

Governments do not have adequate funds to make suitable arrangements to meet the challenge posed by the crises. You may please ask the hon. Minister to make a statement in this regard.

MR. SPEAKER: Now, you have completed, please take your seat. The Government has taken note of your submission. I am making an observation.

12.32 hrs.

[English]

#### OBSERVATIONS BY THE SPEAKER

MR. SPEAKER: On 26th April, 1990, Shrimati Geeta Mukherjee, while raising a matter in the House after the question hour, referred to certain Press reports about the decision of the Shankaracharya of Dwarka Sharda Peeth to perform 'Shilanyas' at the disputed Ram Janam Bhoomi shrine on the 7th May, 1990 and stated as follows:

"It seems that there is a competition between VHP and this Jagadguru for getting the communalism to go ahead. I have heard—I may be wrong or I may be right—that behind this Shankaracharya, there are some, from amongst the Congress."

Rising on a point of order, Shri Vasant Sathe stated that under Rule 353 of the Rules of Procedure, Smt. Mukherjee should have given advance intimation to the Speaker of her intention to make allegation (against his party). He also referred to Rule 352(vii) which prohibits Members from uttering treasonable, seditious or defamatory words. Shri Sathe demanded that the remarks be expunged.

As several other members of the Opposition also took exception to the remarks of Smt. Geeta Mukherjee, I permitted S/Shri Dinesh Singh, Harish Rawat, L.K. Advani, Saifuddin Chowdhary, Basudeb Acharya,

Indrajit Gupta, Smt. Subhashini Ali and Shri Mitra Sen Yadav to make their submission in the matter.

After hearing the Members. I observed that I would go into the record and give my decision in the matter.

This morning I have received a letter from Smt. Geeta Mukherjee requesting me to give my decision in the House itself in view of the fact that the electronic media and most of the Press reports gave only a partial version, thus creating a wrong impression. I have since gone through the records as also the relevant rules and past precedents in the matter. So far as the Rules of Procedure are concerned, the relevant rules provide as under:—

- "352 (ii) A member while speaking shall not—
- (i) make personal reference by way of making an allegation imputing a motive to or questioning the *bona fides* of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto;
- (ii) utter treasonable, seditious or defamatory words.

Rule 353 says;

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given adequate advance notice to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply;

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to

the dignity of the House or that no public interest is served by making such allegation.”

I find that the above Rules prohibit defamatory statements against *persons* and not against any political party as such. So far as allegations against political parties are concerned, *The Practice and Procedure in Parliament* by Kaul and Shakhder states as follows:—

“Where allegations are made in the House against a particular political party, the leader of that party or group in the House is permitted to make a statement in regard thereto. He has, however, to submit to the Speaker the text of the statement to be made by him, and he can make statement only after the Speaker accords him the permission after going through the statement.”

To cite a precedent, on 1st April, 1963, when a member, Shri Surendranath Dwivedy objected to certain allegations made by the Home Minister against the Praja Socialist Party, the Speaker permitted him to make a statement explaining the position. He also permitted the Home Minister to make a statement giving his version of facts. When Shri Dwivedy sought Speaker's guidance as to the manner in which the House should proceed where a Minister makes allegation based entirely on a report with him and that report is claimed to be incorrect by some other person or persons against whom such allegations are made, Speaker observed:—

“...We are not a court here holding enquiries. The most that we can do is this. When there are two conflicting versions of the same thing when facts are not admitted or proved, we cannot prove them by going into evidence just now nor would the House and the members here give evidence and then come to a final judgment..... Both the statements are there. Facts are not admitted.....Members can draw their

conclusions from the statements that have been made;”

In yet another case, on 17th May, 1972, when a Member made an allegation on the floor of the House against the then Prime Minister and her party and a point of order raised under Rule 353 that the Member concerned should have given advance information to the Speaker of his intention to make the allegation and had demanded the remarks made by the Member to be expunged from the proceedings, the Deputy-Speaker who was in the Chair, had, *inter alia*, held:—

“...I do not want this impression to go all over the country that certain charges are made and the Government is strong enough, the Prime Minister is very strong enough and the Finance Minister has said that these are baseless and they are fabrications, and this is all on record and after all this, protection of the Chair is sought to expunge all these remarks: I do not want a wrong impression to go around the country that Government are seeking the protection of the Chair. This is not good. This is not good either for the Government or for the Chair. I would like Government to contradict it.”

This, I believe, applies not only to the ruling party but to all parties represented in this House. There can be no better place than the floor of this House to refute the allegations for everything goes on record and it is for the public to draw their own inferences.

A perusal of the record would show their Shri Dinesh Singh and another Member of his party had immediately refuted the allegation and everything is on record. Indeed it is interesting to note that on 26th April 1990 itself, Shri Jai Prakash Agarwal also made an allegation against the B.J.P. when he stated that the two persons who had been apprehended in connection with fire in Jhuggis in Delhi, had confessed that they belonged to B.J.P. and had owned responsibil-

ity for the fire. The allegation was immediately refuted by another Member, Shri Kalka Dass.

In the instant case, since both the versions are on record and keeping in view the past practice, I do not find it necessary to expunge any portion of the debates. Also, a close scrutiny of the words used by Shrimati Geeta Mukherjee has convinced me that she was very careful not to use any unparliamentary words or any allegation against any person meriting expunction.

[*Translation*]

SHRI RAJENDRA AGNIHOTRI: I have a point of order.

MR. SPEAKER: No point of order please.

SHRI RAJENDRA AGNIHOTRI: I am raising a point of order. Please listen to me.

MR. SPEAKER: There is no point of order.

12.33 1/2 hrs.

PAPERS LAID ON THE TABLE

[*Translation*]

**Detailed Demands for Grants of the Ministry of Agriculture 1990-91**

THE MINISTER OF STATE IN THE DEPARTMENT OF AGRICULTURE AND CO-OPERATION IN THE MINISTRY OF AGRICULTURE (SHRI NITISH KUMAR): On behalf of Shri Devi Lal, I lay on the Table of the House a copy of the Detailed Demands for Grants of the Ministry of Agriculture for 1990-91 (Hindi and English version). [Placed in the Library. See No. LT-745/90]

12.39 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

[*Translation*]

SHRI RAJENDRA AGNIHOTRI (Jhansi): I have a point of order, Sir.

MR. DEPUTY SPEAKER: What is your point of order?

SHRI RAJENDRA AGNIHOTRI: Mr. Deputy Speaker, Sir, many hon. Members have expressed their concern in the House regarding the serious drought in Uttar Pradesh and Madhya Pradesh that is claiming many lives everyday. Rajasthan is no exception in this regard respect. This issue has been raised many times in the House and the hon. Members have demanded that the Government should make a statement about it. The attention of the Government has been drawn to this under rules and with your due permission. The point of order I want to raise is whether you had directed the Government or any Minister thereof to make a statement when such a situation prevails in certain parts of the country. This is my point of order.

MR. DEPUTY SPEAKER: Your point of order is invalid because the chair cannot direct the Government or any of its Ministers under the rules to make a statement or not to make it. They can't be compelled.

KUMARI UMA BHARATI (Khajuraho): It can be advised to do so.

SHRI RAJENDRA AGNIHOTRI: This is a serious matter.

MR. DEPUTY SPEAKER: Certain rules govern the functioning of the House and it is only under these rules that you can speak and discuss issues here.

SHRI KALKA DAS (Karol Bagh): Mr. Deputy Speaker, Sir, I think the chair can give certain directives to the Government after assessing the gravity of the situation.

MR. DEPUTY SPEAKER: That is what I am saying. We can raise the matter any number of times in this House but some hon.