

14.29 hrs.

STATUTORY RESOLUTION RE DISAPPROVAL OF INCOME-TAX (AMENDMENT) ORDINANCE, 1989

[English]

SHRI C. JANGA REDDY (Hanamkonda): Sir, I beg to move:

" That this House disapproves of the Income-tax (Amendment) Ordinance, 1989 (Ordinance No. 1 of 1989) promulgated by the President on the 24th January, 1989."

(Interruptions)

MR. DEPUTY-SPEAKER: Shri Janga Reddy.

(Interruptions)

[Translation]

SHRI C. JANGA REDDY: Mr. Deputy Speaker, Sir, the ordinance that has been issued by the hon. Minister.... (Interruptions)

[English]

SHRI THAMPAN THOMAS (Mavelikara): Sir, I am on a point of order. Our privilege cannot be at the mercy of the Attorney General. Before we go to the Statutory Resolution, I would like you to give a ruling on that. Can the privileges of the Members of this House be at the mercy of the Attorney General? Kindly give a ruling on that. We are elected to this august House by the people. It is a very important issue.

MR. DEPUTY-SPEAKER: There is nothing wrong in seeking the advice of the Attorney General. That is my ruling. I have given my ruling. Please sit down.

SHRI THAMPAN THOMAS: My privilege cannot be decided by the Attorney General. On the people's will, I am here. Attorney General is appointed by the Government. A government servant cannot dic-

tate my privileges. It cannot be decided by a Government servant. I want a ruling from you on this. (Interruptions)

MR. DEPUTY-SPEAKER: I gave the ruling. There is nothing wrong in seeking the advice of the Attorney General. That is my ruling.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram): The dignity of this House is being compromised. The rights of this House are being compromised.

THE MINISTER OF HOME AFFAIRS(S BUTA SINGH): All these things said about the Attorney General should not go on record.

PROF. MADHU DANDAVATE (Rajapur): let it be clear. The ruling will be that of the Speaker. The ruling has to be the Speaker's ruling. Nothing is made conditional, whether he will accept the advice of the Attorney General or not. There is no question. The Speaker has made it clear that he will give the ruling.

MR. DEPUTY-SPEAKER: Do you want to hear the ruling?

SHRI THAMPAN THOMAS: Yes, I want to hear.

MR. DEPUTY-SPEAKER: This is Kaul and Shakhder's practice and Procedure of Parliament, Third edition, Page 126:

" In order to help Lok Sabha and the Speaker to decide issues with reference to legislative proposals before the House, the Attorney-General has no occasions addressed the House at the suggestion of the Speaker or of the House and given his opinion on the legal and constitutional aspects of the matters before the House."

SHRI V. KISHORE CHANDRA S. DEO: It is not a legislative matter.

SHRI ARIF MOHAMMAD KHAN (Bah-

raich): It is not a legislative issue.

SHRI THAMPAN THOMAS: This is the supreme power of this House and dignity of this House. *(Interruptions)*

MR. DEPUTY-SPEAKER: You please further hear me.

"...The Attorney-General may attend the House...on a motion passed by the House or in response to a request by the Speaker if he wishes to hear him on any matter before the House."

So, what is wrong is that? There is nothing wrong. On any matter before the House, the speaker can seek the advice of the Attorney General. There is nothing wrong. No. question. Please sit down.

(Interruptions)

MR. DEPUTY-SPEAKER: Do not challenge the ruling. Already I have given my ruling. Do not raise a point of order on the same ruling.

(Interruptions)

SHRI THAMPAN THOMAS: It is not on your ruling that I raise the point. The right of privilege is germane to a Member. That is a right which he gets as privilege. It is not a legislative business coming before the House. On a legislative matter which is pending in the House, you can seek advice from the Attorney General. But a matter which is a right, an in-born right by virtue of being a Member cannot be sanctioned, an opinion cannot be sought or it from the Attorney General. Therefore, that clause is not applicable here.

*(Interruptions)**

MR. DEPUTY-SPEAKER: Nothing goes on record.

*(Interruptions)**

MR. DEPUTY-SPEAKER: You cannot

discuss my ruling. I gave my ruling. Shri C. Janga Reddy to speak.

*(Interruptions)**

MR. DEPUTY-SPEAKER: Nothing goes on record. I am not allowing. I am not giving my permission. I have given my ruling.

*(Interruptions)**

S. BUTA SINGH: Mr. Deputy Speaker, Sir, let me make a very humble submission. This morning, when this House was adjourned by the Hon. Speaker, there was a meeting in his Chamber in which the Leaders of the Opposition, myself, the hon. Minister for Parliamentary Affairs, were all discussing together, and we came to a conclusion unanimously which you were pleased to read as soon as you entered this House. I do not know whether this way we are going to run this country and this Parliament. It was a unanimous decision which was arrived at.

SHRI V. KISHORE CHANDRA S. DEO: What was the unanimous decision?

S. BUTA SINGH: What I am putting before you and this House is that a unanimous decision was arrived at. The hon. Leaders of the Opposition are sitting here. After that, the Hon. Speaker disposed of that matter by giving you that message which you had kindly read in this House. I do not think that beyond that and after that there is any point.

SHRI BASUDEB ACHARIA: There was no unanimous decision on the matter. We wanted that Government should clarify the position on that.

S. BUTA SINGH: If that is their interpretation, I have nothing to do with it. I took it that it was a unanimous decision and I repeat that it was a unanimous decision in which Shri Basudeb Acharia, Prof. Madhu Dandavate, Shri Inderjit Gupta were there and everybody was present. The hon. Speaker was pleased to say that this was an end of the matter and that he would come to the House

[S. Buta Singh]

after talking to the Attorney-General. Now, I do not know for what the House is being held to ransom and not being allowed to dispose of its business. I would request you to kindly prevail upon the Opposition. If this is the fashion, we cannot run the business of this House and for that matter the country will stand to lose. (*Interruptions*)

SHRI INDRAJIT GUPTA (Basirhat): I was a participant in that meeting this morning. Now the hon. Home Minister has chosen to say something about it. He should have spoken earlier. I was waiting for that. Anyway, if there is any misunderstanding, I should make clear what happened in that meeting. There is a difference of opinion between the Government and the Members of the Opposition. (*Interruptions*) There is a difference regarding what is meant by the 'Report'. The Report has been laid on the Table of the House and, as Members here have said, there is reference in the Report itself to a certain number of volumes containing so many pages and all that. I cannot say what that contains because I have not had the opportunity to look at that Report yet. Then, Sir, the hon. Home Minister explained as he has explained now. I requested him then also that he should explain it in the House also. He said that according to him a new case was going to be started against certain people on the basis of the investigations of the SIT held after the Commission's Report was submitted. And, as a result of that some evidence has been found, according to him, to start a new case of a wider conspiracy behind the murder of Mrs. Indira Gandhi and certain people will be prosecuted and proceeded against and therefore the Government feels that certain portions of the Report, it made public, may prejudice those proceedings which they are going to start. Now, we do not know what these things are. Then, we were insisting, as Members are insisting here, that now that it has been decided to put the Report on the Table, the entire Report should be made public. But the Government and the hon. Home Minister went on insisting that so as not to prejudice

the proceedings in the case which is going to begin now, certain matters may have to be kept confidential. This was the difference which could not be resolved. I also want to ask these hon. Members who are my colleagues one thing. If the hon. Speaker decides that he wants the advice of the Attorney-General on this point, if he wants to show him those records and documents and ask him whether in this opinion these things cannot be revealed because they will prejudice the further proceedings, can we prevent him?

SHRI G. M. BANATWALLA (Ponnani): That is a new point that has now been brought before this House. (*Interruptions*)

SHRI INDRAJIT GUPTA: This is a new point as to what is to be done. Suppose the hon. Speaker in his wisdom feels that he must consult the Attorney-General and seek his advice, can we prevent him? We cannot prevent him. So, whether he will accept the Attorney-General's advice or not accept his advice, that is the hon. Speaker's prerogative and that is not ours. Ultimately, it is not the Attorney-General who can decide and deliver a decision in this House. It is the hon. Speaker who will have to give his ruling (*Interruptions*)

SHRI G. M. BANATWALLA: It has got nothing to do with breach of privilege. Breach of privilege is different from jeopardising the case. That is a different aspect altogether. (*Interruptions*)

SHRI INDRAJIT GUPTA: If it is a breach of privilege for which there is a good case one can argue that there is a breach of privilege. The hon. Speaker is also, I suppose, conscious of that. otherwise, he will give a ruling which will amount to breach of our privilege.

SHRI G. M. BANATWALLA: There is more confusion.

SHRI INDRAJIT GUPTA: There is no confusion. They have decided on a certain course. The hon. Speaker has decided that

he cannot resolve this difference between the Government and the Opposition without first consulting the Attorney-General and taking his advice. (*Interruptions*) There is no question of the Attorney-General encroaching upon the rights and privileges of this House.

SHRIBASUDEBACHARIA: We are not a party to that decision. (*Interruptions*)

SHRI INDRAJIT GUPTA: Whatever advice the Attorney General wants to give, it is up to the Speaker to accept it or not. The Speaker will have to come to the House and give his ruling. (*Interruptions*)

S. BUTA SINGH: Mr. Deputy-Speaker, Sir, I do not wish to add to what Shri Indrajit Gupta has said. This is according to him. This is the version of Shri Indrajit Gupta. But I stated before the hon. Speaker that what has constituted the report had been placed before the House.

SOME HON. MEMBERS: No, no.

S. BUTA SINGH: There is no portion which has been left out. And the hon. Speaker wanted to consult the Attorney General and at that point of time, Shri Indrajit Gupta and all others. (*Interruptions*)

After the hon. Speaker gives me the permission, I will tell before this House. We are not hiding anything. It is not correct to say like that. I repudiate what Shri Acharia is saying. At the appropriate time, when the

Speaker permits, I will come to this House. (*Interruptions*)

But, Sir, what I was trying to submit to this august House is that if the opposition leaders, hon. Speaker and the Government sitting together evolve a common approach, then I do not think this august House should waste its time and continue this thing. (*Interruptions*)

It is a common approach, unanimously accepted and about which the Speaker has sent you the message. I fail in argument when my hon. Members opposite. This was the common approach agreed to in the presence of hon. Speaker. The formulation was read out to the hon. Members and they made verbal corrections and this formulation was accepted unanimously. This is my submission. (*Interruptions*)

MR. DEPUTY-SPEAKER: If you on speaking like this, I have to adjourn the House. I cannot go on sitting like this.

(*Interruptions*)

MR. DEPUTY-SPEAKER: I adjourn the House. The House stands adjourned to re-assemble tomorrow at 11.00 A.M.

14.46 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, March 29, 1989/Chaitra 8, 1911 (Saka)