

[Shri A. C. Guha]

- (3) Statement showing the replies to the recommendations noted in Chapter V of the Fifty-seventh Report of the Estimates Committee which were not furnished by Government in time for inclusion in the Report.

12.53½ hrs.

PUBLIC ACCOUNTS COMMITTEE

SIXTY-FIRST REPORT

Shri Morarka (Jhunjhunu): Sir, I beg to present the Sixty-first Report of the Public Accounts Committee on Para 147(ii) of Audit Report (Civil), 1966, relating to the Ministry of Education regarding Misuse of Grants given to the Rajasthan Mahila Vidyalaya, Udaipur for the construction of a Women's Hostel etc.

12.54 hrs.

SUSPENSION OF MEMBER

(Shri Kishen Pattnayak)

श्री किशन पटनायक (सम्बलपुर) : अध्यक्ष महोदय, आप मेरा मुताब मुन नें . .

अध्यक्ष महोदय : अब मैंने मुन लिया प्रीर में देख लूंगा । (ब्यवधान)

श्री किशन पटनायक : यह रक्षा मंत्री देश की ना रक्षा कर नहीं सके . . . (ब्यवधान)

अध्यक्ष महोदय : अब आप बाहर चले जाय । . . . (ब्यवधान) . . अब आप बाहर चले जाए ।

श्री किशन पटनायक : चीन प्रीर पाकिस्तान के मामले तो चूहे

अध्यक्ष महोदय : अब आप बाहर जायेंगे या नहीं ? (ब्यवधान) . . अगर आप नहीं जाते तो मुझे नेम करना पड़ेगा । . . .

मेरे कहने के बावजूद किशन पटनायक नहीं रुक रहे हैं तो मैं उन को नेम करके कहता हूँ कि उन्होंने यहां डिस्ऑर्डर क्रियेट किया है प्रीर मेरे ऑर्डर को डिफाई किया है ।

The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha): Sir, I beg to move:

"That Shri Kishen Pattnayak, a Member of the House, named by the Speaker, be suspended from the service of the House for ten days."

Shri Dinen Bhattacharya (Serampore): What are you doing? After ten days the Members will go for new elections.

Mr. Speaker: The question is:

"That Shri Kishen Pattnayak, a Member of the House, named by the Speaker, be suspended from the service of the House for ten days."

Those in favour will say "Aye".

Several hon. Members: 'Ayes'.

Mr. Speaker: Those against the motion will say "No".

Some hon. Members: "No".

Mr. Speaker: I think the "Ayes" have it.

Some hon. Members: "Noes" have it.

Mr. Speaker: Let the lobbies be cleared (Interruptions). Lobbies have been cleared. I will put the motion to the vote of the House. The question is:

"That Shri Kishen Pattnayak, a Member of the House, named by the Speaker, be suspended from the service of the House from ten days."

Shri Kapur Singh (Ludhiana): Sir, I rise to a point of order. Sir, ever since you have occupied this Chair you have established a precedent in this House that all motions for suspension of Members should be treated as practice in the House of Commons, from where we have taken this rule, that whenever this extreme step is taken against a Member it is to be treated as quasi-judicial proceedings. The necessary element of a quasi-judicial proceeding is, firstly, that an accusation is made against the Member—that is, naming by you—and then, secondly, a debate, no matter how short, must necessarily follow so that all aspects of the matter are examined. Then the Member concerned also must be given an opportunity to defend himself because it is a fundamental element of all quasi-judicial proceedings that a person accused must be allowed to face the accusers. Here in the rules we say that a Member may be suspended by naming etc. etc., but it is an established practice in the House of Commons that they are always quasi-judicial proceedings and they cannot be treated in the summary manner in which they are being treated here. The matter involves not merely of a single Member going outside the House, you are by these proceedings silencing the voice of a million sovereign citizens of the country by turning a Member out of this House on the slightest pretext. This practice has been going on in this House and it is against the spirit of the rules, it is against the letter of the rules, it is against the known conventions of the House of Commons and it is, according to me, an act of high-handedness.

Shri S. M. Banerjee (Kanpur): Sir, I rise to a point of order.

Mr. Speaker: No, Sir. A point of order has been raised.

Shri S. M. Banerjee: Sir, can I not rise on a point of order? If we cannot, say so.

Mr. Speaker: I have heard one point of order and I have to give my ruling.

Shri S. M. Banerjee: One point of order is not omnibus.

Mr. Speaker: Rule 374(2) says:

"If a member is so named by the Speaker, the Speaker shall, on a motion being made, forthwith put the question that the member (naming him) be suspended from the service of the House for a period not exceeding the remainder of the session:"

So, no debate or amendment is allowed.

13.00 hrs.

Shri S. M. Banerjee: Please read the rules.

Mr. Speaker: I have read the rules.

Shri S. M. Banerjee: Yesterday also you asked Shri Priya Gupta to leave the House. Then Shri Kamata read out the rules. Now, what is "grossly disorderly"? I have also been in this House since 1957, by the grace of the people and not of the Congress or the Government. I do not know the position which obtained during the time of Shri Mavalankar, but during the time of your predecessor, Shri Ayyangar there was only one instance of suspending a Member. Shri Arjun Singh Bhadoria disobeyed the orders of the Chair to such an extent that even the Opposition Members did not approve of his action. Then the Marshall was sent and the Marshall requested him to go away. Still, he did not go out. In that case, all these procedures were correctly followed. Shri Kishen Pattnayak simply wanted to say something about the university campus. He said that it has been reduced to a concentration camp . . . (Interruptions).

Some hon. Members: No, no.

Shri S. M. Banerjee: These hon. Members say "no, no" but none of them has got the courage to go to the university campus. My point is this. Shri Kishen Pattnayak is being persecuted. Here we have witnessed many such instances where the Leader of the House has suggested suspension for 10 or 15 days and we on this side have pleaded for its reduction to 3 or 4 days. So, I would only request you, I would appeal to your sense of impartiality and justice. . . (Interruptions). Sir, they have no brains; their upper chamber is empty. I would only request you to consider that Shri Kishen Pattnayak is as good a Member of Parliament, as the Prime Minister herself. The Prime Minister is not a member of the Lok Sabha; she is only a Member of the Rajya Sabha. But Shri Kishen Pattnayak is a Member of the Lok Sabha. Further, this is the last session before the general elections. So, my suggestion is that you may ask him to go out only for the day.

Shri H. N. Mukerjee (Calcutta Central): Could I make a submission? Even if under the rules you can proceed summarily, would you not consider that in the interests of the country and parliamentary life in general, especially in the context of the kind of thing which has been going on, all the resources of understanding have to be brought to bear on this point? Today what happens is, this city is in a state of seige, as it were, and we do not know who is the enemy, unless the people are your enemies. That being the position, are we going to repeat this story of sending out people, naming them and getting them away from the service of Parliament, and aggravating the position, or are we going to do something better in this regard? If Government fails, Parliament can behave differently. I understand, sometimes when you, being in the Chair, you feel provoked by the kind of conduct to which we cannot under the

rules take exception, but, in the very extraordinary circumstances of today, a very supreme responsibility devolves on you as a representative of Parliament, when Government seems to have abdicated all its power and relies only on military and quasi-military forces to suppress the aspirations of the people. I do not know why they are driven to this kind of extremism. Would it not be desirable to . . . (Interruptions). May I ask you at least to take counsel with the Government, if they are capable of giving you counsel in this particular juncture and then start writing on a new slate? Now, what is the point in the Prime Minister talking in the way she did in her broadcast . . . (Interruptions).

Mr. Speaker: Order, order. I do not need any assistance at this moment. Under rule 373 it is only the Speaker who can decide what is "grossly disorderly"; there cannot be any debate on it and no other authority can judge it. We have passed that stage. Rule 374 does not speak of "disorderly conduct". It relates to defiance of the Chair. When the Chair has asked a Member to go out and he does not go out, then rule 374 comes into operation. Therefore, the question of "grossly disorderly" conduct does not arise here.

Then, it has been mentioned by Shri Kapur Singh that he has seen it in the House of Commons that a debate is allowed. I will read the relevant rule of the House of Commons:

"If the offence has been committed by a Member in the House, the Speaker forthwith puts the question, on a motion being made, no amendment, adjournment or debate being allowed, that the Member be suspended from the service of the House."

So, now the question is:

"That Shri Kishen Pattnayak, a Member of the House, named by the Speaker, be suspended

from the service of the House for ten days."

The Lok Sabha divided:

Division No. 8]

Achal Singh, Shri
Alagesan, Shri
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Bal Krishna Singh, Shri
Balmiki, Shri
Barua, Shri R.
Barupal, Shri P. L.
Basappa, Shri
Bhargava, Shri M. B.
Bhatkar, Shri
Blat, Shri J. B. S.
Borooh, Shri P. C.
Chanda, Shrimati Jyotsna
Chandak, Shri
Chaturvedi, Shri S. N.
Chavan, Shri D. R.
Chavan, Shri Y. B.
Chavda, Shrimati Jhrrabes
Das, Dr. M. M.
Das, Shri B. K.
Dey, Shri S. K.
Dighe, Shri
Dixit, Shri G. N.
Dwivedi, Shri M. L.
Elayaperumal, Shri
Ering, Shri D.
Pirodai, Shri
Ghoosh, Shri Atulya
Guha, Shri A. C.
Gupta, Shri Shiv Charan
Harvani, Shri Anwar
Hezarika, Shri J. N.
Heda, Shri
Hem Raj, Shri
Iqbal Singh, Shri
Jadhav, Shri M. L.
Jadhav, Shri Tulsi Das
Jamuna Devi Shrimati
Jedhe, Shri
Jyotishi, Shri J. P.
Kedaria, Shri C. M.
Khadilkar, Shri
Khan, Shri Shah Nawaz
Khanna, Shri Mehr Chand
Kisan Veer, Shri
Kotaki, Shri Liladhar

AYES

Kripa Shankar, Shri
Lakshminanthamma, Shrimati
Laskar, Shri N. R.
Laxmi Bai, Shrimati
Mahadeva Prasad, Dr.
Mahishi, Dr. Sarojini
Malaichami, Shri M.
Mallick, Shri Rama Chandra
Masuriya Din, Shri
Matcharsiu, Shri
Mathur, Shri Harish Chandra
Mehrotra, Shri Braj Bihari
Mehta, Shri J. R.
Mehta, Shri Jashvant
Melkote, Dr.
Mengi, Shri Gopal Datt
Minimata, Shrimati
Mishra, Shri M. P.
Misra, Shri Maheesh Dutta
Mohain, Shri
Morarka, Shri
More, Shri K. L.
Naik, Shri D. J.
Naik, Shri Maheswar
Naskar, Shri P. S.
Nayak, Shri Mohan
Niranjan Lal, Shri
Pande, Shri K. N.
Pandey, Shri R. S.
Pandey, Shri Vishwa Nath
Panna Lal, Shri
Pant, Shri K. C.
Parasher, Shri
Patel, Shri Man Singh P.
Patel, Shri P. R.
Patel, Shri Rajeshwar
Patil, Shri D. S.
Patil, Shri M. B.
Patil, Shri S. B.
Patil, Shri S. K.
Patil, Shri Vasant Rao
Prabhakar, Shri Naval
Pretap Singh, Shri
Raghunath Singh, Shri
Raja, Shri C. R.
Rajdeo Singh, Shri

[13.07 hrs.

Raju, Dr. D. S.
Ram Sewak, Shri
Ram Subhag Singh, Dr.
Ram Swarup, Shri
Ramdhani Das, Shri
Rao, Dr. K. L.
Rao, Shri Kriahnamoorthy
Rao, Shri Muthyal
Rao, Shri Rameshwar
Rao, Shri Thirumala
Reddi, Dr. B. Gopala
Reddy, Shri H. C. Linga
Reddy, Shri Surender
Sadhu Ram, Shri
Sanji Rupji, Shri
Sarma, Shri A. T.
Sen, Shri P. G.
Sham Nath, Shri
Shankaraiya, Shri
Sharma, Shri D. C.
Sharma, Shri K. C.
Shaahi Ranjan, Shri
Shyamkumari Devi, Shrimati
Siddananiappa, Shri
Siddhanti, Shri Jagdev Singh
Siddiah, Shri
Siddeahwar Prasad, Shri
Sinha, Shri Satya Narayan
Sinha, Shrimati Terkeshwar
Snatka, Shri Nardeo
Sonavane, Shri
Subramaniam, Shri C.
Subramanyam, Shri T.
Sumat Prasad, Shri
Tiwary, Shri R. S.
Tula Ram, Shri
Tyagi, Shri
Ujkey, Shri
Upadhyaya, Shri Shiva Dutt
Vaishya, Shri M. B.
Varma, Shri Ravin dra
Venkatasubbaiah, Shri P.
Wadiwa, Shri
Wasnik, Shri Balkrishna
Yadav, Shri Ram Harkh

NOES

Banerjee, Shri S. M.
Barua, Shri Hem
Bhattacharya, Shri Dinesh
Bheel, Shri P. H.
Chatterjee, Shri H. P.

Gopalam, Shri A. K.
Gupta, Shri Kashi Ram
Kachhavaiya, Shri Hukam Chand
Kakkar, Shri Gauri Shankar
Kandappan, Shri S.

Kapur Singh, Shri
Kar, Shri Prabhat
Koya, Shri
Krishnapal Singh, Shri
Maurya, Shri B. P.

Mukerjee, Shri H. N.
Nair, Shri Vasudevan
Pandey, Shri Sarjoo
Pattanayak, Shri Kishen
Pottekkatt, Shri

Raghavan, Shri A.V.
Ram Singh, Shri
Roy, Shri Saradish
Shastri, Shri Prakash Vii
Singh, Shri Y. D.

Utiya, Shri
Verma, Shri S.L.
Vimla Devi, Shrimati
Yashpal Singh, Shri

Mr. Speaker: The result of the division is: Ayes 138; Noes* 29.

The motion was adopted.

Shri A. K. Gopalan: Sir, we are all going out. What is happening in the country? People are being shot outside. The Government policy is such . . .

An hon. Member: Go away.

Shri A. K. Gopalan: Who is he to ask me to go away?

Mr. Speaker: I now request Shri Kishen Pattanayak to leave the House.

Shri A. K. Gopalan: People are being shot outside and now parliamentary democracy is dead. These people on the other side do not believe in parliamentary democracy . . . (Interruptions).

(Shri Kishen Pattanayak, Shri A. K. Gopalan and some other Members left the House).

13.08 hrs.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha): With your permission, Sir, I rise to announce that Government Business in this House during the week commencing 21st November, 1966, will consist of:—

- (1) Consideration of any item of Government Business carried over from today's Order Paper.
- (2) Further consideration and passing of the Constitution

(Twenty-first Amendment) Bill, 1966 and the Representation of the People (Amendment) Bill, 1966, on Tuesday, the 22nd November, 1966 after disposal of Questions.

(3) Consideration and passing of:—

The Goa, Daman and Diu (Opinion Poll) Bill, 1966.

The Police Forces (Restriction of Rights) Bill, 1966, as passed by Rajya Sabha.

The Indian Tariff (Second Amendment) Bill, 1966.

The Seeds Bill, 1964, as reported by the Select Committee.

The Patents Bill, 1965, as reported by the Joint Committee of the Houses.

(4) Discussion on the student unrest and trouble in recent months on a motion to be moved by Shri Harish Chandra Mathur and others on Wednesday, the 23rd November, 1966, at 4 P.M.

श्री हुकम चन्द कल्लुबाय (देवास) : पिछले 7 नवम्बर में को घटनायें हुई हैं वह बहुत महत्वपूर्ण विषय है और सब लोगों ने कहा है कि उस पर चर्चा होनी बहुत जरूरी है। उस का महत्व और भी ज्यादा बढ़ गया है। मैं जानना चाहता हूँ कि उस पर आप कब चर्चा करने वाले हैं।

दूसरी बात मैं यह कहना चाहता हूँ कि 7 तारीख को सारे देश से आये हुये गोवर्धन विरोधी लोगों ने मांग की थी कि गोहत्या बन्द होनी चाहिये। मैं मंत्री महोदय से

*Shri Lakhan Das, also wanted to vote for 'NOES', as per his subsequent intimation to the Speaker.