

[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 लिंगधे (मुंगेर) : 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 क्याल है डिफेंसरी, इन-डिफेंस, अनपारमियामेंट्री, अनडिगनीफाइड 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 लिंगधे : पुनर्विचार भी हो सकता है।

अध्यक्ष महोदय : पुनर्विचार कर सकते हैं लेकिन—

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

श्री मधु लिंगधे : तो फिर दूसरा रास्ता हमारे लिए रह जाता है लेकिन वह अनपारमियामेंट रास्ता है। इसलिए हम ने कहा कि आप पुनर्विचार करें।

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

Shri Umanath (Padukkottai): 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 लिंगधे : पुनर्विचार 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 लिंगधे : (मुंगेर) : अध्यक्ष महोदय, 30 मई, 1967 को राज्य सभा में बोलते हुए एक सदस्य कांग्रेस पार्टी के सीनियर याजी जी ने इस सदन के एक माननीय सदस्य के खिलाफ गंभीर आरोप लगाये। (अपवाचन) ... मैं आप की इनायत से रोके रहा हूँ। इस कारण उन के वाक्य के :

"When the report of the Vivian Bose Commission was being discussed, even though there were 750 MPs, Shri 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."

अध्यक्ष महोदय, यह इतना सरासर झूठ और बहुत आरोप है कि उन को समर्थनार्थ मैं एक ही वाक्य कहना चाहता हूँ कि डा० श्रीहिमा साहब ने उस वक्त राज्य सभा के अध्यक्ष से और न लोक सभा के सदस्य से, इस लिये उन के द्वारा हस्ताक्षर करने का कोई सवाल ही नहीं पैदा ही सकता था।

उस के बाद वहाँ विशेषधिकार का सवाल उठाना गया और बेयरमैन के द्वारा उस के बारे में जांच की गई तथा बेयरमैन साहब इस नतीजे पर पहुँचे कि शीलचन्द्र बाजी जी ने अपने आरोप की पुष्टि में कोई सबूत नहीं दिया। मैं, अध्यक्ष महोदय, इस बात को मानता हूँ कि अगर डा० राम मनोहर लोहिया साहब ने ऐसा काम किया है तो यह बहुत ही घिनीला काम है और वे मेरे बल के होते हुए भी मैं कहूँगा कि इस सदन को पूरा अधिकार है कि अगर वह आरोप सिद्ध हो जाता है तो उन की इस सदन की सदस्यता से आप निकास दीजिये, जैसे कि मृदंगल साहब को निकास दिया था। लेकिन जैसा कि राज्य सभा के बेयरमैन साहब ने कहा है कि इस आरोप की पुष्टि नहीं हो सकी—उस सदन ने क्या किया, कोई कार्यवाही की या नहीं की, मुझे उसके सम्बन्ध में कुछ नहीं कहना है, लेकिन चूँकि जिनके खिलाफ आरोप किया गया था, वह माननीय सदस्य इस सदन के सदस्य हैं, इस लिये हमारा कुछ कर्तव्य होता है—वे हमारे बल के हैं इस नाते मेरा कर्तव्य है और इस सदन के अध्यक्ष के नाते आपका कर्तव्य है कि इस सदन के हर एक सदस्य के जो अधिकार हैं, जो प्रतिष्ठा है उस की आप रक्षा करें, अब इस के सम्बन्ध में हम क्या कार्यवाही कर सकते हैं और किस तरह की कार्यवाही कर सकते हैं। उस के बारे में मैं कुछ कहना चाहता हूँ। मेरा पालियामेन्टी प्रैक्टिस को देखिये, उस के पृष्ठ 145 पर इस के सम्बन्ध में व्यवस्था दी गई है—

Complaints against members of officers of the other House:

The leading principle which appears to pervade all the proceedings between the Houses of Parliament is that there shall subsist a perfect equality between them, and that they shall be in every respect, totally independent one of the other. Hence it is that neither House can claim, much less exercised, any authority over a member of the other. Neither House of Parliament can take upon itself to punish any breach of privilege or contempt offered to it by any member of the other House. If any complaint is made against any individual member or against any of the officers of the other House, the usual mode of proceeding is to examine into the fact and then lay a statement of that evidence before the House of which the person complained of is a member or officer.

In a recent instance, after a complaint had been made in the Commons of a speech delivered outside the House by a member of the House of Lords.....

Mr. Speaker: The words are "outside the House".

जी मधु सिन्घे : आप आगे सुनिये—

"... a motion was made to refer the matter to the Committee of Privileges, but was withdrawn after the Speaker had announced that he had received a letter of apology from the Peer concerned, which he read to the House."

आपके पास कोई माफीनामा नहीं आया।

"When a member, officer, or servant of either House has been guilty of any offence either against the other House or against its members, which would be punishable by the latter if committed by one of its own members, officers, or servants, it is the duty of the House to which such offender belongs, upon being apprised of the fact to take proper measures to inquire into and punish the offence in a proper manner."

[श्री मधु सिन्हा]

भीरुभा ने उस दिन कुछ दोनों सदनों को मिला कर जो 1954 में कमेटी बनाई थी, उस का आपने निर्णय पढ़ा और कहा कि अभी भी वह हमारे ऊपर बन्धनकारक है। वह निर्णय इस प्रकार है...

Mr. Speaker: It has been read a number of times.

श्री मधु सिन्हा: मैं ज्यादा नहीं पढ़ता हूँ—

"When a question of breach of privilege is raised in any House in which a member, officer or servant of the other House is involved, the Presiding Officer shall refer the case to the Presiding Officer of the other House."

अब पढ़ने आपकी वह फैसला करना है कि इस तरह का आरोप करने से इस सदन के माननीय सदस्य के विशेषाधिकार का, और इस कारण इस सदन के विशेष अधिकार का, भंग हुआ है या नहीं। यदि आपकी राय है कि भंग हुआ है तो—मैं यह नहीं कहता हूँ कि शील भद्र-याजी जी को हमारा यह सदन या इस सदन की कमेटी दण्डित कर सकती है, यह मैं नहीं कह रहा हूँ—आप राज्य सभा के चेयरमैन को लिख सकते हैं कि हमारे माननीय सदस्य के विशेषाधिकार की ध्वजेला हुई है, उनकी प्रतिष्ठा को धब्बा लगाया गया है, इसलिये आप अपने ही सदस्य का अपमान हुआ है, ऐसा मान कर उस के बारे में उचित कार्यवाही करें। इतना आप उन को लिखें। यदि आप ऐसा करते हैं तो फिर मुझे कुछ नहीं कहना है।

Mr. Speaker: This matter was first raised by Shri Sant Bux Singh a fortnight ago and I thought I could convince him that the privilege of that House is as much sacrosanct as the privilege of this House. Then, myself and Shri Fernandes discussed

this matter in the Chamber a number of times. I tried to give as much chance as possible to Members, either on the Congress side or on the Opposition to convince me or get themselves convinced by me about this point. As I said, Shri Fernandes did discuss it with me two or three times with the assistance of the Secretary and also of all groups here. The point now is, this House could take notice of it if the speech had been made, as in the case of Shri Arjun Arora, outside the House. In the British Parliament also, the case to which Shri Limaye referred, a Member of the House of Lords made the speech outside the House. Therefore, the Parliament could take note of it. Here the position is a little different. An hon. Member of Rajya Sabha made a speech on the floor of that House. The person against whom he made the allegation is an hon. Member of this House. The point was raised by that House itself that it should be referred to the Privileges Committee. That House took notice of it. It is not as though they did not take notice of it at all. Then the Chairman said that he would look into the matter, he called the Member who made the allegation, directed him to produce evidence and when that hon. Member of the other House could not produce satisfactory evidence to the satisfaction of the Chairman, he said that there was absolutely nothing, the allegation was not proper—he used some adjective, I do not know the proper wording of it.

श्री मधु सिन्हा: सेंटिमेंटली सब कहा से आया है, चेयरमैन के जाचम में ऐसा कोई नहीं है।

Mr. Speaker: Therefore, it has been disposed of by the Chairman. Suppose we begin taking it up in this House, it should not ultimately become a controversy between the two Houses. The Chairman has given a decision

already. To whom am I to write?
I am to write to the Chairman.

श्री मधु लिमये : अध्यक्ष महोदय, मैंने इस लिये प्रश्न किया कि उस से ऐसा लगता है कि उनका सबूत वह सन्तोषजनक नहीं है। मगर सबूतही नहीं था, सबूत कहाँ से आयेगा।

Mr. Speaker: I am to write to the Chairman who has already looked into it and given a decision.

श्री मधु लिमये : उन की माफी मांगनी चाहिये।

Mr. Speaker: Order, order. You have had your say, you must hear me also. As I said, I tried to convince hon. Members or get convinced by them. I gave permission to Shri Limaye to raise it because I myself had some doubt after discussing it for fifteen days so that the whole House may know about the fact. I disallow it because the Chairman has already given a decision and I do not want to refer it to the same Chairman to take it up again.

Shri S. M. Banerjee (Kanpur): Why should he not apologise?

श्री मधु लिमये : अध्यक्ष महोदय, यह बहुत खतरनाक चीज हो रही है कि ये लोग विवेकाधिकार समिति के सामने जाने के लिये तैयार नहीं हैं, हम की जाने देने के लिये भी तैयार नहीं हैं, बाकिर यह संसद किस से तरह चलेगी।

12.18 hrs.

PAPERS LAID ON THE TABLE

UNIVERSITY GRANTS COMMISSION RETURNS AND INFORMATION (AMENDMENT) RULES, ETC.

The Minister of Education (Dr. Triguna Sen): I beg to lay on the Table:—

- (1) (i) A copy of the University Grants Commission Returns and Information

(Amendment) Rules, 1966, published in Notification No. S.O. 504 in Gazette of India dated the 19th February, 1966, under sub-section (3) of section 25 of the University Grants Commission Act, 1956.

- (ii) A statement showing reasons for delay in laying the above Notification. [Placed in Library, see No. LT-789/67].
- (2) A copy of the Certified Accounts of the Indian Institute of Technology, Kanpur, for the year 1965-66, along with the Audit Report thereon, under sub-section (4) of section 23 of the Institutes of Technology Act, 1961. [Placed in Library, see No. LT-790/67].
- (3) A copy of the Report on the activities of the Central Institute of English, Hyderabad, for the year 1964-65. [Placed in Library, see No. LT-791/67].
- (4) A copy of the Certified Accounts of the Central Institute of English, Hyderabad, for the year 1964-65, along with the Audit Report thereon. [Placed in Library, see No. LT-791/67].

INDIAN FOREST SERVICE (RECRUITMENT) SECOND AMENDMENT RULES, ETC.

The Minister of State in the Ministry of Home Affairs (Shri Vidya Charan Shukla): Sir, I beg to lay on the Table:—

- (1) A copy of the Indian Forest Service (Recruitment) Second Amendment Rules, 1967, published in Notification No. G.S.R. 913 in Gazette of India dated the 17th June,