

[Shri S. M. Banerjee]

You are aware that dozens of employees working in the United News of India are being victimised by the General Manager and other officials at Bombay, Delhi and other places. This matter has been brought to the notice of the hon. Labour Minister. I would only request you to ask the Labour Minister to make a statement. There is serious victimisation going on. This should stop.

श्री शशि भूषण (दक्षिण दिल्ली) : यू० एन० आई० की कर्मचारी यूनियन के प्रेसीडेंट श्री एस० एम० बनर्जी हैं। उन्होंने अभी यू० एन० आई० के कर्मचारियों के बारे में कहा है। मैं भी यह कहना चाहता हूँ कि यू० एन० आई० के यूनियन सदस्यों का ट्रान्स्फर दूर-दूर जगहों पर किया जा रहा है। किसी को अंतर्गत भेजा जा रहा है और किसी को और दूसरी जगह और इस तरह से उनका विज्ञे-माइजेशन किया जा रहा है। प्रेस कमिशन ने पहले सिफारिश की है कि यू० एन० आई० और पी० टी० आई० को सरकार कारपोरेशन द्वारा टेक-ओवर कर ले। मैं चाहता हूँ कि इस मिलसिले में संतोही सहोदय बयान दें।

14.35 hrs.

CUSTOMS, GOLD (CONTROL) AND
CENTRAL EXCISES AND SALT
(AMENDMENT) BILL.—Contd.

MR. DEPUTY-SPEAKER: We resume discussion of the following motion moved by Shri K. R. Ganesh on the 1st August, 1973, namely:—

“That the Bill further to amend the Customs Act, 1962, the Gold (Control) Act, 1968, and the Central Excises and Salt Act, 1944, as amended, be passed”.

Before I call upon Shri Madhu Limaye to continue his speech....

SHRI DINEN BHATTACHARYYA (Serampore): You have to give your historic ruling.

MR. DEPUTY-SPEAKER: Before I call upon Mr. Madhu Limaye to continue his speech I would like to recapitulate shortly and clarify the issues that are involved. Mr. Madhu Limaye yesterday was in the midst of answering the charge of Mr. Naik that he was indulging in character assassination, and he will continue with his speech. But I would like to make this request to Mr. Madhu Limaye that he should confine himself to the refutation of that charge. He should not go beyond that limit. (Interruption) Order please. I am concerned with this particular issue. Let us dispose one after another. I would also request him to keep in mind the limitation of time. (Interruptions). Order please.

Now, the other issue that is involved is the question of the point of order: whether Shri Madhu Limaye should be permitted to make a reference to the Chhoti Sadri Gold question. (Interruptions). Order please. This is a point of order. This comes next Yesterday, I had posed a number of queries to the Government in order to enable me to arrive at certain conclusions before I give my ruling. Soon after Mr. Madhu Limaye has spoken—I think we need not have any further discussion on this, we have had enough of discussion—I would request that the Government may furnish that information and then we shall go to the next stage of the ruling on the point of order. Shri Madhu Limaye.

श्री सधु लिसये (बांका): उपाध्यक्ष सहोदय

SHRI B. V. NAIK (Kanara): Sir, may I raise a point of order?

MR. DEPUTY-SPEAKER: I have called Mr. Madhu Limaye. You are rising on what?

SHRI B. V. NAIK: On a point of order.

MR. DEPUTY-SPEAKER: A point of order within a point of order I really do not understand.

SHRI B. V. NAIK: The Chair—the hon. Deputy-Speaker—said just now that there will be a refutation of the charge that I had the opportunity to make yesterday. But I think the last few sentences which have been uttered by the hon. Member have very clearly stated that he will assassinate wherever there is no character and he will not assassinate wherever there is character. And to that extent I think there has been a conclusive refutation, or whatever it was, of what was, of what was said.

MR. DEPUTY-SPEAKER: Order, please. Let us hear him. Mr. Madhu Limaye.

श्री मधु लिमये : यह क्या प्वाइन्ट आफ़ ऑर्डर था ।

MR. DEPUTY-SPEAKER: There is no point of order. (*Interruptions*). Order please.

PROF. MADHU DANDAVATE (Rajpur): Sir, I want to make a submission with your permission. If you permit, then I shall make it.

MR. DEPUTY-SPEAKER: I have called Mr. Madhu Limaye. Anyway, what do you want to say.

PROF. MADHU DANDAVATE: I just want to bring this to your notice for future practice and for the future functioning of this House also. Last time, when Mr. Madhu Limaye raised certain issues and some other Members including Shri Naik raised certain points, Mr. Madhu Limaye wanted to raise a point of explanation to clarify the position *vis-a-vis* the remarks made by Mr. Naik. Mr. Madhu

Limaye said—this is on record at page 4616 of the stencilled debates:

“अध्यक्ष महोदय, मेरा जवाब आने से पहले अवले आइटम पर आया नहीं जा सका मैं ठीक जवाब देना चाहता हूँ ।”
(व्यवधान) ।

After that, Mr. Deputy-Speaker said—this is on record:

“I think that the apprehension of Mr. Madhu Limaye is unwarranted; (*Interruptions*) Order please; because I see the half-an-hour discussion is also in his name and therefore it can be shifted forward by a few minutes, in order to give him an opportunity.”

Sir, your mind was very clear. You were very accommodative. (*Interruptions*). But we see your difficulty. At 5.30 sharp, two members got up; you had earlier given the promise; out at 5.30 two Members got up. It is on record. Mr. Reddy and Mr. Sanghi got up. It is at 5.30, according to the rules, that the half-an-hour discussion must start. Notwithstanding whatever, you had said earlier to accommodate Shri Madhu Limaye, when somebody had challenged it then you had to take the sense of the House, though you had made the promise.

Probably the Minister of Parliamentary Affairs was also guided by what those hon. Members were saying and he said, with due deference to Shri Madhu Limaye, this should be taken up. After that you said that because many Members of the House insisted, you said that. I would only wish that for future guidance you clarify this so that the *bona fides* are not brought into question. The records are there. You did say, you did assure Madhu Limaye that even beyond 5.30 he could make some observations. The sense of the House was otherwise. That is why you were required to take that decision. If that matter is

[Prof Madhu Dandavate]

clarified most of those who raised the issue, and Mr Madhu Limaye will have nothing to say, Please clarify it.

MR. DEPUTY-SPEAKER I am happy that Prof Dandavate has brought this up. It is a fact that I did use these words

I did say this but I should like Mr. Madhu Limaye is unwarranted. Because I see the half an hour discussion is also in his name and therefore it could be shifted forward by a few minutes in order to give him an opportunity."

I did say this but I should like Mr. Madhu Dandavate to make this distinction. This is a bare statement that a thing can be done, it is not in the nature of my decision that this matter should continue until Mr Limaye had finished his speech. That being my intention, when there is objection from one section of the House that the order in the Order Paper should be adhered to, this is what Mr Ramgopal Reddy and another hon. Member said, it is the business, the duty of the Chair to take cognisance of this new factor. All that I did was to take cognisance of this submission from an important section of the House. I think you would agree with me that the person sitting in the Chair must perform his duty with the utmost co-operation and support of the House. He cannot do his duty as a dictator. If there is objection, I have got to take the sense of the House and therefore I asked the Minister of Parliamentary Affairs and he was also of the same opinion.

PROF MADHU DANDAVATE.
That is exactly what I also said

MR. DEPUTY-SPEAKER I would also say this, both of you and Mr. Madhu Limaye were excited unnecessarily over a mere technicality. The substance of my commitment, of my promise to Limaye was that I would give him full opportunity to refute the charge, I had also said that if

he could not do it yesterday, he could do it today. That is the substance.

श्री मधु लिमये उपाध्यक्ष महोदय, आप जानते हैं कि मैं बहुत नर्म स्वभाव का आदमी हूँ और आपका तथा हमारा क्या रिश्ता है, यह भी आप जानते हैं। इस लिये अगर आप उसको कल कह देते कि मैं आपकी कहा था कि साढ़े पाच बजे के बाद भी बोल सकते हैं, लेकिन इस समय न बोलिये, तो मैं आप के आदेश का पालन करता। मैंने इसी लिये एतराज करना पड़ा, जो रिकार्ड से भी साबित हुआ है। लेकिन इन लोगों की हमेशा की तरह यह हटब्रह्म, हटधर्मी नहीं चलेगी (व्यवधान)

रूल 25 के अनुसार आप को सेशन लेने की जरूरत नहीं थी। आप इस के प्रावीजों का देखिये—जो कार्य सूची यहाँ दी गई है, उन का जो निर्धारित समय है वह बदला नहीं जायगा, लेकिन

"Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Speaker is satisfied that there is sufficient ground for such variation"

आप को अधिवार है सेशन लेने की जरूरत नहीं थी फिर भी मैं मानता हूँ—चुनि रिकार्डें साफ हैं और मैं आप से झगडा नहीं करना चाहता हूँ, इस लिये मैं इस बात को छोड़ देता हूँ। मैं तो बहुत नर्म स्वभाव का आदमी हूँ मेरा नाम मधु है।

MR. DEPUTY-SPEAKER Order, please. You have said something that casts some kind of reflection on the way the Chair has conducted the proceedings. Therefore, I must clarify the position. But before I do that, let me tell this to Mr. Limaye, who is a seasoned and reputed parliamentarian. You can do far greater service to this House and to this country, for which you are capable, if you do not indulge yourself too much in mere technicalities. When you say "unless the Speaker is satisfied", how

does that bar the Speaker for his satisfaction to take note of the sense of the House? I think I have done everything according to the rules. In order to satisfy myself, I wanted to take the sense of the House. Now, I would request you not to persist on this, but proceed further.

श्री मधु लिमये मैंने तो कहा है कि मैंने खरम कर दिया है।

उपाध्यक्ष महोदय, इस वक़्त आप ने मुझे स्पष्टीकरण का मौका दिया है इस लिये मैं भाषण नहीं करूँगा, केवल स्पष्टीकरण करूँगा। आप मुझे इस सदन में तकरीबन 1964 के अन्त में देख रहे हैं और यहाँ मैंने जो जो आरोप लगाये हैं, बिन तथ्यों का आधार लिये नहीं लगाये। इस का नतीजा यह हुआ कि जो मेरे साथ टकराने का प्रयास करता था, उसको पीछे हटना पड़ा। आप के दूसरे गवर्नर—कानूनगो माहब का मामला—जो अदालत में गया और अदालत ने कहा—इतना झूठ बोलता हूँ कि उसने अपनी गवाही में एक भी वाक्य ऐसा नहीं कहा—अपने नाम के अलावा—जिस में कम से कम एक अमत्त्व बात न हो। इस लिये मैं बिना सबूत के नहीं बोलता हूँ। मेरे मित्रों और खास कर मेरे जो भूतपूर्व सहयोगी हैं—हल्ला करने वालों में मेरे सब मित्र हैं उन्नीकृष्णन्, बमन साठ—ये सब भूतपूर्व समाजवादी हैं। (व्यवधान)

श्री बसंत साठे (नागपुर) हम तो भूतपूर्व हैं लेकिन ये तो अभी भी नव हैं।

श्री मधु लिमये अब, उपाध्यक्ष महोदय, मैं आप का ध्यान 1966 की रिपोर्ट की तरफ़ दिलाना चाहता हूँ। जब छोटी सादरी मोना काइ के बारे में

SOME HON MEMBERS:

फिर वही बून फिर कर आ गये ..

SHRI B. V. NAIK: Now we are back to square No. 1.

MR. DEPUTY-SPEAKER: It is correct to some extent that we are back to square No. 1, to the main question of the point of order. But, then, the whole thing arose from your remark yesterday that he was indulging in character assassination. I have given him the right to defend himself and to refute the charge. It was his reference to his main point that evoked a point of order from you that he was indulging in character assassination. Now, without referring to that, how can he refute the charge that he was indulging in character assassination?

SHRI B V NAIK: Sir, I would like to make a humble submission. I hope all members are equal here and some are not more equal. Yesterday the hon Member has very clearly stated,—I have not gone through the proceedings very categorically stated that he assassinates wherever there is character and does not assassinate where there is no character. What is the clarification required on that? (Interruptions)

श्री मधु लिमये रेकार्ड में है। आप को अगर भाषण नहीं आता है तो मैं सबक देने के लिये तैयार हूँ। आप न अंग्रेज़ी जानते हैं न मराठी जानते हैं न हिन्दी जानते हैं, न कोकणी जानते हैं। बेल पत्री की भाषा जानते हैं केवल।

SHRI S M BANERJEE (Kanpur): I have a small submission. The question of choti sadri will definitely come. They wanted to give gold to Shri Lal Bahadur Shastri but they collected gold for Shri Piloo Mody.

MR DEPUTY-SPEAKER Now it is no longer choti sadri; it has become bari sadri, it has become so big. I would request Shri Naik to allow Shri Limaye to continue with his submission. I am here to watch what he says. On going through the records—I have checked it up—I find that Shri Madhu Limaye towards the end did say that he would assassinate only where there is character.

श्री० लक्ष्मी बंडराले : जिन का चरित्र होता है उन का ही चरित्र हनन होता है, यह मधु लिमये जी ने कहा था।

MR. DEPUTY-SPEAKER: I have the record here of what Mr. Limaye said. May be, because of my ignorance of Hindi, I was not able to put it that way. (Interruption) order, please Now, I would request one of the Members.. (Interruptions) Order, please. You cannot go on like that. If you want, the record of what Mr. Limaye said in Hindi can be read out in the House so that everybody would know. Let us hear the record

SHRI PILOO MODY (Godhra): On a point of order, Sir. We cannot trust anybody in the Congress party to read it correctly

श्री जशवि भूषण (दक्षिण दिल्ली)
“श्री मधु लिमये आप का यह निर्णय रहा कि इस विधेयक पर जो चर्चा है वह बल तब के लिये टाल दी गयी। आप का यह भी निर्णय रहा कि मझे स्पष्टीकरण का आप न अधिकार दिया है। यह स्पष्टीकरण भी है तब तक है। अब मैं बेचन इनका ही कहना चाहता हूँ कि चरित्र हनन उन्नी लोग का है जो जिन के पाप चरित्र होता है।”

MR. DEPUTY-SPEAKER: Order, please Now I am attending to Mr Naik The records have been read out to the satisfaction of the Members This speech of Mr Limaye is by no means the conclusion of his speech (Interruptions) Order, order This is by no means the conclusion of his speech Therefore, on this score Mr Naik, you cannot say, “You cannot continue because you have concluded your speech.” I would request you to allow him to have his say

SHRI A. P. SHARMA (Buxar): Mr Limaye has said that there is question of character assassination only in the case of those persons who have character (Interruptions).

श्री जशवि भूषण : उपाध्यक्ष महोदय, बहुत कैलाशपूर्ण भाषा में माननीय मधु लिमये जी ने यह कहा कि चरित्र हनन उस का ही होता है जिस का चरित्र होता है। सीधा मतलब है कि बाकी लोगों का चरित्र नहीं है। उपाध्यक्ष महोदय, अगर मैं इन से कहूँ कि मधु लिमये का कोई चरित्र नहीं है और इसलिये मैं इन का हनन नहीं करूँगा तो इन को बुरा लगेगा या नहीं ?

श्री मधु लिमये : बहुत संक्षेप में आपका स्पष्टीकरण खत्म कर दूँगा। छोटी सादरी में 150 किनो मोना टिफेंस आफ इंडिया क्लब का उल्लेख करके एक छावनी के पास पाया गया। उसी गैर कानूनी सोने के एक घस से प्रधान मंत्री जी की स्वर्ण तला करने का निर्णय हुआ। पहले सुझाव यह था कि श्री कामराज गोखरोलेकिन उन्होंने साचा कि तब कोई मोना वचेगा नहीं। उसके बाद सुझाव आया कि चव्हाण महार जाँ रो क्योंकि वह सुरक्षा मंत्री थे। उस से यह मोचा गया कि मोना बचन वाला नहीं है। फिर श्री नाल बहादुर गाम्बी के मैकटेरियट को टेलीफोन किया गया और अब पता चला कि 56 निम्नो उनका अजन है वा प्रधान मंत्री की म्बणतुता करने का निर्णय हुआ। मवाल बर मैंने उम्माता उठाया क्योंकि गोल्ल कट्टाल गनना और डिफेंस आफ इंडिया क्लब का गन हट एव व्यक्ति को उसके पास जो माना उसका एनाल करना पड़ता है। हमने यह चोरी का मोना था। इस तरह से दोना कानूनो का उल्लेखन हुआ था। इसलिए मैंने प्रहा पर इस बहस का उठाया और कई बार यह मवाल उठाने के बाद एक गान्द्रपति जी को हम गोगो ने मैमोरेण्डम भी दिया और मैमोरेण्डम सदन की टेबल पर रखा गया। इट इज ए प्रिविलेज्ड डाकुमेण्ट। लाइब्रेरी में वह रखा हुआ है। ये सब घनजाने से बोल गए हैं। राजा कर देख सकते हैं उसको। इसके बाद मुह मंत्री श्री चव्हाण ने कहा था कि हम ने सी बॉ आई की इनफार्मेशन करना

जरूरी है। सी वी आई की इन्वेंचरी गुरु हुई। उसके बाद तीन चार बार इसके बारे में पूछा गया कि क्या यह जांच पूरी हो गई है? अंतित्त जवाब प्रधान मंत्री का आया क्योंकि तब प्रधानमंत्री के हाथ में सी वी आई आ गई थी। उन से सवाल पूछा गया था कि क्या श्री सुखाडिया के बारे में सी वी आई की जांच चल रही है। छोटी सादरी मोना कांड के बारे में वह पूरी हो गई है। प्रधानमंत्री ने उत्तर दिया है कि अभी तक पूरी नहीं हुई है। यह जुलाई 1970 की बात है। दुर्भाग्य यह है कि मेरे इन मित्रों ने इस मामले को आगे बढ़ाने के बजाय पिछले तीन वर्षों में इसके बारे में कुछ भी नहीं किया है।

अब मैं आ रहा हूँ इतनी जरूरत क्यों मुझे पड़ी और इसमें किसी के चरित्रहनन का मसाला नहीं है। इसलिए अब किसी के ऊपर आरोप है और साबित होने के बाद उनके नाम प्रकाशित करने की बात आपने जो बिल पेश है उसमें कही है तो क्या मैं इस पर बोल नहीं सकता हूँ श्री सुखाडिया के खिलाफ जांच हो रही है तो क्या मुझे यह शक्ति-कार नहीं है कि जब सरकार इस विधेयक को पेश करने में दंब और डोंग्हाजी का परिचय दे रही है तो उसकी चर्चा करूं जिनके खिलाफ जांच अभी से चल रही है उसको अभी तक पूरा नहीं किया गया है। फिर आप नरन तो कहते हैं कि हम कड़ी सजा देने वाले हैं इसमें चरित्रहनन का प्रयास नहीं है। जो चरित्रहान लोग हैं उनकी मैं हमेशा प्रशंसा करता हूँ, तारीफ करता हूँ लेकिन जो चरित्रहीन लोग हैं, जो अपराध करते हैं, जो कानून को तोड़ते हैं और जिसको ला कमीशन ने सोशल एंड एकोनामिक काइम्स कहा है, सामाजिक और आर्थिक अपराध, इस तरह के काम करने वालों के पीछे मैं पड़ता हूँ। चरित्रवान लोगों के प्रति मेरे मन में जितनी आदर की भावना है शायद मेरे मित्रों के मन में उतने आदर की भावना हो नहीं सकती है।

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI K. R. GANESH): Yesterday you had asked the Government to clarify certain points which you had raised and I had stated yesterday that since the hon. Member had raised these points at the stage of the third reading of the Bill, I had not had the necessary time to find out the facts. On the various clarifications you had sought I have to make the following statement.

The matter relating to the seizure of gold at Choti Sadari has figured on several occasions in the past in this House. The last question on this case was unstarred question No. 549 answered on 17-11-1971 in reply to which it was stated that the case relating to the alleged misappropriation of gold by Shri Ganpat Lal and others is still pending in the court of the Civil Judge and Asst. Sessions Judge, Udaipur since September 1966, and during the pendency of the criminal case, inquiry by the CBI is to be conducted with due regard to the provisions of law so as not to attract the provisions of law relating to contempt of court. In the criminal case in which a *de novo* trial was ordered on 15-12-69, 30 hearings had taken place upto 29th June 1973.

Shri Sukhadia whose name had figured in the discussions earlier had himself made a request in his letter dated 27th April 1967 addressed to the then Home Minister that the matter may be probed by a Central Agency such as the CBI... (Interruptions) Since the facts in the criminal case against Shri Ganpat Lal regarding misappropriation of gold have a bearing on the subject matter of the CBI inquiry, it was decided in March 1968 to make a preliminary inquiry in the course of which the statements of witnesses are being recorded only after those witnesses have been examined in the court case to avoid legal complications. The main witness in the complaint is Shri Gunvantlal and he could not be exa-

[Shri K. R. Ganesh]

mined so far in the preliminary inquiry which is being made by the CBI because his statement in the court case has not been completed. Shri Gunvantlal was cross-examined in the court in May 1973 and the case has been adjourned for further cross-examination. The next date of hearing is on 6th August 1973.

The progress of the inquiry will entirely depend on the court case. It cannot be said when the recording of the statements of all witnesses will be completed in the court case. It is, therefore, not possible to indicate the time by which the CBI inquiry will be completed.

SHRI VASANT SATHE: Now it is fully proved that the allegations made by Shri Madhu Limaye were completely baseless. They are still sub judice and nothing has been proved against Shri Sukhadia as such and only in the most malicious manner he has made the allegations against Mr. Sukhadia. (Interruptions).

MR. DEPUTY-SPEAKER: Order, please.

Now that I have heard the Government, I think the stage has come when we must arrive at some decision about this. Now, let us be clear in our mind as to what is the central issue of the point of order yesterday. It is not the merits of the case and I will state at the beginning that we shall not enter into the merits of the case especially since it is now pending in a court of law.

Members should refrain from saying anything that may impede the functioning of the Court and all that. The central point yesterday was this that even a reference to this case in which Shri Mohan Lal Sukhadia, who is now a Governor of Mysore, figures should not be made on the ground that he is a person in high authority. Hon. Members have read

out the rules. The relevant rule relating to that is Rule 352(v) which says—

“A Member while speaking shall not reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms.”

And also, the Explanation is given there. It says:

“Explanation.—The words ‘persons in high authority’ mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn up in terms to be approved by him”

This was the rule quoted. Stand was taken on this rule that a reference to Mr. Mohan Lal Sukhadia, who is Governor of Mysore, should not be made. I think that is the Central point to the point of order. Mr. Salve has made this point very clear in his submission yesterday when he said:

“When reflection is cast on the conduct of a person it should be judged in the context of the fact whether or not he is in high authority today”

So, this is the submission, I take it from the Congress party, that reference should not be made to Shri Mohanlal Sukhadia because of the fact that he occupies a position of high authority.

SHRI PILOO MODY: He has no authority today. (Interruptions).

MR. DEPUTY-SPEAKER: Order please. Let us be clear in our minds. Who are these persons in high authority? We should be clear in our minds about that. Constitution has something to say about that. Can I go at some length and read each provision?

SOME HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: The Constitutional provision with regard to the President says this. This is Article 61 of the Constitution. I quote:

"When a President is to be impeached for violation of the Constitution,"

Mind you, it is only for violation of the Constitution (*Interruptions*) It is only for violation of the Constitution that the President can be impeached. Other things don't come in

SHRI PILOO MODY: Not for making a speech

MR. DEPUTY SPEAKER I quote:

"When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of Parliament

No such charge shall be preferred unless (a) the proposal to prefer such charge is contained in a resolution which has been moved after at least fourteen days' notice in writing signed by not less than one-fourth of the total number of members of the House has been given of their intention to move the resolution, and

(b) such resolution has been passed by a majority of not less than two-thirds of the total membership of the House"

That is about the President. It is very clear about it. The other people who are mentioned in the Constitution are the Speaker and the Deputy Speaker. Now, this is what it says

SHRI PILOO MODY: You are also mentioned

MR. DEPUTY-SPEAKER: Yes, fortunately or unfortunately, Article 94 of the Constitution says this. I quote.

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"A member holding office as Speaker or Deputy Speaker of the House of the People—

(a) shall vacate his office if he ceases to be a member of the House of the People;

(b) may at any time, by writing under his hand addressed, if such member is the Speaker to the Deputy Speaker, and if such member is the Deputy Speaker to the Speaker resign his office; and

(c) may be removed from his office by a resolution of the House of the People passed by a majority of all the then members of the House:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution."

This is about the Speaker and the Deputy Speaker

Then, the other category of persons are the Judges of the Supreme Court and High Court. The Constitution says:

"A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity

This also relates to the Judges of the High Court. So, whenever you want to discuss about them, a Motion has to be drawn up in appropriate terms. The Constitution is silent as far as the Governor is concerned.

SHRI PILOO MODY: Clerks of the Home Ministry.

MR. DEPUTY SPEAKER: It has been pointed out here that it is not only the person mentioned in the Constitution, but also "such other persons whose conduct, in the opinion of the Speaker, should be discussed." Now, I don't think there is anything on the record where the Speaker has particularised any other person in high authority beyond what has been mentioned here. And therefore, at the moment, we have no precedent to go by, as to which other person....
(Interruptions)

SHRI G. VISWANATHAN (Wandiwash): Is the ruling over?

MR. DEPUTY SPEAKER: No, I am trying to formulate the position.
(Interruptions). I don't want another mini-debate to develop. (Interruptions).

SHRI DINESH CHANDRA GOSWAMI (Gauhati): I would like to make a point. I am not challenging your ruling. (Interruptions).

MR. DEPUTY-SPEAKER: Kindly sit down. I would request the Members to cooperate. If I hear you now, I will have to hear others and another mini debate will come up. So, I would request you not to insist.
(Interruptions). How can there be a point of order while my ruling is yet to be given on the point of order?

If you have another point of order, I shall hear you after my ruling. Kindly sit down. At present, I am disposing of one point or order. How can I hear another point of order? That is the position

Now, I would like the Members to ponder over this. Let me take my personal case. I happen to be the Deputy-Speaker. Now, according to the Constitution, you cannot discuss

about my conduct while sitting in this Chair without bringing a substantive motion drawn in appropriate terms. That is very clear; the rules are also very clear that no reflection should be cast on the conduct of the person sitting in the Chair and conducting the affairs of the House.

Now, would it be proper for me to say that because of this constitutional provision, my conduct while not acting as Presiding Officer here cannot be discussed in the House?

SHRI MADHU LIMAYE: Who is discussing?

MR. DEPUTY-SPEAKER: I have not finished. Can I claim this that my conduct while not acting as Presiding Officer cannot be discussed in the House without a substantive motion? For anything that I said outside—not to in the discharge of my functions as the Presiding Officer—am I immune from all this discussion? Would it be justified? In my personal capacity, if I go to Meghalaya or somewhere else and I break the law there, can I say you cannot discuss about me because the Constitution says you can not discuss about my affairs as I occupy a position of high authority

SHRI C M STEPHEN (Muyattupuzha): That is the correct position.
(Interruptions)

MR. DEPUTY-SPEAKER: Order please. I would like you to think very deeply about this.

Now I will come to the wordings of the rules. The rule says: 'reflect upon the conduct of persons in high authority'. It is the reading of the rule. According to me, it is only in respect of the conduct of the person in high authority in the discharge of his functions as an incumbent of that position of high authority that he occupies. (Interruptions). That is my interpretation of the rules. Now, I would like the hon. Members not

to get emotional about it. Let us look upon this question here with a higher sense of responsibility to this House and to this country. Let us take it this way because, what we decide now is going to be historic. It will be historic unless this Parliament changes its decision. When we take this decision, it is going to stand and it is going to guide the conduct of our Governors and other people in high authority in this whole country. (Interruptions). Let me finish what I am going to say. Therefore, it is very very important, namely what we decide now.

Now, the question is this. Can any wrong or anything that a person does in the course of his whole life—it may be a wrong that he has committed in the course of his life—can all that be swept under the carpet just because of a certain fortuitous circumstances that in course of time he happens to occupy a position of authority?

SHRI C. M. STEPHEN: Give us a little time, and we shall say why that is not permissible. (Interruptions)...

SHRI G. VISWANATHAN: He cannot interrupt you when you are giving your ruling.

SHRI C. M. STEPHEN: I cannot understand why the Opposition is disturbed. I do not really understand why our friends are raising objection. You, Sir, have posed different aspects and you are inviting our views, and we are prepared to make our submissions. Why should there be all this shouting about it? We are not trampling on their rights.

The point has been raised, and you are going to give a very important ruling. All that I am suggesting is that if you are so inclined, you may permit observations on that to be placed before you. That is all that we are asking for.

SHRI G. VISWANATHAN: On a point of order.... (Interruptions).

MR. DEPUTY-SPEAKER: Order, please. Let all hon. Members please sit down. I am not hearing anything.

Now, I am saying this with the greatest sense of responsibility because I am also personally involved in it. Therefore, I am not saying anything else; I am saying what should be the standard in this country....

SHRI C. M. STEPHEN: Permit us to make our submissions.....

SHRI NARSINGH NARAIN PANDEY (Gorakhpur): You are giving such a ruling which afterwards will create a lot of confusion worst founded!

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): May I say something?..

SHRI G. VISWANATHAN: The hon. Minister cannot speak now. (Interruptions).

MR. DEPUTY-SPEAKER: Order, please. Let me finish. I am not referring to anything. I am referring to what should be the standard in this country....

AN HON. MEMBER: The Minister of Parliamentary Affairs should be heard.

SHRI VASANT SATHE: I want to help you. You are aware of the well-known principles of interpretation of law. Kindly do not take any step which may be wrong. If you give any ruling today, it will become a precedent. I want to assist you. There are well-known interpretations of law, and you should not introduce new interpretations or new words... (Interruptions) You are giving new words. Do not make that mistake.

• [Shri Vasant Sathe]

You are reading the words 'of authority' I think you are making a mistake. I just want to assist you. . .

SHRI G. VISWANATHAN: Why don't you allow the Chair to speak?

SHRI VASANT SATHE: Once you give a ruling, it cannot be retracted from. I do not want you to make a mistake. Allow me to assist you. There are some well-known principles of interpretation of law. I just want to bring them to your notice. . . .

MR. DEPUTY-SPEAKER: Since it is going to be an important ruling .

SHRI C M STEPHEN: Permit us to assist you.

MR. DEPUTY-SPEAKER: I have not given my ruling. I am only clarifying the position. But since, as I say, it is going to be very very important, because . .

SHRI G. VISWANATHAN: Postpone it.

MR. DEPUTY-SPEAKER: and it will lay down the norm for the conduct of people in the highest offices, and in these days, the troubled days in which we are on all fronts, the standard that we lay down here is important, therefore, if the Members want to make submissions, I am prepared to hear because that is the will of the House, so that hon. Members may not say later that a ruling has been given without proper hearing.

(Interruptions)

SHRI G. VISWANATHAN: You have not made up your mind.

MR. DEPUTY-SPEAKER: Although at the time of giving a ruling nothing more should be heard, because it is an important matter I will stop here, withhold my ruling and hear a few more members.

SHRI K. RAGHU RAMAIAH: I only wanted to say this. Since as you yourself have said, it is a very important ruling, is it necessary now to go into such an important ruling for the disposal of this point? I would request you to consider whether we should go into the question of Governor, President, Speaker and so on. Is it necessary for the disposal of this case? Is it not enough for you to decide whether any reference can be made to Shri Sukhadia or not? Why go into the question of Governors, Governors-General, Presidents and all that? I would respectfully submit it is not necessary. Let us confine ourselves to the simple issue; kindly give a ruling on the point raised whether reference can be made to Shri Sukhadia or not and leave it at that. Dispose of the case that way. Why go into that vital question which has got a very great importance?

SHRI PILOO MODY: Do I understand the hon. Minister as saying that we can say whatever we like about Shri Sukhadia?

SHRI VASANT SATHE: There are certain well-known principles of interpretation of statutes and law. One of them, and the best known, is that the language of a particular provision must be read as it is when it is plain and no new words must be introduced or added therein. If you read the words you were about to interpret, 'reflect upon the conduct of persons in high authority'-you were trying to say qua the authority—the words 'as an authority' or 'as such authority' are nowhere there. Therefore, when a person is in high authority, any reflection that is to be made on the conduct of that person is barred. It does not say 'as that authority'. Therefore, the idea appears to be that when a person is occupying a high authority, no reflection should be cast in a lighter vein in Parliament because it derogates from that authority. It does not bar reflection in other cases, in cases of those who are not

in high authority—in those cases you are free to make that—But when it is a case of a high authority, the only restriction is that it must be on a proper motion well-drawn.

Therefore, I would submit that reading the words, plain as they are, it does not say 'as an authority' or 'as long as he is in that authority'. It means any reflection cast on the conduct of that person; it does not say conduct today or here and now as an authority. It means conduct at any time because it will ultimately reflect on him and by that reflection, people are likely to think low of him. Therefore, no reflection should be cast in a lighter vein by people. This is the essence. Hence I submit that no introduction of new words should be there. That is number one.

MR. DEPUTY-SPEAKER: It is a question of interpretation.

SHRI VASANT SATHE: In interpreting also.

The well-known principle of interpretation is that you must read the words as they are and you must not say that the law-makers intended or must have thought this way. If they had thought so, they would have made it clear. You should not impute that to the law-makers. This is the first point.

As far as persons in high authority are concerned, as you have read out, the constitutional provision is about either the impeachment of the President, the removal of judges or—

SHRI JAGANNATHRAO JOSHI (Shajapur): But there is nothing about the Governor. If he is a high authority, it must have been mentioned there. There is impeachment for the President but not for the Governors. (Interruptions).

यह तो समझा दिया सबिधान में गवर्नर के खिलाफ क्या है ?

SHRI VASANT SATHE: Only impeachment in respect of high authorities is mentioned. That is also not about the conduct. It is only when impeachment or removal has to be made. Those sections do not talk of conduct or reflection on conduct either. What this section says is, "persons in high authority." Now, therefore, if we are drawing a parallel because of certain other provisions in the Constitution and say that there are other provisions regarding impeachment of the President, removal of judges, etc., and you included the Speaker and the Deputy-Speaker—

MR. DEPUTY-SPEAKER: I did not include them; it is in the Constitution. Not I.

SHRI VASANT SATHE: That is made clear by saying "in proper terms." What it says is: "The words 'persons in high authority' means persons whose conduct can only be discussed on a substantive motion drawn in proper terms," referring to impeachment, etc., "under the Constitution, or such other persons..." If there were to be only those persons and no other person was to be included, it would have stopped here. The very idea of including, "such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn up in terms to be approved by him" is clear. This part would have no meaning if you were to say "thus far and no further, and these are the persons; that is all." Otherwise, where is the discretion? To whom else would it apply when you include it under the latter part? I say *agum genus* that the principle of interpretation in law is that when there is a particular provision, then, persons of a similar category would also be automatically deemed to be included. Therefore, persons like Governors or Chief Ministers or Chief Justices of high courts or judges of the high

[Shri Vasant Sathé]
courts and Speakers of other Assemblies—not only here—and such persons who occupy positions which are supposed to be above board, as we say, and who are therefore to be respected by all—persons of sanctity—should not be brought in and no reflection should be brought against them in a lighter vein

MR DEPUTY-SPEAKER Now, despite the fact that we have come to a stage when a ruling has to be given, but because the ruling is so important and the Members are so exercised over it,—I am conscious of the fact that this is going to have a far-reaching repercussion not only for the whole country but for the future guidance of our Constitutional functioning—I am prepared to listen—(Interruptions) Order please Mr Pandey, we shall hear your words of wisdom at the proper time, not now

I am prepared to listen Although we are spending a little more time in this, I think it is worth since it is so important, I am prepared to hear Members again I would call every body, everybody will have his chance

SHRI D N TIWARY (Gopalganj) It is a very important matter which is going to have far reaching importance In that case fix a date have a full-fledged debate so that the leaders of the Opposition parties and groups might be here and discuss the matter

श्री मधु लिमये : अरे मैं 'तो सुपर लीडर,
हू आप लोगो का।

श्री डी० एन० तिवारी : हम मैटर पर पूरी डिबेट करने के लिए एक दिन रखा दीजिए ताकि हर पार्टी के लीडर तैयार होकर आ सकें और डिबेट कर सकें। जल्दी से इसको आप न करें। दूसरा दिन फिक्स कीजिए, और माननीय मधु लिमये से कहूंगा कि अब इसीन्यूएटिंग रिमाक्स न करें, और इस बिल को पास होने दें।

श्री शशि नूतन इसको पोस्टपोन
कीजिए, दो तीन बटे का समय दीजिए।

SHRI DINESH CHANDRA GOSWAMI Already a suggestion has been made by the Minister of Parliamentary Affairs that this was a very important thing and in such an important matter ruling should not be given unless the subject-matter so demands it Therefore before you give a ruling I request you to consider whether the subject-matter of discussion demands this ruling and if you feel it does not I shall beg of you not to give a ruling But even then if you ask for it I shall make a submission

MR DEPUTY-SPEAKER I do not ask for a ruling you are asking not I

SHRI DINESH CHANDRA GOSWAMI The basic question we are confronted with is whether the Governor is a person in high authority

MR DEPUTY-SPEAKER I have not come to that Let me clarify so that you may not start on a wrong angle I was trying to make this distinction about the conduct of a person in his private capacity before he comes to occupy the position of high authority and his conduct of the affairs as an incumbent of a position of a high authority that he occupies I am only trying to make that distinction I have not come to the point whether the Governor is in a position of high authority or not

SHRI DINESH CHANDRA GOSWAMI On that limited question my submission will be this There are certain persons in authority in this country, which is immune from any conduct of criminal liability Under article 361(2), the Governor has been equated with the highest office in the land the President and no criminal proceedings whatsoever shall be instituted or continued against the President or the Governor of a State in any court during his term of office

MR. DEPUTY-SPEAKER: There is no question of any criminal proceedings.

SHRI DINESH CHANDRA GOSWAMI: I am interpreting that article. One may argue that if the Governor does some criminal act while discharging his function as Governor, article 361 (2) is affected, not otherwise.

But there have been numerous decisions, and also interpretations that the Governor is immune from criminal proceedings....

MR. DEPUTY-SPEAKER: I will come to you again. Let me get this point cleared from the minister. Just now in this prepared statement, he mentioned about certain cases pending in a court of law relating to Shri Ganpat Lal or somebody else. I would like to know from him just for my information whether Shri Mohan Lal Sukhadia has also been implicated in that case.

SHRI K. R. GANESH: No.

MR. DEPUTY-SPEAKER: But there is a CBI enquiry that is going on and that obviously includes the enquiry into the alleged role of Shri Sukhadia in the whole affairs?

SHRI K. R. GANESH: I was trying to submit that you are now dealing with the question of giving a ruling on the propriety....

SHRI MADHU LIMAYE: There is no ruling on propriety.

SHRI K. R. GANESH: Let me use the kind of words I want to use. Why do you want to tutor everybody? I was trying to submit that the present debate is whether reference to Shri Sukhadia's name should be made in this House since he happens to occupy the exalted position of a Governor. This whole Sadri gold case came up before the House earlier. The hon.

member has mentioned only parts of the case and he has tried not to place before the House some very relevant information. The relevant information was whether....(Interruptions).

MR. DEPUTY-SPEAKER: Let us be clear that Shri Madhu Limaye has completed his case about that portion.

SHRI MADHU LIMAYE: What portion?

MR. DEPUTY-SPEAKER: About refuting that charge. I am half way, or one-fourth way or two-thirds way through giving my ruling I have not given my ruling.

SHRI MADHU LIMAYE: So, you have changed? (Interruptions)

MR. DEPUTY-SPEAKER: I have not given my ruling.

SHRI C. M. STEPHEN: What does he mean by "you have changed"? (Interruptions)

MR. DEPUTY-SPEAKER: I was only formulating the question. I have not given my ruling. Because the members are very exercised about this and because the ruling is going to be important, I say even now I am prepared to stop and listen again. Therefore, if I am listening, I must listen to everybody fully. Why are you objecting?

श्री मधु लिमये : मैं उनके पहले खड़ा था। ये बीच में कैसे आ गए ?

MR. DEPUTY-SPEAKER: Let me make it clear. I shall hear Shri Madhu Limaye also.

SHRI K. R. GANESH: Sir, you had asked me a question: what are the matters under the CBI inquiry. Let all facts come before this House. Do not hide facts; be honest....(Interruptions)

[Shri K. R. Ganesh]

The matters that are under the CBI enquiry are:

- (1) whether on or about 16-12-65 gold was recovered from Ganpat Lal in two separate lots each weighing 56.863 kilograms;
- (2) whether any quantity of the gold recovered from Ganpat Lal has been misappropriated by any one;
- (3) whether any impropriety was involved through the acceptance of the offer of gold as donation to the National Defence Fund.

May I also submit that in the Lok Sabha debate dated the 22nd November 1967 the then Home Minister has given the following information:

"There is no question of having any public inquiry commission in regard to this matter. This question has many times been discussed on the floor of the House. In the information that was given to this hon. House it has been stated that there is nothing against Shri Sukhadia which can be proved. But, certainly, as regards some further investigation into this matter, like one by the CBI, I have said that such investigation could be undertaken on some evidence, because in between there was some inquiry by the CBI in regard to this matter in which Shri Sukhadia was not found guilty."

May I now refer to Unstarred Question No. 549 dated the 17th November 1971 in the Lok Sabha to which the hon. Member, Shri Madhu Limaye had occasion to refer? Referring to that, he tried to build a case that the Government had given a reply that the inquiry had not been completed. A full reading of the answer to the question, which was asked by Shri Muktiar Singh Malik and answered by the Minister of State in the Department of

Personnel will convince anyone.... (Interruptions). He referred to that while building his case.

Anyway, this is the property of the House. In reply to the Question:

- "(a) whether the Central Bureau of Investigation has since completed the inquiry into the Chhoti Sadri gold scandal case
- (b) if not, the reasons therefor; and
- (c) the time by which the inquiry is likely to be completed."

the answer is:

"(a) No, Sir.

(b) A criminal case regarding the alleged misappropriation of gold by Shri Ganpat Lal and others is still pending in the court of Civil Judge and Assistant Sessions Judge Udaipur. During the pendency of the criminal case, inquiries have to be conducted with due regard to provisions of law.

(c) This will depend on the progress in the court cases."

My submission is that this information was given in 1971 that (a) court cases have been instituted; and (b) the C.B.I. inquiry is in progress. But as to why the C.B.I. inquiry is being delayed, these answers have been given.

May I also, with your permission, Sir—this is now the property of the House—read out Shri Sukhadia's letter to the then Home Minister which has been placed on the Table of the House on 30-6-67. I would like to read this letter because this is a very important letter pertaining to the whole matter that is now being raised. This is the letter of Shri Sukhadia, former Chief Minister to the then Home Minister, Shri Y. B. Chavan. It reads:

"My dear Shri Chavan,

There have been Questions in Parliament in connection with gold which was recovered at Chhoti Sadri in Dist. Chitorgarh in December, 1965. In Rajasthan Legislative Assembly also, allegations were made on this subject against me and Shri Hari Deo Joshi, the then President of Rajasthan Pradesh Congress Committee. The State Government had furnished complete factual information to the Government of India for enabling them to give suitable replies in Parliament. I had kept you informed about this matter even while you were functioning as Defence Minister. My first letter to you on the subject is dated 31st October, 1966 which was personally delivered in your office on 1st November, 1966. Subsequently, I sent to you a confidential d.o. letter No 465/CM/III/66 dated 27th November, 1966. I had sent to you with this letter a copy of my d.o. letter addressed to Shri Chaudhuri, the then Finance Minister along with a copy of the enclosures.

The replies given by the Government in the Parliament had generally stated that these were based on information received from the State Government. The impression left in the minds of the people could be that the Central Government had not independently ascertained the facts of the case. I think, it is necessary to get the matter looked into independently by the Government of India so that there may be no room for any doubt in the public mind.

I had suggested to you in my earlier letter that you may like to send one of your officers to Dist. Chitorgarh to verify the facts. During those days, this subject was being used as a propaganda stunt in the pre-election period. After General Elections also, I understand, that the subject was referred to again in the new Parliament. The facts of the case have already been sent to you by me. Detailed information is

also available in the Union Finance Ministry.

"I plead with you, once again, to consider the suggestion of having this matter probed into by a Central agency, such as, the Central Bureau of Investigation so that an authoritative statement could be issued by you clarifying the entire situation. You can understand how deeply one's feelings could be hurt by this sort of character assassination.

I shall be grateful if you could inform me about the action you propose to take in the matter."

16.00 hrs.

The only submission I would like to make is....

SHRI VASANT SATHE. Is he an accused in a criminal case?

SHRI K. R. GANESH: There are three important aspects. One is the fact that two criminal cases are pending, the first in the court of Civil Judge and Assistant Session Judge of Udaipur for misappropriation against Ganpat Lal, and the other, for possession of undeclared gold under Gold Control against the principal accused Chagan Lal Godavat. Second, Mr. Sukhadia himself asked for a CBI inquiry. Third, the CBI inquiry was in progress which has been answered in reply to a Parliamentary question which I have stated. All these facts were there with the hon. Members. In trying to build a case ..

श्री मधु लिमये : उपाध्यक्ष महोदय, यह किम बान का जबाब दे रह हैं ? यह इरैनिबेंट बोल रहे हैं। जब जवाब का समय आयेगा, तब वह ये बातें कहे। मेरा पायंट आफ आर्डर है ? क्या आप सभी कांग्रेस के मेम्बरो को मुनेगे ? क्या आप हम लोगों को नहीं मुनेगे ? (धमकान)

MR. DEPUTY-SPEAKER: I will call you.

श्री सतिश रवण: अब मैं श्री कृष्णानिधि के खिलाफ भी चार्ज लाने वाला हूँ।

SHR K. R. GANESH: I only submit that, while speaking on the Customs, Gold (Control) and Central Excises and Salt (Amendment) Bill in the Third Reading, the hon. Member was trying to develop the case. He said that this Bill of Government was only an eye-wash, it was a gimmick, because Government was not interested, and then he was referring to the case. The only point I wish to submit is this. The hon. Member knew all these facts, the progress of the case, the various stages through which the case has gone, that the case is in a criminal court, the CBI inquiry is being continued, why it cannot be completed. All these were known to him. I submit to you and to this House: was it proper for the hon. Member, having known all the facts, to put the House in the position in which the House is, just in the third Reading of the Bill? (Interruption)

MR. DEPUTY-SPEAKER: Order, please. I am not giving my ruling now. (Interruptions) Order please. Please sit down.

I would like the members to think coolly and calmly. I think, we have gone off the rails. If you want, I am prepared to hear you. But if you remember, the central question was whether any reference could be made to certain allegations against Shri Mohan Lal Sukhadia who happens now to be the Governor of Mysore. That is the central question. If you think about it very coolly and calmly, it does not require my ruling any more because the House has given the ruling; enough references have been made. I think, we can go on now. (Interruptions)

SHRI VASANT SATHE: Thank you very much. No ruling need be given

now. The matter may be dropped here.... (Interruptions)

MR. DEPUTY-SPEAKER: Order, please, I do not want any hon. Member to have the feeling that he is being denied the right to say what he wishes to express on this matter.... (Interruptions). Let Mr Goswami finish. I will call everybody.

SHRI K. RAGHU RAMAIAH: If your position is that no ruling is necessary, we agree with it. Let me go on.

SHRI NARSINGH NARAIN PANDEY: I want to know for what purpose this discussions is continuing?

MR. DEPUTY-SPEAKER: I have explained it.

श्री नरसिंह नारायण पंडे: श्री मधु लिम्बे ने इस सदन में कुछ बानें कही। जिस से ऐसा लगा कि श्री मोहनलाल सुखाड़िया किसी त्स में इम्प्लीकेटेड है। मंत्री महोदय ने मफ़ाई दे दी है कि श्री मोहनलाल सुखाड़िया इन में नहीं आते। श्रीमन् अब आप किम बान का डिमकशन चाहते हैं? (व्यवधान)

SHRI DINESH CHANDRA GO-SWAMI: Before this intervention, you asked for our submissions on the point of order. But, as now we find that the matter has become purely academic, the ruling has become purely academic.

MR. DEPUTY-SPEAKER: I do not agree with you. I can respond to the wishes of the House. But I strongly differ with this contention that it is academic because, what we decide today will lay the norms for the discussion of the conduct of the Governors in the future.

SHRI DINESH CHANDRA GO-SWAMI: What I was submitting is whether in this House we can discuss Mr. Shukhadia. Now this matter has been discussed and I feel that we should not dwell on this point any more.

SHRI S. M. BANERJEE: The point was raised by the hon. Member and he has quoted a particular Article of the Constitution under which the Governor or the President could not be discussed in the House. That Article does not apply here because this happened when he was Chief Minister. That is point No. 1.

My second point is that Mr. Ganesh has kindly clarified and given an answer to my question whether it is not a fact that Government officials against whom CBI inquiry is instituted and is pending, they are never promoted or elevated. Then how did you elevate him as a Governor?

SHRI PHOO MODY: I am rather distressed at what I have been hearing. First of all we were to decide on a point whether a particular person holding a particular position or high authority or high office could be discussed here. Unfortunately, being constituted as we are, with the Minister of Parliamentary Affairs actively campaigning, it was decided that we will put a blanket over this matter and if you want to say a few things about the scope, go ahead any say it, but we would not lay down any healthy precedent. This is what I find has been the subject matter of the last minute canvassing and decision that has come out of it.

I surprised that in the middle of this a question was put to the hon. Minister in reply to which he gave you a defence of Mr. Sukhadia. I am sure, whether Mr. Sukhadia is innocent or guilty is not our job or yours or the House's job to judge. And in any case no certificate of good character for the Governor has any value at all. Thirdly, there are political personages in this country who have been in the ruff and tumble of the political arena who cannot, either under the Constitution or by the rules framed by this House, be given any protection whatsoever, since I can think of very few of them that would be deserving of any protection at all.

SHRI SHYAMNANDAN MISHRA (Begusarai): The central point with which we are grappling is this: Whether a reference to Mr. Sukhadia who now occupies an exalted position could be made or not? I lay emphasis on the words 'who now occupies an exalted position'. Can reference to his past be made or not? Now, Sir, this is the fine distinction which we have to make. A person may come to occupy an exalted position. Conceding the point of view that he is an exalted person, the limited point is, whether his past will pursue him or not. Or, will it get washed off, simply because he comes to occupy a high position? My humble submission is that even if the highest person in the Republic, the President, comes to occupy the position of the President, if he has committed offence under...

MR. DEPUTY-SPEAKER: Let us not bring in the name of the President. You may give some other examples.

SHRI SHYAMNANDAN MISHRA: Everybody understands this. This has no reference to the present incumbent or any particular person. What I am saying is this, my humble submission is that reference could be made to his past, even if he had come to occupy an exalted position. Now, what the hon'ble Member, Mr. Madhu Limaye was pointing out was nothing more than a reference to the fact that the CBI enquiry has been pending against him and the cloud of suspicion has not been dispelled. What the Minister has been pleased to tell the House just now is that since there are criminal proceedings mentioned in the Court, the CBI enquiry is held in abeyance. If any hon. Member mentions that the 'cloud of suspicion is not dispelled' I would say, he is simply stating a fact. Sir, no one can be prevented from stating a fact. It is a fact that CBI enquiry is pending. (Interruptions) Now, if Mr. Sukhadia is exonerated,—he belonged to the United Congress as well,—no

(Shri Shyamnandan Mishra)

one would be happier than Shyamnandan Mishra. But I have to reckon with a fact.

MR. DEPUTY-SPEAKER Mr Mishra, you are going into the merits of the case

SHRI SHYAMNANDAN MISHRA No, Sir I am not going into the merits of the case. I have just pointed out that hon'ble Member Mr Madhu Limaye only stated the fact that an enquiry has been pending against him, that he has not been cleared so far. The second point that I want to submit is this—this point was not settled so far, as I understand it—whether a Chief Minister is also considered to be an exalted person or not? If he was not an exalted person at that time and if he has now been elevated to the exalted position that elevation cannot clear him of the charges. Therefore if anybody now refers to them then he is perfectly in order and nobody should take any objection.

श्री मधु लिमये मैं एक घटे से खड़ा हुआ हूँ ?

MR. DEPUTY-SPEAKER I will come to you after Shri Shenoy is called.

SHRI P R SHENOY (Udipi) Mr Deputy Speaker Sir I do not very much worried about the outcome of your ruling.

MR. DEPUTY-SPEAKER I have not given my ruling.

SHRI P R SHENOY I say I am not worried about the outcome of the ruling that you are going to give.

MR. DEPUTY-SPEAKER Why do you anticipate my ruling?

SHRI P R SHENOY Whether you give this way or that way, I will not be affected. But the ruling that you are going to give is very important. I want to submit only one point for

your serious consideration. You were kind enough to give your own example. That is the example of a Deputy-Speaker who is a person in high authority. You said that perhaps you could not claim the right of exemption from reflecting upon your conduct when you were not discharging the duties of Deputy-Speaker. Perhaps, you were not right, Mr Deputy-Speaker. I shall illustrate that by giving another example. Take the example of the Supreme Court Judge. Can we reflect upon the conduct of a supreme court judge when he is not discharging his duty?

MR. DEPUTY-SPEAKER Mr Shenoy, you are arguing on a wrong angle altogether. I was trying to make a distinction from the beginning. When an incumbent in the office is discharging his duties of that office that is a different question. But as a private citizen whether

SHRI P R SHENOY I am saying the same thing. That is for my future guidance.

SHRI VASANT SATHE Can we say that the Supreme Court judge is a smuggler?

SHRI P R SHENOY Suppose the Supreme Court judge indulges in smuggling. Suppose he smuggles some thing this evening. Can we reflect upon his conduct in this House? That is what I want to know. If you give the ruling saying that we can comment upon or reflect upon the conduct of the Supreme Court judge when he is not discharging his duties of course we will have got better right. I want this House not to comment upon the conduct of the judges also.

श्री मधु लिमये उपाध्यक्ष महोदय

SHRI NARSINGH NARAIN PANDEY How many times you can

stand up while other members are deprived of their chance?

श्री मधु लिमये . मैं इन की अनुमति से बोल रहा हूँ, प्राण की अनुमति से नहीं ।

SHRI PILOO MODY: How many times you have interrupted?

SHRI NARSINGH NARAIN PANDEY: You can fix the time. Otherwise how can we proceed with the business of the House?

MR. DEPUTY-SPEAKER: Mr. Mody, there is only one way of doing this. I can do that only with the cooperation of the Members. I was half way through giving my ruling. But, the Members make a fervent appeal that I have to withhold my ruling until I hear them. That is because it is an important ruling. And I deferred to the wishes of the Members.

SHRI DINEN BHATTACHARYYA: You are influenced by them....

MR. DEPUTY-SPEAKER: I am listening to him also, and not only to them. So, he cannot throw that on my face. Now, this is a reflection on the chair....

SHRI DINEN BHATTACHARYYA: I am not casting any reflection....

SHRI PILOO MODY: But the Minister comes and whispers something in your ears, which we cannot hear.

MR. DEPUTY-SPEAKER: He can also come and make submissions.

SHRI PILOO MODY: I do not come and whisper. I live in the open.

MR. DEPUTY-SPEAKER: So, this is the position. I have deferred to the wishes of Members. But even then, there should be an end to it,

We cannot go on interminably in this way. When I see so many Members get up, then it becomes difficult for me. Either I become strong and deny them of the right....

SHRI K. P. UNNIKRISHNAN (Badagara): That is why we say that no ruling is called for.

MR. DEPUTY-SPEAKER: This is the difficulty. On an important issue like this, I do not want anybody to have the feeling that he is being suppressed, but even so, there should be an end to it. I would request the Members to put an end to this. Let us hear Shri Madhu Limaye because he is the person involved. I would make one request to hon. Members I see Shri Stephen raising his hands ..

SHRI C. M. STEPHEN: It was I who had pleaded that all sides might be heard.

MR. DEPUTY-SPEAKER: I am in the hands of the House. This is important. As I said, on a matter like this, I would not like to hustle the House. If the Members think that it is so important that they must talk about it fully, it is for the House to decide, and it is not for me to decide. But I hear on one side, 'Let us put an end to this, because to have had enough discussion', and on the other side 'This may go on'. That cannot be. Hon. Members cannot have the cake and eat it too. Some decision has to be taken.

Because the whole discussion arose from certain things said by Shri Madhu Limaye and the whole process was started by that, and the hon. Minister also has given quite an elaborate reply, it has gone on the record, it is only fair to hear Shri Madhu Limaye towards the end, before I conclude this.... (Interruptions) why this running commentary? I see Shri Stephen getting up. He is an important Member of the House and I know that whenever he gets up to speak....

SOME HON. MEMBERS: We are all important.

MR. DEPUTY-SPEAKER: All right, everybody is important.

SHRI A. K. M. ISHAQUE (Basirhat): Even Shri Piloo Mody.

MR. DEPUTY-SPEAKER: Yes, of course. Can he deny that? Can he deny the fact? We cannot deny the fact that Shri Piloo Mody does make contribution to this House and he does add to the liveliness of the House, although sometimes he goes beyond his limits, and so does Shri Ishaque. Nobody can deny this

SHRI PILOO MODY: Why do you censure me, while talking to him? You can censure me directly.

MR. DEPUTY-SPEAKER: Will hon. Members put a limit now? I shall hear Shri Madhu Limaye, and I shall hear Shri Stephen....

SHRI B. V. NAIK: Myself also....

MR. DEPUTY-SPEAKER: Shri Naik has spoken so many times. Why should he get up again? (Interruptions). If this kind of thing goes on, then it cannot be done. I shall hear two from the Opposition and two from the Congress and then it should be over....

SHRI P. G. MAVALANKAR (Ahmedabad): I have been getting up so many times....

SHRI JAGANNATHRAO JOSHI: I had tabled a call-attention on this.

MR. DEPUTY-SPEAKER: I would request Shri Joshi to co-operate. It cannot go on in this way. We have got to fix some time-limit. Even then, I think that three from each side should be sufficient....

SHRI DINEN BHATTACHARYYA: Please allow others also.

MR. DEPUTY-SPEAKER: Then, I shall allow everybody. Let hon. Members decide.

SHRI DINEN BHATTACHARYYA: Yes, let it be free for all.

SHRI KRISHNA CHANDRA HALDER (Ausgram): The Opposition parties also should have a chance.

MR. DEPUTY-SPEAKER: I would like to ask the House whether we should fix some limit to this discussion or not.

SOME HON. MEMBERS: Yes, Sir.

MR. DEPUTY-SPEAKER: Then we have got to do something. Either we fix a limit of time or we fix a limit of number of speakers. I think time is important.

AN HON. MEMBER: Time.

MR. DEPUTY-SPEAKER: How much? Should we take one hour?

SHRI A. K. M. ISHAQUE: Five minutes to each member.

MR. DEPUTY-SPEAKER: Yes. What is the time?

SHRI B. V. NAIK: One hour. Twelve members will be able to speak and there are plenty of members wishing to speak.

MR. DEPUTY-SPEAKER: I will be on the generous side. Let us take one hour. Let me make it clear that we take one hour and finish with it. I would like hon. Members to really honour honourably this commitment.

AN HON. MEMBER: Of five minutes.

MR. DEPUTY-SPEAKER: How it is 4.25. We shall conclude this by 5.25. It will conclude with whatever I say at that time.

Shri Madhu Limaye—There is a suggestion, which I think is very legitimate. The whole thing had started with Shri Madhu Limaye. Why should it not be wound up with Shri Madhu Limaye? Therefore, he should be the last. I think Shri Madhu Limaye should speak last (*Interruptions*).

SHRI A. K. M. ISHAQUE: This is neither a Bill nor a Motion. Why should he have the privilege of winding it up?

MR. DEPUTY-SPEAKER: If Shri Madhu Limaye agrees, he will speak last.

SHRI B. V. NAIK: Last but one, because I raised this point of order I would like to have the last word

SHRI PILOO MODY: I want to know from whose time you are going to deduct these two minutes.

MR. DEPUTY-SPEAKER: Mr Naik, you are very wrong because the point you raised was disposed of (*Interruptions*).

SHRI B. V. NAIK: It has not been disposed of.

SHRI A. K. M. ISHAQUE: That has no relevance because whoever may raise a point of order cannot have the right of reply. It is not like introducing a Bill or a Motion where the right of reply is there.

MR. DEPUTY-SPEAKER: Kindly sit down. We are wasting time. I do not understand why the House cannot even decide about this. Shri Naik and Shri Madhu Limaye, whatever be the time will be the last two speakers. Do not quarrel about that any more.

Shri Mavalankar.

PROF. MADHU DANDAVATE: You speak last and give the ruling.

SHRI P. G. MAVALANKAR: I am grateful to you for giving me this opportunity. I am glad that this House after many months has, for the first time, been discussing a serious question of constitutional importance and import. I wish that the House, particularly those on the other side, are a little more quiet and dignified in listening to various speakers and their points of view.

Now, you asked many of us in this House in the midst of your ruling to explain our points of view.

MR. DEPUTY-SPEAKER: I did not ask. You wanted.

SHRI P. G. MAVALANKAR: In the middle of your ruling.

MR. DEPUTY-SPEAKER: I just succumbed to your request. I never asked.

SHRI P. G. MAVALANKAR: Rule 352 of the Rules of Procedure and Conduct of Business is very clear because it says that a member shall not reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms. You very rightly suggested that the President, the Speaker, the Deputy-Speaker and Judges are the only persons under the Constitution who are persons in high authority and not others.

MR. DEPUTY-SPEAKER: I did not say that. The Constitution is there.

SHRI P. G. MAVALANKAR: The Constitution is silent on other people. It only mentions the President, the Speaker and the Deputy-Speaker and the Judges, if they wanted to include the Governors, the constitution-makers would have as well included the Governors in that category but they have not. That is my first point.

[Shri P. G. Mavalankar]

Secondly, you will find that so far as the Speakers in the past and the present Speaker are concerned, I do not think they have given any ruling, or there is any precedent to show that X, Y,— persons holding high offices of public importance,—are persons of high authority. Therefore, we have to be very careful in extending this definition and scope of the word "persons of high authority."

The difficulty is that various Governors in the States today who are appointed are more or less party people. They are party politicians.

MR. DEPUTY-SPEAKER: Now, why go into all this?

SHRI P. G. MAVALANKAR: I am not mentioning any name.

MR. DEPUTY-SPEAKER: No.

SHRI P. G. MAVALANKAR: I am not referring to Shri Sukhadia at all. I do not know about the case at all. I am speaking absolutely constitutionally and academically. I am suggesting that persons who are members of a political party, and particularly the Congress party for years together, have been appointed Governors of various States. Only a couple of weeks back, we had the news item repeatedly that the Governor of Tamil Nadu took active part in—

MR. DEPUTY-SPEAKER: Let us not widen the question. Confine to this only. (Interruptions) You are widening it. (Interruptions) Order please.

SHRI P. G. MAVALANKAR: I am not casting any aspersion. I am only suggesting that because of the fact that many Governors happen to be ex-party men, and particularly ex-Congress party men, even when they are Governors they are not performing any duty as Governor, and that is why I illustrated the example of

the Governor of Tamil Nadu who, in the capital of this country for more than three days continuously took part in the Congress party affairs of Gujarat. Therefore, if that particular case is referred to in the House, would it come in the way of the constitutional duties of Governors?

As far as I understand, the Constitution of India and the rules of procedure are made in order that these important people in high authority, while performing certain functions of the State, important functions concerning the public duties and public significance, should not be interfered with. And that is why the provision is given. That does not mean that they should be given full liberty to do whatever they like.

Therefore, I suggest that in order to ensure free criticism, fair criticism, and charitable criticism of all people on all issues affecting matters of public importance in this country, we should see to it that the Governors and other people holding such public offices who are not mentioned in the Constitution shall not be included in that so as to make them immune from criticism.

One last point. The point is, if a particular Governor does something or any other person holding a public office does something which is a declared part of his constitutional duties, then I can understand that they may not be discussed here because that would be coming in the way of constitutional functioning. But there can be many occasions when, as you have rightly said, as Deputy-Speaker you might say something outside which has nothing to do with the office of Deputy-Speaker and similarly a Governor does something, which has nothing to do whatsoever either in letter or spirit with the high office of the Governor; then I do not understand how on earth can this House be denied the right to refer to their conduct, just as the news-

papers do it people outside do it, professors write, columnists write and everybody writes. This is part and parcel of the democratic freedom and democratic right of consent, criticism and dissent. If that is denied, then I am afraid we shall have departed from a very important constitutional provision.

SHRI C. M. STEPHEN: Sir, you have formulated two propositions for consideration. One is whether a Governor is a person in high authority. Secondly, assuming that the Governor is a person in high authority, whether his conduct otherwise than as a Governor is protected by this provision. These are the two propositions you put forth.

With regard to the first proposition, I do not have much to say, because it is really a matter of judgment for the Speaker whether he is a person with respect to whom you have got the rule that a substantive motion must come in. I want only to make one observation.

You said that so far the Speaker had not categorised the Governor as a protected person. Therefore by implication it is suggested that he did not come under protection. The moment Members of this House raised the question that such and such person must come under the coverage of that discretionary part of the provision, you will necessarily have to exercise your discretion and give a ruling whether the Governor, for this particular matter, would come under the coverage. That the Speaker did not have occasion so far to categorise persons who should be protected is not the argument to be brought forward in answer to the question. Taking the spirit of the whole thing, you will have to accept the Governor as a person....

MR. DEPUTY-SPEAKER: I have not come to that.

SHRI C. M. STEPHEN: You will have to consider this matter. Merely because the Speaker has not so far categorised that is not the argument. You will have to exercise discretion taking into consideration the question whether he is a person to be kept above controversy. If he is a person to be kept above controversy, he must be given protection. If this is the consideration Governor does come under the category.

SHRI SHYAMNANDAN MISHRA: May I seek a clarification from him? Under the President's rule the Governor acts as the Chief Executive and he is accountable to Parliament. What are we to do about it in that condition?

SHRI C. M. STEPHEN: The President exercises certain functions under his constitutional authority but he is not brought in for criticism. The same principle must apply to the Governor. His actions must be criticised as administrative actions, not otherwise. Reflections could not be cast on him.

Secondly the words are "Reflect upon the conduct of person in high authority." Where is the emphasis put—on conduct in high authority or on persons in high authority? Two concepts are possible. Conduct in the exercise of his function as a person not necessarily in the exercise of his concept. The conduct of the person not necessarily in the exercise of his functions as a person of high authority, otherwise as a human being without reference to the position occupied is another concept.

MR. DEPUTY-SPEAKER: That is when occupying that position. What about when he was not occupying the position?

SHRI C. M. STEPHEN: There are three classifications: when not occupying the position and when occupying

[Shri C. M. Stephen]

the position. With respect to the second classification two classes of things are possible. Firstly in the exercise of his function as a Governor or a President and secondly as a human being when occupying that position, not necessarily in the exercise of his function. If that argument is "The conduct in the exercise of his functions" it would follow that any sort of allegations against that person can be brought on the floor of the House, anything done during the period he has occupied that office that would not give him protection. The spirit of this is that the person must be kept above controversy and must not be drawn to the floor of the House. That is the spirit. I would draw your attention to the article 361 and the sub-clauses thereunder. It is not that it would apply here *Pari passu* but I want you to see the spirit of it. Sub-clause 2 refers to Criminal proceedings. I am not speaking about the criminal proceedings here, but I want you to look to the spirit of the article 361 which says:—

"No criminal proceedings whatsoever shall be instituted or continued against the President, or the Governor of a State, in any court during his term of office.

No process for the arrest or imprisonment of the President or the Governor of a State, shall issue from any court during his term of office.

No civil proceedings in which relief is claimed against the President, or the Governor of a State shall be instituted during his term of office in any court in respect of any act done or purporting to be done by him in his personal capacity, whether before or after he entered upon his office as President or as Governor of such State, until the expiration of two months next..."

I have pointed out this for the purpose of emphasising one thing: what does the Constitution seek to protect.

It is the non-controversial immunity of a person when he is occupying the very high office.

Even if he has committed a crime whether during office or before office, no criminal proceedings or no arrest or no civil proceedings can take place for the period he is remaining in office. That is the spirit of the whole Constitution. This rule must be interpreted against the background and spirit of the Constitution which is so clearly permeating this provision. If we accept the other interpretation, it would lead to an absurd position. Suppose the emphasis is on the conduct and it is the conduct of the person during the tenure that is protected, then even after he goes out of the office and vacated the office, his conduct cannot be attacked. Even if he has gone out, his conduct cannot be challenged. That will be the absurd position. A substantive motion against the person will not lie and his conduct cannot be questioned even after he vacates the office, if it is the conduct that is given protection. My submission is, the conduct is not given protection; it is the person during the period of office who is given protection, because Supreme Court Judges, President, etc., must be given protection and being not able to defend themselves, they must not be attacked on the floor of the House *ex-parte*. They must not be made the subject-matter of any controversy. Once that controversy comes in, the veil of sacredness is removed and the moral authority they are supposed to exercise on the mind of the population will be thrown to pieces, and that office will not have the sanctity and authority it should have. Therefore while interpreting this provision, the emphasis must not be on 'conduct' but on 'person'. That is the proper spirit of the Constitution. The other interpretation, as I pointed out, will lead to the absurd position wherein the conduct will remain protected for ever and the nation will have no remedy against that particular person.

श्री जगन्नाथ राव जोशी : जिस विषय पर हम चर्चा कर रहे हैं उसके दो पहलू बहुत महत्वपूर्ण हैं कि राज्यपाल या राज्यपाल या सर्वोच्च न्यायालय का आदेश जो कि बहुत महत्वपूर्ण पदों पर होते हैं, उनके आचरण के बारे में हम चर्चा कर सकते हैं या नहीं कर सकते हैं। हमारे बारे में वास्तव में मरिचक की धारा 361 के तहत है कि हमने संवैधानिक में वे जो कुछ भी करते हैं, उनके विषय में किसी भी न्यायालय में अपारिजित नहीं उठाई जा सकती है। उनके अलावा वे जो कुछ भी करेंगे उसके लिए वे नगर विमर्श में जायेंगे। सुप्रीम कोर्ट का कोई जज अगर अपनी पत्नी का गला घोट देना है तो यह नहीं हो सकता है कि उसकी माफी हो जाए या कोई गवर्नर अपनी गाड़ी के नीचे किसी आदमी को लाकर मार देता है तो गवर्नर को कोई मजा नहीं मिलेगी। यह हो नहीं सकता है। इस वास्ते धारा 361 को ठीक में पड़ना चाहिए।

श्री जशि भूषण : कोई भी गवर्नर, पागल गवर्नर भी गाड़ी नहीं चलाएगा मारने का सवाल कहां से पैदा होता है।

श्री जगन्नाथ राव जोशी : एक विशिष्ट राज्यपाल का सम्बन्ध एक विशिष्ट केस के अन्दर हुआ। अब सवाल पैदा होता है कि उनका जिक्र यहां पर करें या न करें। मैंने स्वयं ध्यानाकर्षण के प्रस्ताव के रूप में इस विषय को यहां उठाया था। इस वास्ते मैं इसके बारे में सारी जानकारी रखता हूँ। उसके अन्दर इस वक़्त मैं जाना नहीं चाहता हूँ। किन्तु सवाल यह है कि इसके विषय में अभी भी जांच पूरी नहीं हुई है और जांच पूरी

हो करके जब तक उसका चरित्र बिल्कुल शुद्ध और दूध जैसा धबल है, यह निश्चय नहीं हो जाता तब तक ऐसे व्यक्ति को मार्ग-जनिक जीवन में किसी भी जगह स्थान पर रखना उचित नहीं कहा जा सकता है। किन्तु उनका उम्र कम है और जब भी कोई आदमी कास्टिगेशन में है

MR. DEPUTY-SPEAKER That is a different question Whether a man should be appointed to the office or not is a different question which has nothing to do with this.

श्री जगन्नाथ राव जोशी : इसी लिए तो यहां यह आया है। यह जांच पूरी नहीं हुई है। बार-बार हमने सवाल किया है उसके बारे में और बार-बार नहीं उत्तर मिला है कि अभी जांच चालू है अभी जांच चालू है। वह इसी लिए आया कि जो माना पकड़ा गया,

MR. DEPUTY-SPEAKER: No, it has nothing to do with this We are discussing whether reference should be made or not, not whether it is right or wrong to appoint a particular person, which is a different question

श्री जगन्नाथ राव जोशी : उनके बारे में जो भी यहां पर हम लोगो ने आपत्तियां उठाई थी उनके बारे में पूरी जानकारी मिल कर वह साबित नहीं हो जाता है कि उनका चरित्र शुद्ध है, दूध की तरह धबल है अब तक इस पर चर्चा तो होगी ही। अभी तक भी जांच पूरी नहीं हुई है उसके सम्बन्ध में जो मुख्य सवाल उस समय थे जबकि सोने का सारा सबबट घोटाला हुआ था। जिस आदमी को सारा सबबट घोटाला हुआ था उस आदमी के सोने से जब तोला गया तो उन्होंने स्वयं यह बताया

[श्री जगन्नाथ राव जोशी]

कि मेरा सोना ज्यादा था और सोना तोपा गया कम, बचा हुआ सोना गया कहाँ ?

यह सब गडबड जब हुई थी

MR DEPUTY-SPEAKER: We cannot enter into a discussion of something which is within the purview of the court

श्री जगन्नाथ राव जोशी : जब तक मारी जाच पूरी नहीं हो जाती है और जानकारी पूरी नहीं आ जाती है मुझे लगता है कि जब तक इसके बारे में रेकॉर्ड आना बिल्कुल स्पष्टाविव है अनिवार्य है । मैं समझता हूँ कि सार्वजनिक चर्चा का शब्द रखने की दृष्टि से भी किसी उच्च स्थान पर किसी का आप नियुक्त करने के किसी का उच्च स्थान को आम्बु हाने के लिए आप उसका देन है तो यह देखना बहुत आवश्यक है कि उसके खिलाफ कोई आरोप ना नहीं है और अगर है तो उनकी चर्चा यहाँ होना अनिवार्य होगा, इसना ही मुझे रहता है ।

SHRI B R SHUKLA (Bahraich)
Mr Deputy-Speaker, I shall try to be very objective in my submission unhindered by any party consideration or personal consideration. Let us first see why this limitation has been placed on a reference being made

SHRI KRISHNA CHANDRA HALDER
Sir, on a point of order
There is no quorum in the House

MR DEPUTY-SPEAKER: The hon Member may resume his seat. There is no quorum. Let the bell be rung. Now there is quorum. He may continue his speech.

SHRI B R. SHUKLA: Let us go to the root of the matter why certain limitations have been placed on the

right of member to make a reference to or discuss the conduct of certain persons. On the one hand, this Parliament being supreme and sovereign it has the unfettered right to discuss any matter and the Members of Parliament have got freedom of speech and for anything expressed in this House a member is not liable either in a civil court or in a criminal court. But on the exercise of this unfettered right of expression certain limitations have been thought fit to be placed. Certain limitations are contained in the Constitution itself. For example there is a limitation on the right of discussing the conduct of the Judge of the Supreme Court and the High Courts, the President of India, the Speaker and the Deputy-Speaker. There are also other persons whose conduct cannot be discussed except in a certain specified manner. Even an ordinary citizen cannot be the subject of derogatory remarks by an hon Member unless a previous notice has been given to the Speaker for such discussion so that the Minister concerned may have an opportunity for investigation and making a suitable reply. So even an ordinary citizen is protected from the attack of derogatory remarks by the hon Members of this House.

Now a special procedure has been laid down for making any reference against certain persons in high authority. The question arises as to who are those persons in high authority and why this special procedure has been inserted in the Rules. For example the Members of the Public Service Commission, the Members of the Election Commission, the Comptroller and Auditor General, etc have got statutory powers under the Constitution. Therefore it has been laid down for the proper functioning of such officers and for the unfettered discharge of their duties, that the Speaker can, in his discretion, include

even persons of high authority who have not been specifically mentioned in the Constitution or elsewhere. That is in your discretion.

The point is that even their conduct can be discussed but that can be discussed only when there is a substantive motion. The conduct of the Governor can also be discussed in the House. But there has to be a substantive motion. The question is whether his conduct can be referred to for a collateral purpose in an indirect manner. Because there was no substantive motion nor there was any previous notice of the same regarding the conduct of a gentleman called Mr. Sukhadia who occupies the position of a Governor which, certainly, is an office of high authority, he could have been protected. The hon. Member, Shri Madhu Limaye, could have been prevented from making a reference because there was no substantive motion tabled by him. But what has happened is that since his conduct had already become a subject-matter of reference in the past proceedings of the House, that could not be prevented. Because his conduct had already become a matter of public controversy in this House, hence its reference or repetition could not be prevented. There is no substantive motion. A substantive motion was necessary if the conduct had come up for discussion for the first time. But in this particular case, because of the past history, the matter could be referred to and there is no constitutional or statutory bar to the reference which had been made collaterally and indirectly.

SHRI G. VISWANATHAN: The present case is whether a reference can be made to Mr. Mohan Lal Sukhadia who is alleged to be involved in the Chhoti Sadri gold case. We do not want here to discuss the conduct of Mr. Mohan Lal Sukhadia, whether

as a Chief Minister or as a Governor. It is only a reference to that case, to which Mr. Limaye made a reference yesterday, that provoked this point. Now, you are about to give your ruling on that.

My only contention is this. There was a discussion about that in this House in 1966, 1967 and 1970 when Mr. Mohan Lal Sukhadia was the Chief Minister of a particular State. Now, when he was promoted as the Governor, at that time, the inquiry by the Central Bureau of Investigation was pending.

This is what Mr. Limaye referred to and it was confirmed by the hon. Minister. The hon. Minister said that a criminal case is pending and the C.B.I. inquiry is also pending. So, it means that the C.B.I. inquiry was not dropped when he was appointed as the Governor. When the C.B.I. can conduct an inquiry against a person in high authority, what is wrong in referring to the C.B.I. inquiry in Parliament?

That is the only contention I want to make. When the Government has asked its executive, its police, to pursue the case, to conduct an inquiry against the Governor, there is nothing that can preclude or prohibit the Parliament from making a reference to that particular case. Hence, I request you to allow Mr. Madhu Limaye to make a reference to that particular case.

श्री बी० पी० मोदी (हापुरा) : उपाध्यक्ष महोदय, मैं केवल इस बात तक सीमित रहना चाहता हूँ कि क्या गवर्नर के चलन को किसी ऐसे कार्य के लिए, जो उन्होंने अपने पद पर रहते हुए किया हो, डिमिशन दिया जा सकता है, या किसी ऐसे कार्य के लिए भी डिमिशन दिया जा सकता है, जो उन्होंने पदासीन होने से पूर्व किया हो।
अटिबल 361 के सब-अटिबल (2)

[श्री बी० बी० लॉरेंस]

और (3) से यह साफ़ बाहिर है कि चाहे गवर्नर ने कोई कार्य अपने पद पर रहते हुए किया हो और या उन से पूर्व किया हो, उन दोनों ही समय के कार्यों के लिए गवर्नर के खिलाफ़ कोई कार्यवाही क्रिमिनल कोर्ट में नहीं हो सकती है। इस आर्टिकल में इन दोनों में कोई फर्क नहीं किया गया है।

इस में कहा गया है -

"(2) No criminal proceedings whatsoever shall be instituted or continued against the President, or the Governor of a State, in any court during his term of office"

इस में गवर्नर द्वारा अपने कार्य-काल के दौरान किये गये किसी कार्य, और उस से पूर्व किये गये किसी कार्य में फर्क नहीं किया गया है। इस में दोनों ही समय शामिल हैं।

मैं मानता हूँ कि अदालतों के मुकाबले में इस सदन का स्तर बहुत ऊँचा है। उन का एक निमिटिड दायरा है इन्टरप्रेटेशन का, जब कि इस सदन का क्षेत्र बहुत विस्तृत है। लेकिन इस व्यवस्था के पीछे केवल एक ही बात है कि अगर हम ऊँचे पदों पर बैठे हुए व्यक्तियों के बारे में ऐसे ही सरसरी तौर पर, इस सम्बन्ध में दी हुई व्यवस्था के खिलाफ़ जा कर, चर्चा करने लगेंगे, तो एक गलत परम्परा पड़ जायेगी।

मैं यह नहीं कहना कि संविधान गवर्नर या प्रेसिडेंट को कोई सरक्षण देता है, या वे इम्यून हैं, या उन को डिसकस नहीं किया जा सकता है। यह हाउस प्रेसिडेंट को भी सेन्चुर कर सकता है। इम्पीचेमेंट का अधिकार इस सदन के हाथ में है। मैं केवल यह कहना चाहता हूँ कि यह परम्परा अच्छी नहीं होनी कि हम ऊँचे पदों पर बैठे हुए व्यक्तियों

के खिलाफ़ ऐसे ही सरसरी चर्चा कर दिया करे, क्योंकि इस से जन-मातृरथ से उन के प्रति कोई अच्छी भावना नहीं रहेगी।

अगर हम यह दायरा लम्बा कर देंगे, तो यह नहीं कहा जा सकता है कि हम में से कौन कहा तक बच पायेगा। विद्यार्थी जीवन और उस के बावजूद दूसरे जीवन की दृष्टि से कौन कहा तक बच पायेगा, इसको माननीय सदस्य ध्यान में रखें।

उपाध्यक्ष महोदय, इस लिए मैं प्रार्थना करूँगा कि जब आप अपना निर्णय दें, तो ऐसी परम्परा डालें, जिस में यह सम्मिलित हो जाये कि हम सदन के कोई भी माननीय सदस्य अगर किसी विशेष आधार के गिरफ्त में आ जायें। अभी कहा गया है कि गवर्नर के द्वारा अपने कार्य-काल में किये गये और उस से पूर्व किये गये कार्यों में फर्क करना पड़ेगा। संविधान में ऐसी कोई व्यवस्था नहीं है। संविधान की व्यवस्था यह है कि चाहे कोई कार्य गवर्नर ने अपने दम और आफ़ आफ़िम में किया हो और चाहे कोई कार्य उस ने उस में पढ़ते किया हो, उन दोनों के निः संशय के खिलाफ़ कोई कार्यवाही नहीं हो सकती है।

17 hrs

SHRI H N MUKERJEE (Calcutta-North-East) Mr Deputy-Speaker, I am very happy that you have given this House an opportunity of expressing itself on this matter of considerable Constitutional importance. But I must say however that I was a little puzzled by so many things having been said in the House in regard to Mr. Madhu Limaye having brought up the question of a Governor having at a particular point of time been involved in a case to which he made a reference.

I cannot for the life of me understand how a reference to what had been said and reported in the Parliament and elsewhere about a Governor could not be made here in this House today. But, that apart, you have raised a more important question as to whether the Parliament should be in a position to discuss the Governors and other people in authority of a more or less comparable nature. My feeling is and I rather liked the way in which my friend Mr. Maurya put his case that the Parliament has the freedom to discuss almost everything and everybody and even in relation to the President, the Parliament is vested with the power of impeaching, which means to say that if the Parliament is so minded, it can surely, if circumstances are propitious and if the rules are observed, bring forward a whole bunch, a super-bunch of accusations against the President himself. In regard to the Governor, however, there seems to be a lacuna in so far as there being no provision of impeachment of the Governor. I remember quite distinctly and you also would certainly remember it that in the last Parliament when the case of the Governor of West Bengal having dismissed the Ministry came up in 1967, then we did bring up the role of the Governor in this House because we wanted to get the President himself dismiss the Governor. The Governor, not being removable by any means other than by dismissal by the President, we brought it up and we could bring up all kinds of accusations against the Governor even at a point of time when he was in occupation of his office. We have perhaps to make a distinction between a Judge of the Supreme Court or of the High Court discharging his judicial function and, therefore, having a kind of immunity from criticism even in the Parliament in so far as his work as Judge is concerned and the work of a Governor who is a political appointee and I need not go into details about it. A Governor in his activities may very well give rise to a set of circumstances

which it would be incumbent upon the Parliament to discuss. Therefore, regarding that point in regard to the culpability of the Governor in so far as discussion in the Parliament is concerned, I feel that the Parliament does have the right to discuss his case, provided, of course, the rules are observed and whatever other Directions that are there and the conventions of this House are observed.

So far as the present matter is concerned, Mr. Madhu Limaye—I did not hear him earlier, but as far as I can make out referred to what was known as and what the Minister said, the property of the House and, therefore, of the country, accusations against a person who later became a Governor and perhaps still continues as a Governor—I do not know. (Interruptions). But he has every right and I do not see why the time of the House should have been wasted for a whole day by certain people trying to prevent any reference to the conduct of a present-day Governor who in his own past and on Mr. Ganesh's own report, had been accused of having done certain things and the investigations have not been completed. So, are we to be disarmed in the Parliament so that a Governor merely because he is a Governor and a political appointee to boot, gets away with it and he is exonerated from the charges which continue to be investigated by an agency like the CBI? The Parliament can never accept a position where it is unable to discuss the conduct of people in high authority whose conduct is such that even the services of an organization like the CBI can be requisitioned.

In this case there is no question at all of the learned argument put forward by certain people like Mr. Stephen, which appeared to me to be absolutely abracadabra; I very much appreciated Mr. Maurya's argument which showed how even President in certain circumstances can be impeach-

[Shri H. N. Mukerjee]

ed and here in this House in the last Parliament we did accuse the Governor of West Bengal, we did accuse so many Governors. That was permitted by the rules and conventions of this House.

SHRI KARTIK ORAON (Lohardaga): The question is whether a Governor can be considered to enjoy an exalted position, to be a person of high authority....

MR. DEPUTY-SPEAKER: Mr. Kartik Oraon, that is not the question. You have not followed the proceedings.

SHRI KARTIK ORAON: No, Sir, I have been following...

MR. DEPUTY-SPEAKER: That is not the question.

SHRI KARTIK ORAON: My point is this. Can the Governor be subject of discussion? Can reference be made against a Governor in this House? If I have followed it, the question is whether a reference can be made against a Governor in this House....

MR. DEPUTY-SPEAKER: Mr. Kartik Oraon, you were not present. Please sit down. The whole question is whether any reference can be made in this debate to certain alleged involvement of Shri Mohan Lal Sukhadia at some time in the past before he became Governor. But now that he has become a Governor can any reference be made to that in this debate. That is the point.

SHRI KARTIK ORAON: That is what I am coming to, Sir. Rule 352 of the Rules of Procedure says that 'A Member shall not make a certain charge against another Member.' The point that I am bringing out is that an act done or words spoken in this House shall not be subject matter of action in a court of law. That is very clear. Even Parliament which is supreme has not given any protection even to the Members because in

respect of acts done or words spoken outside the House they are not immune. That is what I would like to say. Even Members are not free if they do it outside. Article 361 clearly states:

"The President or the Governor shall not be answerable to any court for the exercise and performance of the powers and duties of his office or for any act done or purporting to be done by him in the exercise and performance of those powers and duties."

Sub-clause (2) says...

MR. DEPUTY-SPEAKER: All those things have been read out by many hon Members...

SHRI KARTIK ORAON: Governor or the President shall not be answerable to any court. No criminal proceedings shall be instituted against them. That is why I say that the Governor is supposed to enjoy a very high office and position of authority and his conduct, or anything done by the Governor, cannot be a subject of discussion in this House. No reference can be made to that so long as the Constitution is not amended. That is what I am pleading.

MR. DEPUTY-SPEAKER: Mr. Bhattacharyya, be brief. Not more than five minutes.

SHRI DINEN BHATTACHARYYA: In this case, enough has been discussed. Here we are so much allergic in mentioning certain things which were several times discussed. Even the statement from Shri Ganesh shows that the inquiry is still pending against him. You know why this is pending. Action should have been taken. Apart from this, you are now posing a question as to whether the conduct of the Governor can be discussed here or not. I say why the people who are in high positions

should be immuned from all this. When they actually commit something, why can't that be discussed here? Here, we are talking of socialism and so on and so forth; you know that in a socialist State if anybody in high position does something which goes against the wishes of the people, that is always discussed there not only in Parliament but also in public. In our country that is not so.

Here the question is: whether the conduct of a Governor can be discussed in the House or not. My stand is that if the Governor, while functioning as such, does something which goes against the wishes of the people, then we have got every right to discuss that. Here Shri Madhu Limaye is cent percent correct when he says that the conduct of a Governor, who did such a mischief, could be discussed in the House.

MR. DEPUTY-SPEAKER: Mr. Bhattacharyya the difficulty is when you are called you never know where to stop.

SHRI DINEN BHATTACHARYYA: I fully agree with what others have stated about discussing the conduct of the person in high position.

MR. DEPUTY-SPEAKER: We have allotted one hour for this. Now I am going to close it. Mr. Daga.

श्री नूल चन्द डागा (पानी) उपाध्यक्ष
महोदय, सदन की गरिमा रखने के लिये नियम 353 में कोई भी व्यक्ति यहाँ किसी आदमी के खिलाफ.....

MR. DEPUTY-SPEAKER: Mr. Daga, these rules have been quoted by so many Members and so many times. There is nothing new. You have only two minutes. You can go on.

SHRI M. C. DAGA: Look at rule 353 of the Rules of procedure and

Conduct of Business in Lok Sabha. It says:

"Provided that the Speaker may at any time prohibit any Member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation"

I am stressing the words "that no public interest is served by making such allegation."

मैं यह कह रहा हूँ कि इस सदन को किसी भी व्यक्ति के बारे में, चाहे वह किसी भी पद पर हो, डिस्कस करने का पूर्ण अधिकार है। नियम 352 और 353 में यही व्यवस्था है कि इस के लिये एक प्रोसीजर आप को फॉलो करना पड़ेगा जो इस में लिखा है। अगर वह व्यक्ति यमन इन हाई अथॉरिटी है तो उस के लिये माजन लाना चाहिये।

MR. DEPUTY-SPEAKER: You have made your point. Your point is very clear. Please conclude.

श्री नूल चन्द डागा तो किसी के कंट्रैक्ट पर डिस्कशन करने का अधिकार सब को है। लेकिन हायर अथॉरिटी के लिये एक प्रोसीजर है जो आप को फॉलो करना चाहिये।

MR. DEPUTY-SPEAKER: If Shri Guha is called, Shri Limaye from your party will not be called because we have now limited time. Therefore you do not insist.

SHRI SHYAMNANDAN MISHRA: May I just take half a minute? There is one additional point which I want to bring to your notice. Unless the position is taken that the parliamentary proceedings of the past should

(Shri Shyamnandan Mishra.)

be expunged, my humble submission is that the reference to the parliamentary proceedings could always be made. Secondly, even though Shri Sukhadia has been exalted to the present position, the CBI inquiry continues. That has not been taken off the slate. That point also may be borne in mind.

श्री मधु लिम्बे : उपाध्यक्ष महोदय, जो बहस का विषय है वह बहुत सीमित है, और इस पर इतनी लम्बी बहस चलाने की कोई जरूरत नहीं थी। बहस का विषय है कि क्या इस सदन में मुख्य मंत्री के खिलाफ आरोप लगाये जा सकते हैं, या जो आरोप पहले लगाये गये हैं उन का उल्लेख यहां पर किया जा सकता है या नहीं ?

दूसरा सवाल आया कि जो मुख्य मंत्री अब गवर्नर बन गया है उस के खिलाफ इस तरह के अभियोग लगाये जा सकते हैं या नहीं, या उन का उल्लेख किया जा सकता है कि नहीं ?

और तीसरा मुद्दा यह है कि हमारे नियमों में पर्सन इन हाई अप्रोरिटी, यह जो शब्द प्रयोग किये हैं क्या उन के तहत मुख्य मंत्री और गवर्नर आते हैं ? ये सवाल हैं ।

आप जानते हैं कि इस सदन की कार्य-वाही संविधान, नियम और अध्यक्षों के निर्णयों से नियंत्रित होती है। इसलिये प्रीसीडेंट्स एक बहुत महत्वपूर्ण चीज हैं। उपाध्यक्ष महोदय, शकधर साहब की जो किताब है उस में पिछले कई वर्षों के

निर्णय दिये गये हैं। पहले आप 888 पेज पर भाइये, इस के ऊपर ही देखिये :

"Where representations or allegations against a Chief Minister of a State are made to the President or the Prime Minister, a question may be asked as to the action taken on them".

काहे के आधार पर यह दिया है ? बकशी गुलाम मुहम्मद के खिलाफ मेमोरेन्डम आया उस के ऊपर सवाल जवाब हुए, वह चर्चा का विषय हुआ। प्रताप सिंह कैरों के खिलाफ अभियोग था, वह चर्चा का विषय था। बीजू पटनायक के खिलाफ आरोप था, बोरें मित्रा, मदानिब त्रिपाठी के खिलाफ आरोप था वह चर्चा का विषय था। कृष्ण वल्लभ मल्लाय के खिलाफ मेमोरेन्डम था वह चर्चा का विषय था। और वर्तमान जो छोटे सादरी सोना कांड है इस के ऊपर भी हम लोगों का मेमोरेन्डम राष्ट्रपति के नाम से था जो उस समय के अध्यक्ष श्री संजीव रेड्डी की अनुमति से सदन के टेबिल पर रखा गया। बात एक दम बिल्कुल सही हो गयी कि राष्ट्रपति को या प्रधानमंत्री को अगर कोई मेमोरेन्डम दिया गया है तब में इल्जाम लगाये गये हैं तो उन के ऊपर यहां बहस भी हो सकती है, प्रश्न भी पूछे जा सकते हैं। इस में सन्स्टेटिव मोशन का कोई सवाल नहीं आता। एक प्रीसीडेंट मैंने दिया शकधर साहब की किताब से। छोटी सादरी सोना कांड के बारे में आरोप किसी गवर्नर के खिलाफ नहीं, राजस्थान मुख्य मंत्री के खिलाफ लगाया गया है। लेकिन आप बस कर दें कृपया कि गवर्नर के खिलाफ

भी अभियोग लगाये जा सकते हैं, उन के ऊपर सवाल किये जा सकते हैं, उन के ऊपर चर्चा हो सकती है, प्रस्ताव आ सकते हैं, कल अटेशन आ सकता है, शर्ट नोटिस क्वेश्चन आ सकता है। सभी तरह का बहस हो सकती है। (स्थगित)

SHRI SHYAMNANDAN MISHRA: During President's rule, the Governor's action can always be discussed (Interruptions)

श्री सतपाल कपूर (पटियाला) :
मेरा वाइट ग्रॉफ आउट है।

MR DEPUTY-SPEAKER: We are discussing a point of order. How can you raise another point of order now?

श्री म. लक्ष्मी देवरा प्रेमोडेट
गवर्नर के बारे में प्रोपोज के अन्त में 111 पर देखिये

"When a Governor performs the duties of a Head of State, his actions do not become the subject-matter of questions or debate in Parliament. But where he takes a decision independently of his Council of Ministers or where he acts as the Chief Executive of the State under President's rule, his actions are subject to scrutiny by Parliament".

गवर्नर की आलोचना कैसे हो सकती है, यह मैं यह बना रहा हूँ अगर काउंसिल आफ मिनिस्टर्स की राय में कोई काम किया गया है तो आलोचना होगी मिनिस्ट्री की, गवर्नर की नहीं लेकिन अगर गवर्नर ने स्वेच्छा से अपनी जिम्मेदारी पर कोई काम किया है तो उसको सरक्षण नहीं, प्रोटेक्शन नहीं है और उसकी चर्चा हो सकती है। इसीलिए इसी सदन में बीबी लोक

मभा में गुजरात के गवर्नर के नाम वास्तव में, साहब ने जो एक ममगलर को सिफारिस पत्र दिया था उसका सवाल मैंने उठाया था और श्रीमति इंदिरा गांधी ने उसमें खुलासा करा था और मेरे कहने पर उन ने आग्रह किया था कि आप यह बनावटी दस्तावेज है उसकी अदालत में जाकर पुष्टि करवाईये वरना हमको मानना पड़ेगा कि यह दस्तावेज सही है और गवर्नर की पांच साल की मर्याद होने लगी, पांच साल का टर्म होने लगे भी यह अग्रार्थ खत्म होने में पहले ही कानूनशाह साहब को हटा दिया था और उनके स्थान पर जो वर्तमान पेट्रोलियम मंत्री थे उनको लाया गया था। मैं जो अभियोग उनके खिलाफ किया था दफ्तर्बद्ध के अदालत में साबित हुआ और उसके उपर मैंने अभी सदन में कहा था कि अगर आलोचक लोग में झूठ बोलने का मामला खड़ा जाए और उस में वास्तविकी को भारत का प्रतिनिधि बनाया जाए तो उनको गान्ध मंडल जरूर ही मिलेगा और किसी खेल में नहीं मिलेगा तो जो बोलने के खेल में जरूर मिल जायेगा। इसलिए गवर्नर के आचरण के बारे में यदि वह काम काउंसिल आफ मिनिस्ट्री की राय में नहीं करना है तो उसके ऊपर चर्चा नहीं है, प्रेमोडेट है।

एक और सवाल आ जाता है कि क्या मामला न्यायालय के विचाराधीन है जो बहस के दौरान में उठाया गया है। इसके बारे में स्पीकर साहब का रुझान है। मैं आपका ध्यान पेज नम्बर 898 के उपर ले जाता हूँ। आपने ठीक ही सवाल पूछा की क्या सुखाडिया जो के खिलाफ हम वक्त कोई क्रिमिनल केस है। जो मे रुझान साइट कर रहा हूँ उससे आपका

[श्री मधु लिाबं]

प्रश्न बिन्दुल मिलता जुलता है। यह कोट किया गया है। मैं इसको पूरा पढ़ देता हूँ ताकि कोई यह न कह सके कि जो अनुकुल था वह तो पढ़ दिया है और जो अनुकुल नहीं था उसको नहीं पढ़ा है।

"The rule whether a motion which relates to matter which is under adjudication by a court of law should be admitted or discussed in the House has to be interpreted strictly. While on the one hand the Chair has to ensure that no discussion in the House should prejudice the course of justice, the Chair has also to see that the House is not debarred from discussing an urgent matter of public importance on the ground that a similar, allied or linked matter is before a court of law."

that a similar allied or linked matter is before a court of law—

अब आता है क्लिग।

"The test of sub judice, in my opinion should be that the matter sought to be raised in the House is substantially identical to the one on which a court of law has to adjudicate"

श्री मुख्याडिया जी के खिलाफ डम वक्ता कोई क्रिमिनल केस नहीं है इसलिए सी बी आई की इनक्वारी उनके बारे में चल रही है। हमारे बारे में सवाल पूछा गया है और हमको हमका जिक्र करने का अधिकार है। मैं रामायण यही खत्म करना चाहता हूँ। और कुछ बोलने वाला नहीं। अपने भाषण का केवल एक वाक्य मैं कहने वाला हूँ। यह नया गोल्ड कंट्रोल बिल आपने लाया है लोगों को सजा देने के लिए तो मोने के अधिभोग में जिन के खिलाफ सी बी आई की इनक्वारी चल रही है 1966 में और आज 1973 है, मान साल से यह

तलवार लम्की हुई है। अगर वे निर्दोष हैं तो आप ऐसा घोषित करें। लेकिन वह रुकवर्त हुई तलवार रख कर क्या किया जा रहा है, न वे निर्दोष हैं और न दोषी हैं, ऐसी दृष्टि की स्थिति में रखा गया है। आप ऐसा न समझें कि इन दाव पेचा का मैं नहीं समझता इस पर इतनी लम्बी बहस करने की जरूरत नहीं थी लेकिन वह सदस्यों का फेडेरेटल राइट आफ इग्नोरेंस मैं मान रहा हूँ इसलिये मैं इस झगड़े में नहीं पड़ना चाहता।

SHRI B V NAIK Mr Deputy-Speaker, Sir, in the course of your observations you made a reference to the troubled times in our country. I think since the last 25 years or 26 years no time could be compared to this as a student of current contemporary history and the year 1973 is different from all the 26 years of Independence of this country (Interruption). Be that as it may to a substantial extent perhaps the irresponsible behaviour of many of us who had the privilege of being in this august House might have also contributed in creating this troublous time. I therefore feel that it is very relevant that we should see this entire context of the position of Governor with reference to the present times.

I would not go so far as to say that this as far as our Parliamentary eras are concerned the era of the Indian brand of Macarthyism (Interruptions)

AN HON MEMBER What is all this?

SHRI B V NAIK But I would still try to qualify that certain people in authority have to be given a certain amount of protection at least so long as they are in that position. I am making a very clean proposition to you. Let us take that His Excellency the Governor of Karnataka or

Mysore has not only taken one tola or two tolas but has taken the entire 52.2 grams or kilograms of the gold that was. (*Interruptions*) I had not interrupted the hon. Member, and so I would expect a reciprocation. I am not coming on a personal level. Even if he were to steal his own silverware and the police catches him red handed, this Governor of Mysore or any other Governor, can any action lie against him in a court of law? My answer is a categorical no. (*Interruptions*).

AN HON. MEMBER: Why?

SHRI B. V. NAIK: See the Constitution. Do not ask me that. (*Interruptions*). If this is the behaviour of Members, then that is exactly why it has been my exercise to instil a certain amount of responsibility most particularly from the Members of the Opposition.

Under these circumstances, if any court case or a criminal proceeding cannot lie against a Governor of a particular State, any discussion about his criminal action or any other type of action like misappropriation, misfeasance or malfeasance, all of them would be futile.

AN HON. MEMBER: Why?

SHRI B. V. NAIK: It is just like having gums without teeth.

A very valid point has been raised by the hon. Member Shri Shyamnandan Mishra. How can Parliament discuss Governor? It is not that we discuss Governors like this; when we discuss the Governors of a particular State, we see their reports and it is the affairs of the State that we would discuss it, not the conduct of the Governor. At the time when President's rule comes, whether it is Orissa or Andhra or U.P., the Governor becomes the personification of the

Legislature as well as Executive. An enormous amount of power is given to him and he has the powers of the legislature as well as the powers of the whole Cabinet of the State Government. If the name of such a person is to be dragged into dust even in this House, would it be an adequate amount of protection? What would be the effect upon his morale? How will he be able to perform his duties? I am saying it from the point of view of executive responsibility. We have not come to this august house in order to emasculate the powers of this House. We have come in order to strengthen them and it shall not be our endeavour to curtail the power and discretion of this House. But we are not now sitting as a judicial body. We are only taking a political view of the matter in the contemporary of India. We find that the States are getting unstable and they are going to be unstable for a certain amount of time. I do not want to be prophesying. I do not want to be a prophet of doom. But we have got to take the view and it is a gloomy picture. In these circumstances if we emasculate the position of the Governor of a State, then we will be doing harm whenever this House declares President's rule in a particular State. I do not think that many of the Governors are so irresponsible or they will be behaving in a wrongful manner whenever they are clothed with tremendous powers and abundant amount of responsibility. It is necessary for us to give them a certain amount of protection. I would not have said this 15 years ago or 20 years ago, but in the year 1973 when we have problems acrossed the threshold I think it is necessary for us to take a more objective view of the whole situation. You can take a political view if you like. Come to a right decision. I think the right decision would be for the Speaker to define him among that category. "Such other persons whose conduct in the opinion of the Speaker should be discussed on a substantive motion". We are not saying: do not discuss it

[Shri B. V. Naik]

we are saying: discuss it after substantive motion.

SHRI SAMAR GUHA (Contal): On a point of order. At the fag end I want to know this. The whole issue is rather ethereal, unrealistic and irrelevant. I want to know from you whether you are going to set up a new precedent or you are going to follow the old precedents, set up by this House? That is the crucial point. In the last Lok Sabha not once but innumerable times we discussed the conduct of many Governors without any substantive motion particularly in those States which were under the President's rule. If so, what new points are we discussing? It was not the matter whether it was in a personal capacity or he was the Governor or he was not the Governor. Other Speakers permitted it. If it is so I want to ask this question: Are you going to quash the old precedents or set up a new precedents, whether we can discuss the conduct of a Governor or not. The whole discussion appears to be ethereal, unrealistic and irrelevant because clear precedents are there in the House when we discussed the conduct of the Governor, not once but several times.

PROF. MADHU DANDAVATE: Mr. Shakhder's book will have one more chapter!

MR. DEPUTY-SPEAKER: I think without anticipating it, we got involved yesterday and today in very deep and very wide constitutional issues. But I think it is just as well that the House discussed this. I think we have been able to understand our Constitution in deeper and wider perspective. We are able also to understand certain limitations perhaps of our Constitution. All these things have been given expression to by the members. But, then, we lost sight of the central issue with which we started. The central point was whether any reference can be made to certain alleged involvement of Shri Mohanlal

Sukhadia when he was not Governor, now that he has become Governor. That is the main question. When he was not Governor, reference has been made galore in this House. I have here the proceedings of this House. On April 17, 1970, the following question was put by Shri Kanwar Lal Gupta:

"Will the Minister of Home Affairs be pleased to state:

(a) the names of the State Chief Ministers and the State Ministers against whom the case was referred to the C.B.I. for enquiry in the last three years;

(b) what were the allegations against each Minister and what was the enquiry report;

(c) the names of the Chief Ministers and the Ministers about whom the C.B.I. recommended prosecution; and

(d) the names of Ministers against whom the enquiry is still pending?"

The Minister of State in the Ministry of Home Affairs, Shri Vidya Charan Shukla at that time, replied as follows:

"(a) Shri Mohan Lal Sukhadia, Chief Minister of Rajasthan and late Shri Mathai Manjooram, former Labour Minister of Kerala,

(b) to (d). The allegations against Shri Sukhadia relate to misappropriation of a portion of gold entrusted to Shri Ganpat Lat by Shri Gunwant Lal Godavat of Chhoti Sadri. The allegations against Shri Manjooram relate to contravention of section 5 of Import and Export (Control) Act, 1947 and commission of offence under section 420 IPC.

The question of recommending prosecution against Shri Manjooram did not arise as he died before the investigation was completed. The C.B.I. is conducting a preliminary enquiry into the Chhoti Sadri Gold Case."

I am referring to the proceedings of the House. I think the minister also just now said that this enquiry is still going on. This is the simple case. When I started giving my ruling, because members raised constitutional issues. I also wanted to raise the question to that constitutional level. Members had made submissions and all that. Now I realise that the question is far deeper and more complicated. I am talking about the constitutional question, which is going to have far-reaching effect. It is good that we have discussed this in this House. All these are on record and I have the feeling that perhaps we should go deeper into this as far as the constitutional question is concerned. But then, so far as the limited question about reference to Shri Mohan Lal Sukhadia is concerned, it has been in the proceedings of the House before.

Also, the Minister has come out with a fairly exhaustive statement on the case. So, a reference has been made to that. We cannot say that we cannot refer to the proceedings of the House; we cannot say that.

PROF. MADHU DANDAVATE: We can expunge them with retrospective effect.

MR. DEPUTY-SPEAKER: If we are to judge now whether reference can be made or cannot be made, yesterday for an hour and a half we talked of nothing but this and today for three hours and ten minutes we talked of nothing but this. If this is not reference then I fail to understand what reference is. If yesterday Members had not objected too strongly, perhaps the whole matter would have been over in ten minutes if Shri Madhu Limaye had been allowed his say. But I do not think there is any aspect of the whole thing that has not been referred to. Therefore, I feel any ruling from the chair now has become infructuous.

PROF. MADHU DANDAVATE: Sir, we congratulate you on your sense of humour.

MR. DEPUTY-SPEAKER: We will now continue with the third reading.

श्री मधु लिमये उपाध्यक्ष महोदय, यह छोट्टी सादरी की गमायण अब मैं खत्म करना हूँ। यह जो विधेयक हमारे सामने आया है, यह जो तस्करी, स्मगलिंग चल रही है, उस का रोकने के लिए है। लेकिन उपाध्यक्ष महोदय, क्या मंत्री महोदय ने उस बात को जानने की कोशिश की है कि यह जो स्मगलिंग होता है, उस के पीछे कानूनी शक्ति का काम कर रही है और यह स्मगलिंग का जो व्यापार चलता है उस का चलाने में किन चीजों की मदद मिलती है—स्मगलर्स को।

मैंने कई साल पहले एक सवाल पूछा था कि भारत के जो नागरिक विदेशों में नौकरी करते हैं या धन्य करते हैं, उन के द्वा। उन की कमाई का जो हिस्सा विदेशी मुद्रा में भारत के रिस्नेदारों को भेजा जाता है, वह तो रिजर्व बैंक की मारफन आना चाहिये—तो यह जो रेमिटेंसेज भारत में आते हैं, उन के आंकड़े क्या हैं—यह सवाल मैंने 6-7 साल पहले पूछा था। उस समय के वित्त मंत्री श्री कृष्णमाचारी साहब ने जवाब दिया था कि रेमिटेंसेज के आंकड़े इकट्ठे किये जा रहे हैं। आप सभी लोग जानते हैं कि दिन प्रति दिन भारतीय लोगों की आमदनी और सम्पत्ति विदेशों से बढ़ती चली जा रही है और 1966 के बाद बिना 7 सालों में यह आमदनी बहुत ज्यादा बढ़ गई है, तो

[श्री मधु लिमये]

क्या वजह है कि रेमिटेस के जो आकड़े हैं वे तेजी से नहीं बढ़ रहे हैं ?

जब मैं दो साल पहले इंग्लैंड गया था तो मुझे यह जानकारी मिली—विश्वसनीय सूत्रों से—कि इंग्लैंड में भारतीय लोगों की विदेशी मुद्रा चाहे पाउंड में हो, डॉलर में हो या जर्मन फ्रैंक में हो, इकट्ठी कर के ये जो स्मॉलिंग करने वाले लोग हैं वे उस का उत्तेमाल करने हैं। उन में जो एजेंट भारत में हैं उन की मारफत उन के रिश्तेदारों मित्रों को भारतीय रुपयों में वे उसका भुगतान करने हैं। यह जो विदेशी मुद्रा भारतीय लोगों से विदेशों में मिल जाती है उस में स्मॉलिंग का भारी व्यापार चलता है—एक कारण तो यह है।

दूसरा कारण—कुछ साल पहले, उपाध्यक्ष महोदय अन्तर्राष्ट्रीय मंडिया में चांदी का दाम बहुत ज्यादा था और भारत में चांदी का दाम कम था और सरकार की गलत नीतियों के चलते तगोडा रुपये की चांदी उस देश में चली गई। उस में भी जो कमाई हुई उस का इस्तेमाल भी स्मॉलिंग के लिये किया गया।

तीसरा स्रोत—यहां में अफीम गंजा, अन्य बहुत सारी चीज विदेशों में जाती है। उन में अफ्रीका में इग्ज बनते हैं पश्चिमी यूरोप में इग्ज बनते हैं, जापान में इग्ज बनते हैं और इस तरह से करोड़ों रुपया गाना और अफीम में कमाया जाता है। कुछ साल पहले तीसरा में अफीम के सरकारी कारखाने में जो बड़ी चोरी हुई थी, उस का

सवाल भी मैंने यहां पर छोड़ा था, मुझे पता नहीं उस के विषय में आज तक कोई कार्य-वाही की गई या नहीं।

गंजा और अफीम की आमदनी, चांदी विदेशों में भेज कर कमाया हुआ धन और भारतीय लोगों द्वारा भेजी गई विदेशी मुद्रा—उन तीनों की मदद से बड़े पैमाने पर भारत में यह नस्करी का काम किया जाता है। “लन्डन टाइम्स” जो विश्व का एक विख्यात अखबार है, उस में दो साल पहले माउथ अग्नेबियन के जो राज्य हैं, उन के बारे में एक मन्वीमेंट निकाला था उस को पढ़ कर मैं दंग रह गया। उन में कहा गया था—जब कांग्रेस पार्टी में 1969 में विभाजन हुआ तो स्मॉलिंग बुरा हमें था। क्या निश्चित त्रिने ही गन्ता कांग्रेस फिर हावी हो गई—वह टाइम्स का मन्वीमेंट लिखने वाला कहता है—यह बात एक दूसरे के खिलाफ जानकारी देने वाले अभी में दे रहे हैं। मदद में माउथ अग्नेबियन के राज्य के जो छोटे-छोटे राज्य हैं जैसे दूबा गा राज्य है। इन के जरिये फिर ज़ाराम 1973 का काम शुरू हुआ।

उपाध्यक्ष महोदय, इस सम्बन्ध में मैं कुछ आकड़े प्रस्तुत कर रहा हूँ—अमरीका के डॉलर के अवमूल्यन के बाद—जो तीन बार हुआ—अमरीका में विदेशों को सोना देना बन्द कर दिया, नतीजा यह हुआ कि अमरीकन डॉलर का जैरे-जैरे अवमूल्यन होने लगा विदेशों में सोने की कीमत तेजी से बढ़ने लगी और मैंने जो नये आकड़े प्रस्तुत किये हैं, उन से पता चलेगा, लंदन में मई, 1973 में सोने

की कीमत 10 ग्राम के लिये लगभग 320 रुपये हो गई—भारत में भी इसी के आनुपातिक थे। उपाध्यक्ष महोदय, मैं एक अच्छा मुद्दा रख रहा हूँ, जिस में देश की अर्थ-व्यवस्था को फायदा होने वाला है, देश की विदेशी मुद्रा की आमदनी बढ़ने वाली है—भारत में सोने का भाव 360 रुपये है—यह 1 अग्रमन को था। इसी अनुपात में विदेशों में भी कुछ दाम बढ़ा होगा। क्या नतीजा हुआ—पहले चाँदी, भारतीय लोगों की विदेशी मुद्रा, अफीम और गाँजे में प्राप्त हुई आमदनी—इन के जरिये स्मगल किया जाता था—वहाँ से सोना, नाउचोन, ट्रांजिस्टर और तरह तरह के लक्जरी गुड्स का सामान। तब तक सब कम हो गया। अब चूँकि अन्तर्राष्ट्रीय मोने का दाम और भारत में जो मान का दाम है वह तब से बहुत बढ़ गया इसलिए अब माना तस्करी का विषय उठा विषय नहीं है क्योंकि उगम मनाफा नहीं है। और चाँदी भी चूँकि अन्तर्राष्ट्रीय और भारतीय दामों में भी तब से बहुत बढ़ गया और चाँदी भी तस्करी का विषय नहीं है। लेकिन आज अफीम, गाँजा और विदेशी मुद्रा भारतीय लोग भी आमदनी में माघन बन रहे हैं और इनका इस्तेमाल बड़े पैमाने पर हो रहा है। नाउचोन यार्न, क्योंकि हमारे यहाँ फैक्ट्री में जा गुजरान में पैदा होने वाला था लेकिन सैक्टर में प्रचलित है लेकिन सरकार को अरोखना के कारण वह प्रचलित अब पैदा करने की शक्ति में अभी नहीं है। इस का नतीजा यह हो रहा है कि नाउचोन यार्न बड़े पैमाने पर आयात किया जा रहा है और बहुत माली सही चीजें भी आयात की जा रही हैं।

विटामिन, जिस की क्वान्टिटी कम है लेकिन बी काम्पलेक्स विटामिन आदि के ऊपर इतना मुनाफा है कि 20, 25 गुणा मुनाफा है और भारतीय जनता का लूटा जा रहा है। इसलिये मैं मंत्री महोदय से जानना चाहता हूँ कि ये जो कड़ी बनाई जा चक्कर बनाया इस को तोड़ने के लिये आप क्या उपाय कर रहे हैं। क्या इस पर बहम करन का मोका देगे।

उपाध्यक्ष महोदय, विदेशी मुद्रा की चाली और तस्करी का माघन ये विदेशी कम्पनियाँ हैं। मैं सब बता दूँगा, माननीय चक्राण को लिख कर दिया था इस के चलते जा रेड्स हुए हैं उस में सरकार को बहुत मारा पैसा मिला होगा। मैं लोगों के नाम इसलिए नहीं ले रहा हूँ कि जो स्मगलर लोग हैं उन का पता न चले। लेकिन मैं यह कहने में लिये मजबूर हो गया कि जो कड़ाई सरकार को स्मगलर्स के साथ बरतनी चाहिये थी वह नहीं बरती गई। अभी आज के पेट्रोल अखबार में है :

‘Notorious Bombay Smuggler Escapes Bombay, August 1 (UNI) Abdul Sattar Abubaku, the main accused in a number of smuggling cases involving gold valued at Rs. 4 crores escaped from police custody on Monday last, official sources said today’

तो इसका क्या मतलब है। चार करोड़ की तस्करी करने वाला स्मगलर भाग कैसे जाता है? इसका माफ मतलब है कि बड़े बड़े पुलिस अधिकारी और बड़े बड़े महा-राष्ट्र सरकार के लोग इन लोगों के पीछे

[श्री मधु लिमये]

हैं। मस्तान का मामला हम लोगो ने यहां पर उठाया था जिमका सिफारिशी पत्र एवर्नर कानूनगो ने दिया था। मस्तान आज कई मिनेमा हाउमेज का मालिक बन गया। नारंग, यह सब बम्बई के नोटोरियस स्मगलर हैं। नारंग है, मस्तान है, नैनमल है। नैनमल का क्या हुआ। नैनमल का केस एक अर्से में चल रहा था। मस्तान तो सब कुछ करता है, जब जेल में था तो कोई ऐसी चीज नहीं थी जो मस्तान को नहीं मिलती थी। मस्तान कभी जेल में रहा ही नहीं, वह हमेशा मैट ग्राजज अस्पताल में रहता था और एक दिन का उसका खर्चा 1,200 ₹ था। एक कमिशनर आफ पुलिस ने मुझ को बताया कि हम क्या करें, महाराष्ट्र सरकार के बड़े बड़े लोग हमें कुछ नहीं करने देते।

उपाध्यक्ष महोदय, कुछ ही महीना पहले महाराष्ट्र सरकार ने एक मंत्री की गाड़ी पकड़ने का प्रयास किया गया, मैं नाम नहीं लेता हूँ, नहीं तो यह लोग फिर नया शुरू करेंगे और मुझ को बोलने नहीं देंगे, महाराष्ट्र सरकार के एक मंत्री की गाड़ी कस्टम्स और एक्साइज वालों ने पकड़ने का प्रयास किया लेकिन उस मंत्री ने कहा “आई एम ए पर्सन इन हाई अथारिटी”। मेरी गाड़ी आप नहीं पकड़ सकते हैं, मेरी नव्वार्श। आप नहीं ले सकते हैं, महाराष्ट्र का जो राज्य गृह मंत्री है, उस का पूछा जाये। आप लोग जा कर बातचीत कीजिये बम्बई में। तो क्या महाराष्ट्र सरकार के बड़े लोग इन लोगों को सुरक्षण देने का प्रोटेक्शन देने का प्रयास नहीं कर रहे हैं? उपा-

ध्यक्ष महोदय, यहां हमारी छांछों में कुछ धूल झोंकने के लिए इस तरह का विधेयक यह ले आने है और सब लोग खुश हो जाते हैं। ला कमीशन ने माना कि सोशल और इकोनामिक आफेंस करने वालों को सजा देनी चाहिये इसलिए यह बिल है। लेकिन न नैनमल के खिलाफ कार्यवाही होती है, न नारंग और मस्तान के खिलाफ कार्यवाही होती है, और अबदुल्ल सतर चार करोड़ की तरकरी करने वाला आदमी पुनिग कस्टडी से भाग जाता है। उम को पुनिग नहीं पकड़ पाती, लेकिन माननीय गेने और वर्मा जी ने पीछे पुनिग पड़ी है। मुझ को तो तकरीबन हर साल जेल में बन्द रहना पड़ता है और अदालत मुझ को छोड़ देती है। तो हम लोगो के पीछे पड़ने की बजाय यह नारंग मस्तान, नैनमल या अबदुल्ल सतर और उन की तरह के जा पचासा लोग हैं

SHRI K P UNNIKRISHNAN.
Narangas of Bombay?

SHRI SHYAMNANDAN MISHRA
The man who reorganized your
Congress Parliamentary Party.

SHRI K P UNNIKRISHNAN
There are many Narangs in Punjab
also

श्री मधु लिमये अध्यक्ष तो वह पृष्ठ बन गया है। यह मुझ का बहुत बड़ा दर्जा है आप की जो पत्नी बम्बई का नाम है उस में लाखों रुपया आप ने मस्तान से लिया। आप मंत्रालय में गिनाए गए एक राज में चिटठा खालने के लिए नियुक्त हैं। जिन उम समय मैं सिद्धांतों की चर्चा कर रहा हूँ। उम का समय आज है। इसलिए मंत्री महोदय से माग करना चाहता हूँ कि स्मगलिंग में सतधिन जितने यह बड़े बड़े 420 लोग

हैं इन के खिलाफ सख्त कार्यवाही करनी चाहिये और जल्दी करनी चाहिये। ऐसा नहीं कि सात साल तक सी० बी० आई० की हल्कावारी चली, अदालत में मात मान मे मामला पड़ा हुआ है.. (Interruptions)

तो करिये इनफार्म, मैं बीच में नहीं आ रहा हूँ। मैं व्यक्तिगत स्वतंत्रता का प्रेमी हूँ। लेकिन साथ साथ जो समाज निरोधी लोग हैं, जनता को लूटने वाले हैं उन का भी मैं चाहता हूँ कि बन्दोबस्त हो।

एक और बात मैं अन्त में कहना चाहता हूँ। आखिरी मुद्दा है कि हमारे देश में जो विदेशी कम्पनियाँ हैं और वे हमें जो विदेशी मुद्रा की चोरी के एक बहुत बड़े जरिये हैं। आप कल्पना कीजिए कि होनगेट पामोनिव का बनाने हैं? टय पेट, माबुन। आई ऐसी चीजें हैं फॉटलाइजर और तेल की तरह कि जिस के बिना देश नहीं चल सकता और जो खदशा लाग और छोटे कारखानेदार नहीं बना सकते। टयपेस्ट आपन स्माल २५ व २५ ट्री के बिना आरक्षित किया लेकिन कार्ड मामले आने के लिए तैयार नहीं है। कोलगेट पामोनिव कम्पनी ने एक लाख की पूँजी पर विगत साल में 58 लाख ६० का नोट प्रॉफिट कमाया जिस को विदेशी में भेजा। ब्रिटानिया विस्कुट, कैडबरी चीकलेट, मैं पन्नामो उदाहरण दे सकता हूँ। मेरी मांग है कि सभी बड़े विदेशी कंपनियों का राष्ट्रीयकरण किया जाय और यह जो छाटो कम्पूमेर गुड्स इंडस्ट्री में विदेशी पूँजी है उस को डिगिस्ट्री किया जाये और हिन्दुस्तानियों को और छोटे लोगों को चानाने के लिये यह गारा दे दें तब स्वर्गदिव के ऊपर

आप लोग कुछ काबू पायेंगे। इतना ही मुझे अर्ज करना है। यही मैं कल भी कहने वाला था लेकिन आप लोगो ने जो बात एक मिनट में खत्म होने वाली थी उस को काफी बढ़ा दिया।

अन्त में मैं आर का आभारी हूँ।

श्री रामावतार शास्त्री (पटना) : उपाध्यक्ष महोदय, मेरा इतना ही कहना है कि थर्ड रीडिंग में बचाने का अधिकार सब को है।..... (व्यवधान)

MR DEPUTY-SPEAKER: You should inform me. You have not informed me. You cannot get up like that (Interruptions). If at any time I think that enough discussion has taken place, I can call the Minister. All right, I give you two minutes.

श्री रामावतार शास्त्री : जब हम खड़े हो गये तो यह सूचना ना हो गई। यह निम्न कर भी दे सकने थे लेकिन अगर निम्न कर नहीं दिया तो कोई बहुत बड़ा अपराध नहीं हुआ।

उपाध्यक्ष जी, नगर की बात तो आपने सुन ली, उस के बारे में मैं कुछ नहीं कहता हूँ, वह बहुत नफर्मान है आ गयी है। मैं गोलंड कंट्रोल आर्डर के गिनसिने में कहना चाहता हूँ कि यह बिल हमारे देश के स्वर्णकारों का विस्कुट बर्बाद करने वाला है, तबाह करने वाला कानून बना है।.....

MR DEPUTY-SPEAKER: We are not discussing Gold Control Order. We are discussing about the Amending Bill

श्री रामावतार शास्त्री : हम उसी की अपोज कर रहे हैं, जब वह बिल ही गड़बड़ है तो उस का अमेंडमेंट क्या होगा। जब गोल्ड कंट्रोल अधिनियम गड़बड़ है तो उस में अमेंडमेंट की क्या बात है। इसलिये मैं कह रहा हूँ कि इस के जनक आज हमारे बीच में नहीं हैं, लेकिन दुर्भाग्य की बात है कि इस तरह के जनविरोधी कानून का यह सरकार, जो रात दिन समाजवाद का नाम लेती है, गरीबी हटाने का नाम लेती है, इस अधिनियम, को जारी रख कर यहां के स्वर्णकारों का एक तरह से हत्या कर रही है। वे भूखे मर रहे हैं पूरे हिन्दुस्तान में। मैं आप को अपने क्षेत्र की बात ही बताता हूँ....

MR. DEPUTY-SPEAKER: You can continue tomorrow.

Mr. Raghu Ramaiah.

18.00 hrs.

BUSINESS ADVISORY COMMITTEE THIRTY-FIRST REPORT

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, I beg to present the Thirty-first Report of the Business Advisory Committee.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, August - 3, 1973 Sravana 12, 1895 (Saka)