

workers' representatives and of the employees in this matter? The workers' representatives and even the Maharashtra Labour Minister have expressed the apprehension that this may result in a wave of strikes or labour troubles. The employes' association has said that the Supreme Court by invalidating three provisions of the Bonus Act had set right the wrong done by the Government. This is what the spokesman of the employers' federation of India has said. The report says:

"Mr. T. S. Swaminathan, Secretary-General of the Federation said that the employers would oppose any amendment of the Bonus Act in the light of the Supreme Court judgement incorporating these provisions in some other form."

I would like to know whether when taking a decision to safeguard the interests of the workers—which has been proclaimed so loudly by Shri Jagjivan Ram—Government will take cognizance of the threatening attitude of the employers and will safeguard the interests of the employees despite these threats. I would like to have an assurance to that effect.

Shri Jagjivan Ram: I wish that my loud proclamations are heard by my hon friend Shri S. M. Banerjee also. I do not want to make any distinction. Whatever the employers may say or whatever the workers may say, the judgement has to be examined on merits and legally; and once it has been examined, we shall certainly consider what steps will have to be taken to remedy the defects that have been found out in the Act. I cannot say anything more at this stage.

I have gone further and said that if necessary, I shall have a meeting with the Ministers of the State Governments and if necessary I may even convene a meeting of the Standing Labour Committee to consider this

question. But that can follow only after we have ascertained the legal opinion in the matter as to what steps can be taken.

Shri S. M. Banerjee: How long will it take?

12.24 hrs.

RE. NOTICE UNDER RULE 357 AND REFLECTIONS ON THE CHAIR

Mr. Speaker: Now, Papers to be Laid on the Table.

Shri Kapur Singh (Ludhiana): Before you proceed further, I wish to draw your attention most respectfully towards the notice under rule 357, which I gave yesterday. I was informed last evening or late last night that in your pleasure you had disallowed it.

Shri Surendranath Dwivedy (Kendrapara): Grave allegations have been made against you. What is the subject-matter?

Shri J. B. Kripalani (Amroha): What is he talking about?

Mr. Speaker: Has he made his statement or he wants to make it?

Shri Kapur Singh: I want to make it.

Shri Hem Barua (Gauhati): Are you taking all this in a sportsmanly spirit?

Shri J. B. Kripalani: What is he talking about?

Mr. Speaker: He wants to malign me and cast reflections on me. There is nothing else that he wants to do. He gave me notice and under the cloak of personal explanation, he wants to say those things. I have disallowed it and said that this is no personal explanation. Now he insists that he must have his say. Now he says. (*Interruptions*). This attitude does not change simply by saying I

[Mr. Speaker]

say it most respectfully' or 'most humbly'.

Shri Kapur Singh: It is not fair for you to prejudge me. Permit me to place myself at the hands of the House..... (Interruptions).

Mr. Speaker: I have conveyed to him that I do not allow him. But now he insists . . . (Interruptions).

Shri Kapur Singh: I submit most respectfully that I have no intention to malign you . . . (Interruptions).

Shri A. C. Guha (Barasat): On a previous occasion, he was allowed to make a statement by way of personal explanation which was considered by the House as derogatory to the House.

Shri N. Sreekantan Nair (Quilon): If you allow him to make a statement, we will be considered as 'goondas' as reported in the newspapers.

Shri J. B. Kripalani: We have not understood anything of what is going on excepting that there are certain reflections cast on you. On what grounds?

Shri Hem Barua: You should also lay down a minimum standard. Instead of laying down some minimum standards, you are by your silence, if I may say so, fomenting these things (Interruptions).

Mr. Speaker: I regret to say that for sometime past there have been efforts to bring the Office of the Speaker into contempt and ridicule. These attempts are being constantly made. I have to appeal to the Members.

Shri Frank Anthony (Nominated Anglo-Indians): Why do you permit it?

Shri Bhagwat Jhad Azad (Bhagalpur): He has made a serious charge.

Shri Khadilkar (Khed): He has made some serious charges which are absolutely out of place. You must take some action against him for those remarks.

Mr. Speaker: I am finding myself in a very difficult position.

श्री हुकम चन्द कछवाय (देवास) :
इन्होंने जो कुछ भी कहा है, रेकार्ड में से निकाला जाय ।

Shri Bhagwat Jha Azad: We can admire the patience of Sardar Hukam Singh. But, Sir, you are in the Chair as Speaker, the custodian of this House. Every word that has fallen from the hon. Member is very derogatory. We would request you as a Member of the House, to maintain the dignity of the Chair and take proper action in this regard.

Another hon. Member said that you are fomenting this trouble. If any Member on this side says anything like this, we will oppose it. The remarks made by Shri Kapur Singh are very objectionable and I do not find adequate words in the English language to describe it. He has degraded Parliament, he has insulted Parliament by insulting you. Therefore, we request you to take proper action against him.

Several hon. Members: Yes, yes.

Shri M. I. Dwivedi: (Hamirpur): We cannot tolerate it. Strong action must be taken.

Mr. Speaker: Order, order. (Interruptions).

Shri M. L. Dwivedi: You are not ordering the persons who are insulting the House, insulting the Chair and insulting the dignity and honour of the Constitution. (Interruptions).

श्री हुकम चन्द कछवाय : इन्होंने जो कुछ कहा है उसको रिकार्ड से निकाल दिया जाय ।

Mr. Speaker: Let me ponder over it quietly whether any action is needed.

Shri Surendranath Dwivedy (Kendrapara): The House does not want that this matter should at all be dis-

cussed; for what reasons he has said this, that also we do not want to discuss, but the remarks are there. Therefore, I would suggest that those remarks made by the hon. Member should be expunged from the proceedings of the House.

Shri M. L. Dwivedi: Either the Member must apologise or he must be punished.

Mr. Speaker: The least that I can do is to ask the Member that he should withdraw them.

श्री हुकम चन्द कछवाय : इन्होंने जो कुछ आपके खिलाफ आरोप लगाये, न को रिकार्ड से निकाला जाय ।

Shri Kapur Singh: You, with the concurrence of the majority of the Members of this House, forbid me to place before the House matters which I consider to be of vital importance for the dignity of this House.

Some hon. Members: How?

Shri Kapur Singh: Here they are.

Now you want me to withdraw those remarks of protest by which I wanted to draw the attention of this House to those very vital matters. I want you to know, and I want this House to know, that I shall never insult a million voters whom I represent here by either playing the courtier or by refraining from speaking what I believe to be the truth. I refuse to withdraw what I have said. I withdraw from the House. You may take any action you want.

Shri Kapur Singh then left the House.

Shri M. L. Dwivedi: He must be named.

Mr. Speaker: The second question is whether those remarks should be expunged from the proceedings.

Dr. M. S. Aney (Nagpur): He should be punished. (*Interruptions*).

Mr. Speaker: Order, order. If it is the desire of the House that some punishment has to be given

Some hon. Members: Yes.

Shri N. Dandekar (Gonda): May I make an observation?

An hon. Member: Who are you?

Mr. Speaker: Let Mr. Dandekar say what he wants.

Shri N. Dandekar: He has made certain remarks and if you agree, I will make some observations on it.

I am entirely with the House in saying that those expressions and adjectives that were used were objectionable and should not have been used. I am also entirely with those who moved the motion that they should be expunged from the record. But we all know that many Members here lose their tempers and say intemperate things, or say good things intemperately, and I do not think that on that kind of thing we ought to take the extreme step of naming or punishing the Member. That is my submission.

Mr. Speaker: I have only to bring this to the notice of the hon. Member. He might read the original that he sent me, and if that contains similar things and similar language is used in that also, then probably he will be satisfied that I was justified in thinking that it was not only the heat of the moment.

Shri Hari Vishnu Kamath (Hoshangabad): That has not been read.

Mr. Speaker: No, I have not read it, that has not been read. I will pass it on to Mr. Dandekar. He may have a look into it and then decide how he has behaved.

Shri Daji (Indore): Let it be very clear that we do not agree with the remarks made by him, but such a situation also developed some time back, you will recall. I think it was

[Shri Daji]

Mr. Kapur Singh or some other Member who made certain observations about the Deputy-Speaker on the floor of the House. That was some time back, I think in the last session. Even if you expunge certain remarks that have been made, we do not know in what context; we are absolutely in the dark. You have kindly passed on certain papers to Mr. Dandeker.

Shri Dandeker is reading it and I am completely in the dark. So are most of the Members of the House as to what is the context of this—*(Interruption)*—I do not want to be run down in the House.

Mr. Speaker: Order, order. Does he hold that in a particular context this would be justified?

Shri Daji: No, Sir, I do not even suggest that whatever he has addressed to you should be read. My suggestion is only this: since certain things have been said in an objectionable way, it would be better if you show it not only to Shri Dandeker but to all the leaders of the groups and decide; I suggest you may completely ignore so so to say, the House and consider it privately in your Chamber.

Shri Bhagwat Jha Azad: It is not necessary to do so in the Chamber. What has been said in the House is enough.

Mr. Speaker: Shri Daji, who agrees with me that, in whatever context, these observations which have been made are objectionable, should appreciate on thing: if that is the case, then, why should he say that he does not know in what context they have been said? The context might be anything, but these words have been uttered and in spite of my warning to him that I did not allow them. Then, of course, it does not behave anybody to stand up and say these words. This is what the House is objecting to. *(Interruption)*.

Shri Surendranath Dwivedy: We agree also that they should be expunged.

Mr. Speaker: Then, in that case, if the House is of the opinion that some punishment should be awarded, I have to name the Member. First he disobeyed the Chair. I had asked him first that he should not arise it. First he disobeyed it. Secondly, he cast reflection unnecessarily, which was offensive against and against the dignity of the Chair and against the dignity and decorum of the House. Therefore, I name Shri Kapur Singh as having done this wrong.

Shri Hari Vishnu Kamath: May I submit one thing? I agree entirely that the hon. Member Shri Kapur Singh has shown grave discourtesy to the Chair, and he has also sought, by the remarks he made, to bring the Speaker's office into disrepute. He cast reflections on the Chair. I would straightway say that his conduct does merit serious consideration. The House should take serious notice of his conduct.

But under rule 374(1) of the Rules, the naming of a Member should be preceded by certain happenings. The rule reads as follows:

"The Speaker may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof."

Now, I do not know—it is for the House to judge—*(Interruption)*

Mr. Speaker: Order, order.

Shri Hari Vishnu Kamath: Now, what happened was, the hon. Member cast some reflections on you, which was most objectionable. Shri Dandeker also admitted it, that it was most objectionable. But would that amount to seriously, wilfully and persistently obstructing the business of the House? If you hold that he has committed that offence, then of course he can be named. Then, I do not know whether it is proper to name a Member after he has withdrawn from the House. He

had withdrawn from the House. He was not present.

Mr. Speaker: Shri Kamath has raised very pertinent questions.

The first is about rule 374(1) which reads as follows:

"The Speaker may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof."

I have said that he has disregarded my authority. I have conveyed to him not to raise it, but he raised it. Without my permission, he stood up and went on without any halt. Therefore, he was obstructing the proceedings also.

The second question is whether I can name him after he has left. Of course, when he is leaving if he makes certain remarks, that aggravates the offence and I can name him thereafter. It is not necessary that he should be present.

Shri Surendranath Dwivedy: Just imagine what will be the effect if we punish this particular member. The most objectionable remarks of the member would remain in the proceedings of the House and they would appear in the press also. I submit that we have sufficiently condemned him. You have already named him and the whole House has condemned him and he had also left the House. I think it will be sufficient for the purpose if you expunge those remarks from the proceedings. Otherwise, those remarks will appear in the press also.

Mr. Speaker: Mr. Dwivedy probably is mixing up the two things. We are not suspending him simply for those remarks. Besides that punishment, if the House is of the opinion that these must be expunged, we can expunge them also.

Shri Hem Barua: Then you cannot name him.

Mr. Speaker: Naming is for the obstruction caused to the proceedings, not for uttering those remarks.

Shri Surendranath Dwivedy: To be very fair, when he got up and went on speaking, you said, "You go on and say whatever you want to say." So, it is not that you asked him to sit down and he persisted in speaking. If that was the situation, I would be the last person to plead for him.

Shri Hem Barua: If what he said is expunged, you cannot name him, because there is no basis, no material, on which you can name him.

Shri A. K. Gopalan (Kasergod): When he began to speak, after he has spoken one or two sentences, you could have stopped him and named him. But you allowed him to make that statement.

Mr. Speaker: He would not listen.

Shri Hari Vishnu Kamath: You were yourself lenient.

Mr. Speaker: I am not in a hurry that he should be punished. I leave it to the Members that they must carefully safeguard the dignity and decorum of the House. (*Interruptions*).

Shri N. Dandekar: I agree with you that you are entitled....

Some hon. Members rose—

Mr. Speaker: Other Members also might have their say.

Shri Harish Chandra Mathur (Jalore): Are you going to circulate it to the Members?

Mr. Speaker: Not the document; I was referring to the opinion formed by Mr. Dandekar.

Shri N. Dandekar: You are fully justified in taking exception to the way this has been worded. You have already referred to the rule whereby if a Member is obstructing the proceedings of the House, you can certainly

[Shri N. Dandeker]

name him and the House can punish him. But with great respect, I submit that after he made the observations that he should not have made, you were pleased to say, "If you want to say anything, go ahead and say it". At that moment, if you had said, "Mr. Kapur Singh, this is objectionable. Please desist", and, if he did not desist, certainly it would amount to obstruction of the proceedings of the House and all the consequences would follow.

Sir, I do suggest that if anybody has been endeavouring as far as possible to support your authority, it is me. I most respectfully submit that you in fact, in your kindness perhaps, said to him, "Mr. Kapur Singh, if you insist on saying this, please go on" and you sat down. If I may say so, it does not amount to obstructing the proceedings of the House. I, therefore, submit that while I agree with your taking exception to those observations and while those observations must be struck out, there the matter should end.

Dr. M. S. Aney: Mr. Dandeker has said that you told Mr. Kapur Singh "All right, you go on". Everybody in this House understood the meaning of it when you said "Go on".

You meant, "If you feel like going on like this, go on".

Shri Harish Chandra Mathur: Sir, I think the whole House joins in condemning the attitude and action of Mr. Kapur Singh.

Shri D. C. Sharma (Gurdaspur): You are not the spokesman of the whole House.

Shri Harish Chandra Mathur: That has been the consensus. I do not know if there is a stray member who thinks otherwise. Even those members who are now wanting to mollify the whole situation have very strongly condemned his action. I do not think the conduct of the hon. member can be supported by anybody.

Let us take it in two parts. You had disallowed it and in spite of your having said that this has been disallowed, he made certain remarks which were highly objectionable. To say that there the matter ends is not correct. After that, you gave him an opportunity to withdraw those remarks. He categorically refused to withdraw those remarks.

Mr. Dwivedy's anxiety is if you punish him, those remarks will remain in the proceedings and will appear in the press also. I can understand his anxiety. His anxiety is not to support or justify the action of Mr. Kapur Singh. It is not at all so. What my friend fears will happen is not likely to happen. One point raised is after he has withdrawn, how can action be taken against him? That would be a most dangerous situation, because then I can stand up, call names, do anything I like and walk away. Because I have walked away, no action can be taken? We will be landing ourselves into a very absurd position if that is accepted.

Of course, the objections raised are well-intentioned and well meant, but I do not think they hold much water. You have already given your decision. You have already named him. There is no going back upon it. Going back would be a very serious thing in this series of things. Mr. Jaganatha Rao was rising in his seat to move the motion. I think we have already traversed much ground.

The Minister of State in the Departments of Parliamentary Affairs and Communications (Shri Jaganatha Rao): I beg to move:

"That Shri Kapur Singh, a Member of the House, named by the Speaker, be suspended from the service of the House for the remainder of the session."

Shri S. M. Banerjee (Kanpur): I want to move an amendment.

श्री हुकम चन्द कछवाय (देवास)
 जो प्रस्ताव व सुझाव, सामने आया है उस पर
 मैं अर्पना अमंडमेंट रखना चाहता हूँ ।

Mr. Speaker: No amendment is allowed.

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय,
 यह बहुत ज्यादा सजा है, सजा कम की जाये ।

Mr. Speaker: The question is:

"That Shri Kapur Singh, a Member of the House, named by the Speaker, be suspended from the service of the House for the remainder of the session."

Those in favour will say 'Aye'.

Some hon. Members: Aye.

Mr. Speaker: Those against will say 'No'.

Some hon. Members: No.

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

The motion was adopted.

Shri Surendranath Dwivedy: Sir, what happened to my suggestion that the words be expunged?

Mr. Speaker: I have not taken a decision. If that is the opinion of the House, they might be expunged.

Shri Hari Vishnu Kamath: Sir, after having a Member and punished him, if you expunge the words from the records....

Mr. Speaker: We can expunge even then. It is not subject to any appeal or revision, that we have to show it to anybody.

Shri Hari Vishnu Kamath: The Member has been named and punished also.

Now if those words are expunged from the record, for the future historian, the record will not show anything at all, why this was done.

Several hon. Members: That should be expunged.

Mr. Speaker: If that is the opinion of the House, I order its expunction.*

Shri Hem Barua: Sir, as I pointed out before the Member was actually punished, if you expunge the words from the records there would not be anything to show in the record that on the face of this he deserved that punishment. The two things cannot go together.

Mr. Speaker: I have already expunged.

12.54 hrs.

RE: POINT OF ORDER

श्री राम मनोहर लोहिया (फर्रुखाबाद) :
 अध्यक्ष महोदय, श्री सुब्रह्मण्यम के खिलाफ
 विशेषाधिकार के प्रस्ताव पर.....

अध्यक्ष महोदय : वह कल लिया जायेगा ।

डा० राम मनोहर लोहिया : अध्यक्ष महोदय, मुझे एक व्यवस्था का प्रश्न इस सम्बन्ध में उठाने दीजिये ।

श्री बाजी (इन्दौर) : अभी ट्रेन डिरेल हो गई, कल मिनिस्टर डिरेल हो जायेंगे, परसों कुछ और डिरेल हो जायेगा ।

अध्यक्ष महोदय : इस तरह से तो ठीक नहीं हैं । मुझे मंत्री महोदय ने सुबह टेलिफोन किया कि चूकि सारी कार्रवाई हिन्दी में है इसलिये वह उस का तर्जुमा करा रहे हैं । उन को थोड़ा सा वक्त दिया जाये । मैं इसे कल ले लूंगा क्योंकि मैंने सोचा कि वह समझ लें और उस का जवाब दे सकें । दूसरे मेरे पास श्री

*For expunction please see col. 3566.