(a) The two harbour tugs ordered for Pradeep Port are under construction and are expected to be ready by June 1967. Meanwhile, efforts are being made to obtain tugs from other sources to meet the interim requirements.

(b) Foodgrain tankers can be handled when tugs of requisite capacity are available.

(c) The Port is already connected to Cuttack by road.

(d) Does not arise.

12.19 hrs.

RE. POINT OF ORDER

Mr. Speaker: Shri Madhu Limaye wanted to make a statement.

Shri S. M. Banerjee (Kanpur): Before that privilege motion, I have a point of order.

श्री मधु लिमये (मुंगेर) : उस के पहले मेरा एक प्वांइट आफ आर्डर है जो कि कार्यसूची के क्रम के बारे में है । अध्यक्ष महोदय, मैं आप का ध्यान नियम 355 की ओर दिलाना चाहता हूं ।

अध्यक्ष महोदय : वह तो हो गया आप आगे कहिये ।

श्री मधु लिमये : आप के द्वारा जो निर्देश 2 दिया गया है उस के सम्बन्ध में मैं कहना चाहता हूं लोक-सभा बुलेटिन, भाग 2 में किस क्रम के अनुसार कामों को लिया जायेगा वह आप ने सिलसिलेवार बतलाया है । लगभग 21 आइटेम्स हैं । अब 355 के मातहत जो प्रश्न पूछे जाते हैं उनका उस में उल्लेख तक नहीं है । 355 इस प्रकार है :

"When for the purposes of explanation during the discussion or for any other sufficient reason, any Member has occasion to ask a question of another Member on any matter, then under the consideration of the House, he shall ask the question through the Speaker."

आप नियम 2 देखलें । 2 में व्याखायें हैं । डेफिनिशन्स । उसमें तीन वाक्य हैं :

"'Member' means a Member of the House of the People, Lok Sabha."

"'Minister' means a Member of the Council of Ministers, a Minister of State, a Deputy Minister of Parliamentary Secretary."

"'Private Member' means a Member other than a Minister."

इसलिए मेरा निवेदन है कि 355 नियम के अनुसार किसी भी सदस्य से दूसरा कोई भी सदस्य जो जरूरी काम है सदन के सामने उस के सम्बन्ध में सवाल कर सकता है ।

अब आप पूछेंगे कि जो प्रश्न सम्बन्धी नियम हैं उन के अन्दर मैं यह सवाल क्यों नहीं पूछता । इसका कारण यह है कि इस वक्त जो खाद्य मंत्री हैं वह उस वक्त इस्पात मंत्री थे, और जिस समय वह स्टील मिनिस्टर थे उस समय की घटनाओं के बारे में मैं व्यक्तिगत जानकारी हासिल करना चाहता हूं । यह बहुत ही जरूरी है हमारे विशेषाधिकार के सवाल के लिए । जो पी० ए० सी० की रिपोर्ट पर बहस होने वाली है, उस के लिए भी यह बहुत जरूरी है । इसलिए एक मामूली सवाल का जो नियम है उस के मातहत मैं उन से पूछ भी सकता हूं । यह बहुत बढ़िया कारंवाई 355 के मातहत है । मैं सवाल पूछता हूं । जवाब वह बाद में दे सकते हैं ।

अध्यक्ष महोदय : मैं आप से इतिफाक नहीं करता हूं । यह सवाल आप पहले भी उठा चुके हैं । जब मैं 355 को पढ़ता हूं तो मेरी समझ में तो यह आता है कि चूंकि 41 में जो आता है वह सिर्फ मिनिस्टर्स के लिये है कि किस तरह से सवाल पूछे जाते हैं ।

[अध्यक्ष महोदय]

यहां अगर कोई मैम्बर एक सवाल पूछता है तो सिर्फ उस के बारे में प्रोसीजर बताया गया है कि अपने आप नहीं पूछ सकता है दूसरे से और वह स्पीकर के थ्रू ही कर सकता है। यह क्वेश्चंज के अलावा है और यह बताया हुआ है कि दूसरे मैम्बर से किस तरह से पूछ सकता है। अगर कोई मैम्बर हो जिसको उस मामले का स्पेशल नालेज हो जैसे पी० ए० सी० का चेयरमैन है या एस्टीमेट्स कमेटी का चेयरमैन है या किसी सिलैक्ट कमेटी का चेयरमैन है और उसकी स्पेशल नालिज में है वह चीज तो एक मेम्बर मिनिस्टर के अलावा उन पर भी सवाल कर सकता है लेकिन स्पीकर की मार्फत करेगा। जो सवाल किये जायेंगे वे स्पीकर की मार्फत ही किये जायेंगे। ऐसा नहीं हो सकता है कि इस तरह से खड़े होकर यह नया सिलसिला आप शुरू कर दें। मैंने पहले भी कहा है ...

श्री मधु लिमये: मैं ने इस के बारे में नोटिस बाकायदा दिया है।

अध्यक्ष महोदय: मैं इत्तिफाक नहीं करता हूं। मैं पहले भी इसके बारे में कह चुका हूं।

श्री मधु लिमये : मैं क्या यह समझूं कि आपकी सदस्य की व्याख्या यह है कि नियम 2 के बावजूद सदस्य में मंत्री लोग नहीं आते हैं ? अगर आपका यह निर्णय है तो मैं बैठ जाता हूं।

अध्यक्ष महोदय: जी हां, यही निर्णय है।

श्री मधु लिमये : सदस्य में मंत्री नहीं आते हैं?

अध्यक्ष महोदय : डायरेक्शन दो में जो दिया गया है वह सिर्फ डायरेक्शन के लिए है।

Shri S. M. Banerjee: I rise on a point of order under rule 376(2) which says:

> "A point of order may be raised in relation to the business before the House at the moment".

The business before the House at the moment is the privilege motion against Mr. Subramaniam. My attention was drawn to a press news item which appeared in the *Statesman* dated 13th August 1966....

Mr. Speaker: I have conveyed to you....

Shri S. M. Banerjee: I am not raising it as a privilege motion, I assure you. I want some clarification.

The press news item read as follows:

> "Subramaniam cleared by Daphtary,—Opinion on PAC Comments—
>
> The Attorney-General, Mr. C. K. Daphtary, is reported to have given Mr. C. Subramaniam a clean chit in relation to the actions for which he had attracted adverse comment by the Public Accounts Committee."

According to the news item Mr. Daphtary was not consulted whether a commission should be appointed to go into this whole question. He was specifically consulted, according to the newspaper, by the Prime Minister regarding the adverse comments by the PAC. It further says:

> "It seems that the matter was referred to the Attorney-General by Shrimati Indira Gandhi in the same way in which Mr. Nehru referred to Mr. Daphtary the case of Mr. K. D. Malaviya in the first instance."

Sir, a discussion is pending before the House and you have yet to give a ruling. It was known to the Prime Minister and to others including the Attorney-General that this is coming up on the 16th. It has not come up

suddenly. On the 12th, when we requested you to take up the privilege motion regarding the externment of Mr. Madhu Limaye and Mr. T. K. Chaudhuri, you said this particular matter was coming up on the 16th and another matter was coming up on the 17th.

In the *Times of India* dated 15th August, 1966 it is said:

> "P.M. may await Debate in Parliament.
>
> It was authoritatively stated tonight that the Prime Minister was not likely to take any decision on the PAC Report in regard to Mr. C. Subramaniam until Parliament had debated the whole issue next week.
>
> The Attorney-General, it was stated, had not yet gone into the details of the case. His advice had been informally sought by the Prime Minister before she could decide on the merits of the case whether it requires any judicial reference."

My serious objection is this. It is not the Prime Minister who is to take a decision. She may take a decision on the whole question whether Mr. Subramaniam or his predecessor, Mr. Swaran Singh, is involved in this. I am not concerned with that. But the House is only interested in this, whether Shri Subramaniam in his position as Minister has committed a breach of privilege. This question was before the House and you were to give your comments or ruling on it. Now I want your ruling, Sir, whether it was proper for the Prime Minister or any other Minister to refer this matter to the Attorney-General for a ruling, particularly when it refers to a report of the Public Accounts Committee?

Mr. Speaker: There is no restriction in that respect. The Prime Minister or any Minister or any Member, if he wants to seek the advice of any authority, any law officer or anybody, certainly every one is at liberty to do that and there is nothing objectionable in that. But there is one thing. When such private advice is sought, it should not escape to the Press. When it is for the benefit of the Prime Minister alone or for the benefit of any Minister or anybody else, it should not be given publicity in the Press. At least that should be observed.

Shri S. M. Banerjee: Is it proper Sir?

Mr. Speaker: I have said what I have to say.

Shri S. M. Banerjee: Then let the Attorney-General address the House.

The Minister of Parliamentary Affairs and Communications (Shri Satya Narayan Sinha): Sir, we can definitely say, it was not given to the Press. Somehow or other the Press got it, that is all I can say (*Interruptions*).

Mr. Speaker: Order, order. If it is a private advice sought, then certainly I can treat it private only so far as it remains with one Minister or the Prime Minister or the person who seeks the advice and the one who gives it. It should not go to the Press. Care should be taken in that respect, because it is private only up to that time (*Interruptions*).

Shri Ranga (Chittoor): Sir, I rise on a point of propriety. Would you be good enough to ask the Leader of the House to enquire as to how this information that was supposed to be entirely private between the Attorney General, on the one side, and the Prime Minister, on the other, had leaked out, because the only other persons who could come to know of it would be the Cabinet Secretary, the Secretariat associated with the Prime Minister and the Secretaries of the Attorney-General? Would they be good enough to enquire into the matter?

Shrimati Renu Chakravartty (Barrackpore): Sir, I want to reinforce

[Shrimati Renu Chakravartty]

what Shri Ranga has said. Just the other day another matter of this type came up with regard to the Home Ministry. At that time also I requested that these leakages must be enquired into. Today it is the Prime Minister's Secretariat. Therefore, there must be some sort of an enquiry into this. What kind of Government is this? All sorts of things are leaking out from your own ministries in order to inflence the House and the people (*Interruptions*).

Mr. Speaker: If two hon. Members speak at the same time how can anyone follow the proceedings?

Shri Nambiar (Tiruchirapalli): Sir, may I ask whether these leakages occur through the telephones? Our telephones are tapped. Is this tapping applied to the telephones of the Prime Minister, the Attorney General and others also? Is there universal tapping going on, due to which these leakages have occurred?

Shri U. M. Trivedi (Mandsaur): Sir, advice was taken....

Mr. Speaker: I should like to proceed now.

Shri U. M. Trivedi: Sir, advice was taken and publicity given to it by somebody, but the worst thing is—that matter has been made worse by it—the Leader of the House has admitted that this matter leaked out. Did he take any steps, before coming to this House, to find out how this matter leaked out? What action has been taken against the person or persons concerned?

Mr. Speaker: If it has been published in the papers, leakage is obvious.

Shri U. M. Trivedi: What steps have been taken to find out the persons responsible for it?

Shri Surendranath Dwivedy (Kendrapara): Sir, it raises one question. The Leader of the House has stated that they have not given this information to the Press. It implies that this advice was sought. Therefore, it is necessary now to say whether what is contained in the news that has appeared is true or not.

Shri S. M. Banerjee: That is necessary.

Mr. Speaker: When they say that they did not give it out, the Government might consider the advisability of looking into how it escaped...... (*Interruption*). Now I should be allowed to go on. Shri Madhu Limaye.

श्री प्रकाशवीर शास्त्री (बिजनौर): अध्यक्ष महोदय, जब आप दूसरे माननीय सदस्यों को सुन रहे हैं, तो आप हमें भी सुन लीजिए—हम भी इस सदन के सदस्य हैं। मैं आप के द्वारा यह निवेदन करना चाहता हूं कि जिस प्रकार से आप इस सदन के मान और मर्यादा के रक्षक हैं, अध्यक्ष होने के नाते, उसी तरह चूंकि पब्लिक एकाउन्ट्स कमेटी इस लोक सभा और राज्य सभा का ही भाग है और वह एक छोटी पार्लियामेंट है, इस लिए उस के गौरव के रक्षक भी आप ही हैं। जिस प्रकार से आप ने यह जानने के बाद भी वर्तमान खाद्य मंत्री को पब्लिक एकाउंट्स कमेटी के सामने उपस्थित होने की अनुमति दी कि वह खाद्य मंत्री के उपस्थित होने से पहले ही अपना अन्तिम निर्णय ले चुकी थी, समिति के उस निर्णय की जिस प्रकार से छीछा लेदर हो रही है, जिस प्रकार से प्रधान मंत्री ने एटार्नी जैनेरल की राय ली, जिसके बारे में समाचार पत्रों में यह आ रहा है कि एटार्नी जैनेरल ने पब्लिक एकाउन्ट्स कमेटी के निर्णय के बाद भी खाद्य मंत्री को उन के निर्दोष होने का प्रमाण-पत्र दे दिया है, उस को देखते हुए आप बतायें—कमेटी में कांग्रेस के मेम्बरों की बात मैं नहीं जानता हूं—पर हम जो सात अपोजीशन के मेम्बर हैं, उन की क्या स्थिति पब्लिक एकाउन्ट्स कमेटी में बैठने की रह जाती है। हम वहां बैठ कर क्या करेंगे? जब उस के निर्णय इस प्रकार धूल में मिलाए जायेंगे ?