

**Working of Iron Ore Mines**

3932. Shri Srinivas Mishra:  
Shri S. Kundu:  
Shri Ram Charan:

Will the Minister of Labour and Rehabilitation be pleased to state:

(a) whether the Tata Iron and Steel Company has decided to stop working of their iron ore mines at Badam Pahar and Gorumhisani:

(b) whether it is also a fact that this closure will throw out of employment about 8,000 local Scheduled Tribes people; and

(c) if so, the steps taken by Government to avoid such unemployment?

The Minister of Labour and Rehabilitation (Shri Hathi): (a) The company proposes to close the mines by the end of this year.

(b) According to the information available, 5000 workmen are likely to be affected.

(c) The workers have been advised to get themselves registered with the Employment Exchange and the Directorate-General of Employment and Training has issued necessary instructions to the Director of Employment, Orissa, for rendering suitable employment assistance to them.

**Manipuri as National Language**

3934. Shri M. Meghachandra: Will the Minister of Home Affairs be pleased to state:

(a) whether Government have received any representation from the Government of Manipur and other public bodies for the inclusion of Manipuri in the list of the recognised national languages; and

(b) if so, Government's reaction thereto?

The Minister of State in the Ministry of Home Affairs (Shri Vidya Charan Shukla): (a) Government

have received copy of a resolution passed by Manipuri Sahitya Parishad for the inclusion of Manipuri in the Eighth Schedule to the Constitution.

(b) Government are not in favour of any further enlargement of the list of languages included in the Eighth Schedule to the Constitution.

13 hrs.

**RE: STRIKE BY AIR INDIA PILOTS**

Shri S. M. Banerjee (Kanpur): The Air India statement was laid yesterday.

Shri Kanwar Lal Gupta (Delhi Sadar): I also wrote to you about that.

Mr. Speaker: I will give you some one hour separately.

12.51 hrs.

**RULING ON STATEMENTS UNDER RULE 197**

Mr. Speaker: Yesterday after the Home Minister made a statement in response to a Calling Attention Notice regarding assault on Shri B. K. Ghosh, M. P. a point of order was raised by Shri H. N. Mukerjee that it was not open to the Home Minister to add observations of his own when the matter was *sub judice*. He further asked whether it was proper for the Home Minister to make statements casting reflections upon particular parties. He was supported in this point of order by Shri S. N. Dwivedy, Shri N. G. Ranga, Shri Uma Nath, Shri S. M. Banerjee, Shri S. A. Dange and Shri A. B. Vajpayee. The Members urged that the Speaker should use his powers to expunge the observations of the Home Minister from the proceedings of the House. Shri N. C. Chatterjee, further to that point of order, stated that under Rule 197

only a statement of facts could be made and no debatable matter could come in. On the other hand, Shri P. Venkatasubbalah stated that the Home Minister was within his competence to draw such conclusions as he thought fit. He was supported by Shri Randhir Singh.

The Law Minister stated that Rule 197 did not say that the statement should be on facts only and that the Home Minister's observations that the attack on the M. P. was regrettable was not barred by the Rule. The Home Minister while clarifying his statement said that what he wanted to condemn was violence and not any particular incident.

The following issues arise:—

(i) Whether a statement under Rule 197 should be confined to the facts only and should not contain any observations or conclusions that a Minister may like to make;

(ii) Whether such a statement should contain any matter which is debatable and on which opinions may be divided in the House;

(iii) Whether the Speaker should order expunction of any words and phrases from the proceedings which on examination relate to a matter which is pending judicial decision before a court of law.

I give my decisions on the above points seriatim:—

(i) A statement under Rule 197 is not in the nature of an answer to a question and therefore it need not be confined to facts alone. The statement can include opinions, conclusions and decisions of the Government or the Minister and it is not necessary that it should be of a nature on which there should be complete agreement in the House. Similarly the questions which are asked on such a statement are not confined to matters of information only. Sometimes questions on such a statement

are in the nature of suggestions, criticisms and counter-opinions and therefore there is no restriction that the original statement as well as the subsequent questions and answers should be confined to more facts alone. The practice so far in this House confirms this.

(ii) It follows from my above observations that such statements are open to debate. The only restriction is that there shall be no debate on such statements at the time they are made. There is no prohibition against a notice for a debate on a matter contained in the statement of a Minister in response to a Calling Attention Notice to a subsequent date being given. Hence if a section of the House is not in agreement with the opinions or conclusions given by a Minister in his statement they are at liberty to raise a debate and to have the opinion of the House recorded on a proper motion or question before the House.

(iii) Rule 380 reads as follows:—

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may in his discretion order that such words may be expunged from the proceedings of the House."

It is very clear. I have quoted the rule.

A matter which is *sub-judice* and which has been referred to in a speech or debate or in any statement in the House does not fall within the ambit of this Rule and therefore the Speaker has no power to order expunction of any words or phrases which may relate to a matter which is pending for a judicial decision in a court of law. He has no power. However, under Rule 352(1) a Member while speaking shall not refer to any matter of fact on which a judicial decision is pending. It is "shall not". It is, therefore, necessary for a Member who is speaking not to refer to any such matter and if he insists on referring to such a

[Mr. Speaker]

matter the Speaker may ask him to discontinue his speech forthwith. The Speaker may also observe that the Member should not have referred to a matter which was sub-judice. Both the Statements will then be on record but the Speaker cannot and should not order expunction of such words. In the present case, however, I find from the statement of the Home Minister that the position at present is that the police have started investigation on complaints made to them and the statement has not disclosed that any criminal proceedings have in fact been instituted in a court of law. I do not, therefore, agree that I am called upon or have the authority to expunge any thing from the statement of the Home Minister.

श्री मधु लिमये (मुंबई) : अध्यक्ष महोदय, आप ने यह जो निर्णय दिया है उस के खिलाफ मैं कुछ नहीं बोल रहा हूँ लेकिन बिलकुल उस के विपरीत काम यहां हुआ जब डा० धर्मतेजा के संबंध में यहां पर बहुत बल रही श्री श्री श्रीमती रणजीत के पत्र का हिस्सा पढ़ा जा रहा था उस वक्त भी उन को यही कहा था। यानी उपाध्यक्ष महोदय को कि अगर आप की राय में कोई ऐसा वाक्य था रहा है कि जो कि न्यायलय के विचारधीन है तो आप रोकिए लेकिन जैसा कि आप ने कहा है, कार्यवाही से अगर शब्दों को निकालना है तो उसके लिए जो अभी आप ने नियम पढ़ा वह है और मेरा क्या है डिफेंसिटी, इन्-डिफेंसिटी, धनपातियामेंटी, धनडिगनीफाइड इन में से वह कुछ भी नहीं था तो उस को भी फिर कार्यवाही में लाने की कृपा करें। आप के निर्णय से मैं सहमत हूँ।

Mr. Speaker: I will tell Mr. Limaye and other hon. Members of the House that once the Chair has given its decision—

श्री मधु लिमये : पुनर्निर्णय भी हो सकता है।

अध्यक्ष महोदय : पुनर्निर्णय कर सकते हैं लेकिन—

—I do not know whether I can overrule the Presiding Officer at that time.

श्री मधु लिमये : तो फिर दूसरा सत्र हमारे लिए रह जाता है लेकिन वह अनपेक्षित रास्ता है। इसलिए हम ने कहा कि वाच पुनर्निर्णय करें।

Mr. Speaker: No, no. I have given my ruling just now. That is clear.

Shri Umanath (Pudukkottai): If a thing has taken place without authority, even expunction has taken place without authority, what is the remedy?

Mr. Speaker: Nothing can be done.

श्री मधु लिमये : पुनर्निर्णय के लिए हमने लिखा है। नहीं तो फिर दूसरा रास्ता रह जाता है वह अध्यक्ष रास्ता नहीं है, वह हम नहीं लेना चाहते।

12.07 hrs.

#### RE: QUESTION OF PRIVILEGE

ALLEGATIONS DR. RAM MANOHAR LOHIA  
By SHRI SURESH BHADRA YAJEN

श्री मधु लिमये : (मुंबई) : अध्यक्ष महोदय, 30 मई, 1967 को राज्य सभा में बोलते हुए एक सदस्य कांग्रेस पार्टी के लोक नर याजी जी ने इस सदन के एक माननीय सदस्य के खिलाफ गंभीर आरोप लगाये। (अध्वक्ष) . . . मैं आप की इनायत से, रोक रहा हूँ। इस प्रकार उन के वाक्य के :

"When the report of the Vivian Bose Commission was being discussed, even though there were 750 MPs, Sahu Jain did not find a single Member to lament, and Lohia Sahab had to take Rs. 1 lakh and on receiving that amount, his signatures were taken."