत गंभीर निष्कर्ष है "संवत्सिक दोष"।

A man is known by the company he keeps, and this is the company we have been keeping.

वे अपनी सफाई नहीं देते हैं, तो आरोप सब पर होने लगा और यदि अब हम ने कोई दखल नहीं दिया तो होगा "मौनम सम्मति लक्षणम्"। वह तो चोर है लेकिन जो चुपचाप सुनने वाला है, वह भी चोर होगा। यह हम नहीं चाहते। इसलिए यह सारा मामला गंभीर होगा चला जा रहा है। इसलिये इस के बारे में कागजान को ले कर इस मामले को देखा जाए, यह मेरा कहना है।

SHRI K. LAKKAPPA (Tumkur): Sir, for the last three or four days I have been hearing very patiently and very calmly the points raised by our friends, and I can come to this definite conclusion that they want to make political capital out of it, though under the guise of showing sympathy to the members who are involved in the case. We have made it very clear that the matter is under investigation by the CBI. In the meanwhile even Mr. Mody has brought out a case without your permission. He has brought certain allegations made out in a newspaper . .

12 hrs.

SHRI PILOO MODY: I expect you to correct that.

SHRI K. LAKKAPPA: But it should be brought within the four corners of the Rules of Procedure. Therefore, I feel that they have taken the issue as politics and there is a political motivation. The entire matter is under investigation by the CBI. Let the CBI come out with its findings. Till then no action is called for.

SHRI PILOO MODY: I except you to correct him when he says that I have brought this up without your permission.

MR. SPEAKER: You mention many things of which I have no knowledge.

SHRI SEZHIYAN (Kumbakonam): In this case, I want to submit

[Shri Sezhiyan]

that the charges that have been raised in this weekly are very serious and therefore deserve the most serious concern of the House. I am not concerned here whether the editor is an ex-Member of Parliament or not. I feel a person who has made such charges should be hauled up before the Committee of Privileges and subjected to thorough inquiry.

The previous speaker, Shri Lakkappa, said that the entire matter has been entrusted to CBI for investigation. In the reply given to the other House by Prof. Chattopadhyaya he has simply said that it has been given to CBI for a "secret verification". Mr. A. C. George speaking here in this House on the 28th August also said that the matter has been entrusted to CBI for "a discreet verification". So, no investigation upto 28th August has been ordered by the Government as per the answers given both in the Rajya Sabha and here. Only "a discreet verification" has been asked for. But that is not an inquiry. That is not an investigation. That is only a discreet verification. This discreet verification has taken more than 5 months. The question came up on 30th March and more than 5 months have been consumed for discreet verification. We are not concerned with it. The CBI is after all a creature of the executive. This House does not want it.

To-day's *Hindustan Times*, Says:

"It is learnt from informed sources that the Government is not likely to agree to a parliamentary probe into the licence scandal.

Nor is the Government willing for a discussion on any of the motions pending before the Lok Sabha demanding a parliamentary probe.

The Government is said to be sticking to the position that the facts of the case must first be ascertained through the CBI."

This has come in the Press. I would like to know from you or from the Minister whether they have informed you that no Parliamentary probe will be undertaken. This House is very much concerned. We do not know what is happening. Only the other day, the same daily of Delhi has categorically said that as many as seven Members' signatures are genuine. The papers are writing day in and day out, but like three wise monkeys we refuse to see, we refuse to hear and we refuse to speak, but the whole world outside is making a mockery of us. So, unless there is a parliamentary probe, the confidence of the public in the Parliament itself will go down. Therefore, I agree with Prof. Mukherjee that this issue be sent to the Privileges Committee and simultaneously a parliamentary probe should be ordered.

SHRI PRIYA RANJAN DAS MUNSI (Calcutta—South). For the last one week I have been witnessing this discussion about the licence issue and related with this issue, to-day Mr. Mody has submitted to you in the morning a motion of privilege in connection with the magazine, *Pratipaksh*. When a Member feels that his personal reputation is at stake, when he is facing this sort of situation, when people outside the House have been demanding some sort of discussion here and now, I do consider, it is only you who can protect him from every nook and corner. For the last one week this matter has been before us. CBI is going into the matter. This matter is before you. Members gave their own explanations. I have heard. What I appeal to you is this. You please dispose of this case immediately. Please give your final judgment. Unless you protect the Members, unless you finalise this matter, Parliament would be at stake today or tomorrow. This is number one. And, number two is that we should not equate as Prof. Mukerjee has done, the views of the Magazine's editor, Mr. George Fernandez with the other

larger licensing issue. This has been discussed in the House. For the last one week we have been discussing this. Whether it is High Court or Supreme Court or Parliament, any matter may come up against any Member or party for any issue. It may be a question of victimisation, blackmail or something else or genuine things. This issue is yet to be decided and you are the authority. Till the final thing emerges nobody has any authority to malign the whole Parliament, and the Members of Parliament, we cannot run Parliamentary democracy in this manner. Mr. George Fernandez has no authority to malign Parliament from whatever angle he may like. This is my submission. I request that you may kindly give your own opinion about the whole matter. We have been discussing for the last one week.

My last appeal is this. There are so many Members of Opposition and leaders like Mr. Shyamnandan Mishra, Shri Vajpavee and others. I have seen them come with arguments against the Government. I have seen this from my experience and I also sometimes learn from their arguments and so on. But I am sorry to state that Mr. Jyotirmoy Bosu, for the last 2½ years—he may fight with the Government. I don't mind—has been by his utterances mode of speaking and his behaviour deliberately day by day changing the very atmosphere here. Four days earlier or so he showed his fist to the Minister Mr. Mohsin. I request you to please give you guidance on how a Member of Parliament should behave in the House. I have no objection against any member of Opposition bringing arguments for failure of the Government. But what I submit is this. Utterances should be polite. Are we protecting not a Member but simply gangsterism? It is not good behaviour. It is not expected of any responsible hon. Member the way he does it. He called Members of the Congress party a bunch of thieves *dalals*. Why does he say all these things? I have not spoken for 2½

years. I request you to make an appeal to him to change his behaviour and revise his mode of speaking. On the larger question of this issue, I request you to be good enough to give your judgment.

SHRI JYOTIRMOY BOSU I want to clarify something. My name has been dragged. What I have done is under the ruling and I have given proper motion regarding removal of Mr. L. N. Mishra and I have taken full responsibility and I cannot fully establish my allegation. I face privileges but the Government has not dared to find time for this debate.

My second point is this. Had this thing happened in any country where there is some sort of democratic functioning of the Government, it would have resigned. And the Prime Minister and all the Ministers would have been compelled to resign. (*Interruptions*)

MR. SPEAKER This is not a reply at all to Shri. Munshi.

SHRI JYOTIRMOY BOSU Why should Shri. Raghu Ramiah run to the gallery for the Prime Minister's instructions? (*Interruptions*) Why no time is found for a discussion? (*Interruption*)

MR. SPEAKER Let me hear what Shri. Gokhale wants to say.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE) I am not on the question of the motion by Shri. P. Loo. Moved with regard to a newspaper report I have not seen the newspaper report and my colleague has also not seen it. We keep our minds open with regard to this question.

श्री बदल बिहारी बाजपेयी अध्यक्ष महोदय, मेरा स्वाइट प्राफ़ साइड है। वह कह रहे हैं कि वे प्रिविलेज मोशन पर नहीं बोल रहे हैं।

MR. SPEAKER: Let me first listen to the Minister.

SHRI H. R. GOKHALE: There are certain issues which are agitating the minds of the hon. Members in this House for the last two days. That is quite understandable. They were wanting to have a Parliamentary probe on the allegedly forged signatures of certain Members of the House. We appreciate their anxiety. The Government is equally anxious about this matter. I want to assure you and this House that we, in this side, are certainly not less concerned with the seriousness of the situation. And we are aware that this a matter which has got to be looked into carefully.

SHRI SHYAMNANDAN MISHRA: We want action and not words.

SHRI H. R. GOKHALE: When Government is criticised, it is my duty to place the Government's position before the House. As you know, Sir, sometime back your attention was drawn to what appeared in a weekly newspaper in Bombay. That was sent to the Commerce Minister who, in turn, sent it to the C.B.I. for a preliminary verification.

SHRI SHYAMNANDAN MISHRA: When?

MR. SPEAKER: Have patience to listen to him.

SHRI H. R. GOKHALE: That verification has been completed. The C.B.I. has come to the conclusion—*prima facie* conclusion—that some offences seem to have been committed. Therefore,.....

SHRI SHYAMNANDAN MISHRA: By whom?

MR. SPEAKER: You are not allowing him to proceed.

SHRI H. R. GOKHALE: The persons who may have committed the offences may not be all Members of Parliament of this House. This mat-

ter is under investigation. A case has already been registered. (*Interruptions*).

MR. SPEAKER: I am not able to listen to what he says. Let me know what he says.

SHRI H. R. GOKHALE: Sir, we are of opinion—we submit it for the consideration of this House—that in a matter where *prima facie* criminal offences are involved, that requires investigation and proper action and, if necessary, prosecution in a court of law. (*Interruptions*).

MR. SPEAKER: Let him complete. After all, I have to listen to all sides. Why do you interrupt him?

SHRI H. R. GOKHALE: Sir, this is our view that these matters can be looked into only by a court of law. The proper agency, 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. I know the anxiety of the hon. Members. It is my duty also to place before the House how the Government looks at this matter. I want to make it clear that there is no intention or attempt whatsoever or even the remotest attempt whatsoever for shielding anybody or protecting anybody. In fact, when proper investigation is completed and it is ascertained who are the offenders against whom action should be taken, Government will not hesitate to take the action.

SHRI SEZHIYAN: 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.

SHRI H. R. GOKHALE: The case was registered in the last couple of days.

श्री अटल बिहारी वाजपेयी अध्यक्ष महोदय मेरा व्यवस्था का प्रश्न है। जब इस सदन में इस मामले पर चर्चा हो रही थी तब ही हम को आश्चर्य था कि सरकार कोई ऐसा काम करेगी जिस से इस सदन में चर्चा का कोई अर्थ भी न रहे और सारे मामले पर पर्दा पड़ जाए, अदालत को बीच में लाया जाय और जो ससद् सदस्य इस मामले से जुड़े हुए बताये जाते हैं उन को किसी तरह का संरक्षण दे दिया जाय।

अध्यक्ष महोदय, यह सदन वा अमान है कि सदन में जब प्रस्ताव पेश है कि सारे मामले की पार्लियामेन्टरी कमेटी जांच करे, इस तरह के प्रस्ताव वाजपेयी सदस्य भी लाये थे भले ही अब एक-एक कर के अपने नाम वापस ले रहे हैं हो, लेकिन जब उन दिन यह मामला उठाया तो कांग्रेस सदस्य बड़-बड़ कर यह मांग कर रहे थे कि पार्लियामेन्टरी कमेटी हार्न चाहिए। मेरे मामले यह श्री इन्द्रजीत मल्होत्रा का कथन है जिसे मैं उद्धृत करना चाहता हूँ—

"I would also like to place my demand before the House that a Special Parliamentary Committee be constituted to go into the entire episode and then come out with a report before this House so that the names of those members whose signatures have been forged and who are being maligned without any reason or for any mistake or act done by them, are absolutely cleared and placed before this House and the country."

यह उस दिन का रवैया था, लेकिन अब वह रवैया अचानक बदल गया।

अब सरकार बिधि मन्त्री के द्वारा सदन के सामने यह वक्तव्य ले कर आई है कि हम ने मामला रजिस्टर करा दिया है अब हम उस जांच की प्रतीक्षा करेंगे। उन का यह भी कहना है कि बोझे ही दिन पहले यह मामला रजिस्टर कराया गया है, हास्यास्पद तरीक़ा वहीँ बतला रहे हैं। मुझे शक है कि अब इस

सदन में चर्चा हो रही थी और इस मामले को लम्बा लटकाया जा रहा था, उसी बीच में यह मामला रजिस्टर करा दिया गया, जिस से कि यह चर्चा न हो सके।

मैं जानना चाहता हूँ कि एक मेम्बर श्री तुलसीदास राम, जिन्होंने अभी तक खण्डन नहीं किया है कि इस पर उन के दस्तखत नहीं थे, उन के मामले का क्या हुआ? क्या यह मामला अदालत में जायगा, क्या ससद् सदस्यों के आचरण का प्रश्न एक सरकारी एजेंसी देखेगी, अदालत देखेगी, मगर पार्लियामेन्टरी कमेटी नहीं देख सकती?

अध्यक्ष महोदय, आपकी याद होना 1951 में इसी तरह का एक मामला उठा था प्रिविजनल पार्लियामेंट में और जवाहरलाल जी ने 6 जून, 1951 को कहा था

"The dignity of the House and the proper behaviour of every individual Member is dear to the House. I said, any action taken by a Member which may not be in consonance with propriety and good behaviour and what is expected of him, should be enquired into. That would be fair both to the House and to the Member concerned."

उस समय के प्रधान मन्त्री ने यह कहा कि मामला सी० बी० आई० को सौंपा जा रहा है, वह नहीं कहा कि पार्लियामेंट की पीठ के पीछे केस रजिस्टर किया जा रहा है। एक सच्चे लोकतन्त्रवादी के नाते, ससद् की गरिमा में विश्वास रखने वाले व्यक्ति के नाते उन्होंने सारा मामला पार्लियामेन्टरी कमेटी को सौंपा। आज इस सरकार के मूल्य बदल गए हैं। आज संसद के सदस्यों के आचरण को कसौटी पर कसने की कसौटी में परिवर्तन हो गया है। यह बात पर पर्दा डालने की कोशिश क्यों हो रही है? सारा सदन इस समय जनता की नजरों में अनादर का पात्र बना हुआ है।

[श्री अटल बिहारी वाजपेयी]

यह अनादर तबतक नहीं हटया जबतक कि पार्लियामेन्टरी कमेटी इसकी तह में जाकर सच्चाई को प्रकट नहीं करेगी।

श्री मधु लिंगये: मैं आपका ध्यान आपने नियम की ओर दिलाना चाहता हूँ और वह नियम है 1861 जो भी प्रस्ताव होते हैं उनकी एडमिनिस्ट्रिवेटिविटी के बारे में यह नियम है। कानून मन्त्री का जो अपनी वक्तव्य सदन के मामले आया उसके पछे सदन के अधिकारों का हनन करने का और सदन की प्रक्रिया उलट देने का, को सबवर्ट करने का कैसा प्रयास छिपा हुआ है इसके लिए मैं यह देख रहा हूँ। एडमिनिस्ट्रिवेटिविटी का नियम यह है

"In order that a motion may be admissible it shall satisfy the following conditions namely—

(viii) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India"

कल आपको हमन चेतावनी दी थी कि सरकार एफ० आई० आर० फाइल करेगी केस इस्टीमेट करेगी और कोई भी अग्रगण्य इज्ड मैजिस्ट्रेट ओब्लाइजिंग कानिन्वेन्स भी देगा। यह सूचना और चेतावनी हम लोगों ने दी थी और आज उस चेतावनी के औचित्य का सबल हम लोगों को मिल रहा है उसी के अनुसार यह चल रहे हैं।

इसलिये मेरा मुद्दा यह है कि कपुल आठ रोज का मतलब होता है आज 3 तारीख है हो सकता है 1 तारीख को इन्होंने किया होगा। यह मामला राज्य मन्त्रालय में 27 तारीख को उठाया और 27 तारीख की रात को मैं ने यहाँ पर उठाया। 28 तारीख को

वाकामया प्रिविलेज मोशन आया और लगातार यह मामला चल रहा है। इसलिए यह जान बूझ कर सदन की मर्यादा को तोड़ रहे हैं। आपकी आँखों के सामने सदन के प्रोसीजर को यह सबवर्ट कर रहे हैं। इसलिए आपकी अनुमति से कानून मन्त्री के खिलाफ मैं तत्काल प्रिविलेज मोशन देना चाहता हूँ। आप मुझे सदन की अनुमति मांगने के लिए आज्ञा दीजिए। आपकी आँखों के सामने यह हुआ है। (व्यवधान)

MR SPEAKER When a Minister makes a statement in the House, how is it that question of privilege comes in here? You can discuss the merits of the case Does it constitute a privilege issue because he has given the facts? You asked him a question and he has replied

SHRI JAGANNATHRAO JOSHI The question is, whether the case has been registered after the motion was admitted (Interruptions)

MR SPEAKER Every Member has a right to speak He has given the information

SHRI H N MUKERJEE Sir, the crucial point is, the date the point of time at which the alleged filing of the prosecution was made by the Government If that followed the agitation of the matter in the Houses of Parliament, then that is surely a violation of the privilege and contempt of Parliament After knowing fully well that Parliament has taken possession of the issue and we were awaiting your decision—you had kept the matter hanging fire because you had not made up your mind, he knew it very well as a Member of the Government and as a Member of the House—if after that date, Government had taken this step, it is wrong If he had done this long time ago, he can tell us He is not telling us anything. I felt that if the filing of the prosecution was done after the

matter came before Parliament, it is a clear violation of Parliamentary privilege and all sorts of Parliamentary propriety. It is bad conduct. It is political blackguardry of a sort that no country can tolerate.

SHRI VASANT SATHE (Akola): I am rising on a point of order under rule 224. May I invite your attention to the rules regarding privilege?

Rule 222 says:

"A Member may, with the consent of the Speaker, raise a question involving a breach of privilege"

Rule 223 says:

"A Member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting, on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document."

This is what has been done by Shri Piloo Mody. Now, rule 224 is very pertinent. It says:

"The right to raise a question of privilege shall be governed by the following conditions, namely:—

(i) not more than one question shall be raised at the same sitting;"

A question of privilege has already been raised by Shri Piloo Mody and it is under consideration. The hon. Member is raising another question now in the same sitting . . .

AN HON. MEMBER: We shall consider it tomorrow.

SHRI VASANT SATHE: So, far as Shri Madhu Limaye's motion is concerned, it is out of order

PROF. MADHU DANDAVATE: It is not out of order.

SHRI VASANT SATHE: Today, it is out of order.

So, let us restrict ourselves only to Shri Piloo Mody's motion. There also, there is no question of sidetracing the issue and confusing the issue. The plain issue was the allegation in the newspaper condemning and putting into disrepute the entire Parliament. It was not a question of one person. He has called the entire Parliament a brothel. This is a *prima facie* case for being referred to the Committee of Privileges. The words were:

"हैकिन अब संसद में पेशेवर दलालों की पूरी जमात जमा हो गई है जो पेशेवर फरेबी हैं। इन्दिरा गांधी की निजी देख-रेख में चुने गए दलालों को वैश्यालय जैसा बना दिया है।"

अब आप वैश्यालय के सदस्य हों तो मुझे एतराज नहीं है। मैं तो नहीं मानता।

So, this is a *prima facie* and clear-cut case to be referred to the privileges Committee. There should be no controversy over this. Let us not try to sidetrack the issue by bringing in the question to whether a parliamentary probe or otherwise is required in some other matter. That is a separate issue that can be dealt with separately. Otherwise, this privilege motion will get delayed and sidetracked.

If we want this matter to be referred to the Privileges Committee, let us unanimously refer it to the Privileges Committee. That is the straight way to do it, unless Members have an ulterior motive of not referring this to the Privileges Committee by delaying it for some other matter.

SHRI JYOTIRMOY BOSU: Mr. Gokhale has said that the prosecution had been launched during the last couple days; couple of days means Monday and Sunday. So, I

[Shri Jyotirmoy Bosu]

take it that the prosecution was launched on Monday, because I do not think that for this purpose, the courts will remain open on Sunday. On Saturday, the Chair, no less a person than the person presiding had clearly said:

"...we are concerned which certain Members of Parliament having exercised or alleged to have exercised certain things and done certain things as Members of Parliament and that is the whole question. When Members of Parliament in the discharge of their duties as Members of Parliament are involved, whether we should abdicate our authority and hand over everything to some other machinery outside the House—this is the question."

The hon. Deputy-Speaker who was in the Chair at that time made it clear that this matter had to be dealt with by the House. In the meantime, in the face of the observations and rulings given by the Chair, they had decided during the weekend to go to a court of law and bring an artificial restraint on the House when the House is seized of the matter and make it *sub judice*. The whole thing is derogatory to the House. It is a clear expression of contempt of the House. This shows how mean and low they could be, how they could undermine the whole parliamentary democracy. I am shocked and surprised to see that a man like Shri Gokhale who was a luminary in the legal world has stooped so low as to go for this thing.

SHRI H. R. GOKHALE: There is a misunderstanding. I did not say that the case has gone to the court. I have said that a case has been registered and investigation started. I did not take the plea that because it is *sub-judice* the matter cannot be discussed in the House. I only gave the view of Government that in view of the fact that a proper investigating

agency is looking into the matter, a parliamentary probe may not be appropriate at this stage. That was all I said.

SHRI JYOTIRMOY BOSU: Let me say this....

MR. SPEAKER: You have already mentioned it.

SHRI JYOTIRMOY BOSU: No, Sir. We cannot abdicate our authority or hand it over to an outside agency. I am surprised, Mr. Gokhale, that you have become a tool in the hands of those people.

श्री एस० एम० बनर्जी (कानपुर) :
अध्यक्ष महोदय मेरा प्वाइंट ऑफ आर्डर है। मेरे दो मुद्दे हैं। सब से पहले तो यह मामला शुरू हुआ प्रिविलेज मोशन से और उस के बाद प्रो० हीरेन मुखर्जी और दूसरे माननीय सदस्यों ने कहा कि आखिर असली मामला क्या है? उस के बारे में हल होना चाहिये ताकि पार्लियामेंट में जो भी सदस्य हैं जिन के बारे में, गलत या सही हो, जो चार्ज लगाये गये उस मामले को ले कर सारा हाउस उन को एग्जामरेट करे। और उसी की वजह से पार्लियामेंटरी कमेटी की मांग की गई थी। कल भी हम ने कहा था कि 15 आदमियों की एक कमेटी बनाई जाय। आज माननीय गोखले जी ने कहा कि केस दर्ज कर दिया गया है। लेकिन मैं आप से रुलिंग चाहता हूँ कि क्या ऐसे मामले इस सदन में नहीं हुए हैं जिन के बारे में मैटर सब-जुडिस हो और डिस्कशन न हुआ हो? (व्यवधान) इसलिये मैं आप से कहना चाहता हूँ कि एक तो प्रिविलेज मोशन के बारे में आलरेडी मोशन मूव किया है।...

SHRI BHAGWAT JHA AZAD (Bhagalpur): Registration of a case does not make it *sub judice*.

SHRI S. M. BANERJEE: I want ruling from you.

MR. SPEAKER: What should be the speed of my ruling per minute?

SHRI S. M. BANERJEE: I want a clear ruling from you that the motion can be discussed.

SHRI DINESH SINGH (Pratapgarh): I was trying to catch your eye only to try to simplify the matter. So far as I could follow the proceedings of the House, the hon. member, Shri Piloo Mody, has raised a motion of privilege against a newspaper in which he has said that derogatory things have been said about the House and about individual members. With that has been brought in a question of an earlier motion pending before you. I beg to suggest that the two matters are not the same. They are two separate issues. May be some hon. members see an interconnection between the two. That is an entirely separate matter. So far as the matter that is pending before the House just now is concerned, it is the privilege motion by Shri Piloo Mody and that is what we have to apply our minds to. The other point made by hon. members that it should lead to a wider probe etc. is really a matter for the Privileges Committee to consider. It is a Committee in which all parties or at least most of them are represented. It has its own procedure and this matter should be raised by them in the Privileges Committee itself.

In the course of the discussion, a privilege motion has been moved against the Law Minister by Shri Madhu Limaye. I think there is some serious misunderstanding about it. The Law Minister has not said that there has been a case registered in a court of law. All he said was that a case has been registered, which is with the police. It is an investigation case. It does not preclude a discussion in this House. The issue about the conduct of Members of

Parliament is the responsibility of this House and yours. It is not a matter to be discussed in a court of law. The Law Minister has not mentioned that the conduct of MPs has been referred to a court of law. In fact, no case has been registered in a court of law. It is only an investigation and investigation can go on, irrespective of the decision you may come regarding that matter. Therefore, there is no breach of privilege, so far as the Law Minister is concerned. There is also no other complication. The simple issue before the House is the motion of privilege raised by Mr. Piloo Mody and that should be decided by you.

SHRI SHYAMNANDAN MISHRA: So far as referring the motion moved by the hon'ble Member Shri Piloo Mody to the Privileges Committee is concerned, there seems to be complete unanimity. Every one thinks that this is a fit subject to be referred to the Committee of Privileges. But some complication has arisen because of the attempt on the part of the hon'ble Law Minister to introduce an extraneous matter. Thereby he has tried to vitiate the whole subject that was before the House. The subject before the House was whether this motion of privilege by the hon'ble Member Shri Mody should be referred to the Privileges Committee or not. When the hon'ble Law Minister sought your permission to intervene, we did not have the least idea that he was going to introduce a completely foreign matter and thereby prejudice the issue before the House. Now the question is whether the Law Minister was in order to have intervened and brought in an issue which has no bearing on this question, or, if it has a bearing, I must say that he wanted to prejudice the case by certain things which are not akin to the subject. Therefore the hon'ble Member Shri Limaye is quite in order in bringing a privilege motion against him. The intention of the Government does not seem to be above suspicion even now. Till now the

[Shri Shyamnandan Mishra]

hon'ble Law Minister is refusing to reveal the date when this registry has taken place. What is this registry about? We, having a modicum of knowledge of these things, must insist on knowing what is the registry about?

Then, a point was raised by the hon. Member, Prof. H. N. Mukerjee, that simultaneously an investigation by a Parliamentary Committee has to be made into this matter. Therefore, the intervention of the hon'ble Law Minister, because a suggestion had been made by the Hon'ble Member Prof. H. N. Mukerjee and our motions are pending before you for consideration, could also be interpreted to mean that he wanted to prejudice our motions that are there for your consideration

May I submit for your consideration that the whole thing which resulted in the exit of Mr. Nixon was first processed in other forums and now, the investigation is being thought of in a court of law? So, when the matter relates to the hon. Members of this House, it has to be processed first in the forum of this House, not in other places. Therefore, simultaneously, you have to agree to the consideration of this motion. The motion of breach of privilege should be referred to the Privileges Committee and the parliamentary probe also has to be considered because unless the two things are done simultaneously, we cannot come to any clear conclusions about it.

SHRI H. R. GOKHALE: First of all, I never said that the matter was sub judice and, therefore, this matter cannot be discussed in the House. I did not say that. (Interruptions).

MR. SPEAKER: Order, please. You don't have the patience to listen to him. They listen to you with patience. Why don't you listen with the same patience?

SHRI H. R. GOKHALE: I did not introduce any extraneous matter.

Actually, what was extraneous was introduced by them while discussing the privilege motion. Although the privilege matter was different, the other matter was brought in. The Government was criticised. I only wanted to make the position of the Government clear. What has happened I wanted to tell the House. I said, according to the Government, the proper stage at which these things can be discussed in the House is when all the facts are inquired into. I did not say that it cannot be discussed in the House.

श्री जनेश्वर मिश्र (इलाहाबाद) मेरा व्यवस्था का प्रश्न है।

अध्यक्ष महोदय आप के लीडर तो बोल चुके हैं और इस मामले में श्रीरो को भी सुन लिया है। इनकी ज्यादा इस पर बहस हो रही है और दो घंटे का समय लिया जा चुका है।

श्री जनेश्वर मिश्र मैं थोड़ा समय हाँ लूँगा।

श्री पीलू मोदी का जो प्रिविलेज मोशन 'प्रतिपक्ष' अध्यक्ष के खिलाफ है उसकी भाषा को लेकर के और जैली को ले कर मसाला दल के लोगों ने बहुत आपत्ति की है और कहा है कि तत्काल इस अध्यक्ष के सम्पादक के खिलाफ कार्यवाही होनी चाहिये लेकिन अध्यक्ष महोदय क्या पिछले एक हफ्ते में इस मदन की छवि इतनी नहीं बिगड़ी है कि 'प्रतिपक्ष' अध्यक्ष तो क्या देश की आम जनता में इसी तरह की कीचड़ हम लोगों पर उछाली जा रही है कि यह मोका क्यों दिया गया। तो पहली गुत्थी तो यह है।

दूसरी गुत्थी में हम तब फँसे जब प्रधान मंत्री जी और संसद कार्य मंत्री ने कांग्रेस

पालियामेंटरी पार्टी की बैठक में यह कहा कि संसद् समिति द्वारा इन की जांच नहीं होगी बल्कि सी०बी०आई० द्वारा इस की जांच होगी और यहाँ पर बहुत से सदस्यों ने जिन लोगों ने कहा था कि वे जाली दस्तखत थे या उन में जबरदस्ती ले लिये थे और समिति द्वारा इन की जांच होनी चाहिए उन लोगों ने भी अखबारों में देना शुरू कर दिया है कि संसद् समिति द्वारा जांच न हो। इस में साफ मालूम होता है कि इस में प्रधान मन्त्री जी और श्री रघुरामैया का हाथ है और उस में ताकत ज्यादा है। इसलिए यह समिति द्वारा जांच की बात से अब पीछे हट रहे हैं।

नीमरो गुन्धी तब हुई जब हमारे जो विधि मन्त्री हैं उन्होंने आ कर बड़ दिया कि यह जो मामला चल रहा है इसका हम मजिस्ट्रेट की अदालत में मुकदमा दर्ज करवायेगे यानी इस मदन का हम पर बहम नहीं करने देंगे। ऐसी हालत में अध्यक्ष महोदय 'प्रतिपक्ष' अखबार में ले कर प्रधान मन्त्री श्री रघुरामैया और विधि मन्त्री तक इन चारा के खिलाफ कोई जबरदस्त कार्यवाही होनी चाहिए क्योंकि इन तीनों लोगों में जानबूझ कर इस मदन की छवि को खराब किया है और जब छवि खराब हो गई तो देश के लोगों ने हम पर कावड उठानना शुरू किया। मैं इस राय का हूँ कि संसद् समिति द्वारा जांच होनी चाहिए। जनता को अदालत में तो अखबार वाले भी सुनेंगे कि जनता के प्रतिनिधि ने इस तरह की हरकत की है (व्यवधान) जिन के नाम थे उन में से कई लोगों ने अपने-आपके हाथ में दस्तखत किये हैं महज इसलिये कि उन के सही दस्तखतों को पकड़ा न जा सके। इसलिए मैं चाहता हूँ कि इस की पूरी जांच होनी चाहिए।

SHRI P G MAVALANKAR You allowed the Law Minister to interview. I cannot question your autho-

ity to permit him to do so But he does not say on what point of the motion he was intervening He says he has nothing to do with the privilege motion He has also said that the matter is not with justice As I was telling you a little while ago, Government are going ahead, cleverly and step by step in order to see that a Parliamentary probe does not take place, and the Law Minister's intervention has only confirmed my doubt, my suspicion that they are taking steps to see that the matter is wrested from your jurisdiction and kept in Government jurisdiction only That is why we want you to take up this matter promptly, and simultaneously with Mr Piloo Modys motion also, so that there is a complete Parliamentary probe into the whole matter

SHRI A K M ISHAQUE (Basir-hai) The CBI is under fire from the Opposition for the last couple of days The CBI is a legally constituted organisation, a statutory organisation, entrusted with the job of investigation crimes, and allegations

SHRI PILOO MODY Whitewashing them

SHRI A K M ISHAQUE Cases are not wanting when the hon members from the Opposition themselves demanded probe by the CBI This is the only instance when they are opposing it (Interruptions) It is the prerogative of the Opposition to demand whatever they like In exercise of that prerogative, on many occasions, they demanded probe by the CBI, but now, as it seems when it does not suit their purpose, they do not want investigation by the CBI Now what I want to say is that the CBI is an organisation entrusted with the task of investigation, and if there is a parallel Parliamentary probe also, then there will be two parallel institutions and there is a likelihood of conflict of decisions You are an eminent lawyer, Sir. No court permits the same issue to be tried by another

[Shri A. K. M. Ishaque]

court when the issue is under investigation by one court. There may be a clash between the findings of the two courts. Therefore, when the matter is already under investigation by a legally constituted organisation, let the matter be thrashed out first by that organisation, and then whatever has to be done will be done by this august body.

SHRI PILOO MODY: Under rule 225, I beg leave to move the following motion:

"That the question of privilege arising out of the Prathipaksh story in its latest issue be referred to the Committee of Privileges for investigation and report; the House further resolves that all the documents and files connected with the case be seized and kept in the custody of Parliament."

SHRI MADHU LIMAYE: Make it unanimous.

SHRI PILOO MODY: Unless the House accepts it, the debate must start now.

MR. SPEAKER: I have seen your previous one and this is something new which you have moved.

SHRI PILOO MODY: May I translate what I wrote to you this morning. I wrote to you this morning:

"May I draw your attention to the report edited in the latest issue of 'Pratipaksh' published by a former Member of Parliament.

The report says that some of the 20 MPs who denied the genuineness of their signatures to the Licence Memorandum were telling a lie. The report also says that these signatures were manipulated by the Minister for Railways, Shri L. N. Mishra. The front page report denounces the Prime Minister as the main source of corruption. This

is a gross contempt of the hon. Members and of the whole House."

I am grateful to you to have allowed me to raise the matter in the House today and having raised the matter, I am now moving my motion...

MR. SPEAKER: This has never been the procedure in the past. You proceed under Rule 222 and send it to me and then bring something else.

SHRI PILOO MODY: Nothing. As a matter of fact you have allowed a debate on all matters of an extraneous nature.

MR. SPEAKER: You have sent me your privilege motion. I will have to see and consider it.

SHRI PILOO MODY: When the whole House is unanimous, still you want to consider it. Now, I suspect *malafides*.

MR. SPEAKER: This motion you have brought just now is not before me. You gave me something else and you read something else.

SHRI S. M. BANERJEE: What happened to my motion? I gave a notice under Rule 222. I have sent a motion just now that the matter be sent to the Privileges Committee.

SHRI JAGANNATH JOSHI: You consider anybody's motion. We are agreed.

SHRI PILOO MODY: I do not understand your difficulty. My motion and my notice are very simple. I am not concerned about other issues that you have deliberately permitted to be raised.

SHRI MADHU LIMAYE: Mr. Piloo Mody is perfectly in order.

MR. SPEAKER: What is in writing before me is something different from what he has read.

SHRI KARTIK ORAON (Lohardaga): I have been standing for a long time on a point of order.

MR. SPEAKER: I will call you. Please wait.

श्री वल्लभ लिवरे : प्रिविलेज के बारे में क्या प्रतिक्रिया होती है ? पहले होता है नोटिस । वह इन्होंने बाकायदा दिया है । उसके बाद कल 225 आता है और इसको आप देखिये ।

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

श्री जीव मायी है । उन्होंने विरोध नहीं है । जब विरोध नहीं किया तो 226 अप्रैट करना है । विरोध करते तो 25 मंत्रों को खड़ा होने के लिए आप कहते चूकें : युनैनिमस है, इसलिए आप अब 226 देखिए ।

If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member

इन्होंने प्रस्ताव किया है । प्रस्ताव में क्या क्या चीज आती है ? पुराना प्रस्ताव भी मैं देख चुका हूँ । प्रस्ताव यह होता है कि प्रिविलेज कमेटी के सामने मामला जाए या यह सदन तय करे और अगर प्रिविलेज कमेटी के सामने जाता है तो यह यह करे और फल तारीख तक रिपोर्ट दे । उन्होंने क्या कहा है ? यही कहा है कि मामला प्रिविलेज कमेटी के सामने जाए और वह पूरी जांच करके रिपोर्ट दे और प्रिविलेज कमेटी की जानकारी के लिए सारे जो दस्तावेज कनैक्टिव हैं वह पार्लियामेंट सत्र करे और आपकी कस्टडी में रहे । इस में कौनसी अनिवार्य बात है, यह कसे इरेगुलर भीशन है—(इंटरपज) ।

He is entitled to demand seizure under orders of Parliament and their custody with Parliament. (Interruption). I don't trust the Government; I

don't trust the Prime Minister. (Interruptions)

SHRI SHYAMNANDAN MISHRA: What is the issue was which we are grappling? The point is this. You were pleased to say that the motion read out by the hon'ble Member Shri Piloo Mody is different from the one he had given to you. The hon'ble Member, Shri Piloo Mody has already read out the communication which he had sent to you. That communication is based on Rule 222. That is, he has raised a question of privilege. There are three concepts in the question of privilege. Number one, the question has to be raised. A Question cannot be equated with motion. This is the first part. The second part is that Under Rule 225, the matter, that is, the substance of the question has to be considered by the Speaker. And then ultimately comes the formulation of the question in the form of a motion, that is, rule 226. He has come to the third stage—of the rule 226. He is formulating a motion and this is the last stage of it. This motion is in order as he has passed through all the earlier stages. I am sure the House has agreed completely on that point. So, Sir, there can be no question of having any second-thoughts on it.

13 hrs

MR. SPEAKER: I am listening to him. I shall call you. Why are you interrupting him?

SHRI PILOO MODY: Sir, I am even prepared to amend the last portion of my motion. (Interruptions)

MR. SPEAKER: Order, please. After all, it is not my property or anybody else's property. These are the rules. And, after all, these are what we have been doing in the past.

SHRI DINESH SINGH: Sir, the motion sent to you earlier was not a motion at all. It was only a notice that was sent to you. That is slightly different from what the motion of

[Shri Dinesh Singh]

the hon. Member is. You are right when you say that the two are not the same. A notice had been given against the newspapers. We have to find out what the paper has published.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RA-GHU RAMALAH): So far as the notice is concerned, only a few minutes ago, something was said. But, only now this newspaper has been shown. The notice has been seen by me certainly and in a matter like this, we would certainly like to have a little time to consider and ponder over it. You cannot just fling a paper at us like this. Please listen to me. We would like to have time till tomorrow to consider the matter arising out of the notice given by Shri Mody

SHRI PILOO MODY: Mr. Speaker, Sir, the Minister for Parliamentary Affairs has asked for time on an issue that has been published in a newspaper. I do not understand why the Minister of Parliamentary Affairs wants some time when this has nothing to do with what appeared in the newspapers. Government has nothing to do with what was published in the newspaper. On the other hand, a notice has been given and a motion moved in Parliament about what has been said in that newspaper. This should be investigated by a Committee of Parliament. What has the Government got to do with it? And what is the Government going to consider in the next twenty-four hours? This I cannot understand. I want to know whether the Government at all is involved on this issue. What is it that Government is going to do? Is it going to change what has already been printed? Or is it going to know ahead what the Privileges Committee is going to say? I do not understand as to what the Government is concerned about. Why does he want twenty-four hours' time at all? The notice given is on a matter which is published in a newspaper. It is only

violating the privileges of Parliament if this matter does not go to the Privileges Committee of Parliament.

I would rather say that if this twenty-four hours' time is to be given to the Minister for Parliamentary Affairs, the purpose of Parliament is not served which it is supposed to do or the purpose which it is supposed to achieve. This procedure has been grossly violated in contravention of all norms, all decency, justice and fair play.

SHRI KARTIK ORAON (Lohardaga): I would like to put a very big question mark to the question of privilege. I would like to draw your kind attention to Rule 224 about the conditions of admissibility of the question of privilege. It says the right to raise the question or privilege will be governed by the following conditions:

(i) not more than one question shall be raised at the same sitting.

(ii) the question shall be restricted to a specific matter of recent occurrence;

(iii) the matter requires the intervention of the House.

Sir, I am more concerned with the third condition. In this connection I would like to say the Parliament is supreme and anything under the Sun can be said and spoken in the House and people have said something which could have been the subject matter of the court of law. Members of Parliament have got the protection under the privileges from the House.

Sir, I would like to remind you of one case of the British House of Commons where the Speaker was slapped right in his face by a Member of the House of Commons and this was a subject for action by the House as it amounted to the dignity, position and supremacy of the Parliament. That case had to be taken by the House and the House rightly took action against the Member. Therefore, this Paper

which has brought Parliament into ridicule and hatred has, in fact, affected the dignity, position and supremacy of the Parliament. Therefore, it is not the contents of the paper that has to be sent to the Privileges Committee but the fact that the publishers has pulled down the prestige and dignity of the House should be a subject-matter of the Privileges Committee.

Secondly, I would submit that anything done outside Parliament cannot be a subject-matter of discussion here because they may do outside anything which may attract criminal responsibility but should not be dragged to this House. This Parliament is not to be reduced to a court of law. Sir, if you allow anything done outside the House to be brought as a privilege issue, then it will be difficult for you to control the House. I would request you to keep in mind that anything done outside will not be a subject-matter of this House. But the editor of that paper must be hauled up.

SHRI S. M. BANERJEE Sir, what about my privilege motion

MR SPEAKER: It was only Mr. Mody who moved it. I cannot take up so many privilege motions simultaneously.

I want to consider how is it possible that he first sends one notice and then send another motion for consideration. This will not be laying healthy convention. I must examine it. Then he says it is a question and not a motion.

SHRI SHYAMNANDAN MISHRA: Please tell us what is the motion of which he gave notice to you; you may put that motion.

(Interruptions)

MR. SPEAKER: It is a serious thing. Mr. Mody first gave one motion and then reads another motion.

SHRI PILOO MODY: You frame the motion which is acceptable to you.

PROF. MADHU DANDAVATE: We request you to please place before the House whichever motion he gave earlier and we will accept it.

SHRI DINESH CHANDRA GO-SWAMI: Sir, I rise on a point of order. Mr. Madhu Limaye spoke about the procedure, namely, firstly, a notice will be given to you and if you give consent to the notice then a motion will be moved. Sir, I want to draw your attention to Rules 224 and 225. Sir, if you look at these you will find the word 'motion' is not there. The words used are 'question of privilege'. The same words are used in 224 and 225. Therefore, while giving permission under Rule 224 the Member will be asking for 'question' and he shall have to confine himself to the same 'question' under Rule 225. Very advisedly the word 'motion' has been avoided.

SHRI S. M. BANERJEE: Sir, when you allowed the discussion and when hon. Members were making a case against the Editor, I thought that after the discussion is over—unless there was Motion under 22—you may not allow it to be sent to the Privileges Committee. At that time I was under a wrong impression. Having realised the gravity of the case and the magnitude of slandering the whole Parliament, rightly or wrongly, I think this is the least controversial motion, that this question may be referred to the Privileges Committee. The motion that has been sent to you, I think, is in order. If that is not in order, kindly accept that. But, this should be sent to the Privileges Committee. Even ordinary things are being sent to the Privileges Committee.

MR SPEAKER: There is no question of non-resiliation of the gravity of the situation. It is not that My question was purely technical, because, there are two motions.

SHRI SHYAMNANDAN MISHRA: We believe you that he has sent you a different motion. Please give us that motion.

MR. SPEAKER: That is what I have been asking him.

PROF. MADHU DANDAVATE: Even when we agree with you, you disagree. Our suggestion to you is this. You said that the motion which Mr. Piloo Mody has given is different from the earlier one. We accept the earlier one. Please read it out.

MR. SPEAKER: That is what I have said to which you have agreed.

You read the earlier one—I hold the first one in order—and not the other one which you introduced in between. You can give this in a regular manner tomorrow morning. You read out which you originally sent.

SHRI PILOO MODY:

"May I draw your attention to the report edited in the latest issue of 'Prati Paksh' (copy enclosed) published by a former Member of Parliament.

The report says that some of the 20 MPs who denied the genuineness of their signatures to the Licence Memorandum were telling a lie. The report also says that these signatures were manipulated by the Minister for Railways, Shri L. N. Mishra. The front page report denounces the Prime Minister as the main source of corruption. This is a gross contempt of the hon. Members and of the whole House."

I shall be grateful if you will allow me now to move the motion for sending it to the Privileges Committee.

MR. SPEAKER: You can move for leave of the House.

SHRI PILOO MODY: Mr. Speaker, Sir, I beg for leave to move.

MR. Speaker: Those hon. Members who are in favour of leave being granted may rise in their seats.

SHRI SEZHIYAN: You can ask the Members to rise only if Government objects to it. Are they objecting?

SHRI K. RAGHU RAMAIAH: We oppose this motion.

MR. SPEAKER: Those hon. Members who are in favour of leave being granted may rise in their seats.

The number of Members who have risen is more than the required number. So, leave is granted.

We have the adjournment motion also for discussion, and we have this privilege motion also. We have so many other things also. How can we do everything on one and the same day?

PROF. MADHU DANDAVATE: I just want one information. Please ask Mr. Raghu Ramaiah what he had opposed.

MR. SPEAKER: It was not a question of opposing.

Now, let us decide the time at which we have to take it up. We have the other motion also. I have to fix the time for this, because at four o'clock, we are taking up the adjournment motion. Now, it is going to be nearly 1.30 P.M.

SHRI SHYAMNANDAN MISHRA: And we are feeling hungry.

MR. SPEAKER: We had decided earlier that there should be no lunch hour.

SHRI SHYAMNANDAN MISHRA: No, we require lunch hour.

SHRI PILOO MODY: I want to speak before lunch, and then you can have the lunch hour.

MR. SPEAKER: Why should he have this special privilege of speaking before lunch while others should be kept waiting for lunch?

SHRI PILOO MODY: I think they will digest my speech better on a hungry stomach.

MR. SPEAKER: He does not have any lunch and therefore, he is saying this.

SHRI PILOO MODY: For those who do not have appetite, it may even create an appetite.

MR. SPEAKER: It is a secret how he has such a body without eating.

SHRI S. M. BANERJEE: How much time are you allotting for this privilege motion, Sir, I think you may allot three hours for it.

MR. SPEAKER: We shall finish it by 4 P.M. when we shall take up the other motion.

SHRI S. M. BANERJEE: In that case, let us carry 'on up to four o'clock and let be no lunch hour, because we want to speak.

MR. SPEAKER: I think those Members who want to speak may keep on while the others may quietly slip away and have their lunch.

SHRI PILOO MODY: Is it that you want to eat away the privilege motion or the adjournment motion?

MR. CHAIRMAN: I think we can adjourn for about half an hour and re-assemble at two-o'clock. Let us have some lunch hurriedly, reasonable at two o'clock, and finish this before we take up the other motion at four o'clock.

12.24 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after lunch at five minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

RE. CALCUTTA HIGH COURT JUDGMENT IN RAILWAY EMPLOYEES CASE

MR. DEPUTY-SPEAKER: Shri Piloo Mody.

PROF. MADHU DANDAVATE (Rajapur): Before that, Sir, I want to raise a very important matter. The Calcutta High Court has set aside the order of removal from service of several railway personnel passed under Rule 14(11) of the Railway Servants (Discipline and Appeal) Rules 1968 read with proviso (B) to Article 311(2) of the Constitution. This is what has been reported in today's papers. The Judgment has far-reaching consequences in ending the victimisation of thousands of railway employees. I seek your permission to raise this issue in the House today to secure a clear assurance from the Government that they will respect the High Court's judgment and not challenge it in the Supreme Court. Since we are at the fag end of the session, I would request the Government to make a statement. Without losing their face, taking advantage of the Calcutta High Court's judgment, they can see to it that the victimisation is ended and the workers are protected.

SHRI JYOTIRMOY BOSU (Diamond Harbour): They have said that the dismissals were illegal.

It is a very serious matter.

SHRI KRISHNA CHANDRA HALDER (Ausgram): I have also given notice under rule 377 to raise this matter. As Mr. Dandavate pointed out, the Calcutta High Court has set aside the order of removal from service of several railway personnel. I support Mr. Dandavate's demand that the minister should make a statement. I want immediate reinstatement of