

12.29 hrs.

*At this stage, Shri Yaima Singh Yumnam came and stood on the floor near the table.*

MR. SPEAKER: Please go to your seat. This is very irritating. I have said that I will allow you.

12.29.5 hrs

*At this stage, Shri Yaima Singh Yumnam went back to his seat.*

*(Interruptions)\**

MR. SPEAKER: This is not going on record.

*(Interruptions)*

[Translation]

SHRIMATI KRISHNENDRA KAUR (DEEPA) (Bharatpur): Mr. Speaker, Sir, this year we had a very good Rabi crop in Bhaatpur district of Eastern Rajasthan but it was unfortunate for the farmer that Bharatpur district was hit by heavy hailstorm on 27th February. It rained and there was heavy storm. Similarly on 23rd March also there was a hailstorm which destroyed the standing crops of the farmer. The standing crops were damaged which ruined the farmers. I would like to make a demand from the Government, through you, to come out with a statement waiving off the tax and providing some financial assistance to the farmers.

MR. SPEAKER: All right, your subject is complete. Please take you seat.

SHRIMATI KRISHNENDRA KAUR (DEEPA): Mr. Speaker, Sir, I demand a statement from the Government in this regard.

12.30 hrs.

[English]

MR. SPEAKER: Please take note of it.

RE: PRODUCING THE SPEAKER OF MANIPUR LEGISLATIVE ASSEMBLY SHRI H. BOROBABU SINGH BEFORE THE SUPREME COURT.

SHRI YAIMA SINGH YUMANAM (Inner Manipur): Sir, I want to mention here in this House that the Speaker of Manipur Legislative Assembly Shri H. Borobabu Singh was produced before the Supreme Court on the 23rd March, at 2.00 p.m. under the instructions of the Union Government. In this respect, I would like to submit to this House that it is a matter which requires serious consideration for the enactment of laws and amendment of the Constitution of India so that the prestige and dignity of the Office of the Speaker can be protected.

Shri Borobabu Singh, the Speaker was airlifted from Imphal under the instructions of the Home Minister of the Central Government. He was kept detained in the Manipur House in Delhi. After that, with the help of a considerable police force, he was produced before the Court. I was very much with the Speaker. I am an eyewitness to it. I verify this.

Sir, I implore the hon. Speaker of Lok Sabha also to see this so that the Constitution of the country can be amended suitably in order also to see that the prestige, dignity of the Office of the Speaker can be protected.

Besides this, there is a struggle for supremacy between the Supreme Court and the Legislature which are a great institutions of the country. It is an unwanted precedent occurred in the State of Manipur. Because it hurts the people very much. Their consideration may be right or wrong, that is a separate matter. But the people there feel that being a small State which is in remote corner of the country- it integrated or merged with the Union some 40 years ago - it has been selected by the Supreme Court. They consider that the Supreme Court can not touch the Speaker of Tamil Nadu, even the Secretary Tamil Nadu and other states because they are big States.

So, it hurt the people there very much there. It will have for reaching consequences in that place.

So, I implore the House to discuss this, to consider it seriously so that it may make sure that the Office of the Speaker is protected. Because of this reason, I decided to mention this in this august House.

SHRI JASWANT SINGH (Chittorgarh) : Mr. Speaker, Sir, I think the issue that the hon. Member has raised is an issue of great substance. I do not wish to repeat everything that he has stated. I do not also wish to make it an issue of confrontation between the Legislature and the Judiciary. But whatever may be the attended Circumstances, the unfortunate manner in which the Speaker of a State Legislative Assembly was made to present himself before the highest Court of judiciary of our land had unfortunately wrought on its way a great deal of controversy.

I will leave just two thoughts with you, Sir, as the principal custodian of parliamentary privileges all across the country. And the reason why I say this is that on account of high office that you hold as the Speaker of our House.

You are also the President of the Conference of the Presiding Officers of the country, also as one of the Presiding Officers of the country of which Conference you are the President has had to go through admittedly a very unusual procedure by which he was presented to the highest court of the land. That is one aspect of it which I urge you as the President of the Conference of the Presiding Officers to take into account. I do not wish to exacerbate the controversy that has already arisen.

The second aspect, which is of great significance is the aspect to which again the Speaker has voiced and which has been earlier given voice, is the aspect of the geographical distance of the State of Manipur from, say, the seat of the Capital of the country. Now this geographical distance and the size of the State of Manipur and

perhaps the two contributory factors why the Speaker of that Assembly has had to suffer the indignity that he has suffered. This geographical distance has resulted in the entire north-east a feeling a sense of separation from the heart of the country. This is not a happy development.

I share the anguish of my hon. Member. And the second aspect which he has cited is that because Manipur is a small State, therefore, this could happen to Manipur. Had it been a larger State of the Union, this would not have happened is also an unhappy impression.

I do not wish to comment more than what I have said on this issue. But, I do urge your consideration of this matter in the Conference of the Presiding Officers.

[Translation]

SHRI RABI RAY (Kendrapada) : Mr. Speaker, Sir, the issue raised by Shri Jaswant Singh and the hon. Member from Manipur had already been discussed in the House several times in the past. The Lok Sabha has got a healthy convention of redirecting to the Ministry of Law all the notices sent to the Hon. Speaker by the courts, as per the rules, instead of taking any notice of them.

I am sure that this would have definitely disturbed you a lot. Even in the Presiding Officers Conference at Ahmedabad, the well founded approach was adopted, probably because the issue of possible confrontation between the judiciary and the Manipur Assembly Speaker was before the presiding Officers, who made very attempt to resolve it amicably. Had this issue not arisen it would have been better for the democracy, the country and the constitutional structure of the country. However, all these happenings should in no way have any bearing on the Parliament.

[English]

We should zealously safeguard our interest of the house and the

interest of the legislatures.

[Translation]

I think this has caused some abrasion. It is quite probable that the Lok Sabha might have to denove decide that there should be perfect dichotomy between the judiciary and the legislature. This is the first occasion after the constitution came into effect as there is clearcut division of powers. Had this been avoided, it would have been better.

I would like to submit to you that a debate on this issue should be allowed so that there is proper division of power between the legislature and the judiciary with no scope being left for any interference. Therefore debate on this should be allowed during the Budget session itself.

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, the Supreme Court, in 1964, in *Keshav Singh versus Uttar Pradesh Legislative Assembly* case had clearly defined and demarcated the power and duties of the judiciary and the legislature. As against this, the act of forcibly taking into custody and bringing the Speaker of the Manipur Assembly by a B.S.F. plane to Delhi is a direct attack on the supremacy of the legislature. Therefore, I associate myself, with all seriousness, with the issue raised by the hon. Member that on a number of occasions in the past, the leaders of all the parties in the House appealed to the Hon. Speaker against presenting himself in the Supreme Court and to ignore the summons from the apex court. The Supreme Court in its judgement, had itself clearly demarcated the powers of the judiciary and the legislature. This convention is being followed in the country. I do not want to comment on this issue but definitely the question of producing the Speaker of the Manipur Assembly is against the spirit of the demarcation of powers and responsibilities. You are the 'Presiding Officer' of the House. Sir, you are yourself no exception to it. With this, a new convention has been evolved. This has directly questioned the supremacy of the House. Therefore, the Speaker of one legislature should not think himself to be different from the

other. This House will support him too in this hour of crisis. Such a message need be sent by the house to the Speaker of the Manipur Assembly. In the Presiding Officers Conference scheduled to be held next month, a concrete decision need be taken in this regard that what should be the stand of the Speaker in case the Summons are issued by the Supreme Court, the High Courts and other courts and their stand need be guided by the normal procedure of the Lok Sabha and the State Legislatures? This is my submission.

[English]

SHRI SHARAD DIGHE (Bombay North Central): Mr. Speaker, Sir, this is not an isolated incident of a Manipur Speaker. There have always been attempts, unfortunately, by the judiciary to erode the supremacy of the Legislature and this is a very serious matter which has taken place where the supremacy of the Legislature has been seriously eroded in this case. We should not take this lying down but stand up for establishing the supremacy of the Legislature in this matter.

Sir, the case of *Keshav Singh*, to which a reference has been made, arose in 1965; a reference was made to the Supreme Court for opinion. There also even through, in another way the Supreme Court stated that it had power to go through the decisions of the Legislature, that decision at that time also was never honoured by the Uttar Pradesh Assembly and they went ahead with the privilege matter which was before them, in spite of the opinion given by the Supreme Court. So, today the fact of the matter is that the Legislature is supreme in its own sphere. These are two different spheres and one should not trespass on the sphere of the other. Therefore, to summon a Speaker and make him remain present in the Supreme Court, has been a trespass on the supremacy of the legislature as such.

In England also, for several centuries this fight took place and ultimately it is an understanding that the Judiciary does not interfere in the supremacy of the Legisla-

ture and vice-versa. And that understanding is going on for the last 150 years and, therefore, no confrontation arises. But, unfortunately, in India, the judiciary has taken the stand of interfering with the supremacy of the legislature and we should not take this lying down. Some method should be found out by which at least a Resolution should be passed by this House, by discussing and by having a consensus of all the political parties on this issue and along with that several legislatures will also stand up to this. If possible in the All-India Speakers Conference also some Resolution will have to be passed.

When I was the Speaker of Maharashtra Assembly, there was an All India Conference of Speakers in Bombay. There also this matter was discussed and a Resolution was passed to the effect that we are supreme as far as the privileges of the house are concerned and there is no power for the judiciary to review our decisions as far as the legal position is concerned. Therefore, that should be pursued further. I will urge upon you, Sir, to pursue this matter. (*Interruptions*)

SHRI RAM VILAS PASWAN: What is the role of the Central Government?

SHRI PAWAN KUMAR BANSAL (Chandigarh): Mr. Speaker, Sir, though there has been a universal expression of a feeling of relief over the incident, the other day, I join all the other hon. Members in expressing my feeling of anguish particularly over the way the matter came to an end at the Supreme Court. I do not also want to even remotely cast any aspersion on the conduct of the Supreme Court but I feel that they very fact that on being told that the hon. Speaker of Manipur Assembly was in the court, the judges dropped the proceedings,

.. ..

We would have welcomed if the matter was, in fact, discussed even in the apex court to find out whether the hon. Speaker had in any remote manner committed of court.

\*\*Expunged as ordered by the chair.

MR. SPEAKER: I do not know what I should do with what you have said on the floor of the House.

SHRI PAWAN KUMAR BANSAL: Sir, I am very consciously saying so. I am very consciously expressing my views.

MR. SPEAKER: I will apply my mind to it very carefully.

SHRI PAWAN KUMAR BANSAL: I express my views on this with a sense of responsibility. Whether it is the judiciary; whether it is the executive; whether it is the legislature, we are all creatures of the Constitution. It has been very aptly and in a very clear manner put by the other hon. Members, who spoke before me, that all these three limbs of our society have to function within their limitations and parameters. This case can open floodgates of conflict in the further. This was the case in which the Presiding Officer of the Legislative Assembly acted as the supreme head. It was entirely his prerogative to decide the matter. One could understand if the hon. Supreme Court decided to give its view or judgement on a particular provision of the Law. But taking it to the extent that the hon. Speaker committed contempt and then forcing his presence in the court, if extended further, could even mean that the court can ask the President of India also to appear before the court.

So, we have to be very cautious about this. May be by enacting law, may be your taking initiative in the matter, convening a meeting of the Council of Presiding Officers, may be by amending the Constitution, may be by amending the Contempt of court, Act, but, once for all this question has to be decided that as far as the Presiding Officer of any Legislative Assembly is concerned, he is supreme; his decisions may be challenged in the court, but the court will not have the jurisdiction to require his presence in a matter dealing with contempt. (*Interruptions*)

SHRI NIRMAL KANTI CHATTERJEE (Dumdum): Sir, I will not be able to say that

the issues are so absolutely clear as my hon. colleagues have stated to be. The division of powers and the balance between the three wings is very fine. One does not know where really is the line when one is considered to be a trespasser in the realm of the other. In this particular case, one aspect has not been mentioned. It is not just a question of Judiciary and the Legislature, the Executive also was involved. According to the wishes of the Judiciary, the Executive acted in a particular manner in bringing the Speaker of the Manipur Legislature to the court. The court expressed its satisfaction about the presence of the Speaker in the court, and the Speaker later indicated that he was really forced to be present in the Supreme Court. Therefore, it does seem that the conflict concerns all the three wings of the country.

In a certain sense - I do not know; I am not a legal practitioner - the responsibility of interpreting the Constitution as it is, devolves on the Supreme Court. The relationship is this. It is within the power of the Parliament to modify the Constitution and even take away some of the powers of the Supreme Court also. This is the other aspect of the finely poised balance between the three wings. I, therefore, suggest that let us not move in a hasty manner. It is absolutely necessary because the feeling, is, as has been expressed by Digheji also, that in the sphere of each, each one is supreme. The debate starts as to the boundaries of the sphere itself. Where is the delimitation where one crosses the boundary and goes into the realm of the other? I, therefore suggest that there should be, firstly a though discussion amongst ourselves also about really to what extent we can, as sharply as possible, define the realm of the supremacy of the Parliament and, secondly, a dialogue is necessary, because these are the three wings and each of the three wings is responsible for a very important part of the life of the country. So, a dialogue has to ensue between the three wings also to discover the limits beyond which it would be construed as trespassing. I, therefore, feel, unlike my colleague on that side, that no work of condemnation be im-

mediately passed. We stick to our position. that within our area .. (*Interruptions*)

MR. SPEAKER: Nobody has said that.

SHRI NIRMAL KANTI CHATTERJEE:  
Not exactly.

MR. SPEAKER: Let us not bring it on record.

SHRI NIRMAL KANTI CHATTERJEE:  
O.K. But even then what I am suggesting is that let us discuss all this not only to assert that in this particular case a violation of our territory has taken place but to find out whether it is so, and then some demc should be formulated by which the three wings can confer and find out where one should be limited by its own volition so that others do not consider it to be trespassing. I do not know what the procedure should be but this is what we should ponder about in this House. That is all that I want to submit before you.

13.00 hrs.

SHRI RAM NAIK (Bombay North): Sir, I just wanted to say what Shri Nirmal Kanti Chatterjee said that the Executive is also important. I will not repeat what he has said. What I feel is that this is a triangle - Executive, Legislature and Judiciary. This triangle has to be completed and it has to work under the Constitution. We are the major part in that.

I suggest that you should arrange - after discussion among the Legislatures - a round-table conference of the three limbs - I would say - of the Constitution and that will bring the result. That initiative should be taken by the Speaker.

This is what I wanted to say. Thank you.

[*Translation*]

SHRI BHOGENDRA JHA (Madhubani):  
Mr. Speaker, Sir, I do not see this issue from the point of view of conflict between the judiciary and the legislature. People of India have given to themselves this Constitution

which has three wings—judiciary, executive and legislature - and all these three wings work under this very Constitution for the wellbeing of the people of India. In this episode, a dismissed officer approached the Supreme Court, but the question is whether the apex court has the power of redressal of such a grievance. I do not think that any one has questioned the authority of the apex Court in this matter. The Supreme Court ordered his reinstatement. Therefore, whether the apex court has the authority for the same or not? The Supreme Court order for his reinstatement was not implemented. That's why I would like to submit that this issue should be seriously pondered over, before being raised in the House, for finding a permanent solution of this issue. Conformation must be avoided as it will not lead any where.

A new situation for the integration of the three wings under the Constitution has come before us and for finding a permanent solution of it, we must seriously ponder over this issue. All efforts need be made for finding a solution of it after extensive discussion with the leaders of all the parties. My only submission is that nothing should be done in haste.

[English]

SHRI D.K. NAIKAR (Dharwad North): Sir, the supremacy of the Legislature has been accepted by Dr. Ambedkar in the Constitution debate itself. I am only reminding of the hon. Members of what has happened in the Constitution debate. The issue before the Constituent Assembly was about the interpretation of the provisions of the Constitution. There Dr. Ambedkar has said that it is the right and privilege of the highest court of the land to interpret the law. But if the decision given on such interpretation is coming in the way of achieving the objects under the Constitution, the objectives intended under the Constitution are not achieved by such a judgement of the Supreme Court, then the duty is cast on Parliament to amend the Constitution where it comes in the way.

Therefore, the duty is cast on Parliament itself to amend the Constitution under Article 368. Similarly when the Constitution power has been given to Parliament, you take the power provided under Article 368. The power now vested under the Constitution in judiciary can be withdrawn and other body can be created created and entrusted with that. That is also the competency of the Legislature.

You can withdraw the power entrusted to any other independent authority by way of an amendment of the Constitution. There the requirement is that a minimum of half of the States have to ratify the amendment. That is the power given to Parliament also. The judiciary cannot disturb the power of the Legislature. Judiciary cannot change the power of the Legislature.

Therefore, the supremacy has been accepted and the Speaker is all the more supreme. Even I can quote the statement of former Justice Gajendra Gadkar where he himself has said the validity of the enactment passed by Parliament can be questioned in a court of law on the ground .....

MR. SPEAKER: That is a different thing. It is an administrative matter.

SHRI D.K. NAIKAR: I am only quoting. Supremacy is not given. Therefore, they cannot interfere like this.

SHRI INDERARJIT GUPTA (Midnapore): Mr. Speaker, Sir, there is one aspect of this interesting and controversial case which has come up and which will also require to be clarified and gone into.

As far as the judiciary and the supremacy of the Legislature and the Parliament are concerned, there are no two opinions about it and many times in the past we have had occasions to go into this matter. But in some new context, some kind of new instances have come up all the time which require to be further clarified. Now, the functions of the Speaker in my opinion are two-fold. One is the function as the Presiding Officer in the House and as far as that is

concerned, he is absolutely supreme. There can be no question about it and no judiciary or the highest Court of the land can interfere with that

Then there is another aspect of the Speaker's function, i.e., his function as the Head of the Administration, that is, the Parliament Secretariat or Administration or whatever you like to call it, where a large number of staff, employees and officials and so on are working within the parliamentary structure and the Speaker is the Head of that whole structure. I think no Speaker — I do not know, but perhaps certainly you, Sir, I am sure — would not interpret to mean that the Speaker in matters relating the Administration cannot take the advice or suggestion of the other people and that he is supreme and a sort of a dictator. For example, recently, everybody recalls that there was a question about the revision of the salaries, emoluments etc. of the staff. Well, the hon. Speaker or the Chairman of the Rajya Sabha could have done whatever they liked in the matter, but they did in their wisdom refer this matter to Committees, i.e., Committees consisting of Members of the House and those Committees were asked to go into the whole matter and submit a report along with their recommendations, and it was only on that basis then that the Speaker acted. So, in this particular case which has come up now, it is reported I do not know the exact facts, if I am wrong, it should be corrected — that the whole matter arose out of the fact that the Speaker had taken action against a particular official. It is not in his function as Presiding Officer. He took action for whatever reason, maybe justified, I do not know, against a particular official who was dismissed or his services were terminated. That official chose to go in appeal against this Order of the Speaker to the Court. Now the question arises whether, as somebody said just now, the Court should entertain any such appeal at all since it is flowing from a decision taken by the Speaker, administrative decision no doubt, or whether that particular official who is aggrieved has or has not the right to approach the court. This question will have

to be cleared up because he is not only an official in the parliament, he is also a citizen of this country and is entitled to certain rights under the Constitution. In this particular case it appears that the official went in appeal to the Court, the Court has reinstated him, that means, in effect it has upset the decision of the Speaker of that Assembly and ordered that this official should be reinstated. Then the whole trouble arose because the Speaker there refused to be bound by this Court's decision and therefore, he was charged with contempt of court. Now, what is to be done in a case like this, Sir? We should go into this and clarify the matter more if we can do it possibly, I do not know how you will set about it. But I am worried about this matter that on the one hand there is no doubt that the Speaker is supreme and certainly within the administrative sphere also, he is supreme. But suppose he takes some action which infringes practically I should say, upon the fundamental right of an official. Is that official entitled to go to the court or not and is the court entitled or not to hear his appeal?

SHRI SHARAD DIGHE (Bombay North Central) : No.

SHRI INDRAJIT GUPTA: You are saying 'no' Mr. Dhghe, but I do not know; I would like some clarity on this matter. In this case, I feel, we must devise some way. More cases may come up in future, which may have some slightly different connotation or in a different context. All the time, perhaps, it is a continuing process when this relationship between the judiciary and the legislature will require further clarification so that such cases of conflict may be minimised in future. But, in this particular case, we should go into the facts and then make up our minds and decide. The question of principle which I am finally raising and on which I would like to be clarified is, whether it is possible in such matters to demarcate or distinguish between the two aspects of the Speaker's function, one as the Presiding Officer and the other as the administrative head of the Secretariat over which he presides.

[Translation]

SHRI NITISH KUMAR: Mr. Speaker, Sir, much restraint has been maintained from both sides so as to avoid any confrontation between the judiciary and the legislature. Such a controversy has never arisen in this country before. I would like to quote an example. In the Ninth Legislative Assembly of Bihar, the leader of opposition late Shri Karpoori Thakur had been removed by the Speaker of the Assembly from the office of the leader of opposition. So far as the question of his powers as the Presiding Officer is concerned, it was discussed with the Speaker of Maharashtra and Speaker of Lok Sabha and throughout the media it was highlighted that it was a wrong action. But when Shri Karpoori Thakur filed a petition in the High Court, it was not entertained by the Court. The Court has never admitted any petition challenging the ruling of the Speaker. Shri Indrajeet Gupta has said that Speaker is responsible in two ways; firstly he owns a constitutional responsibility and secondly he has responsibilities as a Presiding Officer. Moreover being the Speaker of the Lok Sabha, he enjoys administrative powers of the Secretariat also. This is a very sensitive matter, therefore we must be very caution while dealing with it. A debate should be held on his role as the guardian of the Constitution and when he performs his duty exercising administrated powers. Executives is in a very difficult position in such a situation. If a dispute arises between the Judiciary and the Legislature the responsibility of implementing the orders lies with the Executive and the specific case which is before us is about the Manipur Legislative Assembly. The Speaker of the Manipur Legislative Assembly was intentionally ignoring the orders of the Judiciary and the Supreme Court was passing orders for the Executive. Here Executive has its own role to play. Executive should have taken initiative in another way by finding out how to avoid this confrontation. But instead of averting this confrontation, executive just made a cover up exercise. As the Speaker of the Manipur Legislative Assembly has given a statement, the matter could take another turn since Manipur is a north-eastern state

and a comparative small state so the Speaker stated that since he was the Speaker of such a small state he had to face such a situation. Had it been the Speaker of a State like Tamilnadu, such things could not have been possible. We should see that people should not feel this way, that Manipur is a small and a far flung state. Executive had also made it a point of argument he was brought to the Supreme Court in a plane of BSF, loaded as goods. It is also clear that the Supreme Court also took a different view and he was not made to stand but only on the information that he was present in the court all the proceedings of the Court were dropped. So Supreme Court had also done its best to avoid confrontation. It had become a question of prestige that at all costs Speaker should appear before the Court. Executive should have made efforts to resolve this conflict in consultation with the Presiding officers, legal experts, Chief Justice of Supreme Court and Speaker of Lok Sabha, Chairman of Rajya Sabha and other parliamentarians. But the Union Government has not acted in the desired manner and has tried to avoid its responsibility. It is not good. It has conveyed a wrong message to the state of the Manipur and other far flung states. Since it is a very sensitive matter, it should be taken into consideration that Speaker is free in his judicial and administrative functions. He is free to run his secretariat as he wishes. Rules have been framed and he is free and there is no scope for interference by Supreme Court and High Court. This point should be seriously contemplated and at all costs the rights and privileges of judiciary and legislature should be maintained and no fresh conflict should be allowed to arise between the two.

SHRI SURAJ MANDAL (Godda): Mr. Speaker, Sir, it is a matter of great concern that a controversy has arisen between the judiciary and the Legislature. As hon. Rabi Ray has stated that this has happened for the first time in the history of India, we also feel that such persons are coming on the top who are responsible for creating such conditions. Shri Nitish Kumar has cited the example of Bihar Vidhan Sabha, I would also like to quote an example..



MR. SPEAKER: All Speakers spoke with great responsibility. Do not viciate the matter.

SHRI SURAJ MANDAL: Rules have been framed to guide the officials as to that come sunder their purview and what not.

MR. SPEAKER: I shall invite you in my chamber and discuss this matter.

SHRI SURAJ MANDAL: I am not talking any thing new.

MR. SPEAKER: You are deviating.

SHRI SURAJ MANDAL: I would seek your protection. I would only like to submit that if a person is suspended from the service he is first served with a chargesheet but when a Member is declared disqualified or his name is removed from the party-list, it is done without serving any notice.

MR. SPEAKER: Do not go into the details, no such matter is before us.

[English]

Please understand that this is a complicated matter. Better you don't speak on it.

[Translation]

If any mistake is committed, some authority should have the right to correct it. It should be done under your guidance. They should have a right to file a petition or mercy petition.

[English]

SHRI SAIFUDDIN CHOUDHRY (Katwa): We can understand that the feelings of the hon. member of Manipur who raised this issue and of the Members of Manipur Assembly and of all of us are hurt over this issue. But there may be one salace that this has really given rise to an important controversy. That has to be clinched properly. I agree with Shri Indrajit Guptaji that the role of the Hon. Speaker is two-fold; as an Administrator and as a Presiding Officer,

and we have to decide whether issues connected with the administration can be taken to the court. That is one point that he has raised. But there is another point. We have passed the Anti-Defection Law. On that the final decision to disqualify a Member rested with the Speaker. Now, that has been going to the Court also. It was going to the Court even before we amended the law itself in the Bouse. It is not only that administration matters but whether other matters. There what those matters will be? It is a very interesting problem. It is not that we discuss this matter with an attitude of confrontation. We all know what are the conventions and principles laid down in order not to reaps into each other's area and domain. But certain things do come now and then. This unhappy impression about the supremacy, ego clash and all that should not come into the discussion that takes place about the relationship between the two pillars of our democracy. That is why, with a rationale and balanced approach this matter has to be looked into. I lend our support to this kind of a disension. I hope that this kind of a confrontation will never take place in future, I do hope that this is the last incident of this kind of confrontation.

SHRI INDERJIT (Darjeeling): Sir, I join our other friends in expressing grave concern over the developments that have taken place in regard to the Office of the Speaker in Manipur. I recall the words of Pandit Jawaharlal Nehru who had once said that the prestige and dignity of the Speaker is the prestige and dignity of the House. I think, we have to strive very hard and we have to ensure that this prestige and dignity of the House is never compromised in any possible way. Therefore, I think we will have to give adequate thought to the problem that these come up and ensure that the Speaker is not exposed to a situation in which his dignity is compromised; his prestige is compromised because the compromise of either would be the compromise of the dignity and prestige of the House.

SHRI LAL K. ADVANI (Gandhi Nagar): Sir, apart from the other aspects of the problem that have been raised, I think in the

immediate incident the core of the problem is whether the Speaker should be made to present himself before the Court. On that, I think there is ample scope on the basis of the precedents etc. to give statutory sanction that the Speaker should not be subjected to this indignity. As Shri Inderjit has said, there are two functions. But both the functions are by virtue of the fact that he is a Speaker. Whether he is an administrator or whether he is a Presiding Officer of the House, both are by virtue of the fact that he is a Speaker. I do not think anyone would say that the Supreme Court has no right to dispense justice if there is a case of injustice. No one has said that. The core of this controversy in the present case is whether the Speaker should be made to suffer the indignity of presenting himself to the Court. I think it should be possible on the basis of a consensus of all parties, among all the Presiding Officers to ensure statutorily that no Presiding officer should cover his head to be subjected himself to this indignity.

[Translation]

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, I would like to repeat the views expressed by Shri Advani. Speaker performs several administrative functions. He can go to court in order to get justice. The question is whether the speaker should go to the court or not? Can I ask if the speaker can be compelled to appear before the court? In my view, Speaker can authorise some person to present the version of the Speaker in the court on his behalf, but to summon a speaker to the court, I think in the parliamentary democracy it is to downgrade the prestige of legislature. Since Speaker is not merely a Speaker, he is the supreme head of the House so he should have the right to go to the court but courts should not have the right to summon him to present himself in the courts. It is unjustified.

[English]

MR. SPEAKER: Views have been expressed from all sides. These views are very volurde. Various aspects of the matter have been put in a very objective manner. Since

the matter is delicate, I would like to call a meeting of the leaders and, if necessary, I would like to increase the ambit of the discussion with others concerned also. I would like the statements made by the Members to be carefully examined by the Government. I would like to hear the view of the Government also on this point, not at the spur of the moment, but a considered view on that also. I think, if it were not necessary for us to discuss this matter in the House it would have been better. I am still doubtful whether judgment or decision given by a judge or the court can be discussed in the House or whether this can be discussed in a conference also. But if we do not discuss also, then complications can arise. We should discuss it but discuss it in a manner which we have done it, a very careful manner without alleging things against anybody, at the same time, with a view to see that all the wings of the Government work in a manner which allows them to protect the dignity and prestige of every wing, at the same time, it does not create any problems.

The problem appears to have arisen and the ingenuity lies in solving this problem by taking a stand and not taking a stand at the spur of the moment without considering all the aspects. We will try to deal with it in a cautious, careful manner. Thank you.

13.27 hrs

#### PAPERS LAID ON THE TABLE

**Audit Report of the Coffee Board, Bangalore FOR 1989-90 and statement showing reasons for delay in laying this papers and demands for grants of the Minister of commerce for 1993-94**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): On Behalf of Shri Pranab Mukherjee, I beg to lay on the Table:-