

COMMITTEE OF PRIVILEGES

SEVENTH REPORT

(THIRD LOK SABHA)

(Presented on the 16th May, 1966)



सत्यमेव जयते

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**PERSONNEL OF THE COMMITTEE OF PRIVILEGES
(1966-67)**

CHAIRMAN

Shri S. V. Krishnamoorthy Rao

MEMBERS

2. **Shri Frank Anthony**
3. **Shri P. R. Chakraverti**
4. **Shri N. C. Chatterjee**
5. **Sardar Kapur Singh**
6. **Shri L. D. Kotoki**
7. **Shri H. N. Mukerjee**
8. **Shri V. C. Parashar**
9. **Shri Purushottamdas R. Patel**
10. **Shri C. R. Pattabhi Raman.**
11. **Shri Jaganath Rao**
12. **Shri Yuveraj Dutta Singh**
13. **Shri Satya Narayan Sinha.**
14. **Shri Sinhasan Singh**
15. **Shri Sumat Prasad.**

SECRETARIAT

Shri M. C. Chawla—Deputy Secretary.

SEVENTH REPORT OF THE COMMITTEE OF PRIVILEGES

(THIRD LOK SABHA)

I—Introduction and Procedure

1. The Chairman of the Committee of Privileges, having been authorised to submit the report on their behalf, present this report to the House on the matters arising out of the reference¹ back of their Fourth Report by the House on the 15th April, 1966.

2. The Committee of Privileges (1965-66) considered the matter at their sitting held on the 25th April, 1966.

3. As the term of that Committee was to expire on the 30th April, 1966, that Committee, at their sitting held on the 28th April, 1966, decided² that since they would not be able to finalise their report before the expiry of their term, all the relevant papers on the matter should be made available to the new Committee for report to the House.

4. The Committee for 1966-67 was constituted with effect from the 1st May, 1966 and they considered the draft report and adopted it at their sitting held on the 3rd May, 1966.

II—Facts of the Case

5. On the 14th April, 1966, Dr. Ram Manohar Lohia, M.P., sought to raise a question in the House regarding omission of certain passages from the Note of Sardar Kapur Singh appended to the Fourth Report of the Committee of Privileges (in Shri Madhu Limaye's case), presented to the House on the 30th March, 1966. During the proceedings in the House, a suggestion was made that the matter might be discussed by the Speaker at a meeting of the Leaders of various Groups in Lok Sabha. The suggestion was accepted by the Speaker.

6. A meeting of the Speaker with the Leaders of the various Groups in Lok Sabha was, accordingly, held on the same day, viz. the 14th April, 1966, at 16.00 hours at which *inter alia* the following decisions were taken:—

"2. The question re: the inclusion of the written statement submitted by Shri Madhu Limaye, M. P., and the oral evidence given by him before the Committee in the Fourth Report of the Committee of Privileges presented to the House on the 30th March, 1966 was also considered and it was decided that the matter be referred back to the Committee of Privileges to consider this as also the omitted passages from the Minute of Sardar Kapur Singh appended to the Report.

¹ L. S. Deb. dt. 15-4-66.

² Sixth Report of the Committee of Privileges (Third Lok Sabha), presented to the House on the 30th April, 1966.

3. It was also decided that the Leader of the House should make a motion in the House on the 15th April, 1966 referring the Fourth Report of the Committee of Privileges back to the Committee."

7. The following motion was then moved by the Leader of the House (Shri Satya Narayan Sinha) and adopted by the House on the 15th April, 1966:

"That the Fourth Report of the Committee of Privileges presented to the House on the 30th March, 1966 be referred back to the Committee."

8. As regards the appending of the written statement submitted by Shri Madhu Limaye, M.P., and the oral evidence given by him before the Committee of Privileges, to the Fourth Report of the Committee, the following decision was taken by the Committee at their sitting held on the 21st March, 1966:—

"The Committee decided that the written statement submitted by Shri Madhu Limaye, M. P., and the oral evidence given by him before the Committee earlier need not be appended to the report of the Committee."

[Fourth Report of Committee of Privileges (Third Lok Sabha), page 15, para 3]

This matter was again brought before the Committee on the 7th April, 1966, on receipt of a letter from Shri Madhu Limaye, M. P., requesting for reconsideration by the Committee of their earlier decision. The Committee, however, decided that Shri Madhu Limaye might be informed that since the Fourth Report of the Committee had already been presented to the House, the Committee were no longer seized of the matter.

III—Findings of the Committee

9. The question whether the evidence, oral or written, given before the Committee should be appended to the Report of the Committee, is decided by the Committee in pursuance of the provisions of Rule 275 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha (5th Ed.) read with Direction 70 (2) of the Directions by the Speaker. In the past also the Committee of Privileges have decided not to append to their Reports, the evidence, oral or written, given before the Committee [for example: (i) Eighth Report (2nd Lok Sabha), Minutes dt. 18.2.1959, page 12, para 3; (ii) Eleventh Report (2nd Lok Sabha) Minutes dt. 17-11-1960, page 6, para. 5].

10. In Shri Madhu Limaye's case (Fourth Report), the Committee, in view of the subsequent statement^a made by Shri Madhu Limaye, M.P. when he appeared before the Committee on the 18th March, 1966, expressing regrets for the impugned statements made by him in his Writ Petition filed before the Circuit Bench of the Punjab High Court, did not consider it necessary to append his earlier

^a Reproduced at page 6, para 19 of the Fourth Report; See also Minutes dt. 18-3-66 at page 14, para 2, *ibid.*

lengthy written statement and the oral evidence given by him before the Committee, to their Report on that case. / Since Shri Madhu Limaye and some other Members have requested that the said written statement and the oral evidence of Shri Madhu Limaye should be made available to the House, the Committee have no objection to the same being reproduced in the Appendix to this Report, and this may be deemed to be a part of the Fourth Report of the Committee presented to the House on the 30th March, 1966.

11. As regards the omission of certain passages from the Note of Sardar Kapur Singh appended to the Fourth Report of the Committee, it may be stated that the Chairman of a Committee can omit or expunge words, phrases or expressions which in his opinion are unparliamentary, irrelevant or otherwise inappropriate, from the Note given by a Member for being appended to the Report of the Committee (*vide* Direction 91 of the Directions by the Speaker).

12. The Committee have carefully perused the two impugned paragraphs Nos. 7 and 9 which had been omitted by the Chairman from the Note of Sardar Kapur Singh appended to the Fourth Report. The Committee, after considering the tone, tenor and content of the said paragraphs, are of the opinion that the decision of the Chairman to omit the said paragraphs from the Note of Sardar Kapur Singh was justified and in conformity with the rules and practice of the House. The Committee, therefore, feel that no further action in respect thereof is necessary. /

S. V. KRISHNAMOORTHY RAO,
Chairman,
Committee of Privileges.

NEW DELHI;
The 3rd May, 1966.

MINUTES

I

First Sitting

New Delhi, Monday, the 25th April, 1966.

The Committee met from 15.00 to 16.05 hours.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Shri Nihar Ranjan Laskar
4. Shri H. N. Mukerjee
5. Shri C. R. Pattabhi Raman
6. Shri Jaganath Rao
7. Shri Asoke K. Sen
8. Shri Sumat Prasad

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

* * * *

4. The Committee then took up for consideration the matters arising out of the reference back of their Fourth Report.

The Committee decided that the written statement submitted by Shri Madhu Limaye, M.P. and the oral evidence given by him before the Committee, might be printed and deemed to be a part of the Fourth Report of the Committee.

5. The Chairman read out to the Committee *in extenso* paragraphs 7 and 9 (which had also been earlier circulated to all the members of the Committee) omitted by him from the Note of Sardar Kapur Singh appended to the Fourth Report of the Committee.

The Committee decided that the decision of the Chairman to omit the said paragraphs from the Note of Sardar Kapur Singh was justified and in conformity with the rules and practice of the House.

6. The Committee decided to meet again on Tuesday, the 3rd May, 1966, at 16.15 hours to consider their draft Sixth Report.

** * * **

The Committee then adjourned.

*Paragraphs 2 and 3 relate to another case and have been included in the Minutes of the Fifth Report of the Committee of Privileges, pp. 16-17, presented to the House on the 30th April, 1966.

**Paragraph 7 relates to another case and will be included in the Minutes of the relevant Report.

Second Sitting

New Delhi, Tuesday, the 3rd May, 1966.

The Committee met from 16-15 to 16-45 hours.

PRESENT**CHAIRMAN**

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Shri V. C. Parashar
4. Shri C. R. Pattabhi Raman
5. Shri Jaganath Rao
6. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

2. The Committee considered their draft Seventh Report and adopted it.

3. The Committee considered the 'Addendum' forwarded by Sardar Kapur Singh, M.P. with his communication, dated the 28th April, 1966, for being appended to the Seventh Report of the Committee. The Committee noted with regret that unfair and baseless allegations had been made against the Chairman and Members of the Committee by Sardar Kapur Singh in his 'Addendum'. The Committee decided not to include the 'Addendum' in the Report.

4. The Committee authorised the Chairman and in his absence, Shri Jaganath Rao, to present the Report to the House on the 16th May, 1966.

The Committee then adjourned.

APPENDIX

(See para 10 of the Report)

Minutes of Evidence taken before the Committee of Privileges

(FOURTH REPORT, THIRD LOK SABHA)

Friday, the 4th March, 1966.

PRESENT

CHAIRMAN

Shri S. V. Krishnamoorthy Rao.

MEMBERS

2. Shri N. C. Chatterjee
3. Sardar Kapur Singh
4. Shri H. N. Mukerjee
5. Shri Jaganath Rao
6. Shri Sumat Prasad.

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

WITNESS

Shri Madhu Limaye, M.P.

(The Committee met at 14.30 hours).

EVIDENCE OF SHRI MADHU LIMAYE, M.P.

Shri Madhu Limaye: May I make a request? My Bill is coming up in the House now. Would you, therefore, grant me an adjournment upto Wednesday?

Shri Kapur Singh: You might do so because his presence is required in the House.

Mr. Chairman: We won't take much time. We will only record your statement. We have your statement which has been distributed to all the Members. If you have got anything to say, we will record it and adjourn for further consideration.

Shri Madhu Limaye: I will make a short statement in conclusion.

Shri Kapur Singh : After his statement we have to put some questions to him and this may take time.

Mr. Chairman: The Bill which is now before the House will take another one hour or so. We can finish this work before that.

Shri Madhu Limaye: All right. I have already submitted a written statement. I will only summarise what I have said in that statement.

Mr. Chairman: That is with us. There is no need to summarise it. If you want to add anything to that, you may do so now.

Shri Madhu Limaye: My request is that the matter should be dropped in view of the explanation which I have offered. The points that I wish to make are these:

(1) I have made it clear, and I will make it clear again, that I had no intention either to commit a contempt of the Speaker or of the House.

(2) In the petition which I had filed before the Punjab High Court, I had not sought the intervention of the Court, nor had I requested the Court to make any order in regard to the statement I had made about the Speaker. In fact I had said that this was an internal matter about which I did not seek the intervention of the Court. "I am seeking intervention of the Court only in respect of Art. 113 read with Rules 208 to 210".

(3) In my petition for special leave, I had not made any mention of this allegation.

Shri Kapur Singh: It was dropped altogether. That is true.

Shri Madhu Limaye: Fourthly, I have not said anything about it outside the Court, whether in a newspaper article or a pamphlet or a speech. I have looked for precedents in May, Campion and other authors. I have not succeeded in finding any precedent.

The last point I wish to make is that whatever happens within the precincts of the judicial branch and whatever takes place within the legislative branch, these are two distinct and separate things. The best course will be not to take cognizance of whatever has been said in the Court about the Legislature or *vice versa*. That would be the best policy.

In view of this explanation, I suggest that there is no purpose in continuing these proceedings against me and my statement that I had no intention to commit any contempt should be accepted.

Shri Jaganath Rao: You made some allegations against the Speaker with a view to prove his *mala fides*. Otherwise your petition would not have been admitted.

Shri Madhu Limaye: Nothing of the kind.

Shri Jaganath Rao: You said that because you pressed for a discussion on the demands of the Lok Sabha Secretariat, the Speaker took action against you.

Shri Madhu Limaye: That was really not relevant to my petition. In fact my petition was on an entirely different ground, legal and

constitutional. In fact, if this statement had not been made, that would not have in any way affected the merits of my petition.

Shri N. C. Chatterjee: In your petition you made a statement attributing *mala fides* to the Speaker. Are you prepared to withdraw it?

Shri Madhu Limaye: How can I withdraw a statement made on affidavit?

Shri N. C. Chatterjee: You have made certain allegations against the Speaker even in this representation. They are, I think, in paragraphs 22, 23 and 24. In para 23, you say:

Please see paragraph 23 at the end of which he has stated as follows:

"I humbly submit that it is not the function of the Speaker to say whether members should use strong adjectives or not. What he is required to do is to state whether a particular expression is parliamentary or unparliamentary. Several Congress members, including the Secretary of the Congress Party, asked him to pronounce it "unparliamentary". But he refused to do so, and rightly. It was, therefore, incomprehensible to me as to why he should have suddenly exploded and named me, thereby giving the Minister for Parliamentary Affairs an opportunity to throw me out for two weeks."

You are still thinking that some kind of vindictive action was taken against you. Also see paragraph 24.

"I also quoted the precedent of Mr. Kamath's case and said that Mr. Kamath had patently disobeyed the Speaker, which I had not, and, therefore, he should reconsider his decision in view of the records. I waited patiently for several days. Dr. Lohia and Mr. Kishen Pattnayak had also requested the Speaker to reconsider his decision, as was done in the precedent-setting Kamath case. But these letters and appeals produced no effect. I had to stay out for 14 long days."

You still feel that some preferential treatment was meted out to you. Then, you say in paragraph 32 also the same thing.

"Now can anyone honestly maintain that the Speaker showed patience and tolerance towards me on 8th April, 1965? He named me without cause. Then he defended the motion moved by Shri Satya Narayan Sinha on the ground that I had made provocative and insulting remarks about the Speaker and the House."

This is practically reiteration of the charge 'lack of *bona fides*'.

"I have nothing to say about the proceedings on this day but when the official records showed the next day that I was wholly innocent and when I drew the Speaker's attention to these records the least that I expected of him was a

request to the House that my suspension was due to a misunderstanding and that the matter should be reconsidered. But, he did not make any move for reconsideration."

After referring to the printed proceedings, you continue to say:

"The dignity of the Speaker's office can be maintained not by a show of high handedness and arbitrariness but by mutual tolerance and respect."

You are repeating the charge you have earlier made, though not exactly in the language of *mala fide* intentions.

Mr. Chairman: Let us consider all these things later on. If you like you may put some questions.

Shri Madhu Limaye: About the question Mr. Chatterjee has raised just now, I would like to say that it is the feeling which I have in the matter that I have tried to convey. I will give you a recent example. On this Haveli Ram episode the Hon'ble Speaker made a certain statement which I knew to be incorrect. But I kept quiet. Afterwards I wrote to him drawing his attention to the fact that probably he has unwittingly—I deliberately used the word 'unwittingly'—conveyed a wrong impression of Haveli Ram's letter. Later on when I met him he told me that he was prepared to apologise. I said 'I don't want any apology; I do not want to humiliate you in any way nor do I want you to correct the statement'. I suggested to him that the honourable way out would be to have a short notice question admitted or Half-an-hour discussion. From this you will see that my intention has never been to bring the Speaker's office into contempt.....

Shri Jaganath Rao: But only to vindicate your position.

Shri Madhu Limaye: From the proceedings it is absolutely clear that while leaving the House I did not disobey him, as Mr. Kamath did in the precedent-making case. I said 'I am prepared to obey'. When I started leaving, some ruling party member shouted at me. Then I said 'you have a majority; you can jolly-well throw me out'. This remark was not addressed to the Speaker or to the House as a whole; otherwise, this question of majority would not arise. When my innocence had been established by official records, I expected the Speaker or the Minister of Parliamentary Affairs to make amends. When nothing was done, I was angry. In that anger I made the statement; that was because no amends were made. In the example I have just now given the Speaker was good enough to say that he made a mistake. That is why I have given a quotation from a book on Speaker's Office in Britain in my written statement.

Shri Kapur Singh: I have seen your statements and the explanations you have given. Would it be correct to say that, when you made that statement in your petition before the Court that you had not been treated in a manner which showed presence of *bona fides* you did not mean to make any substantial contention but you merely wanted to give a context to your sense of grievance, out of which your substantial contention arose?

Shri Madhu Limaye: You are right. In fact, while referring to this, I made it absolutely clear—probably some representative from

the Parliament Secretariat was present and will bear me out—to the Court that the question of disciplinary proceedings was strictly an internal matter and probably this Court had no jurisdiction nor did I have any prayer to make in the matter. I merely made a reference to this in order to illustrate how when tempers were frayed some injustice was likely to be done. In this particular case injustice had been done to me.

Shri Kapur Singh: Since you have stated more than what was strictly warranted as a reply to my question, I would like to ask a supplementary question. Am I correct in understanding that when you made the impugned statement your intention was to formulate only the subjective sense of grievance which you have or which you had and not to make any substantial contention on this point?

Shri Madhu Limaye: That is correct.

Shri N. C. Chatterjee: There was no intention to bring the Speaker into disrepute or contempt.

Shri Madhu Limaye: Not at all. That is why I did not make any prayer. In fact, I told the Court that I had no prayer to make in this matter.

Shri Kapur Singh: You merely gave expression to the subjective sense of grievance and beyond that you did not intend to go.

Shri Madhu Limaye: Yes.

Shri Sumat Prasad: It appears you never wanted to cast any aspersion on the Speaker but the language used has not been proper. Are you prepared to express regret and to withdraw those words?

Shri Madhu Limaye: I have a difficulty here because this is an affidavit made by me before a court of law. I can only say something by way of explanation or give the background or tell you about my intention. The affidavit is there. How can I retract from it?

Mr. Chairman: We do not want you to retract from that. In your petition you have stated that the 'action of the Speaker in naming me and of the Minister for Parliamentary Affairs in making a motion for my suspension "was not only against the Rules but *mala fide*"'. In this statement you have used the words '*mala fide*'. This is a clear charge against the Speaker. It is for you to express regret or say what you have to say.

Shri Kapur Singh: He has replied already. Mr. Limaye, just now a question has been put to you as to whether you are prepared to withdraw these words. To this you said that you have expressed your difficulty and inability to withdraw them. Do I understand you correctly that when you have said that, you want to convey that you never intended to say anything contemptuous about the Speaker or the House? You have made no substantial contention with regard to the words '*mala fide*' and thereby, as a matter of fact, you have withdrawn those words without saying it in so many words. Do I understand you correctly?

Shri Madhu Limaye : I can only reiterate that I had no intention to say anything against the Speaker. I only expressed a sense of personal grievance. There was no substantive prayer or contention raised. Nor was it repeated in the Special Leave Petition.

Mr. Chairman : We are not concerned with Special Leave Petition. What we are concerned with here is whether you would withdraw the words used against the Speaker.

Shri Kapur Singh : Would you contradict me if I say that the implication is already there? In your pleadings before this Committee, those words do not constitute a substantial insinuation or allegation against the Speaker.

Shri Madhu Limaye : Yes, Sir.

Shri H. N. Mukerjee : From the correspondence I gather an impression—it is also the impression in the House—whether it is right or wrong, that is a different matter—that my hon. friend, Shri Madhu Limaye, considers this to be a rightful position and as a Member of the House, he feels hesitant to retract from what he has stated in the Petition which he has taken up in the Court. But, I see from his letters that he makes a clear point which my friend Shri Kapur Singh has brought out *viz.*, that it was only in order to give some kind of an understandable description to the court of what had happened that he had referred, perhaps by inadvertence, that it was *mala fide* on the part of the Speaker. Considering that his rights under the Constitution were not being upheld by the Chair, he had gone to the Court. Therefore, his *bona fides* in that regard are clear.

Mr. Chairman : We shall discuss these later on.

Shri H. N. Mukerjee : I want to understand the context. This is not like a Court. I appreciate this in his position that even though I do not like that he has used that expression with regard to the Speaker, I find that having gone to the Court, he found himself in a difficulty for his asking for the prayer that he was asking for there. He says that he had no intention to say anything and he has written also that there was no intention of maligning the Speaker. If he expresses regret at least in evidence, we would all be happy. If he says that in evidence at least, we can wash off our hands. Would you agree to say here at least in evidence before us that you had no intention to malign the Speaker?

My feeling is that here is a matter of an M.P. who has argued his case carefully and has referred to certain things which are rather important for Members of the House also. He has taken his stand being a principled type of person; he has taken a rigid attitude. This has produced the impression in the House that it is derogatory to the working of it. For this, if he feels sorry for it, the matter ends there. Are you ready to say that?

Shri Madhu Limaye : I have already said in so many words that it is an affidavit. I have a certain difficulty about that.

Shri N. C. Chatterjee : I may quote from May's Parliamentary Practice examples of speeches and writings which have been held to

constitute breaches of privilege and contempt of the House as follows :—

“1. Reflections on the character of the Speaker and accusations of partiality in the discharge of his duty.” Do you suggest that you have no intention to cast that reflection on the character of the Speaker and accusations of partiality in the discharge of his duty when you used the words ‘*mala fide*’? May we take it like that?

Shri Madhu Limaye : I have studied the May’s Book. It refers to speeches and writings. If I had written in a newspaper an article alleging *mala fide* against the Speaker, then I would have come under this.

Mr. Chairman : You know that the Court proceedings are public.

Shri Madhu Limaye : Therefore, whenever a petition is filed, there is a signature of the Lawyer appended to that. But this petition was drafted by me. His name is also there, as I thought it best to make the case foolproof by engaging a lawyer. I have seen many petitions. In the writ petition, the remark about *mala fides* was made only in parenthesis. It was not a substantive contention. I have already explained that I have not made a speech nor have I written an article.

Shri N. C. Chatterjee : May I suggest to you that in spite of what you have stated in the affidavit, there is no bar in your saying that you have no intention of casting a reflection on the Speaker of partiality in the discharge of his duty ?

Shri Madhu Limaye : Yes, Sir. I have said that I had no intention of committing a contempt either of the Speaker or of his Office or bring the House into disrepute.

Mr. Chairman : The Speaker and the House feel that there is a reflection on the character of the Speaker and accusations of partiality in the discharge of his duty. Why don’t you say that ‘I express regret for that’.

Shri Madhu Limaye : My statement is enough and I request the Committee Members to accept that.

Mr. Chairman : The Committee might discuss about that.

Shri Kapur Singh : This is a hypothetical statement. Suppose you say something against me. Afterwards you say that it was not intentional. Would you not say in that case that you are sorry for it? ‘I do not want to hurt you. Please excuse me if I have done that.’ This is a simple gentlemanly statement. It shows good manners. It does happen this way.

Shri Madhu Limaye : Here is the other side of the story. In spite of that I am saying....

Shri Jaganath Rao : According to you, you never intended to cast any reflection on the Speaker. However, if that impression has been created in the mind of the Speaker and the House, what harm is there if you say, ‘I am sorry’. If you want, you can reconsider.

Shri Madhu Limaye : Having made my position clear, you will, I hope, understand that I was the person aggrieved; I was suspended for 14 days.

Mr. Chairman : All that may be true. But is that any justification for you to make any allegation against the Speaker ?

Shri Jaganath Rao : If factually it was correct, I would not have asked you. But factually it was not correct.

Shri Madhu Limaye : There is a background to that. On 2nd of April, Shri Satyanarayan Sinha said I should be named for having raised the question of Parliament Secretariat Demands.

Shri Sumat Prasad : That is a mitigating circumstance. But if you express regret, the whole thing may be closed.

Shri Kapur Singh : If the Committee so agrees, I would suggest that we may now adjourn and meet on some other day.

(The witness then withdrew)

*Statement submitted by Shri Madhu Limaye, M.P. for the
consideration of the Committee of Privileges*

The Chairman,
Committee of Privileges,
Lok Sabha,
New Delhi.

168, North Avenue,
New Delhi.
Dated 9th February 1966.

Sir,

In April last year I filed a Writ Petition before the Circuit Bench of the Punjab High Court, New Delhi, challenging the constitutionality of the Speaker's decision of 4th April, 1964, (reiterated in Lok Sabha Secretary's letter, dated 8th April, 1965 to me) regarding the non-admissibility of Cut Motions to Parliament Secretariat Demands. In this writ petition I had referred, incidentally, to my suspension from the House for a fortnight and had stated that the action of the Speaker in naming me and of the Minister for Parliamentary Affairs in making a motion for my suspension "was not only against the Rules but *mala fide*."

2. This statement of mine made in a proper legal proceeding before a competent court of law and the notice issued by the Division Bench of the Punjab High Court were made the subject matter of a Privilege Motion against me and Mr. Justice Grover and Mr. Justice Kapoor by Mr. V. C. Shukla.

3. Mr. Shukla's motion came up before the House on 11th May 1965. The Speaker kept this motion pending till the final disposal of the matter by the courts.

4. In view of the wording of Article 121 that the conduct of the Judges in the discharge of their duties cannot be discussed in Parliament, it was the clear duty of the Speaker to rule out of order that portion of Mr. Shukla's motion which related to the Judges. But curiously enough the Speaker chose to keep the charge of the contempt of the House hanging like the Democles' sword over the heads of the Judges. It was only when I protested against this on 29th November 1965 that it was agreed to drop the charges against the Judges. This, I humbly submit, was not a proper procedure to adopt.

5. The question now before the Committee is, I believe, the following:--

"Whether Shri Madhu Limaye committed a contempt of the House or a breach of privilege by alleging *mala fides* against the Speaker of the Lok Sabha."

6. The above reference to the Committee has confused and mixed up two separate concepts: contempt and breach of privilege.

7. The distinction between the power to punish for contempt and the power to punish for breach of privilege is a real and legally established distinction. In Halsbury's Laws (3rd Edition, vol. 28, page 464), this distinction has been defined as follows:—

“The power of both Houses to punish for contempt is a general power similar to that possessed by the superior courts of law and is not restricted to the punishment of breaches of their acknowledged privileges.”

8. This is what May has to say on the vital distinction between the power to punish for contempt and the power to punish for breach of privilege:—

“Except in one respect, the surviving privileges of the House of Lords and the House of Commons are justifiable on the same grounds of necessity as the privileges enjoyed by legislative assemblies of the independent Members of the Commonwealth and certain British colonies under the common law as a legal incident of their legislative authority. This exception is the power to punish for contempt. Since the decision of the Privy Council in *Kielley v. Carson* (e) it has been held that this power is inherent in each House of Parliament not as a body with legislative functions, but as a descendant of the High Court of Parliament and by virtue of the *lex et consuetudo parliamenti*.” (May, 17th edition, page 43).

9. Now with regard to the privileges of Indian Parliament, Article 105 of our Constitution says:—

“105. (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.

(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution.”

10. The authority conferred by our Constitution on Parliament to define by law its privileges, powers and immunities has not so far been used by it to legislate on the subject. Some members of Parliament, among whom was the writer of this letter, had in a public

statement said that it was not proper that the Parliament of a sovereign, independent republic should leave its privileges legally undefined and dependent wholly upon the *lex et consuetudo parliamenti* of a power which held us in bondage for nearly 150 years. But since no such law has been passed by the Indian Parliament, we have to go back to English Parliamentary practice.

11. I wish to draw your attention here to a fundamental difference between the position of British Parliament and the Legislatures in India. "Parliamentary privilege (in Britain) is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament." (May, page 42, 17th Edition). In India, Parliament is not a descendant of the High Court of Parliament as in England. It can claim privilege only on the ground of necessity, as a legal incident of its legislative authority. Legislatures in India will cease to command respect if they try unreasonably to stretch their privileges beyond this limit and claim for themselves right to punish contempt which properly belongs only to a superior court of record.

12. Our Constitution has nowhere described our legislatures as courts of record with the inherent power to punish for contempt. But as far as the Supreme Court and the High Courts are concerned, there are specific provisions about their power to punish contempt. Article 129 says:—

"The Supreme Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself."

13. Similarly Article 215 confers on the High Courts all the powers that belong to courts of record, including the power to punish for contempt. No such power and status has been conferred by the Constitution on our Legislatures. In view of this constitutional position, the decision given by the Privy Council in *Kielley v. Crown* should be considered valid and applicable in the case of Indian legislatures which should alone claim such powers as are absolutely necessary for the performance of their legislative functions. It would not be out of place to mention here that this decision is regarded as authoritative by May and the present Clerk of the House of Commons. According to the latter, there is another distinction between breach of privilege and contempt: ".....If an offender commits breach of one of the known privileges, it is properly described as breach of privilege and if the offence is more vague or less easily distinguished then it is called generally a contempt". He has also said that contempt is held to be a less serious offence than breach of privilege properly so called. (Report of Committee of Privileges, Session 1964-65, concerning speech by Mr. Patrick Duffy, M.P.).

14. Coming to the specific charge against me, I wish to state that I have not committed any offence against the known privileges of the House of Commons at the commencement of our Constitution. May has exhaustively dealt with the known privileges of the British Parliament in Chapters IV, V and VI of "Parliamentary Practice", 17th Edition. Nowhere has a statement or an affidavit made in the course of a proper legal proceeding before a court of law been considered a breach of the known and established privileges of the

House of Commons. These privileges as listed by May and Campion are as under:—

Freedom from arrest.

Liberty of speech.

Access to the royal person. A favourable construction of all their proceedings.

The Right to control publication of Debates and Proceedings.

The Right implied to punish its own Members for their conduct in Parliament.

Right of the House to provide for its proper constitution. Filling of casual vacancies.

Determination of disputed returns.

Determination of legal disqualifications.

The Right of expulsion.

15. We often speak of the supremacy of Parliament in the United Kingdom. But even there it is a well-recognised principle that no new privilege can be created by either House of Parliament. In 1704, the Lords communicated a resolution to the Commons at a Conference, "That neither House of Parliament have power, by any vote or declaration, to create to themselves new privileges, not warranted by the known laws and customs of Parliament"; which was assented to by the Commons. (May, page 47, 17th edition).

16. Unless the Committee is able to establish that I am guilty of an offence against any of the known privileges of the House of Commons as on 26th January, 1950, it cannot go into the present case at all. Since it has no power to punish for contempt which only a superior court of record or its descendant can claim, any proceedings on the ground of contempt of the House, will, I respectfully submit, be against legal and constitutional propriety.

17. Without prejudice, to my above contention, I wish to state that the statement that I made in the writ petition before the High Court does not constitute contempt of the House. In Chapter VIII, May has exhaustively dealt with examples of contempt tried and punished by the House of Commons. There is not a single case of a statement or affidavit made in a proper legal proceeding before a court of law being construed into a contempt of the House. The reason is not far to seek. The separation of the judicial and legislative departments is absolutely essential for a proper functioning of democracy and it would be better for the judiciary and the legislature to take cognizance only of proceedings before them and leave alone what is said or done within the precincts of the other even if it be considered contumacious by the other. As to alleged contempts both outside the courts and the legislatures, the jurisdiction of the judicial and legislative branches can be regarded as concurrent, each case to be dealt with by the two on merits. In the present case, Mr. Shukla's Privilege Motion (of May 11, 1965) in so far as it referred to the judicial conduct of the High Court Judges, despite the explicit prohibition of Article 121, constituted a contempt of the Court. Because of immunity granted by Article 105(2) the Court, of course, could not

take constitutional notice of this contempt. But even if this immunity had not been there would it not be better for the court to ignore what had been said within the precincts of a coordinate branch of the Government? Similarly would it not be just and proper for the legislature to ignore whatever was said in the course of a legal proceeding before the Court?

18. It may be stated generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt. Now can it be seriously maintained that the statement made by me in a writ petition before the Punjab High Court has obstructed or impeded the House in the performance of its functions or its members in discharge of their duty? I think it cannot be so maintained.

19. Having conceded the right of a member to go to the court to seek relief for the alleged denial to him of certain rights, it is not proper for the House to take up the statements made by him in his writ petition and make it the ground for starting contempt or breach of privilege proceedings against him in the House.

20. The member charged with contempt in this case has not made any statement against the Speaker or the House outside the High Court. He has not made any contemptuous observation on the floor of the House nor made any contemptuous utterance outside the House. In fact it was never his intention to say anything contemptuous about the Speaker or the House. In the writ petition referred to above, the remark about *mala fides* was made only in parenthesis. There was no prayer to the court on the issue of my being named by the Speaker and I did not seek the intervention of the High Court in regard to my suspension. In fact in the course of the arguments I advanced I said that although I considered my suspension unjust and *mala fide*, I had no desire to seek the intervention of the court in the matter, since it was a procedural aspect and as such wholly within the jurisdiction of the House and the Speaker. In my second writ petition before the Punjab High Court, and the petition for special leave before the Supreme Court, this point had not even been mentioned. This alone will suffice to prove that I never intended to commit contempt of the House or the Speaker.

21. It is necessary here to narrate the series of events that led to my suspension from the service of the House on 8th April 1965. Although the Minister of Parliamentary Affairs, apparently, moved this motion on account of my supposedly disorderly behaviour (I outright deny from my own knowledge and on the basis of official records, that my behaviour was disorderly, leave alone "grossly disorderly", on 8th April 1965) in my opinion the Minister really wanted to punish me for my having raised the question of cut motions to the Parliament Secretariats demands. My grounds for this belief were two in number:—

(a) That on 2nd April 1965 when I sought to raise the question of Cut Motions to Parliament Secretariats demands on a perfectly legitimate point of order (under Article 113 of the Constitution and Rules

208—211) the Minister demanded of the Speaker that he should name me, for he knew that under the Rules of Procedure of Lok Sabha he could not make a motion for suspending me from the service of the House until and unless the Speaker had named me.

(b) When it was established by records that I had not committed any contempt of the House or of the Speaker on 8th April 1965 and when I had made an explanatory statement, with the Speaker's permission, on 23rd April 1965, the Minister, even when asked by two Members, Mr. Kishan Pattnayak and Mr. Nath Pai to make amends, did not think it fit to do so and kept quiet.

22. I therefore concluded in the light of the Minister's previous demand on 2nd April 1965 that the Speaker should name me (for my having raised the question of Cut Motions to Parliament Secretariats demands) that the Minister had taken advantage of the fact that the Speaker had at last named me on 8th April 1965, and had quickly moved for my suspension for no less than a fortnight. In my opinion, this action of the Minister smacked of sheer vindictiveness. I was hurt by this display of what I regarded as hatred by the Minister and also to an extent by the Presiding Officer for whom I had always shown the greatest respect.

23. I would be less than truthful if I do not refer to my feelings about the Speaker's action. It is true that my main grouse was against the Minister's motion suggesting my suspension for a fortnight. But, as I have said before, this motion became possible under the Rules only because of the fact that the Speaker had named me. It is my honest belief that the Speaker did me a grave injustice by naming me that day. I was not guilty of any "unruly behaviour" or "disorderly conduct". I put a question to the Minister for External Affairs about China and Phizo, after having been properly identified by the Speaker. At the end of my question, I had asked whether the Government intended to revise its impotent policy in relation to China. The Minister objected to use of the adjective 'impotent'. The Speaker said he agreed with the Minister. This was not proper. I humbly submit that it is not the function of the Speaker to say whether members should use strong adjectives or not. What he is required to do is to state whether a particular expression is parliamentary or unparliamentary. Several Congress members, including the Secretary of the Congress Party, asked him to pronounce it "unparliamentary". But he refused to do so and rightly. It was, therefore, incomprehensible to me as to why he should have suddenly exploded and named me, thereby giving the Minister for Parliamentary Affairs an opportunity to throw me out for two weeks.

24. On 9th April, I read the official record of the proceedings that took place after I had left the House on 8th April. The records clearly established—what I knew all along—that not only had I not disobeyed the Speaker but had in fact obeyed him even after he refused to hear my submission (in my opinion very unjustly). But even if he had thought (wongly, I should say,) that I had said something contemptuous about him and the House while leaving it, it should be remembered that I wrote to him the next day saying that the punishment meted out to me was unjust and without cause, and

that he should reconsider the matter on the basis of the official records of the proceedings. I also quoted the precedent of Mr. Kamath's case (Lok Sabha Debates, 26th and 30th August, 1955) and said that Mr. Kamath had patently disobeyed the Speaker, which I had not, and, therefore, he should reconsider his decision in view of the records. I waited patiently for several days. Dr. Lohia and Mr. Kishen Pattnayak had also requested the Speaker to reconsider his decision, as was done in the precedent-setting Kamath case. But these letters and appeals produced no effect. I had to stay out for 14 long days.

25. Now what conclusion was I to draw from this? After all I am a human being, and when I saw that I was being persecuted for no cause, I concluded that I was being so treated because I had dared to raise, through my cut motions, the following questions which not only brought on me the wrath of the Minister of Parliamentary Affairs but also caused great annoyance to the Speaker.

26. I had sought through my cut motions, among other things, to ventilate the following grievances:

- (a) The right of the employees of Parliament Secretariats to form an association of their own.
- (b) Need to pass law regarding the service conditions of the Parliament Secretariats employees.
- (c) Appointment of Mr. M. N. Kaul as Honorary Secretary without legal or constitutional authority, and allotment to him of a room when the Opposition Members are denied a separate room of their own and have to share space with English and Hindi typists and stenographers.
- (d) Unsatisfactory canteen facilities for members and the staff etc.

27. As a person connected with the working class movement for nearly a quarter of a century, I was greatly angered by the denial to the employees of the basic trade union rights when even the employees of defence establishments had been granted this fundamental right. The reason for the Speaker's refusal to reconsider my suspension, I concluded, was due to annoyance at my persistent and strong opposition to the Government as also at my having raised the above grievances through Cut Motions to Parliament Secretariats Demands.

28. I agree that the Speaker's Office is of great dignity and honour. The Speaker of the Lok Sabha has greater powers than Speakers of other Commonwealth countries, as Mr. Philip Laundry in his book "The Office of Speaker" has said:

"The duties of the Indian Speaker correspond in large measure with those of the House of Commons, although in some respects, as will be seen below, his powers exceed those of his Westminster counterpart...(page 414)".

"The standing orders of the House of the People confer wide discretionary powers on the Speaker...(page 415)".

"The authority of the Indian Speaker is thus wider than that of any other Speaker in the Commonwealth. Most Assemblies insist on maintaining a wide measure of control over their procedure and practice, but in India the House of the People has been content to entrust the shaping of its rules to its presiding officer... (page 418)."

29. This greater authority makes it absolutely essential that the Speaker in India should execute his office with great impartiality. Even in United Kingdom "Confidence in the impartiality of the Speaker is an indispensable condition of the successful working of procedure, and many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that his impartiality is generally recognised." (May, page 247, 17th Edition).

30. In regard to angry exchanges that sometimes take place between a member and the Speaker, Mr. Philip Laundby, in the above-mentioned book, has this to say:

"The House of Commons is, of course, an intensely human assembly and its Speaker, like any other mortal is not infallible. Tempers do become frayed and exchanges do sometimes take place between a Member and the Chair... It is not unknown for the Speaker to apologize to a Member of his own volition. On 9th March, 1951 Speaker Clifton-Brown offered an apology to a Member on whom he felt he had been unnecessarily harsh. Speaker Lowther once remarked that a Speaker's best course if he fell into error was to stand by his decision but to apologize the next day. In this way he can hope to preserve both his reputation for firmness and his popularity with the House." (Page 97).

31. Sir William Harcourt once outlined what the House of Commons expected of its Speakers. He said:—

"We expect dignity and authority tempered by urbanity and kindness; firmness to control and persuasiveness to counsel; promptitude of decision and justness of judgment; tact, patience and firmness; a natural superiority combined with an inbred courtesy, so as to give by his own bearing an example and model to those over whom he presides; an impartial mind; a tolerant and a reconciling disposition; accessible to all in public and private as a kind and prudent councillor." (The Office of Speaker, page 359.)

32. Now can any one honestly maintain that the Speaker showed patience and tolerance towards me on 8th April 1965? He named me without cause. Then he defended the motion moved by Shri Satya Narayan Sinha on the ground that I had made provocative and insulting remarks about the Speaker and the House. I have nothing to say about the proceedings on this day but when the official records showed the next day that I was wholly innocent and when I drew the Speaker's attention to these records the least that I expected of him was a request to the House that my suspension

was due to a misunderstanding and that the matter should be reconsidered. But, he did not make any move for reconsideration. I also drew his attention to the Kamath precedent of 1955. I have enclosed copies of both these letters as Annexure II and Annexure III. But all this was without effect. The dignity of the Speaker's Office can be maintained not by a show of high-handedness and arbitrariness but by mutual tolerance and respect. If the Speaker of the House of Commons who wields far less power than our Speaker, can be so magnanimous as to apologize to an ordinary Member of the House, why cannot the Speaker of the Lok Sabha enjoying wide discretionary powers over the Members be tolerant enough to move reconsideration of the punishment meted out to helpless Members of the minority groups without cause and justification?

33. I had said in the House and I declare again that I had no intention of committing contempt either of the Speaker or of the House. In this case I am the aggrieved party and if my stand brings the Committee and the House face to face with the question of the mutual responsibility of the Speaker and individual Members and the majority party and minority groups, I would deem these privilege proceedings to have served a useful purpose.

34. To sum up: I have not committed any breach of privilege of the Lok Sabha, nor any contempt. I question the right of the Indian Parliament or its Committees to try and punish for contempt. Further I say that I am more sinned against than sinning. For it needs to be emphasised that Article 105 speaks of privileges of Members and not only of the Speaker. It confers on them freedom of speech and other rights. It is the duty of the Speaker to protect these rights. The Members, too, on their part must show respect to the Speaker. In the nature of things there has to be a reciprocity in the relations between the Speaker and Members. What I am seeking to defend is this principle of reciprocity and mutuality of respect and tolerance between the Presiding authority on the one hand and individual Members on the other.

With regards,

Yours sincerely,

Sd/- MADHU LIMAYE

Annexure I appended by Shri Madhu Limaye to his written Statement, dated the 9th February, 1966.

MADHU LIMAYE, M.P.

168, North Avenue,
New Delhi.

Dated 25th November, 1965.

The Speaker,
Lok Sabha,
New Delhi.

Sir,

On 18th August, 1965, you took up Mr. V. C. Shukla's Privilege Motion against me and the two Justices of the Punjab High Court, Mr. Grover and Mr. Kapoor, for our having sought to nullify the procedure of the House and also for my having alleged that the action of the Speaker in naming me and of Mr. Satyanarayan Sinha in making a motion for my suspension on 8th April 1965 was *mala fide*. You asked me to explain my position and I said that I wished to go to the Supreme Court in appeal and that the Privilege Motion may be held over till the supreme tribunal of the land had finally disposed of my petition. I also made it clear that if you were not prepared to postpone consideration of the Privilege Motion, I would not mind its being referred to the Privilege Committee. You were, however, good enough to postpone the matter and gave me sufficient time to go to the Court.

2. In view of the above, I wish to inform you that I filed a new petition before the Punjab High Court challenging the Appropriation Act on the ground that the procedure adopted by Presiding Authority in prohibiting Cut Motions on Demands Nos. 109 and 111 was illegal and unconstitutional and praying that these votes and the related portion of the Appropriation Act No. 2 of 1965 should be declared *ultra vires* and should be set aside. This petition was dismissed on 16th October, 1965 "in view of Article 122" and the petition praying for certificate to appeal, too, was refused. The Special Leave petition came up before the Supreme Court for hearing, after notice to Respondents today, and was dismissed by the Court after hearing my arguments for nearly an hour.

3. I made the following submissions before the Court:

- (a) My constitutional rights *viz.* (i) to take part in proceedings of the Lok Sabha; (ii) to move Cut Motions under Article 113 and Rule Nos. 208—211; (iii) to speak on these motions; and (iv) to vote in favour of reduction have been taken away by the ruling of the Speaker of 4th April 1964 on which he had relied in rejecting the whole set of my Cut Motions to Demands 109 and 111.

- (b) That there is a total, absolute want of power and jurisdiction in the Speaker to reject a whole class of demands for *a priori* reasons, without applying his mind to each individual motion. I cited the observation of the Supreme Court in the famous *Searchlight vs. S. K. Sinha* case on "the total want of jurisdiction."
- (c) That the Speaker's ruling meant rewriting the provisions of the Constitution, namely 112(3) and 113(2), by making particular Demands non-reducible and 113(1) by making them non-discussable; that this would be a virtual throw back to the position under the Act of 1919 when certain demands could be discussed only with the consent of the G-G in Council; and would mean the beginning of the end of the principle of accountability in financial matters.
- (d) I said that apart from 113 there were other elaborate provisions in the Constitution about procedure such as quorum [100(4)]; impeachment of the President (61). Was it within the power of the Speaker to contravene these articles? Cannot the aggrieved party move the court; cannot the Supreme Court intervene when not irregularity of procedure but illegality and unconstitutionality is alleged? Will it be open to the Speaker to rule, next year, that defence estimates running into Rs. 850 crores, are non-reducible and non-discussable? I cited, again, the decision of the Supreme Court in the Sharma case, the Advisory Opinion in Special Reference of 1964 as also Article 119 of the Constitution which lays down that if a law were passed about the financial procedure it shall prevail over rules (and therefore rulings and conventions).
- (e) I submitted that the Constitution imposes certain duties on the Speaker, e.g. to enforce the provisions about quorum [100(4)], to examine and admit cut motions (113); etc. and said that assuming that the Court cannot go into the question of improper exercise of power or even into the total want of power and jurisdiction, what about his (Speaker's) failure to perform the duties laid on him, especially if somebody's rights are affected? Article 351 protects the President not only in the matter of exercise of power but also duty, but 122(2) does not so protect the Speaker from interference by the Court in respect of his refusal to carry out his duties.
- (f) I said that I agreed that there should be a relationship of respect between the legislatures and the court, and that intervention of the court should not be sought in a frivolous manner on trifling matters, thereby bringing the legislative work to a standstill, but this was, I stated, a serious matter on which depends the future of Parliamentary democracy and the place of the Supreme Court and Parliament in our constitutional scheme.

- (g) About conventions, I said, they must yield to the written Constitution, and citing May, I pointed out that these have been evolved in U.K. to protect minority and individual members' rights.

4. The Supreme Court (Constitution Bench) gave me a patient hearing, and said that Article 122(1) and 122(2) were an absolute bar and that they had no jurisdiction to go into the question of either of improper exercise of power or of the total want of power or jurisdiction. Nor could the court enforce performance of duties by the Speaker in view of Article 122.

In regard to what I said about the hypothetical cases of the impeachment of President and the ruling by a Speaker that the defence estimates were non-discussable and non-reducible the court said that these were extreme cases but even in these cases, in their view, the courts would be powerless to do anything in view of Article 122. "You have to seek relief elsewhere", they said. The Special Leave Petition was, therefore, dismissed by their Lordships.

5. Since this matter has been finally disposed of, you may take up the Privilege Motion of Mr. V. C. Shukla, if you do desire.

- (a) In regard to his charge that by going to the court, I have tried to nullify the procedure of Lok Sabha I would only say that you yourself have said number of times that the question of unconstitutionality should not be canvassed in the House but in the forum of the courts. There is, therefore, no question of any breach of privilege involved here.
- (b) In regard to *mala fide* I would say that I made a reference to that in passing in my first petition, but had not made any prayer nor sought the court's intervention in respect of my suspension.
- (c) The official records of 8th April, 1965 have established that the action taken against me was without any basis whatsoever. I had drawn your attention to that immediately through a letter and citing precedents had requested a reconsideration of your decision. But you did not reopen the matter. However you were good enough to allow to make a statement later. That, too, is on record and shows that I was punished without cause.
- (d) I was, of course, disappointed that you did not say that you named me because of a misunderstanding but you at least allowed me to explain my position. But what about the Minister of Parliamentary Affairs? Mr. Nath Pai and Mr. K. Pattayak asked him to make amends, but he did not respond. On 2nd April, as the records will show, he had even asked you to name me when I was trying to argue my point about the Cut Motions.

(e) In the matter of my suspension on 8th April 1965, my conscience is, therefore, clear and I feel that I am more sinned against than sinning, as the phrase goes. With this I close.

6. I shall be obliged if you will kindly place my letter before the House.

With regards,

Yours sincerely,
Sd/- MADHU LIMAYE.

Annexure II appended by Shri Madhu Limaye to his written Statement, dated the 9th February, 1966.

MADHU LIMAYE, M.P.

168, North Avenue,
New Delhi.

Dated 9th April, 1965.

The Speaker,
Lok Sabha,
New Delhi.

Sir,

Your order to me to leave the House yesterday has pained me greatly.

2. The motion of Mr. Satya Narayan Sinha that I should be suspended from the service of the House for a fortnight smacks of sheer vindictiveness.

3. I have carefully read the proceedings of the House on 8th April. On page 11589 you have stated that I had called the whole House, "impotent", and had committed its contempt. If your justification for my suspension is based on this I can only say that this is completely untrue. I never called the House, or any Member for that matter, "impotent". I only described the Government policy as "impotent". Surely this expression is not unparliamentary.

4. I know the Speaker can ask a Member to withdraw under rule 373 if his conduct, in his opinion, is "grossly disorderly". But my conduct was not disorderly, much less "grossly disorderly".

5. When one Congress Member demanded that my reference to the "Government's present impotent policy in relation to China" should be expunged I said that the expression was not unparliamentary and so the question of expunging it did not arise. At no stage did you pronounce the expression as unparliamentary either. You asked me whether I would not hear the reply. I said I would and immediately sat down.

6. It was again the Congress Members, Messrs. Raghunath Singh and R. K. Khadilkar who stood in their seats and objected to the expression. You had not identified either of them. They were technically interrupting the proceedings.

7. I said to Mr. R. K. Khadilkar that he too was a symbol of this "impotent policy" and that he should sit down as I wanted to hear the reply to my question. My remark addressed to the Congress benches could not even remotely be called "grossly disorderly".

8. Earlier when Dr. Lohia was speaking, with your permission, on a point of order, Mr. Raghunath Singh interrupted him. You did not punish him for this nor did any one of us request you to do that.

9. After you asked me to withdraw I said that I would obey but that I would like to make a submission, for it was not I who had interrupted the proceeding but Mr. Khadilkar. You did not allow me to make my submission, and so I collected my papers and turning to those Congress Members who were asking for my "blood" I retorted while leaving as follows :—

"That you have a majority and can certainly throw me out and jolly well continue your policy of impotence."

10. This is all that I said and in this I cast no aspersion whether on the Chair or on the House. My remarks were solely addressed to the Congress Members who were loudly interrupting me.

11. You had therefore no cause whatsoever to punish me. Justice demands that you reconsider your action. If you have based yourself on the "totality of my interruptions" then I would submit that interruptions by other Members, whether of the Congress Party or of the Opposition are much more frequent and persistent than our interruptions. You never take any action against them and rightly so. These Members seem to enjoy a "privileged position" in the House. I do not want that they should be denied this privilege. I would only suggest that we should be accorded the same right.

12. If, however, the action against me is for some other reason, then I shall say nothing till I know of that reason.

With regards,

Yours sincerely,
Sd./- MADHU LIMAYE.

Annexure III appended by Shri Madhu Limaye to his written Statement, dated the 9th February, 1966.

MADHU LIMAYE, M.P.

168, North Avenue,
New Delhi.
Dated 12th April, 1965.

The Speaker,
Lok Sabha,
New Delhi.
Sir,

Further to my letters dated 8th and 12th April, I wish to draw your attention to the proceedings of the Lok Sabha debates of 26th and 30th August, 1955.

On 26th August, an Hon'ble Member, Mr. H. V. Kamath had risen on a point of order. The Deputy Speaker, who was in the Chair then, ruled him out and asked him to resume his seat. Mr. Kamath said, "I am sorry I cannot resume my seat until you have heard my point". At this the Deputy Speaker asked him to withdraw from the House. Mr. Kamath obeyed him and collected his papers. But while leaving he was heard to remark "fantastic nonsense". The Deputy Speaker thought that the remarks were addressed to him. He did not accept Mr. Kamath's explanation that they were addressed to Members who were trying to jeer him and Motion suspending him for a week was adopted. On 30th August (at page 11465—72) Mr. Kripalani suggested that the suspension order should be rescinded. The Deputy Speaker agreed and put the question to the House. The motion was adopted.

In my case, as the proceedings will show, I had never defied the Chair. As to my so called "provocative remark" after my being asked to withdraw, the proceedings will make it clear that they were addressed to the Congress benches and not to the Chair or the whole House. I request you in the light of the actual proceedings to reconsider your decision and put the matter before the House as the Deputy Speaker did in the above-mentioned case.

With regards,

Yours sincerely,
(Sd.) MADHU LIMAYE.

(EXTRACTS FROM LOK SABHA DEBATES, DATED 2ND APRIL, 1965, cc. 7459—7468)

And, therefore, it is incumbent upon the Government to bring forward a Bill, if they cannot maintain quorum. Your predecessor, Sir, Mr. Mavalankar, had also directed them that they should bring forward a Bill. If they do not do it, at least they should not permit their own Party Members to curtail the right of any Member of the House.

Mr. Speaker: He should not make a speech. Only attention is to be directed to such and such an item.

Shri Hari Vishnu Kamath: I have been raising this repeatedly. Nothing has been done. On the other hand, it is not being implemented and they are curtailing the right of the Members of the House to raise points of order with regard to quorum.

श्री मधु लिमये : अध्यक्ष महोदय, आपने दो तीन बार मुझ से यह कहा कि केरल में जो राष्ट्रपति का शासन है उस प्रश्न की वैधानिकता का सवाल यहां नहीं उठाया जा सकता। मैं यह मानता हूँ। इसके लिये मैंने आपके पास ढाई घंटे वाली बहस के लिये एक बिना तिथि वाला प्रस्ताव भेजा है। आप संसदीय कार्य मंत्री से यह कहें कि या तो वे ढाई घंटे की बहस रक्खें या जो मेरा बिना तारीख वाला प्रस्ताव है उसको मान लें। यह एक बात।

दूसरी बात मेरी यह है कि अनुदानों पर चर्चा का जो कार्यक्रम बनाया गया है वह 19 तारीख तक का हमें मिला। उसके बाद मुझे ऐसा लगता था कि शायद कोई प्रीर

तारीख की सूची आ जायेगी। लेकिन कोई सूची नहीं आई है। मैं जानना चाहता हूँ कि जो डिमाण्ड नं० 109 लोक सभा सचिवालय के सम्बन्ध में है, क्या उस पर बहस करने के लिये कोई समय नहीं रक्खा जायेगा ?

अध्यक्ष महोदय : नहीं रक्खा जायेगा।

श्री मधु लिमये : क्यों नहीं रखा जायेगा।

अध्यक्ष महोदय : इस के बारे में फैसला हो चुका है।

श्री मधु लिमये : मेरा इस पर व्यवस्था का प्रश्न है।

अध्यक्ष महोदय : इस पर व्यवस्था का प्रश्न नहीं उठता।

श्री हुकम चन्द कछवाय (देवास) : अध्यक्ष महोदय, मैं कहना चाहता था कि जब कल मैंने कोरम का सवाल उठाया तो मेरे मित्र श्री आत्वा ने अपनी भाषा में कहा था

अध्यक्ष महोदय : वह मैंने देखा है। आप का कहना ठीक है। वह बात उन्होंने ने गलत कही।

श्री हुकम चन्द कछवाय : उन्होंने कहा कि मैं बार बार उठता हूँ, मुझे हमेशा के लिए हाउस से निकाला जाये। क्या यह उचित है ?

अध्यक्ष महोदय : यह उचित नहीं है।

श्री हुकम चन्द कछवाय : उसे उन्हें वापस लेना चाहिये।

अध्यक्ष महोदय : आप से मैंने कह तो दिया कि उचित नहीं है। और आप क्या चाहते हैं।

श्री अ० प्र० शर्मा (बक्सर) : आपने आश्वासन दिया था, आप को याद होगा, पिछली बैठक में सदन को कि रांची के हूँबी इंजीनियरिंग कारखाने में जो प्राग लग गई थी, जिसकी एन्क्वायरी की गई थी, उस पर बहस की जायेगी। इस बारे में क्या कार्रवाई की गई यह सदन जानना चाहत था। आपने आश्वासन दिया था और सरकार को आदेश दिया था .

अध्यक्ष महोदय : मैंने आदेश दिया था

श्री अ० प्र० शर्मा : लेकिन सदन की पिछली बैठक में बहस नहीं हो सकी। मैं जानना चाहता हूँ कि क्या इस सेशन में बहस की स्वीकृति दी जायेगी।

श्री किशन पटनायक (सम्बलपुर) : अध्यक्ष महोदय

अध्यक्ष महोदय : आप की पार्टी के दो मेम्बरों ने तो कह दिया

श्री किशन पटनायक : अगर आप इसी बजट से समय नहीं देंगे तो दूसरी बात है . .

अध्यक्ष महोदय : अच्छा कह लीजिये, आप क्या कहना चाहते हैं।

श्री किशन पटनायक : मुझे दो बातें रखनी थीं। एक तो यह कि चीजों के मूल्यों पर और कई दूसरे मसलों पर आप के पास प्रस्ताव गये हैं। उन को जो समय मिलेगा उसे किस तरह से ऐडजस्ट किया जायेगा। इसकी वजह से अधिवेशन का देर तक के लिये एक्सटेंशन होगा या नहीं, वह अभी से मालूम हो जाना चाहिये। दूसरी बात भी मैं कहना चाहूँगा।

अध्यक्ष महोदय : आप एक ही बार में कह लीजिए।

श्री किशन पटनायक : यह पहली बार है जब बजट की बहस पर प्रधान मंत्री के बारे में कोई बहस नहीं होगी। उनकी बात भी तो आ जानी चाहिये बहस में।

श्री सत्य नारायण सिंह : यहां कितने सवाल उठाये गये हैं, नहीं मालूम। मैं किन-किन का जवाब दूँ।

अध्यक्ष महोदय : The Proclamation issued by the Vice-President of India discharging the functions of the President on the 24th March, 1965. जो है उस का मोशन आया है सरकार की तरफ से उसको वक्त दिया जाये।

श्री सत्य नारायण सिंह : अब सवाल यह है कि जितने भी प्रश्न उठाये गये हैं . .

अध्यक्ष महोदय : कामत साहब के कोरम का सवाल तो हर हफ्ते चलता है।

श्री सत्य नारायण सिंह : मैं उन्हें बतला दूँ कि हम अभी बिल तैयार कर रहे हैं। वे इस बात को कबूल करेंगे कि जब तक फाइनेन्शियल बिजिनेस खत्म नहीं हो जाता, लेजिस्लेटिव बिजिनेस कैसे लिया जा सकता है।

श्री हरि बिष्णु कामत : मेरा ही सवाल नहीं है, सारे हाउस का सवाल है।

श्री सत्य नारायण सिंह : सारे हाउस का सवाल है, लेकिन आप सब से ज्यादा प्रवर्तक है उसके। अगर, अध्यक्ष महोदय, आप की इजाजत हो तो मैं बहुत अदब से कहूँ कि हम गवर्नमेंट की तरफ से बिल तैयार कर रहे हैं। मैं अपने मित्र श्री कछवाय से भी कहना चाहता हूँ कि कभी कभी लड़ाई इस तरह की हो जाया करती है। उन्हें हक है कोरम का प्रश्न उठाने का, इसमें कोई शक नहीं है और जो कुछ मेरे भाई श्री आल्वा ने कहा, वह उचित नहीं था, यह सही है।

श्री शिकरे (मरमागोभा) : मंत्री महोदय कभी किसी को भाई कहते हैं और कभी किसी को मित्र कहते हैं ।

प्रध्यक्ष महोदय : यह बात ठीक नहीं है । इस हाउस में कुछ डिगनिटी तो रहनी चाहिये ।

श्री सत्य नारायण सिंह : मैं भाई और मित्र में कोई फर्क नहीं मानता ।

श्री बागड़ी : आप मित्र को भाई समझते हैं ।

श्री सत्य नारायण सिंह : ठीक है । लेकिन मैं नहीं कहता कि उन्होंने जो कुछ कहा वह कहना उनके लिये उचित था । मैंने बहुत भ्रदब से उनसे पहले भी कहा था कि हम बिल ला रहे हैं । लेकिन जब कभी कभी लड़ाई होती है तो उसमें ट्रेस भी हो जाया करता है, भले ही आप इसे अनइजी ट्रेस कह लें । इतनी बार कोरम का सवाल उठे यह किसी को अच्छा नहीं लगता है ।

श्री राजी (इन्दौर) : आप लंच इंटरवल का प्राविजन कर दीजिये । ऐसा आप क्यों नहीं करते हैं कि

प्रध्यक्ष महोदय : इंटरवल करने में मुझे कोई ऐतराज नहीं है । गवर्नमेंट भी इस के हक में है । गवर्नमेंट ने मुझ से कहा था । लेकिन मुझे डर है कि जब लंच इंटरवल होगा और मेम्बर लोग घर जायेंगे तो उस के बाद वह बहुत कम आयेंगे ।

श्री हरि विष्णु कामत : तजुर्बा कर के देखिये ।

प्रध्यक्ष महोदय : मुझे यह डर है अगर इंटरवल हो जायेगा तब भी लोग नहीं आयेंगे । आप इंटरवल का फैसला करना चाहें तो अभी कर लें, मुझे इंटरवल से कोई ऐतराज नहीं है । (Interruptions)

श्री मधु लिनये : अगर प्राविवेशन काम को रक्खा जाये, तो सब घा जायेंगे ।

श्री सत्य नारायण सिंह : यहां पर इंटरवल का सवाल आया । आप ने कहा और मैं ने खुद इस पर गौर किया । लेकिन अगर यह सवाल 1 बजे से 2½ बजे के बीच में उठता तो कुछ कहने की बात होती । लेकिन इस का तो कोई समय ही निर्धारित नहीं है । 5 बजे, 4 बजे यह उठ जाता है, जब चाहा तब उठा दिया । इसलिये लंच इंटरवल से इस को जोड़ना उचित नहीं है । हमारे बहुत से दोस्तों ने कहा कि हम खाना खा कर आते हैं । कुछ दोस्त ऐसे हैं जिन की अंग्रेजी ढंग से एक बजे खाना खाने की आदत हो गई है । वह बेचारे कहते हैं कि उन के पास सवारी नहीं है कि वह जायें और फिर आयें । श्री कछवाय के लिये कोई समय निर्धारित नहीं है कि वह 1 बजे और 2½ बजे के बीच में ही इस सवाल को उठायें । वे हमेशा ही इस को उठाते रहते हैं, लंच टाइम हो या न हो । इसलिये लंच इंटरवल का कोई फर्क नहीं पड़ता । मैं यहां पर कोई हक की बात नहीं कर रहा हूं लेकिन क्या मैं उन से दरङ्वास्त कर सकता हूं और हाउस की तरफ से कह सकता हूं कि वह इस बात को मान लें कि कम से कम जब तक यह कोरम बिल नहीं आ जाता है, डिमान्ड्स को हो जाने दें । होता क्या है कि जो समय जाता है वह हाउस या जाता है । किसी भी डिमान्ड पर बहस कीजिये, अगर दस मिनट कोरम बिल बजती है तो हर बार उस में ढाई मिनट जाते हैं । इस तरह से 25 मिनट चले जाते हैं । यह समय किस का गया । गवर्नमेंट तो खुश है । हमें गाली सुनने का कम मौका मिलेगा । वह समय कट जाता है । इसलिये आप जरा गम्भीरता से इस को सोच लीजिये । क्या उन को हर समय इस सवाल को यहां उठाना चाहिये ? हम लोग बिल तैयार कर रहे हैं । आप के सामने उसे लायेंगे जो कुछ

होगा । लेकिन तब तक मैं दरङ्खास्त करूंगा कि एक-आध बार मजाक कभी हो गया तो हो गया, लेकिन हर दो मिनट पर कोरम का सवाल उठाना ठीक नहीं है । आखिर इस हाउस की कोई डिगनिटी है । अगर किसी कानून से इस हाउस की डिगनिटी कम होती है तो उस को तोड़ देना चाहिये ।

श्री हरि बिष्णु कामत : संबिधान को बदल लो ।

श्री सत्य नारायण सिंह : मैं तो कहता हूँ कि लायेंगे । कामत साहब इस हाउस के बड़े पुराने श्रीर मोअज्जिज मेम्बर हैं । वह बेचारे .

श्री हरि बिष्णु कामत : मैं इस सवाल को दस सालों से ला रहा हूँ ।

श्री सत्य नारायण सिंह : आप उन नौजवान मित्र को समझाइये । अगर आप कोरम की बात यहां हर समय लाना चाहते हैं तो मैं क्या करूँ । (*Interruptions*) अच्छा, जो कहना हो कहें, जो तबियत हो आप करें ।

श्री हरि बिष्णु कामत : साढ़े दस बजे से डेढ़ बजे तक श्रीर तीन बजे से छः बजे तक ।

Shri Daji: You put a Calling Attention Notice after the lunch interval. Then everyone will be present.

अध्यक्ष महोदय : अगर हाउस को मंजूर हो मुझे कोई ऐतराज नहीं है ।

श्री सत्य नारायण सिंह : वह अलग सवाल है ।

Shri Shinkre: I have got one submission to make. Most of the Members are sitting in the Central Hall. As soon as the Quorum Bell is rung, the Members come in. They are sitting in the Central Hall. So, some provision be made to stop them from

permanently occupying the Central Hall.

अध्यक्ष महोदय : अगर आप चाहते हैं कि मैं यह प्रोपोजल हाउस के सामने रख दूँ तो मैं रखने के लिये तैयार हूँ ।

श्री बी० चं० शर्मा (गुरदासपुर) : दो बजे से ले कर आठ बजे तक हाउस को बैठना चाहिये ।

श्री सत्य नारायण सिंह : 1 मई के बाद क्या करना है वह तो आप को फैसला करना है । एक दो डिमान्ड्स के बारे में ठाकुर साहब ने सवाल उठाया । आप जानते हैं कि जिस तरह से हमारा काम चल रहा है । मुझ को तो ऐसा लग रहा है कि जो डिमान्ड्स चल रही हैं, जिन के बारे में हम ने प्रोग्राम अनाउंस किया है, उस को ही गिलोटिन करना पड़ेगा । आप ने तो कोशिश की है कि शेड्यूल

श्री बी० चं० शर्मा : स्पीकर साहब के पास लिस्टें भेज दी जाती हैं बोलने वालों की, लेकिन फिर भी मौका नहीं मिलता ।

श्री सत्य नारायण सिंह : यहां किसी को बुलाने या न बुलाने की बात नहीं है । जो समय निर्धारित है हाउस के लिये उस के मुताबिक पूरा टाइम नहीं मिलेगा बहस के लिये । जहां तक नो डे यट नेम्ड मोशन का सवाल है आखिर उस के लिए टाइम तो चाहिये । हां, अगर कोई ऐसी जरूरी बात है जैसे कि एडजर्नमेंट मोशन का सवाल है, अगर वह सोमवार को हुआ तो वह तो आयेगा ही । लेकिन वह भी जो समय होगा वह किसी न किसी डिमांड पर पड़ेगा क्योंकि उधर आप समय नहीं बढ़ा सकते ।

श्री मधु लिम्बे : अध्यक्ष महोदय, क्या आप मेरे प्रश्न का जवाब देंगे ?

अध्यक्ष महोदय : आप बैठ जाइये ।

श्री मधु लिमये : मैंने जो प्रश्नवालों के बारे में सवाल उठाया था

अध्यक्ष महोदय : लोक सभा के प्रश्नवालों के बारे में ?

श्री मधु लिमये : जी हां ।

अध्यक्ष महोदय : उनके बारे में तो पहले फैसला हो चुका है । अब इस सवाल को नहीं लाया जा सकता । पहले सवाल उठाया गया था उसका फैसला हो चुका है ।

श्री मधु लिमये : मुझे भी वह फैसला क्लरा दीजिये ।

अध्यक्ष महोदय : मैं हर एक मेम्बर को उसके बारे में जवाब नहीं दे सकता ।

श्री मधु लिमये : संविधान के खिलाफ कैसे जा सकते हैं । दस्तूर संविधान के अनुकूल होना चाहिये ।

अध्यक्ष महोदय : उसके बारे में फैसला हो चुका है ।

श्री मधु लिमये : वह फैसला मुझे क्लरा दीजिये । मैं सुनने को तैयार हूँ ।

अध्यक्ष महोदय : आप सुनने को तैयार हैं, लेकिन मैं नहीं क्लरा सकता ।

श्री मधु लिमये : सोमवार को क्लरा दीजिएगा ।

अध्यक्ष महोदय : मैं सोमवार को क्लरा नहीं करूँगा ।

Shri H. N. Mukerjee (Calcutta Central): There was a question which the hon. Minister did reply to, which you also had mentioned to him, about the Kerala Proclamation.

Mr. Speaker: The notice of that motion or resolution has come. The hon.

Member wants to know when it is likely to be taken up.

श्री मधु लिमये : जब मैं एक संविधान का मामला आप के सामने पेश कर रहा हूँ . . .

अध्यक्ष महोदय : मैं एक बात कर रहा हूँ और आप बीच में दखल दे रहे हैं ।

श्री मधु लिमये : दखल देने की बात नहीं है । मैंने संविधान के संबंध में सवाल उठाया है, उसका फैसला मुझे मालूम होना चाहिये ।

श्री स्वयं नारायण सिंह : आप इनको नेम कर दीजिये ।

श्री मधु लिमये : क्या संविधान का प्रश्न उठाना कोई अपराध है ? क्या हम भिखमंगे हैं ? हमको जनता ने चुना है इसलिये यहाँ भ्रष्ट हैं । आप बार बार हम को निकाल देने की बात करते हैं । उसका मतलब मेरी समझ में नहीं आता ।

श्री श्यामलाल सराफ (जम्मू तथा काश्मीर) : माननीय सदस्य आपके कक्ष में जा कर सुन सकते हैं, हाउस का बक्स न लें ।

श्री मधु लिमये : यह कमरे में सुनने का सवाल नहीं है ।

श्री श्यामलाल सराफ : मैं अपने मित्रों से अदब से प्रार्थना करूँगा . . .

अध्यक्ष महोदय : आप की प्रार्थना का क्या असर होगा जब मेरी का नहीं होता ।

श्री बाराड़ी : पहली मई के बारे में क्या जवाब दिया ?

अध्यक्ष महोदय : वह बाद में देखा जाएगा ।

(EXTRACTS FROM LOK SABHA DEBATES, DATED 8TH APRIL, 1965,
CC. 8429—8454).

12.01 hrs.

CALLING ATTENTION TO A
MATTER OF URGENT PUBLIC
IMPORTANCE

(i) REPORTED PROPOSED VISIT OF PHIZO
TO CHINA

Mr. Speaker: Now, we shall take up the calling attention notice, Shri Hukam Chand Kachhavaia.

श्री रामेश्वरानन्द (करनाल) : अध्यक्ष महोदय, मुझे प्रश्न संख्या 800 पर एक प्रश्न पूछ लेने दिया जाय मैं बड़ी देर से इस के लिए खड़ा हो रहा हूँ।

अध्यक्ष महोदय : स्वामी जी अब नहीं हो सकता मैं आगे चला गया हूँ।

श्री रामेश्वरानन्द : मैं बड़ी देर से खड़ा होता रहा हूँ

अध्यक्ष महोदय : मुझे अफसोस है।

श्री रामेश्वरानन्द : मैं एक व्यवस्था का प्रश्न उठाना चाहता हूँ।

अध्यक्ष महोदय : इस में व्यवस्था का क्या प्रश्न है ?

श्री रामेश्वरानन्द : मैं आप का ध्यान इस ओर दिलाना चाहता हूँ कि जिस श्रेणी के छात्रों को अंग्रेजी का अध्यापक पढ़ाता है और उसी श्रेणी के छात्रों को जो अध्यापक संस्कृत पढ़ाता है उन दोनों अध्यापकों के वेतन में फर्क होता है और अंग्रेजी पढ़ाने वाले अध्यापक को संस्कृत पढ़ाने वाले अध्यापक की अपेक्षा डेढ़ गुना और दुगुना

वेतन मिलता है तो मैं आप से यह जानना चाहता हूँ कि संस्कृत पढ़ाने वाले अध्यापक को अंग्रेजी के अध्यापक के मुकाबले वेतन इतना कम क्यों मिलता है ? इस में आप की क्या व्यवस्था है ?

अध्यक्ष महोदय : श्री हुकम चन्द कछवाय।

श्री हुकम चन्द कछवाय (देवास) : मैं अविजम्बनीय लोक महत्व के निम्नलिखित विषय की ओर वैदेशिक-कार्य मंत्री का ध्यान दिलाता हूँ और प्रार्थना करता हूँ कि वह इस बारे में एक वक्तव्य दें :—

“श्री ए० डा० फिजो की चीन की प्रस्तावित यात्रा के समाचार तथा उस पर भारत सरकार की प्रतिक्रिया।”

The Minister of External Affairs (Shri Swaran Singh): The report in the Indian Press is based on a news item from the London correspondent of the “Dawn” of Karachi.

Mr. Phizo has been in England since 1960. He has opted for and been given British citizenship.

Our reports indicate that he has received no encouragement in England in recent months from official quarters in his agitation for the so-called independence of Nagaland.

Whether Mr. Phizo will be allowed to go to Peking is a matter for the British Government to decide, since he is now a British national.

We would not be in favour of a British national being given facilities

for travel to indulge in activities which are against the interests of our country.

श्री हुकम चन्द कछवाय : मैं जानना चाहता हूँ कि इस समय श्री फ़िज़ो कहां पर हैं और वह नागालैंड में आते हैं या नहीं ? दूसरे यह जो शांति वार्ता हो रही है उस का उन के मन पर क्या असर पड़ा है ?

Shri Swaran Singh: He does not come to Nagaland. He is in England, as I have already stated. As to what the effect of the peace talks on his mind is, I have no information.

Shri Daji (Indore): Get him psycho-analysed.

श्री यशपाल सिंह (कैराना) : क्या यह बात सही है कि अपनी चीन और पाकिस्तान की विजिट से मि० फ़िज़ो इस शांति वार्ता में देर करा रहे हैं और नागालैंड का कोई मसला इस वजह से तय नहीं हो पाता है कि पादरी स्काट के मार्फत वह चीज़ पहुंचती है और मि० फ़िज़ो नहीं चाहते हैं कि शान्ति से बैठा जा सके तो सरकार इस मामले में क्या कर रही है ?

Shri Swaran Singh: The general question of the peace talks that are going on in Nagaland is a matter which has been discussed here more than once. That does not arise out of this calling-attention-notice at all.

Shri S. M. Banerjee (Kanpur): The hon. Minister has expressed the anxiety of our Government not to allow Shri Phizo to go to China. Since India is a member of the Commonwealth, may I know whether the Government of India will make a request to the Government of the United Kingdom to see that Shri Phizo does not get a passport for China because that will aggravate the situation and would be damaging to India, and whether Brigadier Sen who is one of the officers.....

Mr. Speaker: The hon. Member should be satisfied with one question.....

Shri S. M. Banerjee: That is connected with this question.

Mr. Speaker: So many questions should not be clubbed together.

Shri S. M. Banerjee: May I know whether Brigadier Sen, the Advocate-General of Nagaland, has been sent specially to England and one of his assignments is to see Shri Phizo in this connection?

Shri Swaran Singh: We have asked our High Commissioner in London to convey our views in this respect to Her Majesty's Government. He will certainly do that.

I have no information of the deputation of Brig. Sen. But I can say that there is no question of his going to see Phizo in any form on my behalf. He has nothing to do with Phizo.

Shri Daji: In view of the well-known hostile nature of Phizo's activities, which will be multiplied if he goes to China, and in view of the fact that already there is a lot of wrong anti-Indian propaganda about Nagaland going on—Dawn had put it on its front page that napalm bombs were used by us in Nagaland; this was mentioned in the House—have Government made it clear to the Governments of U.K. and China that Phizo is *persona non grata* with us and any such facilities given to him to go to China would be treated as an unfriendly act towards India?

Shri Swaran Singh: I agree with the hon. Member that a lot of wrong propaganda is being carried on. It is entirely incorrect to say that napalm bomb was used in any part of Nagaland. That is a story which is entirely incorrect and I would like to repudiate it very strongly. It was never used and any suggestion to that effect is absolutely incorrect. I am glad that

the hon. Member mentioned it, giving me an opportunity to state the facts.

I have already said that we have asked our High Commissioner in London to clearly tell the U.K. Government that we are totally opposed to it and that they should not permit a British national to undertake an activity which is against our interest.

श्री बागड़ी (हिंसार) : फ़िजो की गतिविधियां हमारे भारत देश की प्रतिष्ठा और स्वाधीनता के विरुद्ध जाती हैं क्योंकि फ़िजो चीन जाने की सोच रहे हैं, वह चीन जोकि हमारा दुश्मन मुल्क है .

अध्यक्ष महोदय : आप तो यह भूमिका और लेक्चर देने लग गये, जो सवाल करना हो वह आप करें ।

श्री बागड़ी : मैं सवाल ही करने जा रहा था लेकिन उस से पहले मैं उसकी थोड़ी सी पृष्ठभूमि बतलाना चाहता था लेकिन आप उस की इजाजत मुझे नहीं दे रहे हैं ।

अध्यक्ष महोदय : अगर कोई सवाल करना हो तो आप उसे करें ।

श्री बागड़ी : और लोगों को आप इस तरह से पृष्ठभूमि समझाने की इजाजत दे देते हैं लेकिन मुझे नहीं दे रहे हैं । खैर मैं फिर सवाल ही करे लेता हूँ । चाइना फ़िजो और शेख को जोकि हिन्दुस्तान के मुखालिफ़ तत्व हैं उनका इस्तेमाल वह हिन्दुस्तान के खिलाफ़ प्रचार के लिए करना चाहता है तो क्या हमारी भारत सरकार भी ऐसे तत्वों का सहयोग लेने का विचार रखती है, दलाई लामा या कुछ ऐसे तत्व जिन का कि चीन के खिलाफ़ इस्तेमाल हो सकता है और विदेशों में यह तत्व जा कर चीन के विरुद्ध प्रचार कर सकते हैं ? अगर खुद भारत सरकार चीन का विदेशों में विरोध नहीं कर सकती तो वह दलाई लामा को थाईलैंड या अमरीका वगैरह में भेज कर

उनका इस्तेमाल चीन के विरुद्ध कर सकती है या नहीं ?

अध्यक्ष महोदय : अब बागड़ी साहब इस सवाल का गवर्नमेंट से मैं क्या जवाब देने को कहूँ ? अगर गवर्नमेंट ने ऐसा करना भी हो तो भी उस को नहीं चाहिये कि वह उस तरह का जवाब दे । आप कहते हैं कि गवर्नमेंट कहे कि वह इस बात में क्या करेगी, ऐसा पूछना मुनासिब नहीं है । आप जरा इस बारे में गहराई से सोचिये ।

श्री बागड़ी : अध्यक्ष महोदय, मेरा एक व्यवस्था का प्रश्न है । अब यह कोई फ़िजो का सवाल तो है नहीं । फ़िजो तो लन्दन में बैठा है लेकिन चीन तो हमारा दुश्मन मुल्क है और वह जब उनका इस्तेमाल करता है तब वह हमारे लिये आपत्तिजनक और खतरनाक बात होती है . . .

अध्यक्ष महोदय : क्या बागड़ी साहब बाहते हैं कि गवर्नमेंट यहां उन्हें बतलाये कि हम फलां फलां आदियों को चीन के बरखिलाफ़ एक एजेंट बना कर इस्तेमाल करेंगे ? क्या गवर्नमेंट का यह बतलाना कि वह उन से मेरा यह काम करायेंगे देश हित में होगा ? श्री प्र० च० बरुआ ।

डा० राम मनोहर लोहिया (फर्रुखाबाद) : अध्यक्ष महोदय, मेरा एक व्यवस्था का सवाल है । मैं आप को याद दिलाना चाहता हूँ कि आप ने खुद यहां कई बार फरमाया है कि ध्यानाकर्षण प्रस्ताव किसी हद तक काम रोको प्रस्ताव का भी काम करता है । काम रोको प्रस्ताव यहां पर आने नहीं दिया जाता है तो जो कुछ सरकार की नीति की कमियां हैं उन को ध्यानाकर्षण प्रस्ताव के द्वारा भी लाया जा सकता है यह आप ने खुद यहां पर कई बार फरमाया है तो इस चीन वाले मामले में कांग्रेस सरकार की बहुत बड़ी कमियां नीति की रही हैं ।

अध्यक्ष महोदय : अब उन बातों की बहस तो इस वक्त नहीं हो सकती है ।

डा० राम मनोहर लोहिया : मैं खुद आप की बात आप को याद दिला रहा हूँ ।

अध्यक्ष महोदय : मुझे बहुत अच्छी तरह से याद है कि मैंने क्या बात कही है ।

डा० राम मनोहर लोहिया : ध्यान-आकर्षण में शेख अब्दुल्ला प्रयवा श्री फ़िजो का सवाल उठता है, तो चीन के सम्बन्ध में सवाल उठ जाना बहुत लाजिमी हो जाता है । आप ने दलाई लामा के बारे में जो फ़रमाया, अगर वह व्यंग्य के तौर पर था, तो अलग बात है, लेकिन अगर असलियत और नीति का सवाल है, तो इस में कोई शक नहीं है कि एक तरफ पीकिंग और ताइपेह में जो बैर चल रहा है और दूसरी तरफ पीकिंग और तिब्बत में जो बैर चल रहा है, इन दोनों बैरों के मामले में हिन्दू सरकार की नीति बड़ी खराब रही है । अगर ध्यान-आकर्षण प्रस्ताव में नीति का सवाल पूछ कर के इस सवाल को नहीं ला सकते, तो आखिर उस का मतलब क्या रह जाता है ? ये दोनों नीतियाँ सामने आनी चाहियें और उस पर सरकार को अपनी राय बतानी चाहिये—या तो यह कि अब तक जो पुरानी राय रही है, वह उस पर चलना चाहती है या वह उस राय को बदलना चाहती है । तो इस सम्बन्ध में जब तक हमारे सामने यह बात नहीं आयेगी, तब तक किसी न किसी रूप में श्री अब्दुल्ला का, श्री फ़िजो का या और कोई सवाल उठता रहेगा । और मैं यहाँ पर बिल्कुल साफ़ कह देना चाहता हूँ कि केवल हिन्दुस्तान के स्वार्थ की बात मैं नहीं कर रहा हूँ

Shri Raghunath Singh (Varanasi): This is practically a short speech.

Shri Frank Anthony (Nominated—Anglo-Indians): Long speech.

डा० राम मनोहर लोहिया : बल्कि इस में स्वार्थ और सिद्धान्त दोनों हैं । हिन्दुस्तान की सरकार ने चूँकि सिद्धान्त को छोड़ दिया है, (*Interruptions*). इस लिए स्वार्थ के मामले को बार-बार उठाना पड़ता है । (*Interruptions*) इसलिये हम को सिद्धान्त और स्वार्थ, इन दोनों पहलुओं पर विचार करना चाहिये ।

Shri Raghunath Singh: This is practically a speech.

अध्यक्ष महोदय : माननीय सदस्य को दोबारा शुरू करने दीजिये ।

डा० राम मनोहर लोहिया : मैं कर सकता हूँ ।

अध्यक्ष महोदय : आप नहीं कर सकते ।

डा० राम मनोहर लोहिया : क्या यह कोई तरीका है कि जब मैं कोई सवाल उठाता हूँ, तब कांग्रेस वाले व्यवस्था का प्रश्न खत्म नहीं होने देते और बीच में टोकने लगते हैं ? आप मुझे रोक सकते हैं, लेकिन दूसरों को ऐसा करने का क्या अधिकार है ? (*Interruptions*)

अध्यक्ष महोदय : लेकिन यह व्यवस्था का प्रश्न कब तक चलेगा ? मैंने आप को सवाल करने की इजाजत नहीं दी थी । आप व्यवस्था का प्रश्न उठाना चाहते थे और आप ने इतना कह लिया है । इस में कोई व्यवस्था का प्रश्न नहीं उठता है । अब आप बैठ जायें, ताकि मैं आगे चल सकूँ ।

डा० राम मनोहर लोहिया : ठीक है, श्री रघुनाथ सिंह अपनी खैरखाही करते रहें ।

Shri P. C. Borooah (Sibsagar): Although Mr. Phizo has changed his Indian nationality and embraced British nationality, he has been described as the President of the Naga

National Council in statements of the underground Nagas. (*Interruptions*).

अध्यक्ष महोदय : क्या मैं उधर से दूसरी स्पीच भी सुनता रहूँ ? क्या मैं एक को सुनूँ या दो को सुनूँ ?

डा० राम मनोहर जोहिया : अध्यक्ष महोदय, माफ़ कीजिये ।

Shri P. C. Borooah: He is directing these activities from a country like U.K. which is the leader of the commonwealth of Nations. May I know whether mere change of nationality prevents our Government from taking any action against his nefarious activities?

अध्यक्ष महोदय : माननीय सदस्य सवाल करें । हर एक मेम्बर साहब को कहना पड़ता है कि वह सीधा सवाल करे ।

Shri P. C. Borooah: Yes. I have finished.

Shri Swaran Singh: In the statement that I made, I have said that he has not been receiving any encouragement from the U.K. Government with regard his activities.

Shri Ranga (Chittoor): In recent months.

Shri Swaran Singh: The hon. Member said he was directing the activities from London. Our information is that the hostile leaders who are now functioning in Nagaland themselves are doing whatever they want. They are indulging in objectionable activities, but there is not much evidence that Phizo is directing their activities.

Shri P. C. Borooah: He is described as the President of the Naga National Council in statements of the underground Nagas.

Mr. Speaker: A part has been answered. I will not allow the whole thing to be answered.

Shrimati Savitri Nigam (Banda): In view of the fact that our hopes of success in our negotiations with the Naga rebels have been dependent on the efforts of the peace mission, in this new situation when Mr. Phizo has declared openly that he is indulging in anti-national activities, I want to know whether Government is intending to change the policy or whether it is still depending on the peaceful negotiations of the peace mission?

Mr. Speaker: Has he followed it?

Shri Swaran Singh: I may be permitted to say that we have no intention to change the policy which, fortunately, has received the support of the Members of Parliament of both the Houses who visited those places and made their reports.

श्री बबु लिसये (मुंगेर) फ़िलहाल फ़िज़ो ने एक वक्तव्य प्रकाशित किया था, जिसमें उन्होंने इस बात का स्वागत किया था कि चीनने काश्मीर के स्वयं-निर्णय के अधिकार को मान लिया है और शेख़ अब्दुल्ला को चीन में जाने के लिए न्योता दिया है । फ़िज़ो ने इस वक्तव्य में यह आशा प्रकट की है कि चीन नागा प्रदेश के स्वयं-निर्माण के अधिकार को भी मान लेगा और उन को भी चीन आने के लिए दावत दे देगा । मेरा प्रश्न इस स्वयं-निर्णय के सम्बन्ध में है । कच्छ से लेकर नागा प्रदेश तक हमारी सीमा पर आज फ़ौजी और वैचारिक हमला भी हो रहा है । इसलिए क्या स्वयं-निर्णय का तत्व हिन्दुस्तान के एक एक हिस्से को भारत से अलग करने के लिए इस्तेमाल में लाया जाता है । जहाँ एक ओर चीन, मंगोल, तिब्बती और तुर्की जनता की आजादी को छीन रहा है या छीनने का इरादा रखता है, दूसरी ओर हिन्दुस्तान के एक एक

अध्यक्ष महोदय : माननीय सदस्य प्रश्न सवाल करें ।

श्री मधु लिमये : अध्यक्ष महोदय, यह भूमिका है। मैं बहुत संक्षेप में कह रहा हूँ मैं दूसरे लोगों से बहुत कम समय ले रहा हूँ। अब मेरा प्रश्न आ रहा है। इस तरह आप बीच में हम को न रोकें।

स्वयं-निर्णय के नाम पर चीन हमारे देश के एक एक हिस्से को देश से अलग करने का और राष्ट्रीय एकता को तोड़ने का प्रयास कर रहा है। मैं यह जानना चाहता हूँ कि क्या सरकार चीन के इस वैचारिक और फौजी आक्रमण का कोई ठोस और मुकम्मल जवाब देगी या उसकी अपनी जो वर्तमान नपुंसक नीति है, उसको ही चलायेगी। यह मेरा प्रश्न है।

Shri Swaran Singh: It is wrong for him to use such adjectives with regard to this policy and I take strong objection for using such expression.

Mr. Speaker: I agree.

श्री मधु लिमये : मैं उस का पुनरुच्चारण कर रहा हूँ कि आपकी नीति बिल्कुल नपुंसक नीति है। (Interruptions)

अध्यक्ष महोदय : आर्डर, आर्डर।

एक माननीय सदस्य : इस को एकसपंज कर दिया जाये।

श्री मधु लिमये : एकसपंज करने का सवाल है? यह शब्द कोई असंसदीय थोड़े ही है। (Interruptions)

अध्यक्ष महोदय : आर्डर, आर्डर। अब क्या आप जवाब सुनेंगे?

श्री मधु लिमये : सुनेंगे।

अध्यक्ष महोदय : अगर सुनेंगे, तो आप आराम से बैठ जाइये। जवाब सुनिये।

12.18 hrs.

SUSPENSION OF MEMBER

(Shri Madhu Limaye)

Shri Raghunath Singh (Varanasi): The word 'napumsak' should be expunged.

Shri Khadilkar (Khed): May I ask one question? Will it be proper to use that expression?

श्री हुकम चन्द कछवाय (देवास) : ठीक है, यह बिल्कुल ठीक शब्द है।

श्री मधु लिमये (मृगेर) : आप उस नपुंसक नीति के प्रतीक हैं। आप बैठ जाइये। (Interruptions). मैं जवाब सुन रहा हूँ।

अध्यक्ष महोदय : मैं हर रोज़ कहता रहता हूँ कि यह मेम्बर साहब, श्री मधु लिमये, हर वक्त प्रोसीडिंजर को आबस्ट्रक्ट करने की कोशिश करते हैं और मैंने इन से इस बारे में दो तीन दफ़ा कहा है कि यह एक दिन की कार्यवाही नहीं है, यह हर रोज़ की कार्यवाही है। वह कार्यवाही को इस तरह रोक कर बन्द रखते हैं कि हम को आगे नहीं जाने देते हैं। मैं इसकी इजाजत नहीं दे सकता। मैं चाहूंगा कि हाउस इस पर कोई एक्शन ले। मैं इस तरह से नहीं चल सकता हूँ। इस वक़्त मैं इनका नाम ले कर, पुकार कर, कहता हूँ कि वह बाहर चले जायें।

श्री किशन पटनायक (सम्बलपुर) : यह कैसे हो सकता है।

श्री मधु लिमये : मैं चला जाऊंगा आपकी आज्ञा मानूंगा, लेकिन मुझे एक अर्ज करने दीजिये।

अध्यक्ष महोदय : अब आप चले जाइये।

श्री मधु लिमये : मैं तो दखल नहीं दे रहा खाडिलकर जी दे रहे थे। मैं तो जवाब सुन रहा था।

अध्यक्ष महोदय : अब आप चले जाइये।

श्री किशन पटनायक : इस तरह की बाधा दूसरे लोग भी दिया करते हैं और हर रोज दिया करते हैं, लेकिन यह एक्शन की बात हमारे ऊपर क्यों आ जाती है ? यह बात हमेशा हुआ करती है ।

श्री रामेश्वरानन्द (करनाल) : अध्यक्ष महोदय,.....

श्री मधु लिमये : हमें भाई निकाल दीजिये । आप का बहुमत है, निकाल दीजिये । नपुंसकता की नीति खूब चलाओ, जोर से चलाओ ।

[Shri Madhu Limaye then left the House]

अध्यक्ष महोदय : यह आप और देखें कि जिस मेम्बर को कहा जाए कि हाउस छोड़ कर बाहर चला जाए, वह जाते जाते फिर ऐसे शब्द कहता है जो मुनासिब नहीं हैं । हाउस में वह कहता है और यह और ज्यादा हाउस की बेइज्जती है । या तो वह जाने से इन्कार करे तो हम एक्शन लें, लेकिन जब जाने को भी तैयार हो जाता है

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

"That Shri Madhu Limaye, a Member of this House, and named by the Speaker, be suspended from the service of the House for a fortnight."

श्री हुकम चन्द कछवाय : मैं इसका विरोध करता हूँ ।

श्री रामेश्वरानन्द : अध्यक्ष महोदय,...

अध्यक्ष महोदय : पहले इस पर निर्णय हो जाने दीजिये ।

श्री मोर्य (अलीगढ़) : आप पहले इस पर निर्णय दें कि नपुंसक शब्द पार्लियामेंटरी है या नहीं है ।

Mr. Speaker: Order, order. I have to put the question. (Interruption).

श्री हुकम चन्द कछवाय : पन्द्रह रोज के लिए नहीं करना चाहिए । यह काफी लम्बा समय होता है । पन्द्रह रोज का बहुत समय होता है ।

श्री मोर्य : हम चाहते हैं कि आप यह बतायें कि यह पार्लियामेंटरी शब्द है या नहीं है । नपुंसक नीति शब्द पार्लियामेंटरी लैंग्वेज में आता है या नहीं आता है ।

एक माननीय सदस्य : इसका इस्तेमाल नहीं किया जा सकता है ।

अध्यक्ष महोदय : सवाल इस एक शब्द का नहीं है । गलत तरफ इस चीज को आप न ले जायें । जो चीज आपके सामने है, उसी को आप लें । किसी शब्द के इस्तेमाल के बारे में यह चीज नहीं कही जा रही है ।

श्री रामेश्वरानन्द : मेरी बात सुन लें ।

अध्यक्ष महोदय : पहले मुझे अपनी बात रख लेने दीजिये । आप बैठ जायें ।

श्री रामेश्वरानन्द : मेरा व्यवस्था का एक प्रश्न है ।

Shri Raghunath Singh: The motion is before the House.

अध्यक्ष महोदय : स्वामी जी मैं आपकी बहुत ज्यादा इज्जत करता हूँ । लेकिन उसकी भी कोई हद होगी । आपको मैं यह कहे देता हूँ कि आप इस तरह से खड़े हो कर बोलना शुरू न कर दिया करें । आप जब चाहते हैं खड़े हो जाते हैं और बोलना शुरू कर देते हैं और मेरे बार बार कहने पर भी नहीं मानते हैं । यह नहीं होगा । बाकी मेम्बरों से अलहदा मैं आपकी इज्जत करता हूँ उन से ज्यादा इज्जत करता हूँ । लेकिन इस चीज को आप इतनी ज्यादा दूर न ले जायें कि यहां का जो डिसिप्लिन है वह भी मैं न रख सकूँ । आपको बहुत बार मैंने कहा है लेकिन आप

खुद-ब-खुद खड़े हो कर रास्ते में रुकावट डालते चले जाते हैं। यह बात जो है मुनासिब नहीं है। आप से कई बार मैंने कहा है और चूक में आप की इज्जत करता हूँ, इसलिये मैं क्षामोश हो जाता हूँ।

श्री रामेश्वरानन्द : आप जब कहते हैं मैं बैठ जाता हूँ और अब भी मैं बैठ गया था। मुझ पर आप लांछन न लगायें। मेरी वजह से आपको कोई दुख हुआ हो तो उसके लिए मैं क्षमायाचना करता हूँ। मैं जानबूझकर कोई ऐसी चीज नहीं करता हूँ जिससे आपको दुख हो। सभा में मैं यह कह रहा हूँ, सभा में होने के नाते कह रहा हूँ।

न सः सभाय न यत्न न संति वृद्धाः

न ते वृद्धा चे न वदन्ति धर्मम् ।

इस आधार पर आपकी सेवा में मैं निवेदन करना चाहता हूँ। नपुंसक शब्द जो है...

अध्यक्ष महोदय : शब्द का सवाल नहीं है।

श्री रामेश्वरानन्द : जानकारी के लिए आप थोड़ा सा सुन लें। नपुंसक शब्द संस्कृत के पुन शब्द से निकला है और न यह पुल्लिंग है और न स्त्रीलिंग। संस्कृत के तीन शब्द हैं जो पुन से—(इंटरफ़ाज) क्या आप अध्यक्ष हैं...

श्री बाजी (इंदौर) : अध्यक्ष तो बोल चुके हैं।

श्री रामेश्वरानन्द : आप सुनना भी नहीं चाहते हैं। मैं पहले ही कह चुका हूँ कि मेरी वजह से अगर कष्ट हुआ हो तो उसके लिए मैं क्षमा प्रार्थी हूँ। लेकिन फिर भी ये अंग्रेजी बोलने वाले हम लोगों को बोलने भी नहीं देते हैं। हमारी बात सुनना भी नहीं चाहते हैं। मैं स्पष्ट करना चाहता हूँ कि नपुंसक शब्द ऐसा नहीं है जोकि असंसदीय हो या कोई अपशब्द हो।

अध्यक्ष महोदय : स्वामी जी, नपुंसक शब्द का यहां कोई सवाल नहीं है। यही एक शब्द आपके दिमाग पर सवार हो गया है और उसमें ही आप उलझ गये हैं।

श्री रामेश्वरानन्द : इस के बारे में बात कही गई थी।

Shri Surendranath Dwivedy (Kendrapara): You were pleased to observe that you had issued several warnings to the hon. Member. Since he did not listen to you and obstructed the proceedings of the House, you asked him to leave the House and he obeyed your orders and has gone out. I do not think further action on this matter is called for at this moment. If that hon. Member again behaves in that manner, then the House may consider about taking any further action. At the moment, I would plead with all hon. Members of the House and I will urge upon even the Minister of Parliamentary Affairs not to press that motion but withdraw that motion.

Several Hon. Members: No, no.

Shri H. N. Mukerjee (Calcutta Central): I would like to submit that when you took the decision in regard to Shri Madhu Limaye, none of us here had the slightest inclination to object because it would not have been proper to do it, but what I discovered to my consternation was that the Minister of Parliamentary Affairs who does not come to the assistance of the Chair.....

Shri Ranga (Chittoor): Nor the Leader of the House.

Shri H. N. Mukerjee:at a time when it should be done, comes up at a time when no help is necessary and quite gratuitously makes a suggestion about another hon. Member who perhaps ill-advisedly had made certain observations. You took that step after your patience had been tried for a very long time. You have

said yourself that it has been continuing from day to day and you have taken that step. We naturally bowed down to that. But there was no point in the hon. Minister of Parliamentary Affairs suddenly getting up to move a motion with regard to another member, who had ill-advisedly made certain observations? To propose a punishment against that other member, which was a great deal more serious than the punishment which you in your wisdom had already meted out to Shri Madhu Limaye was an act which has no relation to the facts of the situation.

Mr. Speaker: He has referred to the Parliamentary Affairs Minister making a motion about another member. What does he mean?

Shri H. N. Mukerjee: That was about Shri Kishen Pattnayak.

Shri Surendranath Dwivedy: He is mistaken. The motion made by the Minister of Parliamentary Affairs was about the same member.

Shri H. N. Mukerjee: My submission in that case is, when you have taken that step against the member and asked him to withdraw and that member was withdrawing, there was no reason at all for him to be given another punishment. A person cannot be given two punishments for the same offence. Either the Speaker calls upon a member to withdraw or there is a motion requiring that some member be suspended from the service of the House for a certain period of time. In this case when you have given the punishment it is wrong for the Minister of Parliamentary Affairs to come forward proposing a second punishment.

Mr. Speaker: I must submit to hon. leaders of the opposition here whether they do not realise that this is happening every day and the House is held to ransom for some time each day. It is the occurrence not on one

day alone. I have been warning for the last few days that it is accumulating and the total effect on me would be very bad. I have been asking those one or two hon. members to avoid it. But they have been taking the pitch to a certain point—99 per cent—and then when they found that cent per cent was just coming, they would sit down. I have been experiencing it and finding myself in a very difficult position. I have been warning those members—one of them was Shri Madhu Limaye—not to do it. At least there are occasions when some interruptions can be made and I always allow that. Maybe I am charged that I am not exercising that patience that ought to be done. But I have given them every facility for discussion and every opportunity for expression. Wherever I find that there is a legitimate occasion, I gave that opportunity. Rather—though it may be disparaging to myself—I have been accused openly that I have been too soft, too gentle, too weak in not taking any action and therefore much of the time of the House is wasted in that respect. Don't the leaders of the opposition realise how much time is wasted every day in that respect? As responsible leaders of opposition groups, they must realise it.

Shri Surendranath Dwivedy: Nobody has questioned what you have done.

Mr. Speaker: Again it is not being appreciated that when I told him to go out, then also he made certain remarks that were objectionable. Therefore, I appealed to the House at that moment that demeanour of his. (*Interruptions*). It is another question. You do not hear, but I hear everything that is uttered. That is the difficulty. When he was going out, he uttered certain words that were disparaging to the whole House and to all the members. That is why the suggestion came and the question is before me now.

श्री किशन पटनायक : अध्यक्ष महोदय, जिस किस्म की स्कावट डालने के कारण श्री मधु लिमये को नेम किया गया है उस किस्म की स्कावटें सिर्फ हमारा ग्रुप ही नहीं डालता, हमारे ग्रुप की तरफ से ही नहीं डाली जाती हैं बल्कि अक्सर और जो ग्रुप्स हैं, उन की तरफ से भी और कांग्रेस की तरफ से भी

कुछ माननीय सदस्य : नहीं नहीं ।

श्री किशन पटनायक : यह उसका नमूना है । इस तरह से भी आपकी तरफ से स्कावटें डाली जाती हैं ।

श्री बागड़ी : यह नमूना है ।

श्री किशन पटनायक : पिछले तीन सालों को लोक सभा की प्रोसीडिंग्स की जो किताब छपी हुई है और जो टेप रिकार्ड पर है उसकी अगर जांच की जायेगी तो यह पता चलेगा कि रोज यह स्कावट होती है या नहीं, बिना आप की अनुमति से बातें कही जाती हैं या नहीं । लेकिन एक बात जरूर होती है कि जब लोग अंग्रेजी में स्कावट डालते हैं या आप की परमिशन के बिना अंग्रेजी में बोलते हैं तो या तो आप उन पर ऐतराज नहीं करते, या अगर करते भी हैं तो कुछ मुलायम मन से करते हैं । लेकिन जो लोग हिन्दी में स्कावट डालते हैं या हिन्दी में बिना अनुमति के बोलते हैं तो आप का स्वर, आप की डाटने की शैली कुछ अलग हो जाती है, और इस ढंग से हम लोगों को . .

अध्यक्ष महोदय : फिर शायद होनी का कुमूर है क्योंकि जब आप हिन्दी में बोलते हैं तो मैं कोशिश करता हूँ कि आप का जवाब हिन्दी में दूँ । आप शायद मेरे हिन्दी जवाब को ज्यादा बुरा समझते हैं । इसमें जो कुमूर आप लगा रहे हैं वह हिन्दी पर मैं नहीं लगाता, आप नगा रहे हैं ।

अब, मेरे सामने एक कंडीशन रखा गया है । मैंने उससे सारे हाउस के सामने रखनी है । मुझे तो ज्यादा ऐतराज इस बात पर है कि मैंने तो सिर्फ इतना ही कहा था कि आप बाहर चले जायें, जाते जाते उन्होंने जी सुलूक किया है, वह ज्यादा काबिले ऐतराज है ।

Shri Ranga: Sir, I thought you would be good enough not to proceed with that suggestion made by my hon. friend, the Minister for Parliamentary Affairs. Now, if you are going to place it before the House, I will have to submit to you, as my hon. friend here has already said, that one punishment is enough for the same Member and to add to it another punishment may not appear to be reasonable. Just at present, after the well merited admonition that you have administered today, I think we ought to be content with the action that you have taken.

I will tell you why. You named us, all the leaders of the Opposition groups. You could easily have, in the same breath and with the same weight, named the leader of the ruling party here. He is the Leader of the House and he is so rarely present here especially on these difficult occasions. He should have, in his own wisdom, appointed a Deputy Leader. He did not do it. Well, that is his own concern. But they have already named my friend, Shri Satya Narayan Sinha as Minister of Parliamentary Affairs. He also takes pleasure in being absent as much as possible, although he is with us sometimes when, of course, we enjoy his presence. Therefore, it is not only we, but much more so, the Leader of the House, whose duty it is, instead of allowing things to go to such a pitch that you yourself were obliged to take this initiative, to have taken the initiative and helped you. He did not do it. Therefore, under these circumstances, we deserve to be excused, if he deserves to be excused. For God's sake do not inflict a second

punishment on the same Member on the same day and on the same occasion.

The Prime Minister and Minister of Atomic Energy (Shri Lal Bahadur Shastri): I am extremely sorry that these remarks should have come from Professor Ranga.

Shri Ranga: Very well deserved.

Shri Lal Bahadur Shastri: I wholly resent it and strongly repudiate it.

Shri Ranga: The records will show.

Shri Lal Bahadur Shastri: I am here in the House whenever it is essential. I am always present especially at this time when hon. Members create a special situation. And, of course, I have met the Leaders of the Opposition and I have requested them that we should try to have some kind of a decorum. Though it was an informal talk and discussion I felt that it would have some effect. We are entirely—of course, on behalf of the Government, I need not say that—behind you and you have our fullest support. In regard to this particular day, to this situation, I think what the hon. Minister for Parliamentary Affairs has proposed is perfectly correct and it should be placed before the House. (*Interruptions*).

अध्यक्ष महोदय : मैं हर एक को कैसे बुला सकता हूँ। आप सब बैठ जाइये।

अब आप यह समझिये कि मैं एक गलती दूर करना चाहता हूँ जोकि बार बार दोहराई जाती है कि एक ही बार जब सजा मिल गई तो दूसरी सजा नहीं मिलनी चाहिये। जब श्री मुकर्जी बोले तो मैं ने सोचा कि बात को साफ कर दूँ।

I have tried to make it clear that his behaviour, after he had been directed to go out, was very objectionable. Then he uttered certain words and that is more actionable than what he had done earlier. (*Interruption*).

श्री मोर्य : जिन शब्दों का उच्चारण उन्होंने किया, उन को मैंने सुना। मैं बतलाना चाहता हूँ कि उन्होंने क्या कहा। जो शब्द उन्होंने कहे हैं मैंने अपने कानों से सुना है। उन्होंने इन शब्दों का उच्चारण किया था :

“इस नपुंसक नीति पर चल कर देश का कल्याण नहीं हो सकता।” यह उन के शब्द थे।

Shri Baghunath Singh: What was his gesture when he was going outside? He has called the whole House impotent including yourself.

अध्यक्ष महोदय : उन्होंने सारे हाउस के लिये कहा था।

Shri H. N. Mukerjee: Napunsak means “impotent” which is not unparliamentary....

Mr. Speaker: I have not taken objection to that. Again and again I am being reminded of that. I am only taking objection to his behaviour when he was directed to go out. Now the only question before me is.....

श्री बड़े (खारगोन) : मेरा कहना यह है कि उन्होंने पार्लियामेंट को नपुंसक नहीं कहा है। आप रेकार्ड देख लीजिये।

Mr. Speaker: I have been warning him. It is not a question only of today. I shall now put the motion that is before me.

The question is:

“That Shri Madhu Limaye, a Member of this House and named by the Speaker, be suspended from the service of the House for a fortnight.”

The Lok Sabha divided:

Shri S. S. More (Poona): Sir, I have wrongly voted for Noes.

Mr. Speaker: That will be recorded.

AYES

Achal Singh, Shri	Khadlikar, Shri	Patel, Shri Man Singh P.
Akkamma Devi, Shrimati	Khan, Dr. P.N.	Patel, Shri Rajeshwar
Alva, Shri Joachim	Khan, Shri Osman Ali	Patil, Shri S.B.
Anthony, Shri Frank	Khan, Shri Shah Nawaz	Patnaik, Shri B.C.
Bajaj, Shri Kamalnayan	Khanna, Shri Mehr Chand	Pattabhi Raman, Shri C.R.
Balmiki, Shri	Khanna, Shri P.K.	Pillai, Shri Nataraja
Barkataki, Shrimati Renuka	Kindar Lal, Shri	Prabhakar, Shri Nawal
Berman, Shri P.C.	Kotoki, Shri Liladhar	Raghunath Singh, Shri
Basappa, Shri	Kripa Shankar, Shri	Raj Bahadur, Shri
Baswant, Shri	Krishna, Shri M.R.	Raja, Shri C.R.
Bhagat, Shri B.R.	Krishnamachari, Shri T.T.	Rajdeo Singh, Shri
Bhagvati, Shri	Kureel, Shri B.N.	Raju, Dr. D.S.
Bhakt Darshan, Shri	Lahtan Chaudhry, Shri	Ram, Shri T.
Bhattacharyya, Shri C.K.	Lakshminanthamma, Shrimati	Ram Subhag Singh, Dr.
Bist, Shri J.B.S.	Lalit Sen, Shri	Ram Swarup, Shri
Borooh, Shri P.C.	Laskar, Shri N.R.	Ramdhani Das, Shri
Brajeshwar Prasad, Shri	Lonikar, Shri	Rane, Shri
Brij Basi Lal, Shri	Mahadeva Prasad, Dr.	Rao, Dr. K.L.
Brij Raj Singh, Shri	Majithia, Shri	Rao, Shri Krishnamoorthy
Chanda, Shrimati Jyotsna	Malaichemi, Shri	Rao, Shri Raiagopala
Chandrabhan Singh, Shri	Malaviya, Shri K.D.	Rao, Shri Thirumala
Chaturvedi, Shri S.N.	Malhotra, Shri Inder J.	Rattan Lal, Shri
Chaudhry, Shri Chandramani Lal	Malliah, Shri U.S.	Ray, Shrimati Renuka
Chaudhuri, Shri D.S.	Manaen, Shri	Reddy, Shrimati Yashoda
Chaudhuri, Shrimati Kamala	Mandal, Dr. P.	Roy, Shri Bishwanath
Chaudhuri, Shri Sachindra	Mandal, Shri Yamuna Prasad	Saha, Dr. S.K.
Chavan, Shri D.R.	Maniyangadan, Shri	Sahu, Shri Rameshwar
Chavda, Shrimati Joraben	Mantri, Shri D.D.	Saigal, Shri A.S.
Chuni Lal, Shri	Masuriya Din, Shri	Samanta, Shri S.C.
Daljit Singh, Shri	Mehrotra, Shri Braj Bihari	Sarma, Shri A.T.
Das, Shri B.K.	Mehta, Shri J.R.	Satyabhama Devi, Shrimati
Das, Shri N.T.	Mehta, Shri Jashvant	Scindia, Shrimati Vijaya Raja
Deshmukh, Dr. P.S.	Mengi, Shri Gopal Datt	Sen, Shri P.C.
Dighe, Shri	Mirza, Shri Bakar Ali	Shah, Shri Manendra
Dinesh Singh, Shri	Mishra, Shri Bibhuti	Shakuntala Devi, Shrimati
Dubey, Shri R.G.	Mishra, Shri M.P.	Sham Nath, Shri
Dwivedi, Shri M.L.	Misra, Shri Shyam Dhar	Sharma, Shri D.C.
Ering, Shri D.	Mohsin, Shri	Shastri, Shri Lal Bahadur
Gajraj Singh Rao, Shri	Morarka, Shri	Shastri, Shri Ramanand
Ganapati Ram, Shri	Mukerjee, Shrimati Sharda	Sheo Narain, Shri
Guha, Shri A.C.	Musafir, Shri G.S.	Siddananjappa, Shri
Gupta, Shri Shiv Charan	Muthiah, Shri	Siddhanti, Shri Jagdev Singh
Harvani, Shri Ansar	Naik, Shri D.J.	Siddiah, Shri
Heda, Shri	Nanda, Shri	Sidheshwar Prasad, Shri
Hem Raj, Shri	Naskar, Shri P.S.	Singh, Shri D.N.
Himatsingka, Shri	Nayak, Shri Mohan	Singh, Shri K.K.
Iqbal Singh, Shri	Nayar, Dr. Sushila	Sinha, Shrimati Ramdulari
Jadhav, Shri M.L.	Nesamony, Shri	Sinha, Shri Satya Narayan
Jamir, Shri S.G.	Nigam, Shrimati Savitri	Sinhasan Singh, Shri
Joshi, Shri A.C.	Niranjan Lal, Shri	Sonavane, Shri
Jyotishi, Shri J.P.	Oza, Shri	Subbaraman, Shri
Kabir, Shri Humayun	Pande, Shri K.N.	Sumat Prasad, Shri
Kajrolkar, Shri	Pandey, Shri R.S.	Swaran Singh, Shri
Kamble, Shri	Pandey, Shri Vishwa Nath	Thengondar, Shri
Kannamwar, Shrimati Tai	Pandit, Shrimati Vijay Lakshmi	Thevar, Shri V.V.
Karni Singhji, Shri	Panna Lal, Shri	Tiwary, Shri K.N.
Keishing, Shri Rishang	Parashar, Shri	Tiwary, Shri R.S.

Tyagi, Shri
Upadhyaya, Shri Shiva Dutt
Valvi, Shri
Varma, Shri M.L.

Varma, Shri Ravindra
Veerasasappa, Shri
Verma, Shri Balgovind
Vidyalankar, Shri A.N.

Vyas, Shri Radhelal
Wadiwa, Shri
Wasnik, Shri Balkrishna
Yadav, Shri Ram Harsh

NOES

Alvaros, Shri
Bade, Shri
Bagri, Shri
Banerjee, Shri S.M.
Barua, Shri Hem
Basant Kunwari, Shrimati
Berwa, Shri Onkar Lal
Bhattacharya, Shri Dinen
Bheel, Shri P.H.
Buta Singh, Shri
Chakravarty, Shrimati Renu
Chaudhuri, Shri Tridib Kumar
Daji, Shri
Dhaon, Shri
Dwivedy, Shri Surendranath

Gokaran Prasad, Shri
Gulshan, Shri
Kachhavaiya, Shri Hukam Chand
Kakkar, Shri Gauri Shankar
Kamath, Shri Hari Vishnu
Kar, Shri Prabhat
Krishnapal Singh, Shri
Manoharan, Shri
Misra, Dr. U.
More, Shri S.S.
Mukerjee, Shri H.N.
Murmu, Shri Sarkar
Nair, Shri Vasudev.n
Pattnayak, Shri Kisben
Pottakkatt, Shri

Raghavan, Shri A.V.
Rameshwaranand, Shri
Ranga, Shri
Reddy, Shri Narasimha
Sezhiyan, Shri
Singh, Shri A.P.
Singh, Shri Y.D.
Singha, Shri Y.N.
Solanki, Shri
Swamy, Shri Sivamurthi
Vimla Devi, Shrimati
Vishram Prasad, Shri
Warior, Shri
Yajnik, Shri

Mr. Speaker: The result of the division is—

Ayes 183; Noes 44.

The motion was adopted.

श्री किशन पटनायक : सारी लोक समा
को यह नपुंसक बना देंगे ।

श्री बागड़ी : मेरा एक सवाल सुन
लीजिये अध्यक्ष महोदय ।

अध्यक्ष महोदय : नहीं ।

Order, order. I am not allowing him.

(Shri Bagri left the House at this stage.)



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