

[Shri D. P. Yadav]

G.S.R. 1030 in Gazette of India dated the 21st September, 1974. [Placed in Library. See No. LT-8614/74.]

(3) A copy of the Annual Report (Hindi and English versions) of the Indian Institute of Technology, Madras, for the year 1972-73. [Placed in Library. See No. LT-8615/74.]

(4) A copy of the Report (Hindi and English versions) of the Indian Institute of Management Calcutta, for the period April 1, 1972 to March 31, 1973. [Placed in Library. See No. LT-8616/74.]

12.45 hrs.

QUESTION OF PRIVILEGE—Contd.

IMPORT LICENCE CASE—Contd.

श्री अटल बिहारी वाजपेयी : आप हमें सुनना भी नहीं चाहते हैं। ये मनमानी करने पर तुले हुए हैं। आपको सुनना होगा। आप हमारी मोशन लें।

श्री जनेश्वर मिश्र : आप जबर्दस्ती नहीं कर सकते हैं।

श्री अटल बिहारी वाजपेयी : आपने जो रूलिंग दिया है उस पर हम बहस नहीं कर रहे हैं। लेकिन उस रूलिंग के कुछ नतीजे निकलते हैं। जैसे आपने कहा है कि श्री तुलमोहन राम के आचरण पर चर्चा हो सकती है। अगर सी० बी० आई० की रिपोर्ट नहीं मिलती है तो चर्चा कैसे होगी (इंटरप्शन) आपने कहा है कि एडीक्वेट इनफार्मेशन नहीं दी गई है। यह प्रोप्राइटी का गम्भीर मामला है। साधारण इम्प्रोप्राइटी नहीं है। 11 तारीख को मामला दाखिल किया गया—ये बोलने नहीं देंगे।

MR. SPEAKER: May I tell you that I have made it very clear that so far as the ruling is concerned, there cannot be any comments made. But, if there is any other submission that

you want to make, I can give you one or two minutes. But, be very brief.

श्री जनेश्वर मिश्र : आपने इजाजत दी है। फिर भी ये हल्ला मचा रहे हैं।

SHRI DASARATHA DEB: (Tripura East) Mr. Speaker, Sir, since in your ruling you have said that the C.B.I Report has established a case *prima facie* so far as Shri Tul Mohan Ram is concerned and since you have earlier said in the House that this matter can be discussed in the House, we want to know how this matter can be discussed without that Report? (Interruptions).

MR. SPEAKER: There cannot be any comments on the ruling. But, if there is any submission that you want to make, you can do so. But, why unnecessarily you are taking the time of the House and this goes on like this every day.

श्री टी० सोहनलाल (करोलबाग) : मेरे भी कुछ अधिकार हैं। मैं प्वाइंट आफ आर्डर उठाना चाहता हूँ।

अध्यक्ष महोदय : मैं आपके अधिकारों का पूरा एहताराम करता हूँ।

श्री टी० सोहनलाल : आप जब एक बार व्यवस्था दे देते हैं उसके बाद दुबारा क्यों मान लेते हैं ?

MR. SPEAKER : If you want to make submissions, for one or two minutes, you can do so. There should be no points of order.

SHRI P. K. DEO (Kalahandi): In your ruling you have said that there should be a discussion...

MR. SPEAKER: There is no question of commenting on the ruling.

SHRI P. K. DEO: I am speaking about Shri Tul Mohan Ram. (Interruptions). You have recognised me.

(अव्यवधान)

श्री एच० के० एस० भगत (पूर्व दिल्ली) : हम को दस दिन हो गये हैं यह बात सुनते हुए। ये बीस तीस बार बोल चुके हैं। (व्यवधान)

अध्यक्ष महोदय : आप शान्ति से रहिये। उन के बाद मैं आप की बात भी सुन लूंगा।

SHRI P. K. DEO: I am speaking about Shri Tulmohan Ram (*Interruptions*).

SHRI ATAL BIHARI VAJPAYEE: We want the CBI Report.

SHRI SHYAMNANDAN MISHRA: In terms of your ruling, we want to see the implications of it....

MR. SPEAKER: No implications. I am not going to hear anything about that.

SHRI P. K. DEO: When you have permitted a discussion about Shri Tulmohan Ram's conduct, I draw your attention to p. 128 of May's *Parliamentary Practice* 18th Edn. (*Interruptions*).

MR. SPEAKER: I am not able to hear what is being said.

I am not going to listen to anything about the ruling or its implications. As regards the conduct of the member I have said it may be discussed in the House. (*Interruptions*).

SHRI PRIYA RANJAN DAS: MUNSHI (Calcutta-South): Either you call one member after another or things will continue like this.

अध्यक्ष महोदय : मैं बार-बार कह रहा हूँ कि मैं दोनों तरफ़ को सुनूंगा। (व्यवधान)

SHRI P. K. UNNIKRISHNAN (Badagara): You are presiding over this House. Please do not abdicate your functions. (*Interruptions*).

SHRI P. K. DEO: When you have

recognised me why don't you pull them up? (*Interruptions*).

SHRI NATWERLAL PATEL: (Mehsana): After you have given your ruling, there cannot be any further discussion.

SHRI P. K. DEO: My submission is about a discussion on Shri Tulmohan Rams conduct on the floor of the House. (*Interruptions*).

अध्यक्ष महोदय : आप सब बैठ जाइये। मैं सब की बात सुनूंगा। (व्यवधान)

श्री मूलचन्द डागा (पाली) : अध्यक्ष महोदय, एक दफ़ा रूलिंग होने के बाद उस पर डिस्कशन एलाऊ न किया जाये। (व्यवधान)

अध्यक्ष महोदय : दो तरीके हैं : या तो हाउस अपने आप चले-घूरे वह अपने आप चल ही रहा है, और या यह बात स्पीकर पर छोड़ दी जाये, और उस सूरत में जो स्पीकर का कहना न माने, उस को नेम किया जाये। यहाँ हाउस में बड़े-बड़े आदमी हैं, घाल इडिया फ़ैम के आदमी हैं। किस को नेम किया जाये ? जो मेम्बर बोलना चाहते हैं, वे दो-दो मिनट में अपनी बात कह लें। लेकिन मैं बिल्कुल साफ़ कह दूँ कि मेरे रूलिंग पर कोई कमेंट न किया जाये। अगर कोई सबमिशन करना हो, तो कर लीजिए।

SHRI C. M. STEPHEN: Sir, I am raising a point of order. Not a submission. My point of order is this. It is simply this.

अध्यक्ष महोदय : पायंट प्राक्चर आर्डर नहीं, अगर कोई सबमिशन करना हो, तो करें। अगर आप पायंट प्राक्चर आर्डर रेख करेंगे, तो मैं दूसरी तरफ़ भी इजाजत दूँगा। अगर आप ने कोई सबमिशन करना हो, तो कीजिए।

SHRI C. M. STEPHEN: I am on a point of order I am not on a point of submission.

My point of order is about the procedure; nothing else. There is the agenda before us. The business for the House

[Shri C. M. Stephen]

has been set down. We the Members of this House have to get through the business of the House. You gave your ruling on a particular matter; the question of the CBI report and all that has come up in the course of the discussion that took place. The matter is disposed of by your ruling. That is the final thing. My submission is, whether the Members of this House have not got the right to proceed with the next item of business on the agenda. No discussion, no other item of business is permissible except on a regular motion.

MR. SPEAKER: I have already stated that no discussion or comment is allowed on the ruling. You cannot raise any point of order or a discussion on the ruling given. If you want to make simple submission, you may try to make it.

SHRI C. M. STEPHEN: Sir, kindly try to understand me. What I am submitting is this. I am not objecting to the point that your ruling should not be challenged. My point is, whether any point it relates to the ruling or otherwise, can be given precedence over the business which has been set out in the Order Paper. I feel that nothing can be given precedence. Therefore, my submission is that we should take up the next item of business listed in the agenda. Any attempt to make a submission on other matters is objectionable and we are not prepared to listen to them.

SHRI ATAL BIHARI VAJPAYEE: Then they may go out, and the House can carry on the business; if they are not prepared to listen they are free to go out.

SHRI C. M. STEPHEN: We have to take up the next item in the agenda. The only reason why we are here is that we should take up and transact the business of the House.

श्री अटल बिहारी वाजपेयी : अगर ये लोग सुनना नहीं चाहते, तो कान बन्द कर के

रखें। आप ने रूलिंग दिया है कि हम सबमिशन कर सकते हैं। हम सबमिशन करना चाहते हैं। लेकिन ये कहते हैं कि हम सबमिशन नहीं कर सकते। ये कहते हैं कि आप को सबमिशन सुनने का कोई अधिकार नहीं है। ये आप के रूलिंग को चेलेंज कर रहे हैं।

SHRI P. K. DEO: You have got the residuary power under rule 389.

SHRI C. M. STEPHEN: Only the business of the House can be transacted; not any other thing.

SHRI P. K. DEO: You have got the residual power. You called upon me, and when I was going to speak, he challenged you. (Interruptions).

SHRI MALLIKARJUN (Medak): The hon. Speaker has given his ruling already (Interruptions). If you are not willing to act up to his ruling, please walk out. (Interruptions).

SHRI P. K. DEO: I draw your attention to page 128 of the 18th edition of May's Parliamentary Practice. If we are to discuss Tulmohan Ram and he was found guilty of forgery, the punishment is expulsion.... (Interruptions).

13 hrs.

MR. SPEAKER: You will not be permitted, unless you bring in a motion; you cannot go in this manner. I am not going to allow you offhand. I am not allowing it.

SHRI S. M. BANERJEE: I wish to make one submission. I accept your ruling; it may be good or bad. My point is different. I want to know about my motion.

MR. SPEAKER: There are many, not one motion. I have to see them all.

SHRI S. M. BANERJEE: In my motion I say that a committee should be constituted with some Members of this House and you as the Chairman, to go into the entire report and then see whether it should be submitted

or not, I should be allowed move a motion; let them decide with a majority; let people know that the CBI report will not be laid unless somebody brings and springs a surprise and lays it on the Table of the House.... (Interruptions)

SHRI H. K. L. BHAGAT: Mr. Banerjee has repeated the same thing about the CBI report. What could be given under the law is already placed on the Table of the House. It is totally wrong to say that it had not been given to them; it has been placed on the Table of the House under section 173. Their allegations are false and politically motivated. You have given your ruling. What could be given to them under the law has already been placed on the Table of the House. Then why is this thing going on for the last ten days. What cannot be given under the law, you cannot give it; the House cannot receive it; Parliament cannot give it. This kind of thing was going on for the last ten days and it is absolutely wrong to say that the CBI report has not been given. What has gone to the court of law has already been given; nothing more can be asked for or given. This must stop here.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, दो तीन सवालों पर हम आप का मार्गदर्शन चाहते हैं....

अध्यक्ष महोदय : मेरा मार्गदर्शन हो चुका जो होना था। जो मुझे मार्गदर्शन देना था वह मैं ने दे दिया।

श्री अटल बिहारी वाजपेयी : अब आप सुन तो लीजिए। आप ने यह कहा है कि गृह मंत्री ने जो जानकारी दी है वह इनफ़ॉर्मेटिव है और उस पर बहस हो सकती है।... (व्यवधान)... लेकिन जब तक हमारे पास एडीकेट इन्फ़ॉर्मेशन नहीं है तब तक हम बहस कैसे करेंगे? जब तक पूरी जानकारी नहीं है तब तक बहस नहीं हो सकती चाहे वह गृह मंत्री का आश्वासन हो चाहे तुलसीमोहन राम का आचरण हो। अभी भगत जी कह

रहे थे कि कौन सा कानून है जो यह कहता है कि सी बी आई की रिपोर्ट सदन के सामने आए?.... (व्यवधान)... आप ने मुझे बुलाया है और ये टोक रहे हैं।

गृह मंत्री ने सी बी आई की रिपोर्ट की दो कॉपियाँ आप के पास भेज दी और आप के ऊपर छोड़ दिया कि टेबल पर रखें या नहीं....

MR. SPEAKER: I cannot lay it on their behalf. I am not prepared to keep it. I had to sit vigilant the whole time it was in my home. I was not sure whether any journalist might be under my pillow or under my bed. If anything leaked out, they would have accused me. I returned it. It is not my job to give legal advice as to which part is relevant or which part is not relevant for the judicial proceedings. There is no other authority for me. I am not going to act as their agent that I should lay it on the Table on their behalf.

श्री अटल बिहारी वाजपेयी : यह मैं कहाँ कह रहा हूँ? उन्होंने कहा कि आप देख कर बताइए कि क्या इसे टेबल पर रख सकते हैं....

अध्यक्ष महोदय : मैं ने कहा कि यह आप खुद करिए।

He is the proper person to do it.

श्री अटल बिहारी वाजपेयी : यह मैं ने नहीं कहा। मैं तो यह कह रहा था कि जब यह रिपोर्ट आप के पास भेज सकते हैं और आप से पूछ सकते हैं, मान लीजिए कि आप का यह फैसला होता कि यह रिपोर्ट टेबल पर रख दी जाये तो क्या कानून आप के मार्ग में बाधक बनने दिया जाता? मगर आप ने फैसला नहीं दिया वह बात भ्रम है। आप ने कहा था कि गृह मंत्री अगर चाहें तो रिपोर्ट रख सकते हैं। इस का मतलब है कि आप की इच्छा है कि वह रिपोर्ट आए। आप चाहते हैं कि सदन के सामने रिपोर्ट आए। क्योंकि आप भी जानते हैं कि बिना रिपोर्ट देखे हुए रिपोर्ट पर कोई फलदायी बहस नहीं हो सकती है।

[Shri Atal Bihari Vajpayee]

इसलिए हम यह कहना चाहते हैं कि रिपोर्ट टेबल पर आनी चाहिए और जब तक रिपोर्ट टेबल पर नहीं आएगी यह मामला लगातार उठता रहेगा ।

श्री राम सहाय पांडेय (राजनदागव) : अध्यक्ष महोदय, मैं आप का ध्यान बड़ी विनम्रता से श्री एस. एन. मिश्र के उस कथन को उद्धृत करते हुए इस ओर आकर्षित करना चाहता हूँ कि जब उन्होंने इस प्रिविलेज मोशन को उठाया था तो कहा था कि 20 दिसम्बर तक यह प्रब्लेम इस सदन में होगा। . . (इन्टरप्शन) बार बार ये लोग यह प्रश्न उठाते रहे और 72 साढ़े बहत्तर घंटे इस पर बहस की गई । अब आप की काम्प्रीहेंसिव रूलिंग के बाद आप एक एक मिनट देने की बात करेंगे तो यह कभी खत्म नहीं होगा ।

They are bound to observe your ruling. It is very wrong on the part of the opposition to say that you are siding with the Government. They have to abide by the ruling. (Interruptions).

SHRI SHYAMNANDAN MISHRA: Sir, this is, in a sense, the blossoming period of your ruling. Your ruling was given, as it were, in the form of a bud. We have to bring out the implications of your ruling for our future course of action.... (Interruptions).

SHRI C. M. STEPHEN: I rise on a point of order, Sir.

MR. SPEAKER: I will listen to you after listening to him.

SHRI SHYAMNANDAN MISHRA: If I have been able to understand your ruling, you have been please to say that the House could discuss whether the assurance given by the hon. Minister has been fulfilled or not....

SOME HON. MEMBERS: No, no.

SHRI SHYAMNANDAN MISHRA: I am asking for the guidance of the Chair.

MR. SPEAKER: Don't put me in this position. I went into the procedural side of it.

SHRI SHYAMNANDAN MISHRA: As I could understand your ruling, Sir, you have been pleased to say that the House could discuss whether the assurance has been fulfilled or not, that is, in terms of adequate information. My precise question is, if we have to judge whether the information supplied is adequate or not, we have to go into the mother document, that is, the document produced by the CBI.

The second thing that you have been pleased to grant is that the conduct of the hon. Member, Shri Tulmohan Ram, could be discussed by the House. There, you were pleased to say that a *prima facie* case has been established against the hon. Member, Shri Tulmohan Ram.... (Interruptions).

MR. SPEAKER: What he said I repeated.

SHRI SHYAMNANDAN MISHRA: It is on the basis of the CBI report that a *prima facie* case has been established against the hon. Member, Shri Tulmohan Ram. Now, in all fairness to the hon. Member and to the House, you have to produce the document on the basis of which the hon. Member is being prosecuted and on the basis of which we have to judge his conduct.

These are my humble submissions. There is the duty cast on the Chair, in terms of his own ruling, to produce the CBI document which alone can help us in discussing the conduct of the hon. Member, Shri Tulmohan Ram.

SHRI C. M. STEPHEN: On a point of order, Sir.

The rule concerning the production of a document and laying on the Table has got relevance to the business of the House. No paper need or can be laid on the Table of the House except in relation to the business of the

House. Now, there is no business before the House concerning this particular matter. The business will come before the House when they move a motion in accordance with the ruling given by you. Then only the question will arise. The question does not arise now. The question, whether the paper or the document must be laid on the Table of the House, does not arise in a vacuum. They are raising an issue in a vacuum. Therefore, unless and until they make a motion in pursuance of the ruling, this question is absolutely irrelevant. Therefore, Sir, don't permit it.

MR. SPEAKER: I did not allow any fresh business included in the agenda. They wanted to make submissions for one or two minutes. I allowed them.

SHRI C. M. STEPHEN: But he is going into the question of the CBI Report (*Interruptions*).

SHRI H. N. MUKHERJEE (Calcutta—North-East): Normally, I should have thought that, after your ruling, the Leader of the House or the Minister of Parliamentary Affairs should have taken the first step in regard to ensuring that implementation of your ruling takes place and in regard to Mr. Tul Mohan Ram certain proceedings are begun to be initiated. That not having happened, all this bother has come over us and in regard to that you have made two very distinct formulations which are quite important. They have been referred to by Mr. Shyamnandan Mishra also.

You have made a distinction between non-fulfilment of an assurance by Government and violation of the privilege of the House, and you have been pleased to decide that Government is not guilty of violation of the privilege of the House but Government, conceivable, might have been guilty of non-fulfilment of an assurance, of which the House can take notice later on. This is a very important finding of which the Leader of the House of some sort of her deputy, the Minister of Parliamentary Affairs, should take notice.

The other matter relates to the conduct of Mr. Tul Mohan Ram. It does not concern only Mr. Tul Mohan Ram; it concerns the whole House because the country would like to know what exactly is the House doing in regard to its own honour which implies the conduct of Mr. Tul Mohan Ram. Therefore, it is incumbent upon us to discuss what the Speaker has told that it is incumbent, namely, the conduct of Mr. Tul Mohan Ram. If we do that, naturally it would be necessary to have some material on which we can make a principled attack or defence of the opposition of Mr. Tul Mohan Ram. We have not got those materials. But I am troubled, and I continue to be troubled, by something which has happened in the House. I would like you never to unsay what you have said in the House. You have been pleased on one occasion to communicate to the House the fact of the despatch to you in two separate instalments of certain volumes of documents relating to the CBI investigation of this miserable case and you have mentioned that we have taken the view that that was the property of the House. Now you tell us that you have not considered the matter at all.... (*Interruptions*) and in spite of whatever you had said, you have sent back the whole thing. That may be so. I am not going to quarrel over there. You might have sent back. You might have communicated the fact of despatch of these documents to the House.... (*Interruptions*) At any rate, I am not going to go into it. But we should have some documents—whether authoritatively produced or whatever it is. I am not going to discuss the merits of whatever is produced; that is a different matter—, we must have material, substantial enough, on which we can mount an attack or prepare a defence of a colleague of ours, namely, Shri Tul Mohan Ram. It is very unfortunate that we have to pronounce this name so often. In any case, we have to have a discussion. If that is so, it is for the Chair—because we cannot depend on the Government, the Leader of the House or the Minister

[Shri H. N. Mukherjee]

of Parliamentary Affairs; they have nothing to help you or the House; we have, therefore, to depend on you—to help us with the documents so that we can discuss this matter fully. (Interruptions).

SHRI K. NARAYANA RAO (Bobbili): You have given a ruling which will go down in the annals of parliamentary history as a hostiric ruling.. (Interruptions). To-day you have given a ruling which is well-considered and the opposition, on merit, have no grounds to challenge it. Therefore they somehow or other want to contest your ruling in the name of making submissions and observations. My grievance is very simple. Now, having conceded the excellence of the ruling, they somehow are bringing about the report of the CBI once and everytime. Their contention is very simple that without the report they will not be able to substantiate their case. We should look to the origin of this particular movement that originated with a privilege motion against one of the hon. Members. To-day, we have to deal only with the limited perspective. Therefore, what we have to see is that we do not discuss anything in all the aspects of what CBI has gone through. They may have covered various aspects of the inquiry. Our intention is about the conduct and discipline of this particular Member who is my colleague. Therefore, we have to see that it is not open to these members to have access to the entire report most of which may not be related to Mr. Tul Mohan Ram's conduct. So far as that particular member, who is one of our colleagues, the issue is a limited one and as you yourself have come to a *prima facie* conclusion he has committed a misconduct. What you have said may be the basis as also the gist that has been placed and on that basis we have to judge for ourselves whether it is a misconduct or not. For that purpose, I do not think there is any necessity and I would even think it is wrong to plead that the entire report should be placed on the Table of the House

because there are certain documents which, by their very nature, are secret. Therefore, we cannot compel the Government and there is no legal method to compel the Government to place the report. Their claim that the report has originated from a motion in the school and therefore it should be palced here is also to simply protract the proceedings of the House and in this way we are wasting crores and crores of rupees of public money on this futile exercise. Therefore, I appeal that this disorderly conduct on the part of the Members should be checked and the proceedings of the House should go on in the normal fashion.

SHRI MALLIKARJUN (Medak): The validity of a parliamentary democracy cannot be maintained by ignoring the conventions observed in parliamentary democracies all over the world. The convention as such in the entire world, not in my country alone, is that nowhere the CBI report is placed on the Table of the House. Even when our friends in the opposite come to power they will also do the same thing. Therefore, the integrity of parliamentary democracy has to be maintained. Of course, the Government has palced before the House the vital points mentioned in the report and in your ruling you have very clearly mentioned that Shri Tul Mohan Ram is guilty of an offence. If so, the court of law is there. With due respect to Mr. Vajpayee and Mr. Shyamnandan Mishra, my humble submission is this. No further time should be wasted. You are part and parcel of this great institution of Parliament and you have to maintain the dignity and decorum of this august House. People outside should know the duties which you are performing. What is the actual business, Sir? You have come out with your ruling, you are observing the rules of the Chair and I am hoping that there will be no more chance from tomorrow for them to disturb the business of the House.

सत्यमेव जयते : बहुत झूठे रहे, आप
ने तो हमारी लाज रख ली ।

PROF. MADHU DANDAVATE: You must congratulate him for his maiden speech, Sir!

SHRI SAMAR GUHA (Contai): This discussion has created much expectation and after that discussion whether it has produced a "freak baby" I am not going to discuss. I do not criticise your ruling, but the way you have made that ruling....

MR. SPEAKER: I don't allow any discussion on my ruling. Please excuse me. Professor....

SHRI SAMAR GUHA: You have not heard me. I am not at all going to criticise your ruling. But, in the course of your ruling, you have given certain freedom and latitude to us.

MR. SPEAKER: Only submission I allow.

SHRI SAMAR GUHA: This is arising in the course of the operative part of your ruling. There may be a debate. That is number one. Number two is this. This House is free to take any step as it desires about Mr. Tul Mohan Ram. Now, Sir, you have given us the freedom. Now, we have to know how we could use that freedom. Because, this freedom is to be used either in raising certain debate, or in taking steps against Mr. Tul Mohan Ram. And we require to know what are the matters that we could raise, that we could discuss, because, you, in your wisdom, told the House about the gist of the complaint against Mr. Tul Mohan Ram. Now, what is the basis of the gist? You have made a fine distinction between breach of privilege and breach of propriety. You have said, the Minister has not made breach of privilege, but breach of propriety of this House. And if we raise the discussion of propriety we must know the facts. You have got certain materials or certain documents on the basis of which you have come to certain conclusion. But we are completely in the dark. We want to know what those documents are.

MR. SPEAKER: I never took notice of them. It is not my business.

SHRI SAMAR GUHA: Have you got the full or a part of the documents? That is number one. Was that letter given to you? Was there collusion between the CBI and Mr. Tul Mohan Ram? All these facts are material and unless we know how can we make a fruitful contribution to the discussion in the House? There has been breach of propriety by the Home Minister. What steps are you going to take? That is the issue now. Please do not reduce this House into a "Royal Council." This is a People's Parliament. Unless you provide us with the background material, with the concerned documents, with facts and statistics, how can we come to judgment? When it comes to a question of breach of propriety, as such, what steps are we to take? You have taken on yourself something very serious. It is not confined to Members of Parliament only, the whole country is watching what an intriguing thing this episode has become. You should not shut out this discussion, Sir, and say: Look! countrymen this is the thing and there is nothing wrong. You are unfortunately giving a shield to them.

SHRI VASANT SATHE (Akola): Sir, I want to make a short submission. I think there is no need of unnecessarily getting agitated on this issue. There are two courses open now. One, we can proceed with the motion which is already there, namely, motion of breach of privilege against Mr. Tul Mohan Ram. In that motion the short question is whether as stated and observed by you a breach of privilege in terms of misdemeanour has been committed or not. We are not going to convert ourselves in a court of law to convict him for a criminal offence. To that extent whatever *prima facie* material is there we can discuss it threadbare. Let us go ahead with that. As far as Mr. Banareej's motion under Rule 184 is concerned that can be taken up only after the privilege motion which is pending is decided. It has also to go before the Business Advisory Committee and time for the motion has to be given. Therefore, let us not confuse the two issues:

[Shri Vasant Sathe]

It can be moved under Rule 225 tomorrow. That is the earliest thing that can be done.

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Speaker, Sir, I want to make one or two brief submissions. My first submission is in this House. not only on this matter but for any other matter about which we want to discuss the various pros and cons, should this House not get—as a matter of right—all the document and information for proper discussion. After all, you have been good enough to observe that this House is meant for discussion. It is meant for free discussion and free discussion is not possible without a free flow of information. Unless we have free flow of information all the time on all important matters then how are we going to conduct a free and meaningful debate in this House? My point of submission is, the nation is expecting not only from your goodself but from each Member of this House a certain sense of responsibility and that part of responsibility is that the entire truth of the matter must come out on the surface. Therefore you must help us and guide us by so arranging the business and directing the Government that all relevant and important information which is meaningful to the discussion must be made available.

Secondly, my friends Mr. Bhagat and others have been quoting a number of rules and technicalities. I concede the point that under the existing rules and under the existing law of the State probably this House has no right to demand the presentation of the report on the Table of the House. But there is higher law, namely, one which requires the truth of the matter to be brought out in its entirety. How can you violate that law? After all सत्यमेव जयते is the motto of your Government and my Government and of the country. Surely truth has to be brought out and if there are any rules or law

because of which we are unable to arrive at truth then we must appeal to the higher law with a view to getting the truth of this or any other publication.

श्री जनेश्वर मिश्र : बार बार सत्तारुह दल के लोग यह कह रहे हैं कि विरोधी पक्ष के लोग सदन का समय बरबाद कर रहे हैं। इसका एक मामूली सा नुस्खा मैं बताता हूँ जिससे सदन का समय बरबाद नहीं होगा और वह यह है कि सी० बी० आई० की रिपोर्ट सदन पटल पर रख दी जाए। बार बार हमारी यही मांग है।

तीस हजारों कोर्ट में बहुत से मुकदमें चल रहे हैं जिन की चार्ज शीट और रिपोर्ट हो गई है। सदन में विरोधी पक्ष सारे चार्ज शीट्स की मांग नहीं करता है। क्या वजह है कि सी० बी० आई० की रिपोर्ट पर हम इतना जोर दे रहे हैं? सत्तारुह दल के लोग यहां पर प्रधान मंत्री की मौजूदगी में तो काफी चिल्ला लेते हैं लेकिन जब वही लोग बाहर निकलते हैं तो कहते हैं कि इन लोगों को सी० बी० आई० की रिपोर्ट सभा पटल पर रख देनी चाहिए।

आपकी व्यवस्था गलत हो या सही हम उस पर बहस नहीं करेंगे। एक निवेदन आप से हम अवश्य करेंगे। आज कोई मंत्री हों और वह इस सदन को कोई आश्वासन दे दें और उस मंत्रालय से उनको कल या परसों निकाल दिया जाए तो यह सदन उनके खिलाफ आश्वासन के बारे में क्या करेगा और उनके आश्वासनों का क्या बनेगा? यह सदन मंत्रियों के झूठे आश्वासनों का कब्रिस्तान बन जाएगा। हर हालत में यह प्रिविलेज मोशन धूम फिर करके प्रधान मंत्री के खिलाफ ही जाता है। श्री एल० एन० मिश्र मुस्करा रहे हैं क्योंकि इनका नाम आपने नहीं लिया है, और वह बिलकुल दोषमुक्त अपने आपको समझ रहे हैं। लेकिन जैसे ही तुल मोहन राम की चर्चा आयी तो इन के पिताजी के नाम पर खुले स्कूल की चर्चा

भी छिड़ीगी और तब इनकी मुस्कराहट गायब हो जाएगी।

मैं यही कहना चाहता हूँ कि सभा पटल पर सी० बी० आई० की रिपोर्ट रखी जाए।

श्री राम रतन शर्मा (बादां): अध्यक्ष महोदय, उधर से श्री भगत और श्री राव ने कहा है कि वह रिपोर्ट सदन के सामने नहीं रखी जा सकती है। उन्होंने केस डायरी के बारे में भी कहा है। इस सदन के दो फंक्शन हैं: एक लैजिस्लेटिव फंक्शन और दूसरा जूडिशल फंक्शन। उस पर जूडिशल फंक्शन तब होता है, जब हम बाच आफ प्रिविलेज के किसी केस को डोल करते हैं। छोटे से छोटा मैजिस्ट्रेट और जज भी केस डायरी मंगा सकता है। आप की रूलिंग के तहत हम इस विषय को डिसकस करने जा रहे हैं। इस स्थिति में हम को कहा जाये कि हम केस डायरी नहीं मंगा सकते हैं, यह बात समझ में नहीं आती है। प्रश्न यह है कि सरकार केस डायरी को क्यों छिपा रही है। इस का कारण यह है कि इस मामले में केवल श्री तुलमोहन राम ही अपराधी नहीं है, बल्कि श्री मिश्र और इस सरकार के कई वरिष्ठ मंत्री भी अपराधी हैं। इस लिए, जान-बुझ कर केस डायरी को छिपाया जा रहा है और कई प्रकार के असम्बद्ध और झूठे मुद्दों को इस में लाया जा रहा है। मैं कहना चाहता हूँ कि हम हर तरह से संवैधानिक दृष्टि से भी—केस डायरी को देखने और उस के यहां रखे जाने के अधिकारी हैं।

MR. SPEAKER: This is now over. I have nothing to add and nothing to say. It is for the House to decide.

13.42 hrs.

MESSAGES FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha:—

(i) 'In accordance with the pro-

visions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 27th November, 1974, agreed to the following amendments made by the Lok Sabha at its sitting held on the 12th November, 1974, in the Navy (amendment) Bill, 1973:—

Enacting Formula

1. That at page 1, line 1,—
for "Twenty-fourth" substitute "Twenty-fifth".

Clause 1

2. That at page 1, line 3,—
for "1973" substitute "1974".

(i) 'In accordance with the provisions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 27th November, 1974, agreed to the following amendments made by the Lok Sabha at its sitting held on the 12th November, 1974, in the Indian Works of Defence (Amendment) Bill, 1973:—

Enacting Formula

1. That at page 1, line 1,—
for "Twenty-fourth Year" substitute "Twenty-fifth Year".

Clause 1

2. That at page 1, line 4,—
for "1973" substitute "1974".

(iii) 'In accordance with the provisions of rule 115 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 27th November, 1974, agreed to the following amendments made by the Lok Sabha at its sitting held on the 18th November, 1974, in the Reserve Bank of India (Amendment) Bill, 1974:—