

[Mr. Deputy-Speaker]

few specific points as have relevance to the Resolution. Also, members may please remember that under Rule 353 no allegations of a defamatory or incriminatory nature can be made against any person unless previous intimation is given.

PROF. MADHU DANDAVATE : It may be laid on the Table of the House.

MR. DEPUTY-SPEAKER : I hope on a solemn occasion like this when the House is to discuss the conduct of the Speaker—a person whom this House itself has elected to guard its rights and privileges, to guide its deliberations and to voice its collective will—Members shall be restrained, considerate and dispassionate in voicing their opinions in the best traditions of parliamentary democracy. As Pandit Jawaharlal Nehru observed while speaking on the Resolution for removal of Speaker Mavalankar in this very House on 18th December, 1954 :

“We are concerned with the honour of Parliament—concerned with the honour of the person who holds the dignity and the prestige of this Parliament”.

Shri Somnath Chatterjee may now move the Resolution.

SHRI NARAYAN CHOUBEY : Is it guided democracy or democracy ?

(Interruptions)

MR. DEPUTY-SPEAKER : Mr. Somnath Chatterjee, you move the Resolution.

(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, you have given us sermons, but tell them to keep quiet.

MR. DEPUTY-SPEAKER : Yes, I request all the members to keep quiet. Don't disturb.

(Interruptions)

AN HON. MEMBER : Sir, will you control them ?

MR. DEPUTY-SPEAKER : Yes, please order.

SHRI BHAGWAT JHA AZAD : I request my Members not to follow Mr. Amal Datta in disturbing others.

(Interruptions)

15.45 hrs

RESOLUTION RE : REMOVAL OF
SPEAKER FROM OFFICE—*CONTD.*

[English]

SHRI SOMNATH CHATTERJEE
(Bolpur) : I beg to move :

“That this House having taken into consideration the rulings of the Speaker of the House including the one on March 19, 1987 on the question of privilege and adjournment motions feels that by denying to the Members right to raise vital constitutional and procedural issues and burning problems, the Speaker has ceased to command the confidence of all sections of the House and therefore resolves that he be removed from his office.”

MR. DEPUTY-SPEAKER : Since two hours have been allotted for discussion in the House, the mover may take 15 minutes.

(Interruptions)

MR. DEPUTY-SPEAKER : We will see that. Everything we are telling. Sometimes 10 minutes are exceeded and we are not objecting to that. At that time, we are extending the time.

SHRI SOMNATH CHATTERJEE :
Who has allotted 2 hours ?

MR. DEPUTY-SPEAKER : I am telling that. The mover may take 15 minutes and other Members to take not more than 10 minutes each.

SHRI S. JAIPAL REDDY : Why do restrict the time ? In 1954 when the motion was tabled against the then Speaker, what was the time allotted ?

MR. DEPUTY-SPEAKER : Two hours,

SHRI S. JAIPAL REDDY : It took more than 2 hours.

SHRI SOMNATH CHATTERJEE : Sir, with anguish but no animosity ..
(Interruptions)

SHRI SOMNATH CHATTERJEE : Let them try to learn something.

MR. DEPUTY-SPEAKER: Please order.

SHRI SOMNATH CHATTERJEE : I am making a request. I am conscious of the solemnity of this occasion. Please do not give an impression of throttling us. Do not give an impression of throttling us.
(Interruptions)

MR. DEPUTY-SPEAKER : I request all the Members to be silent. Don't disturb the debate. Let Mr. Chatterjee speak. I am only asking Mr. Chatterjee to speak and not others. When your time comes, you can speak not now.

(Interruptions)

SHRI SOMNATH CHATTERJEE : I do not want your encouragement.

MR. DEPUTY-SPEAKER : Please order. Please address to the Chair.

SHRI SOMNATH CHATTERJEE : Either you stop or I start.

MR. DEPUTY-SPEAKER : You address to the Chair, I am telling.

SHRI SOMNATH CHATTERJEE : Sir, with anguish but no animosity, with seriousness but no motive except the purest one and impelled by a sense of duty, we are constrained to move this resolution against Dr. Balram Jakhar, the Speaker.....

MR. DEPUTY-SPEAKER: Please order.

(Interruptions)

PROF. MADHU DANDAVATE (Kajapur): They should remember that they have to speak also in the House. Sometimes the Prime Minister also is to speak in this House. (Interruptions)

SHRI SOMNATH CHATTERJEE :... though not against Dr. Balram Jakhar, the person for that matter, a loveable one,
(Interruptions)

MR. DEPUTY-SPEAKER : Do not make any comments.

SHRI SOMNATH CHATTERJEE : Sense of duty like wisdom and patriotism is not the monopoly of the ruling Party. We on this side are also active participants in the parliamentary process. We cannot be silent spectators of the near consistent and almost coordinated attempt to denude the Parliament of its authority and utility. We shall be failing in our duty to the posterity, if we do not voice our protest and that too emphatically. It is a sad day for all of us that we perforce say (Interruptions) that the hon. Speaker is a party to the attempt.

(Interruptions)

PROF. MADHU DANDAVATE : The Cabinet Minister is joining the heckling, Sir...

(Interruptions)

SHRI DINESH GOSWAMI (Guwahati): Sir, this will go on. You asked everybody to remain silent. Is this the response of your request and the sermonisation that we got ?

(Interruptions)

MR. DEPUTY SPEAKER : I asked everybody to keep quiet except the speaker. If everybody goes on interfering how can I conduct the business of the House ? My throat has gone bad I cannot shout. How can I shout ?

(Interruptions)

MR. DEPUTY-SPEAKER : I request all the hon. Members to remain silent. Mr. Chatterjee, you please continue

SHRI SURESH KURUP (Kottayam) : You give your Conviction. They will keep quiet

SHRI SOMNATH CHATTERJEE : A muted Parliament is as much a danger to Parliamentary Democracy as Executive authoritarianism.

SHRI GIRDHARI LAL VYAS (Bhilwara) : Very good ..

(Interruptions)

MR. DEPUTY SPEAKER : Mr. Vyas, are you speaking ?

(Interruptions)

PROF. MADHU DANDAVATE : Sir, it is going over their head. What to do ?

(Interruptions)

SHRI SOMNATH CHATTERJEE : Freedom of dissent and freedom of debate are the hallmarks of Parliamentary Democracy. I should imagine that the floor of the House is the most obvious place to dissent. Through debate. But once the access to the floor is restricted or closed, suffocation, if not annihilation, of the entire system will be the obvious consequence... (Interruptions) We, on this side, I am sure, are second to none in our respect for the august office of the hon. Speaker. He has a very very vital role to play not only in... (Interruptions) maintaining the dignity of this House but also to protect, strengthen the great and important position it occupies in our constitutional set up. Parliament is not the exclusive property of the ruling party either or of the Treasury Benches. The Opposition is an integral part of the entire system in Parliamentary Democracy (Interruptions) Sir, May I have a little patience ? I earnestly request you to please tear me, tear my submission in your reply.

(Interruptions)

PROF. MADHU DANDAVATE : There is no style of debate to take note of... They have to speak also. . . .

SHRI SOMNATH CHATTERJEE : In a Parliamentary Democracy, the right to know is an inalienable right of the people of the country and to be exercised primarily by the people through their representatives in Parliament. Accountability of constitutional functionaries is one of the key-stones of our Parliamentary set up.

(Interruptions)

SHRI GIRDHARI LAL VYAS : You are also doing that in West Bengal...

(Interruptions)

MR. DEPUTY SPEAKER : Order please Don't make noise, let him speak.

(Interruptions)

SHRI S. JAIPAL REDDY (Mahbubnagar) : We will settle car scores tomorrow when the Defence scandal is bursted.

(Interruptions)

PROF. MADHU DANDAVATE : If they carry on like this, the Finance Minister will not be able to present his budget in this House, we will see.

(Interruptions)

MR. DEPUTY SPEAKER : Order please. All of you, take your seats... (Interruptions) . I once again request all the Members to preserve the dignity of the House.

PROF. MADHU DANDAVATE : If this is allowed to continue, the entire Opposition will walk out and boycott the Parliament for all the time... (Interruptions).

MR. DEPUTY SPEAKER : I don't want others to interrupt when a Member is speaking. Therefore, I request all the Members to keep silent when one Member is speaking... (Interruptions)... I hope you will accept my request ... (Interruptions)... All are Hon. Members. Only I can request them.

SHRI SOMNATH CHATTERJEE : I should have thought that this was a matter which should not be taken on partisan lines. Why the opposition feels so strongly about it, please listen and reply . . . (Interruptions) . . . This is the very basis of the democratic set up.

As I was saying, can anybody dispute that accountability by Constitutional functionaries is the very soul of the system of the Government that we have in this country when a written Constitution is there? Then, why is this shouting going on ?

Accountability means responsibility, and that responsibility is imposed on the functionaries by no less a document than the Constitution of India. That is why we are saying that the Parliament has the right and the authority to see that the Constitutional functionaries discharge their constitutional responsibilities and obligations in this country.

When we found that in Parliament that responsibility is not discharged, and the information is not disclosed by the Government, then what else remains for us than to expose them and to seek exposure of whatever we think people ought to know in this country?

Sir, we find that in this matter the very important role of the Parliament is not being allowed to be played and there we must try to play that role, come what may, in whatever possible and lawful manner that we can do. This is one of the methods by which we could project our views and express our anguish and agony. Governments will come and go and the Prime Minister will also be changed. Everyday they are having reshuffle of the Ministers... (Interruptions)... But this Parliament will remain and has to remain.

16 hrs.

Sir, in the matter of the discharge of our functions we are daily reminded by the hon. Speaker about the rules of procedure and that we are the authors of the rules. Therefore, according to the interpretation put by the Chair whether we are able to discuss or not able to discuss that is not left to the authors of the rules but that is being exercised by the Speaker alone. But I would like to know with all humility are the rules meant or they should be construed to stifle discussion, to stifle exposure or cover up exposure of Constitutional aberrations in this country? I would like to know what is the role of the Chair in the matter of interpretation of the rules whether to permit discussion or stop discussion; whether the rule should be master of events or rules should follow the events by adjusting itself to the situation that develops.

We would like to know whether in the name of applying the rules and giving a particular interpretation to the rules can anybody in this country be treated to be above the Constitution and above the laws and above the reach of the Parliament of India? This is unfortunately the direct result of that ruling of 19th March. The other day the hon. Speaker said that he would adjudicate upon the matter with reference to the rules. But I say you adjudicate but do not subjugate this Parliament for ever to the executive tyranny. (Interruptions) The path of adjudication must be lighted by informed reason and a commitment to the true role of Parliament in the Constitutional set-up we have in this country. You do not convert this path into a blind and dark alley and then say whatever may be the aberrations of the Constitution; whatever may be the deficiencies... (Interruptions) Sir, may I use simpler English?

PROF. MADHU DANDAVATE : You may use any English but do not use K. K. Tewary's English.

SHRI SOMNATH CHATTERJEE : Therefore, whatever may be the Constitutional aberrations; whatever may be the deficiencies... (Interruptions) Sir, I am not yielding.

SHRI SHANTARAM NAIK : Sir, I rise on a point of order. He started his speech at 1551 h-s. After crossing 15 minutes he has to seek your permission.

PROF. MADHU DANDAVATE : Sir, he does not know the conventions of this House.

MR. DEPUTY SPEAKER : There is no point of order.

SHRI SOMNATH CHATTERJEE : I believe nobody will question that Constitution transcends over the rules of procedure. Therefore, the interpretation of the rules conform to the requirements and the provisions of the Constitution of India.

Sir, so far as the present Government's attitude towards us is concerned it seems they treat us as unavoidable busy-bodies. That is why probably they are more keen to conceal facts than disclose facts even to the Parliament at the request of the Opposition.

[Shri Somnath Chatterjee]

Sir, at no other occasion was it more pronounced than recently where the effort that has been made to keep the Parliament in dark about the confrontation between the two highest Constitutional functionaries of this country inspite of the clear and specific mandatory provisions of the Constitution of India. It seems, Sir, that in this sphere we had expected the hon. Speaker to come to the aid of a proper and fuller discussion in the House so that this country could judge whether there has been any violation or any default in carrying out the Constitutional obligations by however high a Constitutional functionary may be. But unfortunately, we have found that the hon. Speaker has not only not permitted such a discussion, but has made certain observations which take away minimal rights of this Parliament.

We have found with dismay that instead of encouragement which we should have received from the chair for our humble efforts in spite of our depleted strength here, we have received sermons, when we should have received appreciation, we have received admonitions from the chair. Then, what is open to us sitting on the opposition? Can there be anything more ludicrous than a document which has been published in the national dailies of this country and has been repeated, commented upon, and has been the subject matter of intense public enquiry and agitation—at least enquiry—is being treated as a private confidential document in this country? The authenticity of that document has not been questioned. There is a public debate outside, but complete silence inside the House on this subject. The authenticity of the document is not challenged and is available to everybody—I have got a journal here which has published it in full—but it is treated as a secret document inside the House. Look at the unreality of the entire situation. Can this Parliament go into the question whether the mandatory provisions of the Constitution of India have been carried out or not? Should the official position of a Member of the House, however honourable he may be, be so sacrosanct that we should be passive spectators to the violation of rules, ignore the perpetuation of the violation of the clearest provisions of the Constitution of India? Unfortunately, these questions remain unanswered in the ruling of 19th March, 1987.

Dr. Ambedkar, if I may quote him, said :

“The President occupies the same position as the King in the English Constitution. He represents the nation but does not rule the nation. He is the symbol of the nation.”

He also said :

“A democratic executive must be both stable and responsible”.

Pandit Jawaharlal Nehru—I hope you do not mind my quoting him—said in the Constituent Assembly :

“Though power really rested in the Minister, and not in the President as such, yet we did not want to make the President a mere figurehead, as the French President, we did not give him any real power, but we have made his position one of great authority and dignity.”

Sbri K.M. Munshi, another architect of the Constitution, said :

“The President under the Indian Constitution is really the symbol of impartial dignity of the Constitution.”

Prof. Wade, a well known English author said while speaking on the King's position in England that he is the very personification of the State.

So far as the King in England or the Queen in England or the President in India are concerned, it is admitted by everybody, including Mr Sathé, because this is not a public sector private sector controversy—he will agree me.

THE MINISTER OF HOME AFFAIRS (S. BUTTA SINGH) : You want to keep the President in the Private sector.

SHRI SOMNATH CHATTERJEE : Precisely not. I want to make him public.

The President of India under the Constitution of India has a right to be consulted, a right to encourage and a right to work.

Sir, how does the King in England or the President under the Indian Constitution perform this important task? Sir, in England conventions have grown up because there is no written Constitution, but founding fathers of our Constitution, Sir, did not leave it to the conventions only. They made a specific provision in the Constitution of India, which unfortunately did not find any reference in the ruling of the 19th March which is Article 78 of the Constitution. Sir, if I may quote with your kind permission, I hope it will not be treated as something improper reading the Constitution of this country—

Article 78 says that :

“It shall be the duty of the Prime Minister

- (a) to communicate to the President all decisions of the Council of Ministers relating to the administration of affairs of Union and proposals for the legislation ;
- (b) to furnish such information relating to the administration of the affairs of the Union and proposals for legislation, as the President may call for ; and
- (c) if the President so requires to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister, but which has not been considered by the Council.”

Sir, so far as the provisions contained in sub-Article (a) of Article 78 is concerned, it has been imposed as a mandatory requirement on the part of the Prime Minister to communicate to the President all decisions of the Council of Ministers relating to the administration and even proposals for legislation. Sir, are we not supposed to know this? Sir, I am sure, Mr. Sathe and his friends will not treat it as a dry parchment but as a living instrument which must be construed in a manner to give effect of the true intention of the Constitution-makers.

(Interruptions)

MR. DEPUTY SPEAKER : Order please.

(Interruptions)

MR. DEPUTY SPEAKER : You can quote.....

(Interruptions)

SARI SOMNATH CHATTERJEE : Sir the Constitution of India should not be construed in a manner to provide an escape route to the violators of the Constitution. Sir, the Supreme Court of India, I hope after Prime Minister's specific response the other day with regard to the Supreme Court's position, he will not disturb me when I read a Supreme Court judgement.

(Interruptions)

AN HON. MEMBER : This is not Press, Sir.

SHRI SOMNATH CHATTERJEE : Sir, in Samsher Singh's case, it has been said-Justice Krishna Iyer put this in his judgement, “Does this reduce the President under Indian Constitution to a figurehead? Far from it. Like the King of England he will still have a right to be consulted, to encourage and to warn. Acting on Ministerial advice does not necessarily mean immediate acceptance of the Ministry's first thoughts. The President can state his objections to any proposed course of action and ask his Ministers and Council, if necessary, to re-consider a matter. It is only in the last resort that he must accept their final advice.”

Sir, again the Supreme Court has said, “The President indeed is not at all a glorified cipher. He represents the majesty of the State, he is at the apex though only symbolically and has rapport with the people and parties being above politics! Indeed Article 78 wisely use. . .

MR. DEPUTY SPEAKER : Mr. Chatterjee do not bring in the relationship more and more because already the Speaker has given a ruling. I have told you in the beginning itself not to drag on this thing under the present situation. Quoting is entirely different, you can quote, I have no objection but do not drag on this argument afterwards.

SHRI SOMNATH CHATTERJEE : I am only reading for the time being from Supreme Court's judgement because it is related to the issue, that is why I am telling.

"The President represents the majesty of a State. He is at the apex though only symbolically and has a rapport with the people and parties being above politics. His vigilant presence makes for good Government, if only he uses what Bagehot described as the right to be consulted, to warn and encourage." Indeed Article 78 wisely used, keeps the President in close touch with the Prime Minister on matters of national importance and policy significance.

(Interruptions)

THE MINISTER OF STATE IN THE DEPARTMENT OF PUBLIC ENTERPRISES IN THE MINISTRY OF INDUSTRY (PROF. K. K. TEWARY) : This is not relevant to the debate. . . .

(Interruptions)

MR. DEPUTY-SPEAKER : I have already given the ruling that he cannot discuss. . . .*(Interruptions)*

PROF. MADHU DANDAVATE : What is happening Sir? What is this Cabinet Ministers getting up and raising points of order? Has it ever happened in the country?

S. BUTA SINGH : Mr. Deputy Speaker I want to know one thing. How is it relevant to the conduct of Shri Balram Jhakar? What is it?

PROF. MADHU DANDAVATE : You have to decide it.

MR. DEPUTY-SPEAKER : Mr. Chatterjee, kindly try to come to the point. I have already told you.

SHRI SOMNATH CHATTERJEE . You should control the House and control the Minister. Do not blame me Sir.

MR. DEPUTY-SPEAKER . Try to be brief.

SHRI SOMNATH CHATTERJEE : I am brief. I am not getting even one uninterrupted minute. How can I speak?

SHRI T. BASHEER (Chirayinkil) : You have allowed him to go on for 15 minutes. You must control him.

(Interruptions)

MR. DEPUTY-SPEAKER : I have given my ruling.

(Interruptions)

PROF. MADHU DANDAVATE : He is speaking seriously and not frivolously. . . .*(Interruptions)*

MR. DEPUTY-SPEAKER : I have given you my ruling.

THE MINISTER OF COMMUNICATIONS (SHRI ARJUN SINGH) : I am on a point of order.

PROF. MADHU DANDAVATE : Cabinet Ministers are raising points of order! Has it ever happened in the House?

SHRI ARJUN SINGH : My point of order is that the ruling of the Hon. Speaker on 19th March, if I am correct in my interpretation, still stands. That ruling has not been abrogated. So long as that ruling prevails, what is prohibited by that ruling cannot be discussed in this House. If there is an attempt to discuss what the Speaker on that day ruled against, I would like to say that the Motion of No Confidence cannot be the vehicle for that kind of a discussion. I want your ruling on that.

MR. DEPUTY-SPEAKER : I have already mentioned in the beginning itself that it cannot be discussed. I told that.

PROF. MADHU DANDAVATE : Our censure of the Speaker is based on that ruling.

(Interruptions)

MR. DEPUTY-SPEAKER : Ruling cannot be discussed. You can point out some other things about his impartiality, and

so on. Under the garb of discussion, do not bring the President and the Prime Minister into the picture now. That is my ruling.

(Interruptions)

SHRI INDRAJIT GUPTA (Basirhat) : It is precisely that ruling of the Speaker, which we are questioning.

MR. DEPUTY-SPEAKER : That ruling cannot be discussed. You may discuss about his behaviour. You may speak about his impartiality. Like that, you can speak.

PROF. MADHU DANDAVATE : Fortunately or unfortunately, the Speaker has admitted the motion.

SHRI INDRAJIT GUPTA . The motion makes a specific reference to the ruling.

MR. DEPUTY-SPEAKER : The motion mentions not only this ruling but so many other things too. Once the Chair has given a ruling, that must not be discussed.

(Interruptions)

MR. DEPUTY-SPEAKER ; Therefore, you have to restrict yourselves to those points Do not discuss the merits and demerits of the ruling. . . .

(Interruptions)

PROF. MADHU DANDAVATE . Our motion arises out of the faulty ruling. Unless we discuss that ruling, how can we proceed ?
(Interruptions)

MR. DEPUTY-SPEAKER : It is not allowed like that you can discuss it but not the merits and demerits.

PROF. MADHU DANDAVATE . Sir, in 1954 when the motion was moved against Shri Mavalankar these rulings were discussed.

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF
FOOD AND CIVIL SUPPLIES (SHRI
H K.L. BHAGAT) Sir, the difficulty is
this you said in the morning that on rules,
constitution and everything, the motion was

not really admissible. You said, you ruled that this was what happened in 1954 debate also. You in your wisdom permitted it in the last discussion in 1954, the Deputy-Speaker gave the same impression, the same ruling. But then Prime Minister Shri Jawaharlal Nehru while intervening said : "I do not want to stand on this technicality and let the discussion be allowed". But the difficulty is this. They cannot challenge the ruling of the Speaker ; they cannot refer to the President for the purpose of influencing the debate ; they cannot do that.
(Interruptions) You are referring to the powers of the President, to influence the debate. Actually
...*(Interruptions)*

MR. DEPUTY-SPEAKER : Please listen. If you go through the 1954 proceedings, at that time also, the Deputy-Speaker gave the ruling.

(Interruptions)

AN HON. MEMBER : What was the ruling ?

MR. DEPUTY-SPEAKER : I am giving. When the Speaker is elected, no debate takes place. Therefore, if you are not satisfied with him, because you elect him you have got the right to remove him also
(Interruptions)

PROF. MADHU DANDAVATE : You want me to say that we want to remove him. Do we simply say that we want to remove him and sit down ? Is that what we should do ?

(Interruptions)

MR. DEPUTY-SPEAKER : The main point is whether the Speaker has behaved impartially ? That is the main point.

(Interruptions)

MR. DEPUTY-SPEAKER : If you, in the name of bringing some debate, go against the rules of procedures of this House, I cannot allow that.
(Interruptions)

PROF. MADHU DANDAVATE : Sir, it means, if we feel that this impartiality is arising out of the fact that he is susceptible to certain influences of the executive, that is

[Prof. Madhu Dandavate]

why we bring this motion ; in that case, we cannot discuss the operation of the ruling at all. That seems to be your ruling How can I accept it? (*Interruptions*)

MR. DEPUTY-SPEAKER : There is a point of order.

PROF. MADHU DANDAVATE : Sir, it is our contention that, in that ruling he has violated the Constitution, he has violated the ruling and he has violated the privileges and conventions of this House (*Interruptions*)

SHRI INDRAJIT GUPTA : Do you want us to discuss this outside the Parliament ?

MR. DEPUTY-SPEAKER ; Not outside the Parliament. But the merits of the ruling you cannot discuss.

(*Interruptions*)

SHRI INDRAJIT GUPTA : You cannot Judge us like this. What is the remedy for it?

SHRI SOMNATH RATH (Aska) : My point of order is this According to rules, the ruling of the Speaker is final. It cannot be challenged. The Speaker need not give any reason while giving a ruling. Now what is the point at issue? (*Interruptions*) So, it is the resolution not relationship between the President and the Prime Minister that is being discussed today. So, while upholding the ruling of the Speaker, I would say that we cannot short-circuit the matter and..... (*Interruption*) . . . they cannot discuss like this. I want your ruling.

MR. DEPUTY-SPEAKER : I cannot allow this.

THE MINISTER OF STATE IN THE DEPARTMENT OF DEFENCE PRODUCTION AND SUPPLIES IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL) : In this debate, the issue is whether the adjournment motion moved by the members has been properly.... (*Interruption*) The important issue is whether the adjournment motion and the privilege motion were properly disallowed or not. Another issue is whether the correspondence

between the President and the Prime Minister enjoys the confidentiality or not. Now a member is entitled to say that the correspondence between the President and the Prime Minister is not of a confidential nature. We are not discussing the rights of the President ; we are not discussing what is the Position of the President. Now, if we are using the name of the President here for influencing the debate, it is not allowed, according to the rules. if we are to discuss anything relating to the President, then there is a procedure laid down in the Constitution itself. 14 days notice has to be given. (*Interruptions*) Here it is not like that. (*Interruptions*) You cannot ; you cannot discuss the correspondence between the President and the Prime Minister (*Interruptions*)

MR. DEPUTY SPEAKER : I once again appeal to you to avoid discussing the relationship between the President and the Prime Minister. The Speaker has already given a ruling on that.

(*Interruptions*)

PROF. MADHU DANDAVATE : That ruling itself has invited the censure motion Otherwise, why should we bring it? (*Interruptions*)

MR. DEPUTY SPEAKER : We are not allowed to discuss the ruling of the Speaker.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE : I have not referred to it. I am only reading from the Constitution. Will you allow me to read from the Constitution ? Otherwise, where do we discuss these things ?

(*Interruptions*)

SHIVRAJ V. PATIL : You cannot bring the name of the President in this fashion.

SHRI SOMNATH CHATTERJEE : We have not printed this book.

SHRI DINESH GOSWAMI : We have given this resolution because we feel that a particular ruling goes expressly against the provisions of the Constitution. Unless we

can point out and prove that his ruling goes against the provisions of the Constitution, we cannot support our resolution. Therefore, in order to support it we must Point out as to how the Speaker's ruling is wrong
(Interruptions)

PROF. MADHU DANDAVATE.: It is on record. Once I asked the Speaker that if the ruling of the Speaker violates the provisions of the Constitution, what is the remedy open to me? He said, see me in the Chamber. Without seeing him in the Chamber, we have brought this censure motion. (Interruptions)

MR. DEPUTY SPEAKER: The resolution is very clear with regard to the ruling of the Speaker of the House. You accept it, but when you are not given an opportunity to raise certain things, at that time, Your contention is different. You get agitated because you want to express certain things. We cannot do violate the rules and procedure. So, please do not bring the President into the picture. You cannot influence the debate by bringing the name of the President. Therefore, don't bring the name of the President here. That is my ruling and that stands.

(Interruptions)

SHRI SOMNATH CHATTERJEE : I continue to quote from the Supreme Court judgment. Only four lines I want to quote.
(Interruptions)

AN HON. MEMBER : What is the purpose? (Interruptions)

SHRI SOMNATH CHATTERJEE : Let us go out. (Interruptions)

PROF. MADHU DANDAVATE : If quoting from the judgment is unparliamentary then.....(Interruptions)

MR, DEPUTY SPEAKER : I have never said that this is unparliamentary.

(Interruptions)

SHRI SHIVRAJ V. PATIL : I am on a point of order. If you rule in a particular manner, and against your ruling
(Interruptions)

PROF. MADHU DANDAVATE : We are the Members of a free Parliament. We are not bonded labour in this House. Let us clearly tell you.

(Interruptions)

SHRI SHIVRAJ V. PATIL : My point of order is, if you give a ruling if that ruling is not followed, what comes after that ruling, can it from part of the record? If you say that something cannot be

MR. DEPUTY-SPEAKER : If it is against my ruling it will not go on record.

SHRI SOMNATH CHATTERJEE : If I my, because I have been trying to
(Interruptions)

MR. DEPUTY-SPEAKER : What do you want?

(Interruptions)

SHRI SHANTARAM NAIK : I am quoting Rule 352.

MR. DEPUTY-SPEAKER : What is it?

SHRI SHANTARAM NAIK : I am quoting Rule 352 sub clause (iii), I am placing this rule before you.

"A member while speaking shall not—

(iii) use offensive expressions about the conduct of proceedings of Parliament"

PROF. MADHU DANDAVATE : If somebody reads Article 79 which says, "There shall be a Parliament for the Union which shall consist of the President and two Houses. . . ." You will say it is out of order? Can it be done?

SHRI DINESH GOSWAMI : That ruling is absolutely wrong. Because of that ruling can it be said that we cannot cite the Supreme Court ruling? A Supreme Court judgment cannot be cited in this House?

SHRI SOMNATH CHATTERJEE : I cannot read it? I cannot read it?

MR. DEPUTY-SPEAKER : If it is relevant, it will go. Otherwise, it will not go.

SHRI SOMNATH CHATTERJEE : What ?

MR. DEPUTY-SPEAKER : If it is relevant to the debate, it will go. Otherwise, it will not go.

SHRI SOMNATH CHATTERJEE : If you are in doubt about this book.
(*Interruptions*)

MR. DEPUTY-SPEAKER : Also, if it goes against my ruling it cannot go. That also I am telling.

SHRI SOMNATH CHATTERJEE : What is against your ruling ?

SHRI DINESH GOSWAMI : Supreme Court judgment cannot be read in the House!

SHRI SOMNATH CHATTERJEE : If I read Article 78, Article 78 refers very specifically to the duties of the Prime Minister in respect of certain matters of State.

MR. DEPUTY-SPEAKER : I want to know if it is relevant. Why have you said it?

SHRI SOMNATH CHATTERJEE : Article 78—unfortunately was not mentioned by the Speaker in his ruling.

(*Interruptions*)

MR. DEPUTY-SPEAKER : I do not allow.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE : What is it that you do not allow ?

(*Interruptions*)

MR. DEPUTY-SPEAKER : I have not allowed.

SHRI SOMNATH CHATTERJEE : What is the ruling on Article 78 ?

PROF. MADHU DANDAVATE : You are telling us indirectly that 'you better walk out of the House and withdraw from the debate'.

(*Interruptions*)

AN HON. MEMBER : What is the sanctity of the debate ?

SHRI SOMNATH CHATTERJEE : Article 78 of the Constitution cannot be cited in the House ? (*Interruptions*) When the judgment of the Supreme Court.
(*Interruptions*)

MR. DEPUTY-SPEAKER : I have not objected to quoting Article.

SHRI SOMNATH CHATTERJEE : The Constitution refers to the President and we quote. You will say that it is unparliamentary. What is the use ?

MR. DEPUTY-SPEAKER : If it not relevant, how can you quote ? What is relevant here ?

(*Interruptions*)

PROF. MADHU DANDAVATE : Suppose, I quote Article 79 which contains the name of the President will you tell us that because there is a reference to the President that Article is unparliamentary ?

MR. DEPUTY-SPEAKER : I have never given such type of ruling.

(*Interruptions*)

SHRI INDRAJIT GUPTA : On the floor of the same Parliament, Mr. K. K. Tewary had made the most scurrilous observations and you did not object. Nobody else objected. How do you allow ? How did the Speaker allow ? (*Interruptions*)

MR. DEPUTY-SPEAKER : I have not allowed. Even if it was allowed, it is wrong. That is all I can say. If at all it was allowed, it is wrong. (*Interruptions*)

PROF. MADHU DANDAVATE : When he talked of Rashtrapati Bhavan, when he talked of P. R. man, when he talked of Rashtrapati Bhavan giving shelter to the terrorists, it was allowed. (*Interruptions*)

SHRI INDRAJIT GUPTA : This is double standard.

MR. DEPUTY-SPEAKER : I do not go by the press reports. Is it a press report or the proceedings of the House ?

PROF. MADHU DANDAVATE : This is the page from the parliamentary proceeding of 18th April, 1985. Do you have two standards—one for the Ministers and another for us ?

MR. DEPUTY-SPEAKER : I cannot accept that point. Only I request Members to speak about Speaker's behaviour. That is all I can say. Do not bring in the name of the President, Prime Minister and then go on dragging. . . . (Interruptions)

PROF. MADHU DANDAVATE : We will not discuss the personage of the Speaker. We are not interested in devaluing his person. We want to discuss only the political and legal aspect and procedure aspect and we want to censure him for that. ;

MR. DEPUTY-SPEAKER : You can discuss about the procedural aspect but do not bring the name of the President and then go on dragging the matter. Do not do that. If the Speaker has done anything wrong procedurally you can discuss that, I have no objection. But in the name of the procedure do not bring in the name of the President here. That is all. (Interruptions)

SHRI SOMNATH CHATTERJEE : Can I not read the Constitution of India ?

MR. DEPUTY-SPEAKER : You can. (Interruptions)

PROF. MADHU DANDAVATE : I want a clarification. Is quoting Article 78 against the ruling ?

MR. DEPUTY-SPEAKER : Bringing the ruling cannot be acceptable. Mentioning the name is entirely different. But the way of functioning which you are bringing in, that cannot be discussed. That is what I want to say.

SHRI H.K.L. BHAGAT : Now I am making a request to you. The constitutional position and the rule that you have stated is absolutely correct. The rules are also

framed under article 118 of the Constitution and have been approved by the House. All the same, what they are doing is absolutely against the law and the Constitution. Even the advice which is tendered by the Council of Ministers to the President cannot be discussed even by the courts. (Interruptions) I am going to be helpful absolutely out of the way though you do not deserve it. What I am saying is this. Now the Speaker says that no reference can be made to the President. The correspondence is confidential. The Chairman of the Rajya Sabha has said this. The President, when the Prime Minister was there, has said and I saw a report.

[Translation]

The journalists asked the President whether he has written any letter. He replied that they should enjoy their meals and should not bother for other things.

[English]

That is between me and the Prime Minister. All the same though it is absolutely untenable—I know what they are aiming at ; we will answer that—still I request you to allow them to speak and whatever you find letter should not go on record you see to that.

PROF. MADHU DANDAVATE : After one week you can expunge everything.

SHRI H.K.L. BHAGAT : I know that they are speaking absolutely against the rules and the Constitution. We do not want to stand in their way on technicalities. I will answer you when my turn comes.

S. BUTA SINGH : The opposition wants to live on week to week.

(Interruptions)

SHRI H.K.L. BHAGAT : Let him say legal and illegal, constitutional and unconstitutional. We want let him not walk out.

SHRI SOMNATH CHATTERJEE : Sir, I am happy note that your ruling disturbed the conscience of Mr. Bhagat.

MR. DEPUTY SPEAKER : No, my ruling always prevails.

SHRI H.K.L. BHAGAT : No. It is his generosity that he said that your motion was inadmissible but yet he allowed.

SHRI SOMNATH CHATTERJEE : Your reluctant cooperation is appreciated.

SHRI H.K.L. BHAGAT : No, no, my cooperation is there. You believe in making tonnes of allegations, putting artificial air into the balloons. They are punctured. And don't be overwhelmed. Don't think that India has become a desert for us. Your victory should not elate you that much. We are not in a desert even in West Bengal. Don't forget that we are 41 per cent. Don't forget that.

SHRI SOMNATH CHATTERJEE : Sir, now, with the kind permission of the Minister for Parliamentary Affairs, may I read this passage ? It says :

"Indeed, Article 78 wisely used, keeps the President in close touch with the Prime Minister on matters of national importance and policy significance, and there is no doubt that the imprint of his personality may chasten and correct the political Government....In short, the President, like the king, has not merely been constitutionally romanticised but actually vested with a pervasive and persuasive role. Political theorists are quite conversant with the dynamic role of the Crown which keeps away from politics and power and yet influences both."

This is exactly the role which has been prescribed for the President of India and this necessarily imposes an obligation on the office of the Prime Minister of India under Article 78. But whether this constitutional obligation has been performed or not, how does one find out ? If there is any remissness, any violation of the Constitutional obligation, then how does the country ascertain the fact and how does the Parliament ascertain the fact ? Who is to ensure that a Prime Minister, in a given occasion, has discharged his duty or not

because it imposes duty on the Prime Minister ? Dr. Ambedkar said once... (*Interruptions*) Only yesterday they paid their respects to him. Dr. Ambedkar said, I quote :

"No Constitutional government can function in any country unless any particular Constitutional authority remembers the fact that his authority is limited by the Constitution."

Therefore, there is no unbridled power in any authority, or in the Prime Minister or even on the President of India under the Indian Constitution. A celebrated Speaker of the House of Commons said, Parliament must be the forum where important issues can be debated. The task of Parliament is to scrutinise the behaviour of the executive and the Ministers and the officials. He further said that the House of Commons must function as the common jury of the nation. That means accountability to the nation through the process of parliamentary debate and discussion. Our President is an integral part of the Parliament. But he cannot take part in the deliberations of Parliament. Under the rules, we are prevented from using the name of the President to influence the debate but, Sir, can we not discuss an issue to bear influence on the executive inside the Parliament, in the country that it must conform to the Constitutional requirement, namely, the Prime Minister's obligation to keep the Head of the State informed about what is happening ? Where is the other remedy ? There is no other remedy open to us.

MR. DEPUTY-SPEAKER : Please wind up now.

SHRI SOMNATH CHATTERJEE : Sir, in a given case, how the matter can become of great public moment and naturally, very pertinently and properly, it has agitated the public mind because one of the highest Constitutional functionaries in our country, namely, the Head of the State has felt so strongly about it that not only he has chosen to put it on record and it has seen its way to the Press and its authenticity has never been challenged. Now the people in this country will look at that, and will consider us only deaf and

dumb persons. Shall we not re-act to that? Shall not the people of this country re-act to that? That particularly in the context.....

(Interruptions)

PROF. MADHU DANDAVATE : There is a telephone call for you outside.

(Interruptions)

SHRI SOMNATH CHATTERJEE : Consider this in the context of the observation, comments of the Prime Minister that he has broken many conventions. But breaking of the convention does not permit him to break the mandatory provisions of the Constitution of India as contained in Article 78 of the Constitution and thereby denigrate the position of the Head of the State in this country.....

(Interruptions)

MR. DEPUTY-SPEAKER : Please wind up.

SHRI SOMNATH CHATTERJEE : I feel it is the solemn duty of the Parliament to have proper and full discussion in this House so that at least the people in this country should know that there is no conscious violation of the constitutional provision in this country which our founding fathers after considerable thought, after considerable deliberations, after taking inspiration from our freedom struggle also have decided.....

(Interruptions)

SHRI SOMNATH CHATTERJEE : What is this? You cannot stop me like this.

(Interruptions)

MR. DEPUTY SPEAKER : You have taken fifty minutes. Therefore, you wind up.

SHRI SOMNATH CHATTERJEE : I am afraid that unfortunately but most pertinently Article 78 does not find any place in the Speaker's ruling. He does not consider the obligation of the Prime Minister to be in communication with the President of India. Ho, on the plea of the

so-called confidentiality of well publicised document has not allowed Parliament to discharge its role. We cannot help it.

(Interruptions)

SHRI SOMNATH CHATTERJEE : So, we must press this Resolution and we do press this Resolution.

MR. DEPUTY-SPEAKER : Motion moved :

"That this House having taken into consideration the Ruling of the Speaker of the House including the one on March 19, 1987 on the question of privilege and adjournment motions feels that by denying to the Members right to raise vital constitutional and procedural issues and burning problems, the Speaker has ceased to command the confidence of all sections of the House and therefore resolves that he be removed from his office."

I once again remind the Members that time is limited. Therefore, afterwards only ten minutes each.

THE MINISTER OF PARLIAMEN- TARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H.K.L. BHAGAT) : I shall certainly try to be brief in accordance with your direction and try to be relevant also unlike my very hon. good friend Prof. Somnath Chatterjee, the famous advocate. I cannot claim that hon. Somnath Chatterjee does not know constitution and does not know law and does not know rule. I concede that he know better than I. I cannot accuse him of ignorance. But I do charge him with deliberate ignorance.

[Translation]

One can awaken those who are sleeping. Knowing everything.....

[English]

You know law. You know Constitution. You know rule but you are doing it deliberately.

(Interruptions)

SHRI H.K.L. BHAGAT : Prof. Madhu Dandavate, you do not have unlimited right of standing any number of times. I know you won the elections. I also won. You won with a certain margin. I won with bigger margin in Deibi. So, you do not have unlimited right like this.

I do not wish to enter into that constitutional debate with him because my feeling is all his argument was absolutely off the point. I only wish to say—

Article 74 "There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in exercise of his functions.....

PROF. MADHU DANDAVATE : What about Article 78,

SHRI H.K.L. BHAGAT : I shall come to Article 78.

Article 74 further reads as under :—

".....act in accordance with such advice :

(Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise and the President shall act in accordance with the advice tendered after such reconsideration)

(2) The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any Court."

(Interruptions)

PROF. MADHU DANDAVATE : Only court.

SHRI H.K.L. BHAGAT : Please wait.

I wish to say categorically, the Prime Minister has already said it—the provisions of Article 78 of the Constitution have been very well followed by the Prime Minister. There is no question of its violation. Secondly, now he is asking a question : who is responsible? Government is responsible.

To whom? What remedy have we got? Have I to tell you this? Government is responsible certainly to this Parliament is responsible to the people of India. You say you don't have the remedy. Now, you have the remedy. If you have any grievance against the Government, you have the remedy. I said in the morning that you have a remedy and you can bring a substantive motion against the Government. There also you will not be able to bring the President in to controversy. But you have remedy and that is to come to this House for removing the Government.

AN HON. MEMBER : We do not want any controversy. *(Interruptions)*

SHRI H.K.L. BHAGAT : I do not want to provoke you. But you are not taking a straight-forward course. What is the reason? The reason is that you are not interested in Constitutional proceeding. I did not believe that you could be a party to it. Nor am I accusing that you are a party to it. But I do say that there is a deliberate conspiracy in this country to stage a coup against the Constitutionally elected Government. *(Interruptions)*

AN HON. MEMBER : We are not saying this.

[Translation]

SHRI H.K.L. BHAGAT : Be ready. Now it is my turn.

[English]

Now, please sit down. I do not want to quote the newspapers. Who have given this unconstitutional call? Parliament is irrelevant Speaker is irrelevant Chairman is relevant; everybody is irrelevant. Now, I don't want to make any reference to the President. Now, some people are trying to play a very dangerous game of destabilising Government which has the support of 400 Members of the Lok Sabha and all the wishful thinking that this party will crack under any false attack will be exploded. This party is united to the last person with the Prime Minister. *(Interruptions)*

Sir, I am charging certain forces in this country. I hope you are not a privy to it.

SHRI AMAL DATTA (Diamond Harbour) : Please read the Constitution.

SHRI H.K.L. BHAGAT : Now, Sir, he says the change is that the Prime Minister had not followed or implemented the provisions of Article 78. The Prime Minister say "I have done it". The whole thing is based on a letter. He gave the argument. The whole world know it. (*Interruptions*) Now, the correspondence between the Prime Minister and the President is confidential. If somehow or other... My dear, be patient.

So far officially even the letter has not been confirmed by anybody. You say the world knows it and why we should not discuss it. The first point is that the letter is not confirmed. (*Interruptions*) Even if it were there,.... if something is thieved or stolen, do you want to rely on something thieved or stolen which is again wrong? I am sure you are not going to be a party to it. If that is not confirmed... (*Interruptions*) In spite of your provocations and interruptions, Mr. Datta, I won't lose respect for you. I will continue to respect you. Now, Sir, it is true that in their motion they have mentioned this.

But otherwise they have said many things in a general way. Sir, I had expected — one motion had been discussed in this House in 1954 against then Speaker, late Shri Mavalankar and Jawaharlal Nehru was sitting here. (*Interruptions*) I have gone through the debate and I am sure Mr. Somnath Chatterjee had done it. That is why he has deliberately concentrated on one point, nothing else. Now I had expected from you — In this House the Speaker has to deal with thousands of questions, the Speaker has to deal with adjournment motions. Now, in the House of Commons till about 1954 for many years there was perhaps one and not even one adjournment motion. The Speaker has to consider Calling Attention motions. He sits with us in the Business Advisory Committee. I dare say that it is because of the Speaker's fairmindedness, objectivity and respect for the Opposition equally as for the Ruling Party that the entire discussion, whatever

you have asked for, had been discussed, all the decisions in the Business Advisory Committee have been unanimous. (*Interruptions*). Please sit down. Whatever Committee the Speaker has presided, even the Rules Committee, every decision has been unanimous. Here I give due respect to my Members and also to you, we have sometimes, you and us, our Members — the Speaker has been sitting there and we have against all rules, both sides, stood up on our feet even when the Speaker was standing, we have even cast — some of you, not our people — aspersions against the rulings, defied him, sometimes threatened him, and yet the Speaker had been tolerant, and I am not saying it myself, I am quoting one of the seniormost journalists who has been covering the Parliament for a long time, Mr. Maniam of the 'Statesman who has said : 'Speaker's record of tolerance.' He has gone to the extent of saying.... (*Interruptions*). He has also criticised us a number of times. Now, he has even gone to the extent of saying that sometime s we have written, which ought not to have been written, but the Speaker has been very very tolerant. About the Speaker's conduct and behaviour, if you excuse me, he has been more than fair to you. I do not want to go into calculations in comparison to the time taken by the Ruling Party. They are saying that you have taken more time than anybody else and of all the Members in the House, it is Mr. Dandavate who has taken more time than anybody else. (*Interruptions*). He has beaten the Opposition also.

PROF. MADHU DANDAVATE : I will return it back with retrospective effect !

(*Interruptions*).

SHRI H.K.L. BHAGAT : Please sit down. Don't worry. I will continue to respect him, don't bother.

Sir, the time has been taken, questions have been answered, adjournment motions have been taken up, sometimes twice it has happened, you failed to muster strength for your adjournment motions. The Speaker still allowed a discussion.... (*Interruptions*). You cannot deny, you cannot dispute any of these facts mentioned by me. And then you have failed in mustering strength ; have

[Shri H.K.L. Bhagat]

a discussion under Rule 193. There is hardly a subject of importance which has not been discussed.

Then Sir, coming to the Zero Hour, I bow to you less to my Members but more to you because you are more vigorous. During the Zero Hour 20 or 30 of you stand at the same time, I cannot hear, the Speaker cannot hear, nobody can hear what has been said without permission and sometimes without any notice. And the Speaker, as a very good Speaker I should say, conducted this House very well. We are proud of the impartial manner and the dignity with which he has conducted the House. (*Interruptions*). The Speaker has been in this great office for 7 years, he has been doing excellently. I think he had said somewhere when he was elected last and when he was congratulated by all of you : 'I will keep my ears and eyes attuned to you. But if I sometimes hurt you, don't catch me by ear.' He had said it, probably he understood you. Therefore, I am saying that the Speaker has been very impartial, and tolerant. At times, my Members have come to me saying that he give you greater preference, by allowing you more time. I tell them, what has he Opposition to do, except talk. Let them talk. I do not grudge your talking. You go on talking.

17 hrs.

I am concluding. Unfortunately, in the elections, for some people, Parliament is relevant when they win. Parliament is irrelevant when they have lost in the elections to Parliament. I can quote some Opposition leaders who have said, Parliament is irrelevant.

Now, as I said, the conspiracy for unconstitutional *coup* is there outside the country, inside the country, being orchestrated to make false allegations without an ounce of evidence. You cannot find even an ounce of evidence. Tonnes of suspicions, tonnes of baseless allegations are made. You know Sir, Mr. Dandavate was derailed. You yourself, hon. Dandavate brought three pieces. I do not want to bring Fairfax

issue once again. You brought three pieces of evidence : secret visit, Vishwanath Pratap Singh taking the file....

(*Interruptions*)

SHRI H.K.L. BHAGAT : I am glad to accept that you were derailed. The difficulty is, you want a short-cut. I assure you on behalf of the people of India that we will not only stay here for the full term, but we will win many more terms. This is a game against the Speaker. It is a political game against the Speaker, unfortunately. I feel sorry that even the leftist party has become a party to this.

PROF. MADHU DANDAVATE : The debate is not about their term but about the Speaker's term.

SHRI ANANDA GAJAPATHI RAJU (Bobbili) : Mr. Deputy-Speaker, with great regret that we bring forward the motion against the Speaker. The Speaker typifies and heads one of the most august bodies.

THE MINISTER OF STATE IN THE DEPARTMENT OF PUBLIC ENTERPRISES IN THE MINISTRY OF INDUSTRY (PROF. K.K. TEWARY) : The Centre is the reality, not a myth, he should realise.

SHRI ANADA GAJAPATHI RAJU : There is no reference to you.

From the common sense point of view, regarding the sovereignty of this House, it is the duty of the people who head it, to protect it and they ought to function in the manner in which it could be well protected. It is with great regret, we find that many of issue that have been raised by the Opposition at different times fall on deaf ears. We find that these issues do not find a place in the agenda of this House.

When the Parliamentary Affairs Minister was referring to the point that 20 Members standing and asking the same thing, all I would say is, if each Member has been given one minute to represent what matter he wants to represent, then in 20 minutes they would submit all these matters. Otherwise the proceedings would be stalled for half-an-hour and there would not be

any solution to these problems. So, basically, Parliament has become a talking-shop and the Opposition does not want to contribute to this idea that it is a talking-shop. They want to contribute to the idea that this Parliament may be able to reflect the people and deliver the goods that it ought to deliver.

We find that the other day, one of our Members raised the issue of tobacco growers. It was a very relevant issue and the issue was really heart burning in a lot of districts. But still the issue was not allowed to be raised and when it was sought to be raised, the Speaker just waved his hands and dismissed it. So, it is not against the Speaker as a person who we try to find fault with, but we are trying to find fault with the system of the speakership as it exists today. Therefore, our stress is not on the personality but on the functioning of the Speaker.

Today we find that the President and Prime Minister controversy has gained a lot of momentum, momentum, in the sense that it is not that it is a problem which is outside the purview of the House. When the President is discussed in this House, he is discussed as an institution because he also forms part of the House and also forms part of the parliamentary set up. But when we wanted to discuss this issue, when we find that certain lacunae came out and when this issue was sought to be raised, on the 19th of March, it was disallowed. Therefore, it was a breach of justice, a breach to see that nothing more of substantial nature could be discussed in this House and, therefore, we sought to raise this issue. It was not allowed to be raised and the issue went into cold storage for some time but this issue will not go to cold storage for long because it will again come up, because the President has a right to be informed about the position of the Government in the Cabinet just like the Queen of Britain who has a right to be informed and the President in a Republic is definitely in a similar position as the Queen. To quote Walter Baughen :

“The right to be consulted, the right to encourage and the right to warn.”

This is the right which the British sovereign has got, over a long period of time over the evolution of the Constitution and this is the right which the President also has, more so, in a Republic. And, therefore, when he finds that he is not consulted on important matter or he expresses dissatisfaction over a matter in which he is consulted, then definitely it is a matter of pain to the Members of this House and particularly to Opposition to see that the Constitution is not functioning in the way it ought to.

It is with great that I support the motion against the Speaker. It is with great regret that I find that there is no other remedy but to point out this.

It is with great regret that I support the motion against the Speaker to see that something is done in this matter and the Opposition is not drawn in trying to re-examine the issues. At every stage in this House, over the last 21/2 years, various issues have been sought to be raised and they have all been pushed to the corner and not much deliberation has been done on this matter. Therefore, it is with great regret that I support this motion against the Speaker. It is not that we have anything personally against him. He has been kind to us at times, sometimes he has bullied us, sometimes he has even cajoled us and even stifled us. (*Interruptions*) So, in spite of the mixed feelings that we have towards him, in spite of all the feelings negative and positive that we have for him, we have great affection for him and we like him as a man but nevertheless we would regret to say that we support the motion against him because that is the need of the hour.

SHRI JAGAN NATH KAUSHAL (Chandigarh) : Mr. Deputy Speaker, Mr. Somnath Chatterjee started by saying that he has given this motion, as he has no confidence against the Speaker, with anguish. I feel it is a very unfortunate event which has happened in this Lok Sabha. He should have anguish, he should be sad and every one of us feels that it is an absolutely uncalled for motion.

May I give the background in order to judge whether there is any validity in this move of the Opposition? What type of

[Shri Jagan Nath Kaushal]

Speaker do we have? What actually has been done? How has he behaved with the Opposition? How has he behaved with the whole House? What respect has he shown to the rules and regulations framed under the Constitution? Because unless that background is put in a systematic manner, we will not be able to appreciate as to what harm has been done by the Opposition in bringing this motion of no confidence.

Our Speaker was elected for the second time. It is a rare honour. And when he was elected for the second time, the Members of the House from both sides paid tributes to him. May I, with your permission, quote the tributes which some of the Opposition Members paid? I will start with the tributes which were paid by Prof. Madhu Dandavate. Prof. Madhu Dandavate said, which I am quoting :

"In the last Lok Sabha our Speaker was Bal Ram and our Deputy Speaker was Laxaman and we had really 'Ram Rajya' in this House. I once again congratulate you on behalf of Janata Party with an assurance that we will give you full assistance in conducting the proceedings of the House".....

This is by Professor Madhu Dandavate.

SHRI SOMNATH CHATTERJEE :
That is why our sorrow is greater.....

SHRI JAGAN NATH KAUSHAL : I do not know about your sorrow.... These are not even crocodile tears. I am sorry to say... How I wish it were sorrow. I will demonstrate to you. It is not in the sorrowful spirit you have brought it

PROF. MADHU DANDAVATE : You have not completed my record, because I had also said : "in order to complete 'Ram Rajya', Laxaman is not there. Appoint some 'Sita' on the panel also"..... This is what I said....

SHRI JAGAN NATH KAUSHAL :
Then, Sir, another hon. Member, sitting to the left of Prof. Madhu Dandavate, said :

"There is no doubt with regard to your leadership here because you have been impartial both to the treasury benches and also the Opposition.....

The third Member who paid tribute was Shri Ebrahim Suleman Sait. He said :

"All those who were with you in the 7th Lok Sabha, know full well that you had conducted the proceedings of the House in the past in an admirable manner and also handled the situation whenever they arose in the 7th Lok Sabha in a very admirable manner

(Interruptions)

SHRI JAGAN NATH KAUSHAL : I do expect everybody to be silent because I am the one person who never interrupts anybody. I only wish the same thing now.

SHRI SOMNATH CHATTERJEE :
Do you allow others? Your friends interrupted everybody. I could complete not even one sentence. In an important debate, you interrupt like this..

(Interruptions)

PROF. MADHU DANDAVATE :
Don't interrupt him. He is one of the gentlemen.....

SHRI JAGAN NATH KAUSHAL : I was reading that when I was going to complete. What was said then was :

"All those who were with you in the 7th Lok Sabha, know full well that you had conducted the proceedings of the House in the past in an admirable manner and also handled the situation whenever the 7th Lok Sabha in a very admirable manner. Your unanimous choice once again is acknowledgement of your capacity and impartiality"....

The last person who paid tributes, which I am quoting, is Mr. George Joseph Mundackal. He said :

"In the last 5 years you had served this House honestly and efficiently. You are very tall and hefty so also your

ideals and principals. I had the opportunity to travel with you in two delegations to foreign countries. You have risen to the occasion and upheld the dignity and prestige of the House. You are a leader among international Speakers".....

Now, this type of Speaker we have and today I am faced with a very sorry spectacle to see that the Members of the Opposition want this House to pass a Resolution that we have—the whole House has—lost confidence in his impartiality.

May I bring one more fact to your notice? Obviously you know well and some of us also are knowing it. He is the Chairman of the Executive Committee of the Commonwealth Parliamentary Association. This is a rare honour. This honour has been conferred on an Asian, for the first time. We should be proud of him. Instead, we are trying not only to denigrate him but also we are trying to denigrate the august office of the Speaker....(*Interruptions*) Let us have a look at the words of the Resolution because they have been drafted by a very seasoned lawyer.....

SHRI SOMNATH CHATTERJEE :
You do not know who has drafted it.... I have become unseasoned.....

SHRI JAGAN NATH KAUSHAL :
Why I am saying so is atleast Mr. Somnath Chatterjee knows that the No Confidence Motion against the Speaker has to be specific. It has to contain instance one, two, three, four, five, six,..... to convince the House that this is the conduct of the Speaker consistently and this Speaker has now forfeited our confidence. Now what have they done? They only say, we will mention only one ruling and that is all. That is all what they have in their armoury and others are mostly general, and as I say, most vague. They say :

".....on the question of privilege and adjournment motions feels that by denying to the Members right to raise vital constitutional and procedural issues and burning problems, the Speaker has ceased to command the confidence of all sections of the House"

Afterall, what has he done? He has given one ruling and to that ruling I will come just in a minute.

But shall I bring again to the notice of the House what the Speaker has dealt with in his tenure? I will compare the work which has been done by the Speaker in the 6th Lok Sabha, then I will come to the 7th Lok Sabha and then talk of present Lok Sabha. The important matters which are being dealt with by the Speaker are firstly Adjournment Motions. These are the most important Motions on which the Hon. Speaker has a discretion either to admit or not to admit. How many Motions were admitted and discussed in the 6th Lok Sabha? It was six. How many were discussed in the 7th Lok Sabha? It was five. And how many have been discussed in the 8th Lok Sabha till today? Two. Is it the evidence of the partiality of the Speaker? Can anybody say that a Speaker who has allowed five adjournment motions in the last Lok Sabha, two adjournment motions till today, is partial? Partial to whom?

Ultimately I am going to agree with my Hon. friend Mr. Bhagat that he has been a highly tolerant Speaker, he has been a Speaker who has in fact been going out of his way to accommodate the Members on the other side. I have seen a number of times members of treasury benches somebody said rightly, crying. Somebody said that Sir, all your attention is meant for that side. Now, therefore, the one very important subject which I brought to the notice of the House is the Adjournment Motion.

Then, there is Calling Attention Motion. Calling Attention Motions tabled and discussed in the Sixth Lok Sabha were 165, discussed in the Seventh Lok Sabha were 301 and then in the Eight Lok Sabha, that is the present Lok Sabha, were 135. The Speaker is not allowing discussion! The Speaker is not allowing debate! The Speaker is not allowing dissent!

Let us come to the matters raised under rule 377. Those which were raised in the 6th Lok Sabha were 834, in the 7th Lok

[Shri Jagan Nath Kaushal]

Sabha-3134 and then in the present Lok Sabha 1571 already and we are only half way through....(Interruptions),....

Now I will quote 193. I hope 193 is more to your taste. Mr. Madhu Dandavate. Matters under rule 193 admitted and discussed in the 6th Lok Sabha were 13, in the 7th Lok Sabha 54 and in the 8th Lok Sabha the number is 35.

Other motions discussed were 33 in the 6th Lok Sabha, 34 in the 7th Lok Sabha and 15 in the present Lok Sabha.

I, with all humility, ask my friends on the opposition is it an evidence of the Speaker's trying to obstruct the debate? Unless that is so, is there any real reason for you to lose confidence in the Speaker? Now your only grievance is one ruling. Well I am going to discuss that ruling in a minute because according to my submission no other ruling could be given except the ruling which has been given by the Speaker.

My friend, Mr. Somnath Chatterjee was trying to read some passages from Shamsheer Singh's judgement. Undoubtedly that is the celebrated judgement which has defined what is the position of the President. That is the ruling which has defined what are the powers of the Government and what are the powers of the President. But my friend is very fond of not reading the majority judgement.

SHRI SOMNATH CHATTERJEE : This is part of the majority concurrent judgement. (Interruptions) Do not mislead. I have not read any minority judgement.

SHRI JAGAN NATH KAUSHAL : I am very sorry. No member of this House has any right to read the Supreme Court judgement out of context.

AN HON. MEMBER : It is not out of context.

SHRI JAGAN NATH KAUSHAL : Of course, he is out of context. I am saying so. The only point which was debated and ultimately held by the Supreme

Court was : what are the powers of the President and the Supreme Court said he is only a Constitutional head. All powers vest in the executive Government and while discussing and discussing and discussing some reference is made....(Interruptions) May I again submit that my friends should not disturb me. I only crave this indulgence because I do not disturb.

May I again say the only decision which the Supreme Court arrived at was that the entire executive power vests in the Government? The President is only a Constitutional formal head.

My friend was very eloquent on one matter. He says the Article 78 has not been discussed by the Speaker. May I with humility say for the ruling which the Speaker had to give Article 78 was not relevant. Article 74 was only relevant and that is why the Speaker is not expected to discuss and Article which has no relevance to the pointed issue? I do not know whether my friends have actually the democracy at their heart; they are so great lovers of democracy; I am surprised....

SHRI SOMNATH CHATTERJEE : We are lovers of true democracy but not personal democracy. (Interruptions)

SHRI JAGAN NATH KAUSHAL : It is a very unfortunate situation that when we try to make a point you do not try to listen.

SHRI SOMNATH CHATTERJEE : You teach us.

SHRI JAGAN NATH KAUSHAL : Mr. Chatterjee, I again say that I do not expect the charge that you are levelling against us. Anyway I am not yielding. I am saying what was the controversy on which privilege motion and then other motions which the Speaker said, I am sorry, I cannot permit. Two main points were involved in them. Has the Prime Minister committed any breach of privilege of this House when he stated that on all important matters we have been keeping the President informed? This was one statement which he made.

PROF. MADHU DANDAVATE : It is wrong.

SHRI JAGAN NATH KAUSHAL : My friends are fond of saying so. They are saying even now and by saying statement wrong it does not become wrong.

PROF. MADHU DANDAVATE : It is not only wrong but also untruthful.

SHRI JAGAN NATH KAUSHAL : Prof. Dandavate I am very sorry. I expected a much higher standard of debate from senior people like you. It is to my dismay. I do not know whether we are, in fact, raising the standard of debate. Now, if you go on repeating 'Of course, it is untruth', 'of course, it is wrong', by merely saying so, it won't become so. You were trying to say on the basis of a document regarding the authenticity of which the Speaker said : I don't know ; I can't depend on a document which has appeared somewhere in the Press.

Every day we say so. As I said during my last speech also in the Parliament, if we discuss unestablished facts, we tread a dangerous path because whatever we speak here is broadcast to the whole nation. The nation is interested in knowing is the Parliament discussing facts or is the Parliament only interested in character assassination, insinuation, innuendos and all types of things. Country is not interested in this Country is interested in knowing how does the Parliament debate serious matters.

Now, the Speaker's ruling is based on two facts. Number one, he said it is absolutely impossible for him to hold or prima facie even to come to a conclusion that the Prime Minister's statement is not correct. We have to accept what the Prime Minister has said. Number two, he said now you want to bring in the debate the name of the President. You want to tell : the Prime Minister is wrong ; the President is correct because there is a letter which purports to be issued from the President's estate and we do not know how it has leaked to the Press and this, that and another. Still you think that debate will not be entirely in the name of the President. Could any Speaker permit it ? Your own

rules say so. The only fault of Shri Balram Jakhar is—I should say with great respect—he has always been saying : Please, you can discuss anything under the sun ; I never debar you ; only, please, discuss according to the rules. Whenever you feel rules have been badly drafted, rules have not been properly framed, change them. Otherwise he says : I am bound by the rules ; I am bound by the Constitution : I am bound by the direction and so are you. But unfortunately I shouldn't say so because I am not happy in levelling any charge against my friends. But the Opposition wants to have its way whether it is within the rules. The gist is this. No Speaker will permit, No Speaker can permit because once the rules have been framed, even the House is bound by the rules we change the rules. Either don't frame the rules, leave everything to the Speaker. Whenever Speaker gives any judgment, which is not to your asking, you say we will throw him out. Well, throw him out if you have a majority. If you don't have a majority, you can't throw him out. Then if you show proper respect to him, if you try to obey his direction, if you try to obey what he wants you to follow I have no doubt in my mind, Speaker will give you more than your due. Speaker has been giving more than your due. Therefore, what I wish to submit to the House is this. I will mention only two more instances.

Sir, have you seen the Speaker during the last seven years of his tenure naming not even one person ? Although we are not sure, how many disorderly conducts are exhibited in this House ? Have we not seen at Zero Hours what should the unfortunate Speaker do ; what should he do ? Sometimes I have gone to his chamber and asked him : How do you control your blood pressure ? I am known in my own...

AN HON. MEMBER : He wanted his doctors then ?

SHRI JAGAN NATH KAUSHAL : ... career as a person who possesses great equanimity. But I said : Mr. Speaker, if I were in your chair, I will, in any case, collapse. It is just not possible.

[Shri Jagan Nath Kaushal]

Now, Sir, may I only add one thing? I have called down the qualities or the attributes which are required of a Speaker from the textbook writer. Let us have a balance-sheet of the present Speaker: How many qualities he possesses and how many he lacks.

Sir, I have made a list of the qualities of Speaker. These are patience, courtesy, calmness, humour, occasional deafness and blindness. A text book writer says that the Speaker has necessarily to be deaf and blind at certain times. Then knowledge of procedure, tact, prudence, self-control and then a very important tribute is to sit quietly and suffer in silence. And then impartiality and independence. My friends have attacked his impartiality and independence solely on the ground that there is one ruling which is not to their liking. That is all.

As a lawyer, I am not conceding, but on the other hand, I am very vehemently contending that it was an absolutely correct ruling; it was also given by another very important authority in this building itself, by the Chairman of Rajya Sabha. No other view could be taken, but I say, assume that the ruling is not correct, but is there any reason for you to lose the confidence in a Speaker who has been totally impartial for the last seven years? Therefore, all I will say is that I am very sorry for the opposition; they have been today totally uncharitable and unfair to a gentleman tolerant Speaker.

MR. DEPUTY-SPEAKER: We have already completed two hours; we will extend the time for discussion on this resolution by another half an hour.

SHRI H.K.L. BHAGAT: There are, I think, two or three more speakers from the opposition side and some speakers from this side. The Prime Minister has also to speak. We shall ask for extension of time accordingly. The time would need to be extended.

MR. DEPUTY-SPEAKER: Prof. Madhu Dandavate,

PROF. MADHU DANDAVATE (Rajapur): Mr. Deputy-Speaker, Sir, while extending my support to the Resolution which has been moved by my esteemed colleague, Shri Somnath Chatterjee, at the very outset, let me make it clear that I do so without any personal animosity to the Speaker, but out of my total dissatisfaction about a very significant ruling that could actually mar not only the democratic procedures in this House, but that is likely to create wrong interpretation of the Constitution and the rules of procedure. It is only on this ground that I rise to extend My support to the motion that has been moved by my colleagues.

I am of the opinion that even the Speaker has to be guided not only by rules but by the Constitution in letter and spirit. I may bring it to your notice that on one occasion, I got up in the House after the ruling and I said: "I do not challenge your ruling, but I want to seek a clarification." I said: "If in my humble opinion, I feel that in giving the particular ruling, the Speaker has violated the Constitution of the country, what is the remedy open to me." He said: "Come to my chamber." I went to my chamber and applied my mind and I have found a remedy. I must point out to you that when I second this Resolution, support this Resolution, I have before me the traditions of this country, the conventions that have been set in this very House. I would like to start with a very significant example. Since Shri Somnath Chatterjee has moved the motion, I would like to make a reference to his father Shri N.C. Chatterjee who was a respected member of this House. On one occasion when the Rajya Sabha adopted the Special Marriages Bill, in one of the meetings in Madras Shri N.C. Chatterjee stated that the Bill had been passed by a park of urchins. The members of Rajya Sabha were very much disturbed. Pandit Jawaharlal Nehruji was very much disturbed. Shri N.C. Chatterjee was a member of this House and a privilege motion came against him in the Rajya Sabha and the Secretary of Rajya Sabha passed on that notice to Shri N.C. Chatterjee. Shri N.C. Chatterjee tabled a counter-privilege motion in this very House and his argument was that since he belonged to this House, he could not be

subject to the jurisdiction of the other House. Shri Mavalankar was the Speaker then. He got up and said : "I have received a notice of privilege from Shri N.C. Chatterjee to the effect that while he happens to be the member of this House, he is being subjected to the jurisdiction of the other House."

No less a person than Prime Minister Jawaharlal Nehru got up from his seat and stated that in view of the type of remarks that were made by Shri N.C. Chatterjee, the privilege motion that had come up in the other was fully justified. But Shri Mavalankar was not cowed by the stature of the Prime Minister. He told the Prime Minister : "Mr. Prime Minister, I differ with you. Kindly take your seat." And he told the House that he would not allow a member of this House to be subjected to the jurisdiction of the other House so long as he continued to be Speaker of this House.

SHRI H.K.L. BHAGAT: And there was a privilege motion moved by the Opposition against this very same Mavalankar.

(Interruptions)

PROF. MADHU DANAVATE : Sir, this House had a celebrated Chairman as he was called then, occupying the Speaker's status. He was Vithal Bhai Patel whose portrait hangs over here. Vithal Bhai Patel was occupying the very same seat which you are occupying Sir. You probably remember that the Bhagat Singh Episode had taken place then. He wanted to rouse the country against the Public Safety Bill. The debate on the Public Safety Bill had already started. Already the process of debate had commenced. On one occasion Vithal Bhai Patel who was in the Chair got up and said : "I know that some members will not like me to adjourn the debate. But I am concerned about the fate of the patriots in the Meerut Conspiracy Case and the issues which are involved in the Meerut Conspiracy case against the patriots are the very same issues which are involved in this debate on the Public Safety Bill in our House. My patriotic motivation tells me that I do not want debate on the Public Safety Bill in this House to affect the fate of the patriots in the court of law and in

my own way, I am adjourning the debate 'sine die'." That was what Vithal Bhai Patel said.

SHRI CHANDRA PRATAP NARAIN SINGH (Padrauna) : Prof Dandavate, I would like you to merely rectify one thing. The photography of the gentleman is not hanging. It is placed in a prominent position.

PROF. MADHU DANAVATE : I am sorry Sir, my English is bad. I have been a teacher of Nuclear Physics and my English is very poor. A very prominent person has stated in this House that my English is poor. I concede my poverty of language and I shall have the richness of the language from my hon. friend.

SHRI CHANDRA PRATAP NARAIN SINGH : I concede the richness of the language to our Professor. I am merely a student.

PROF. MADHU DANAVATE : Thank you. I will give you adequate marks.

Sir, I am merely trying to point out to you that very often, it is said that England's Parliament—House of Commons—is the mother of Parliaments. I may be permitted to quote a very significant instance.

In 1642, Charles, the First, declared that five Members of the House of Commons were guilty of treason. Along with the security troops, he wanted to come to the House. The news went round that he is likely to enter and capture these five Members of the House of Commons. The House requested these five Members to leave the House of Commons. Charles, the First, came with arguments. He went to the dais of the Speaker and said : "Mr. Speaker Sir, will you try to find out and locate those five Members of the House of Commons, whom I want ?" They are guilty of treason. Without budging, the Speaker said : "Your Majesty, I have no eyes to see. I have no ears to hear. I see with the eyes of the House. I hear with the ears of the House. I am the servant of this House. Your Majesty I cannot oblige you." Quietly, Charles, the First with his armymen left the

{Prof. Madhu Dandavate}

Chamber of House of Commons and all the Members of the House, irrespective of their political party shouted at the King and said : "Breach of Privilege, Breach of Privilege"...

(Interruptions)

SHRI SHIVRAJ V. PATIL : How is it relevant ?

(Interruptions)

PROF. MADHU DANDAVATE : I am sorry, Sir. To my mind, it is relevant because I am trying to point out to you, how in our country as well as outside the country the Speaker, has never been cowed down by the ways of the executive. He has never tried to protect the executive, rather he was protecting the dignity of the House. That is my point. In this context, I would like to point out to you, without leading to any controversies, Sir, violation of the Constitution by the Speaker and misinterpretation of the Constitution is probably the greatest default that can be committed in this particular House.

I know that President's name cannot be actually utilised according to Rule Number 352(6) for influencing the debate. But as far as the Constitutional procedures are concerned and the provisions are concerned, to defend them, there is nothing wrong. So each one of us took oath in the House. We said that we will defend, protect the Constitution of the country. There is a wrong application as far as the interpretation is concerned. I do not take the view that Rule Number 352(5) prevents us even from referring to President. All that it says is : you cannot use the name of the President to influence the debate.

In this House, year after year, we had been discussing the Motion of Thanks to the President. Again, I would like to refer to 1952. This seat was occupied by Comrade A.K. Gopalan. He was speaking and intervening in the debate on the Motion of Thanks to the President and once again before coming to this House, I checked up the proceedings of the Lok Sabha of 1952. How did he begin his speech ? Comrade Gopalan began his speech regarding the

Presidential Address by saying that "President's Address is a declaration of war against the people and I rise to declare that we are determined to fight this war." That is what Comrade Gopalan said. The Speaker never said that you cannot attribute motives to the President. It was the political criticism and he said that, "his Address is the declaration of war against the people and we are determined to fight this war." But Sir, that was not at all misunderstood. (Interruption)

Sir, I would like to refer to Article 74 of the Constitution. Much is made in the context of the ruling of the Speaker, which has been given and which has been repeated and it has been said : the relationship between the President and the Prime Minister and the confidentiality of the letters that had been addressed by the President to the Prime Minister cannot be made the subject matter of the debate. That is what has been said. But, Sir, unfortunately, the Speaker went a step ahead and said that on even No Confidence Motion against the Government and the substantive Motion on any subject, he would not allow the relationship between the President and the Prime Minister and the confidentiality of the letters and the correspondence between them to be discussed in the House. Sir, I would like to raise one more constitutional issue in the context of Article 74. Sir, I may sum up the framers of the Constitution. I had the opportunity to be in an institution which was founded by late Dr. B.R. Ambedkar. We have in our University Library the copy of the Constitution in which Dr. B.R. Ambedkar in his own hand-writing has put down his own comments about the his interpretation on various Articles and how they are likely to come under stress and strain. Sir, take Article 74(1). Article 74(1) says that there will be a Council of Ministers headed by the Prime Minister. Article 74(2) says— I will not discuss all the details—it will aid and advise the President and here there is qualification whether and what advice has been given by the Council of Ministers to the President shall not be inquired into in any court of law, will not be inquired into in any court of law. Sir, there are various provisions of the Constitution. There are Fundamental Rights in Part III of the Constitution. If anybody violates them, I have the remedy to go to the Supreme Court,

There are other constitutional provisions. If they are violated, if a Bill violates the provisions of the Constitution, I can challenge the constitutional validity of the Bill in the Supreme Court. That is allright. But if article 74 is insulated and we are not allowed to go to the court of law and if any one in the country violates Article 74, if the Council of Ministers violate, if the Prime Minister, imagine he, violates, what is the remedy open to me? The Constitution framers have only closed the doors of the court. They have said, whether and what advice has been given by the Council of Ministers to the President; shall not be inquired into in any court. If they had wanted to insulate against discussion in Parliament, they would have said, they will not be inquired into in any court of law and the Parliament. But the framers of the Constitution remained silent on the word 'Parliament' and, therefore, though it is silent on 'Parliament', I take it to be the valuable right of the Parliament to discuss the violation of Articles 74 and 78 of the Constitution. That is an inalienable right and that is the correct interpretation. Sir, here is a clash of interpretation. Why do we give this censure Motion? There is nothing against Dr. Jakhar. I can say on the floor of the House that, so far as my personal relations with the Speaker are the warmest and second to none.

(Interruptions)

SHRI KAMAL NATH (Chhindwara) : Prof. Madhu Dandavate has not mentioned that in the Seventh Lok Sabha he came to the floor of the House with a revolver and at that time, it was the Speaker who protected him and it was because of his ruling that he is here now.

(Interruptions)

PROF. MADHU DANDAVATE : Let me quote this. I had given notice and I had said, "One police officer has given the revolver to a criminal to kill political opponents; without any cartridges I am prepared to come and show it to you". I had given notice. The matter was inquired into and I am glad to tell you that a 'prima facie' case has established in that particular case.

Sir, I will take a few minutes more. Article 78 very clearly says about the duties of the Prime Minister vis-a-vis the President and it prescribes that on all important matters of national interest, the President will be kept informed. There are proposals, there are decisions, there are legislative proposals, and this is the amount of information to be given.

It is a very wide spectrum. I do not want to attribute any motive. But on the 2nd of March, when debate on the Motion of Thanks to the President was going on, Shri Amal Datta made some observation that the Prime Minister had failed to comply with the provisions of Constitution. I am just now not referring to the President. The Prime Minister is perfectly parliamentary. I am referring to him. He has not observed Articles 74 and 78 of the Constitution. Then he intervened. What Mr. Amal Datta said had gone on record. What he talked about President and the Prime had gone on record. What the Prime Minister said about President had gone on record. When that Particular part had gone on record and became part and Parcel of the Lok Sabha Debates, he has denied that and said, "as required by the provisions of the Constitutions, on all matters of national interest, I had kept the President informed: I personally and my Defence Minister had kept him informed."

After that appeared a letter purported to be addressed by the President.

MR. DEPUTY SPEAKER : Don't bring here those things.

PROF. MADHU DANDAVATE : I am not going into that.

MR. DEPUTY SPEAKER : The ruling has made it clear.

PROF. MADHU DANDAVATE : I am not going into the ruling. *(Interruption.)* I am not going into the merit of it.

MR. DEPUTY-SPEAKER : It will create unnecessary controversy.

(Interruptions)

PROF. MADHU DANDAVATE : You go through the record of this Lok Sabha. *(Interruptions)* The Speaker had said, Prof. Dandavate, I am not challenging the authenticity of this letter ; I am only challenging your right to raise it through the privilege motion here ; I cannot allow it. So, even the authenticity of the letter was not challenged. It is very clear that it has been violated. I will only request the Prime Minister to give certain categorical replies because that will also help the debate on the Speaker because the Speaker has also got involved in that. *(Interruptions)* As far as the President is concerned, very often in this House and elsewhere, he has told that the status of the President is analogous to the status of the King.

THE MINISTER OF ENERGY (SHRI VASANT SATHE) : Are you trying to say here that the Speaker had said that the alleged letter was authentic ? Did he say that ?

PROF. MADHU DANDAVATE : Don't misquote me. I have said that he is not challenging the authenticity of the letter which I am quoting ; he is only challenging my right to raise a privilege issue.

(Interruptions)

SHRI VASANT SATHE : Therefore, don't make it appear as if the Speaker said in reply to you that he was not challenging the authenticity meaning thereby that he was accepting the authenticity ; that was not so. No one has accepted the authenticity. *(Interruptions)* Therefore, don't go on that basis and realise the courtesy shown to you by the Speaker. Today, you are penalising the Speaker for the courtesy he has shown to you. *(Interruptions)*

PROF. MADHU DANDAVATE : I only quoted what he had said. Therefore, if you want to interpret it in your own way, I cannot help it. *(Interruptions)*

SHRI RAM PYARE PANIKA (Robertsganj) : I am on a point of order. According to rule 203, a member cannot speak for more than 15 minutes. He is taking more time. *(Interruptions)*

SHRI VIJAY N. PATIL (Erandol) : He is boring the House. *(Interruptions)*

MR. DEPUTY SPEAKER : There is no point of order. Please wind up.

(Interruptions)

SHRI VAKKOM PURUSHOTHAMAN (Alleppey) : If he continues his speech like this, it will violate the rules.

(Interruptions)

PROF. MADHU DANDAVATE : Mr. Patil, kindly take your seat, what is this ?

(Interruptions)

AN HON. MEMBER : Please, one minute.

PROF. MADHU DANDAVATE : You can give him freedom to go.

(Interruptions)

Sir, in this House and elsewhere, very often, a comparison has been made between the President and the King of England and in that context it is point out that no reference to the President can be made in this House. I wish to point out here, ... *(Interruptions)* Why do you not listen, Mr. Panika ?

MR. DEPUTY-SPEAKER : Mr. Panika, there is no point of order. Take your seat.

PROF. MADHU DANDAVATE : When my hon. friend was talking, we were listening to him.

All that I was saying is, very often an analogy is drawn between the President of India and the King of England, and we are told that the same relationship exists here with a little difference. I would like to point out you that in 1939 when Stanley Baldwin was the Prime Minister of U.K., at that time the Leader of the Opposition Attlee sent a word to Stanley Baldwin, "I would like to raise a question of the marriage—the proposed marriage—of the King Edward VIII with Simson". He asked the question. The Prime Minister replied to the question. Sir Winston Churchill raised a supplementary. All became a part and parcel of the record. If we are trying to have that analogy, by that analogy, the same should be followed here.

MR. DEPUTY-SPEAKER : Please wind up.

PROF. MADHU DANDAVATE : Sir, as far as the Indian Parliament is concerned, vis-a-vis the President it cannot have less powers than the powers of the House of Commons vis-a-vis the king. That is the point that I would like to make, and Sir, in exercising the powers, very often, during the debates the Speaker has expunged a number of remarks. He said, "Whatever has been said without my permission will not go on record."

It is an accepted fact of Parliamentary life all over the world that some of the best repartees and interventions in the Parliament have taken place, when some times the Members of Parliament sitting have given the repartees, some times they have got up and made interventions. Some of the best interventions of Shri Mahavir Tyagi in this Parliament and Sir Winston Churchill in the House of Commons, some of the best repartees have taken place without the permission. And, therefore, just a general expunction of all the remarks is not tenable. *(Interruptions)*

MR. DEPUTY-SPEAKER: Please wind up now, Sir.

PROF. MADHU DANDAVATE : I would like to conclude with some questions, and I would like to raise certain questions. If the Prime Minister is able to reply to those questions, probably then the Speaker will not come into trouble.

First question is : The letter that was sent..**

MR. DEPUTY-SPEAKER : That is not allowed. Do not bring that in.

PROF. MADHU DANDAVATE : Secondly, Article 78 is violated. *(Interruptions)*

MR. DEPUTY-SPEAKER : No, no, please listen. Do not bring that in here. I cannot allow. *(Interruptions)***

MR. DEPUTY-SPEAKER : What is that? I cannot allow. I will not allow that. I cannot allow this to go on record.

*(Interruptions)***

**Not recorded.

PROF. MADHU DANDAVATE : I want to ask whether such a letter was written. . . . *(Interruptions)*

MR. DEPUTY-SPEAKER: Not allowed.

*(Interruptions)**

SHRI VASANT SATHE : Not even one word has he spoken about the Speaker.

(Interruptions)

SHRI VASANT SATHE : A very sad day !

18.00 hrs.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P CHIDAMBARAM) : I am glad that Prof. Dandavate has joined issue on the question of law. But if he brought to his avowed subject of nuclear physics the same amount of ignorance and lack of preparation that he has brought to the discussion on the question of law, I am sorry for his past students. . . . *(Interruptions)* What are we discussing? We are discussing the motion to remove the Speaker. But Prof. Dandavate has not uttered a single word against the Speaker. . . .

PROF. MADHU DANDAVATE : I said that he had misinterpreted the Constitution, misinterpreted the Rules of Procedure and therefore, misinterpreted the conduct of the Prime Minister.

SHRI VASANT SATHE : Mis-interpretation cannot be a ground for no-confidence motion.

SHRI P. CHIDAMBARAM : He has used this forum and he has used this parliamentary device to argue against the ruling of the Speaker which has been given after careful consideration of the provisions of the Constitution.

*Not recorded,

[Shri P. Chidambaram]

I will now deal with the provisions of the Constitution. Fortunately, for the learned lawyer who opened the debate and the learned Professor who last spoke, this is not a court. If this was the court, they would not have been allowed to argue on behalf of their latent principles of benevolent monarchy principles which have been pook-pooched in several court decisions in the last 35 years.

SHRI SOMNATH CHATTERJEE : He is not the judge either.

SHRI P. CHIDAMBARAM : If you have patience, we will read what the judge said.

SHRI SOMNATH CHATTERJEE : You never showed that courtesy but we will hear you. (*Interruptions*)

SHRI P. CHIDAMBARAM : Two Articles of the Constitution have been cited. One is Article 74. "There shall be a council of ministers that is not violated—"with the Prime Minister at the head"—that is not violated—"to aid and advice the President"—that is not in question—"who shall, in the exercise of his functions, act in accordance with such advice. What is the system of Government that we gave unto ourselves ?

SHRI S. JAIPAL REDDY : Thakkar Commission Report ?

SHRI SOMNATH CHATTERJEE : Nobody has said that the Prime Minister is bound to listen to the President.

SHRI P. CHIDAMBARAM : I thought we are arguing what our Constitution is. We have heard lessons on Article 74 and Article 78. Having patiently suffered those lectures from your side, may I now request you to suffer my lecture from this side also ? What is the system of Government that we gave unto ourselves ? You can have a system which gives you responsibility. Mr. Chatterjee started by saying that we must have responsibility and out of responsibility can come accountability. And what does your judge say Mr. Chatterjee ?

SHRI SOMNATH CHATTERJEE : Only my judge, not your judge ?

SHRI P. CHIDAMBARAM : You quoted him first.

You can have a system which can give you more stability but less responsibility. Or you can have a system which gives you more responsibility but less stability.

SHRI SOMNATH CHATTERJEE : That is what Ambedkar has said.

SHRI P. CHIDAMBARAM : Let one quote :

"The American and the Swiss systems give more stability but less responsibility. The British system on the other hand, gives you more responsibility but less stability. In England where the parliamentary system prevails, the assessment of responsibility of the executive is both daily and periodic." The daily assessment is done by Members of Parliament through questions, which you ask every day, through resolutions, which you bring every day, through no-confidence motions, like the one which we are debating now, through adjournment motions, five in the last Lok Sabha and two already in this Lok Sabha, debates and addresses. "Periodic assessment is done by the electorate at the time of elections which may take place every five years or earlier. The daily assessment of responsibility which is not available in the American system, is felt for more effective than the periodic assessment and for more necessary in a country like India. The draft Constitution in recommending the Parliamentary system of executive has preferred more responsibility to more stability." That is the basis on which this Constitution is founded. That is the basis of our parliamentary democracy. You have now raised a dispute that under Article 78, the President has certain rights. Read Article 78 and tell us which duty has the Prime Minister violated. "It shall be the duty of the Prime Minister—

- (a) to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation ;

PROF. MADHU DANDAVATE : President himself feels that he has violated Article 78.

SHRI P. CHIDAMBARAM : Every decision of the Council of Ministers is communicated to the President, every proposal for legislation is communicate to the President.

PROF. MADHU DANDAVATE : Is Thakkar Commission's Report handed over to the President ?

SHRI P. CHIDAMBARAM : I am reading Article 78. If you have not read Article 78, please take a copy of the Constitution and read Article 78 (a). Article 78 (a) say "all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation." Every proposal for legislation in this House comes after the approval of the President, a copy of every decision of the Council of Ministers is marked to the President.

Article 78 (b) says : "to furnish such information relating to the administration of the affairs of the Union and proposals for legislation as the President may call for." The President calls for information, the Prime Minister furnishes information. The President asks for information, the Prime Minister advises him.

PROF. MADHU DANDAVATE : He has asked for Thakkar Commission's Report and they have refused to give it to him.

SHRI P. CHIDAMBARAM : Please listen to me. The President calls for information, the Prime Minister gives the information. The President asks for advice, the Prime Minister gives him such advice. The Prime Minister is also entitled to advice about the nature of information, about the consequences of the information, about what information should be available and at what time. It is subject to the advice of the Prime Minister. Then, Article 78 (c) says : "If the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been

considered by the Council." It is not your case that the President has asked the Prime Minister to submit any administrative decision to the Council of Ministers. Article 78 does not create a monarchy in this country. If you want to create a monarchy in this country, we on this side will strongly oppose it. We believe in a parliamentary democracy and we are not going to make a monarch of our President.

PROF. MADHU DANDAVATE : He has not replied whether Thakkar Commission's Report has been handed over to him...
(Interruptions)

SHRI P. CHIDAMBARAM : I am not yielding, Sir. Let us lay the ghost to rest once and for all. Every ten years...
(Interruptions)

MR. DEPUTY-SPEAKER : I once again repeat that don't bring the Prime Minister and the President in the debate. Try to avoid it.

SHRI P. CHIDAMBARAM : Sir, every five years, every ten years people whose frustrations begin on the date when they are defeated in a parliamentary election, act out of their frustration by pleading for a kind of a monarchy. Let us go back to the days of the Constituent Assembly. Kindly listen to me Professor. I am sure, you like drama. Here I am going to read to you a drama. The most powerful dramatisation on the Constitutional issue is found in a debating episode in the Constituent Assembly when Dr. Rajendra Prasad had pointed exchanges with Dr. Ambedkar. We may reproduce those telling pages here :

"Mr. President : There is another amendment which has been moved by Sardar Hukum Singh in which he says that the President may promulgate ordinances after consultation with his Council of Ministers.

"Honourable Dr. B.R. Ambedkar : I am very grateful to you for reminding me about this. The point is that that amendment is unnecessary because the President could not act and will not act except on the advice of the Ministers—

[Shri P. Chidambaram]

Mr. President : Where is the provision in the Draft Constitution which binds the President to act in accordance with the advice of the Minister ?

“Dr. Ambedkar : I am sure that there is a provision and the provision is that there shall be a Council of Ministers to aid and advise the President in the exercise of his functions.

“Mr. President : Since we are having this written Constitution, we must have that clearly put somewhere.”

....(Interruptions) Kindly listen to me.
(Interruptions) You refuse to listen to law or logic.

“Dr. Ambedkar : Though I cannot point it out just now, I am sure there is a provision. I think there is a provision that the President will be bound to accept the advice of the Ministers. In fact, he cannot act without the advice of his Ministers.

“Mr. President : It only lays down the duty of the Ministers, but it does not lay down the duty of the President to act in accordance with the advice given by the Ministers.

It does not lay down that the President is bound to accept that advice. Is there any other provision in the Constitution ?

“Dr. Ambedkar : May I draw your attention to Article 61, which deals with the exercise of the President's functions ? He cannot exercise any of his functions, unless he has got the advice, ‘in the exercise of his functions’.”

Kindly see this—he cannot exercise any of his functions unless he has got advice in the exercise of his functions. It is not merely ‘to aid and advise’.

SHRI SOMNATH CHATTERJEE :
Who has said that ?

SHRI P. CHIDAMBARAM : ‘In the exercise of his functions’—these are the most important words.

The President cannot ask for anything, cannot do anything, cannot turn away anything, cannot advise anything, cannot send anything, cannot receive anything, without the aid and advice of the Prime Minister and the Council of his Ministers.

(Interruptions)

“Dr. Ambedkar : Paragraph 3 reads :
In all matters within the scope of the executive power of the Union, the President shall, in the exercise of the powers conferred upon him, be guided by the advice of his Ministers. We propose to make some amendment to that.”

“Mr. President ; You want to change that ? As it is, it lays down that the President will be guided by the Ministers in the exercise of the executive powers of the Union and not in its legislative power.”

“Dr. Ambedkar : Article 61 follows almost literally various other constitutions and the Presidents have always understood that that language means that they must accept the advice. If there is any difficulty, it will certainly be remedied by suitable amendment.”

The President is bound to accept the advice of the Prime Minister. If the Prime Minister advises him that this is the information that is relevant, if the Prime Minister advises him that this is the information that is sufficient, if the Prime Minister advises him that this is the proper course for the governance of the country, the President is bound by that advice and that advice cannot be called into question in any way.

What is happening in this country ? From time to time we have people who rise and say and act out their deep seated nostalgia for a kind of monarchy. We are not going to allow any kind of monarchy in this country.

Sir, the law.....

(Interruptions)**

**Not recorded.

MR. DEPUTY SPEAKER : This will not go on record.

SHRI P. CHIDAMBARAM : Prof. Dandavate said that he has taken oath in the name of the Constitution. That all those who have taken oath in the name of the Constitution are obliged to remain under the Constitution. I am not denying that.

(Interruptions)

SHRI P. CHIDAMBARAM : Kindly bear with me. Again the court says in the same judgement which Sri Chatterjee said—

“If every functionary who takes the oath by the Constitution interprets it according to his lights the solemn document would be the source of chaos and collision casualty would be the rule of law.”

I think, Professor, you should leave the interpretation to the courts of India and not interpret it in your own way and accuse the Speaker of mis-interpretation and violation of the Constitution.

The office of the President in this country will grow in stature, will grow in moral stature, if you listen to the advice given here.

PROF. MADHU DANDAVATE : I would like to point out Article 74 and 78, their interpretation and examination cannot be done by the court. So, this is the only forum where we can bring it.

(Interruptions)

SHRI P. CHIDAMBARAM : The voice of reason—

(Interruptions)

SHRI P. CHIDAMBARAM : “It has been observed that the influence of the Crown and of the House of Lords as well in England has grown with its every curtailment of legal power by convention or statute.

A similar result is likely to follow in India too for it has been well said, “the

voice of reason is more readily heard when it can persuade but no longer coerce. The judge says—

“One can conceive of no better future for the President of India that he should be more and more like monarch in England eschewing legal power standing outside the clash of parties and gaining in moral authority.”

These words of Constitutional wisdom come from one who played key role in shaping the frame-work of the Republic but had no political affiliation.

(Interruptions)

SHRI SOMNATH CHATTERJEE : He cannot read this adinfinitum. You did not allow me to read two sentences.

(Interruptions)

MR. DEPUTY SPEAKER : Do not shout, Shri Amal Datta, do not shout. By shouting it does not add value to the arguments.

SHRI P. CHIDAMBARAM : This is the conclusion of the Supreme Court :

We declare the law of this branch of our Constitution to be that the President and Governor, custodians of all executive and other powers under various Articles shall, by virtue of these provisions, exercise their formed Constitutional powers only upon and in accordance with the advice of their Ministers.”

That is the law of this country and the Speaker in his ruling of 13th March has gone by that law and here we stand up and say that the Speaker has violated the Constitution. What has the Speaker done ? Sir, the Speaker on 2nd March, 9th March, 13th of March and 18th of March, gave substantially the same ruling and he was consistent. Are you impugning the Speaker because he was consistent ? Sir, the Speaker said that for the exercise of all the executive power the name of the President and for the discharge of all his functions, it is the Council of Ministers alone that

[Shri P. Chidambaram]

is responsible to Lok Sabha. That is what the Court said. Are you impugning the Speaker merely because he reflected the correct position of the law. Sir, the Speaker said that in view of the express provisions of the Constitution, the Rules, the precedents and the earlier rulings, "I do not consider that any case has been made out requiring me to reconsider the matter." Are we impugning the Speaker because he followed the Constitution, he followed the rule and he followed the precedents? The Speaker said that any controversy which tends to discuss the relationship between the President and his Council of Ministers, must be avoided at all costs in the wider interests of the nation. Are we impugning the Speaker because he place the wider interest of the nation, above the party interest. The Speaker finally said "I would therefore again appeal to all sections of the House to desist from making it a political or party issue to be debated or a matter for points to be scored against each other." Sir, are we impugning the Speaker because he said "we shall not make it a political issue, we shall not make it party issue? Here is a Speaker who has upheld the constitution, who has upheld the law, who has upheld the rules of this House. Here is a Speaker who has faithfully followed the law laid down by the Supreme Court. Here is a Speaker who has supported and upheld the parliamentary basis of our democracy. Here is a Speaker who has followed the rules of the House. Here is a Speaker who has allowed full debate and yet the Opposition is now impugning the Speaker. So, I say, Sir, this motion is underserved, unjustified, unwarranted, is an abuse of parliamentary process and it deserves to be rejected.

PROF. MADHU DANDAVATE : Sir, let him answer a simple question. I do not want to interrupt him.

(Interruptions)

SHRI P. KOLANDAIVELU (Gobichettipalayam) : Sir, it is a very sad day. Actually we are discussing a motion which is absolutely uncalled for.

SHRI AMAL DATTA (Diamond Harbour) : Sir, does he stand and speak from Congress side or... ?

AN HON. MEMBER : He is speaking as a Member of this House.

SHRI P. KOLANDAIVELU : Sir, we are having a Speaker who is highly prudent and highly a knowledgeable person. I remember it correctly that on the very first day when he was elected as Speaker, all sections of this House, the Opposition leaders including myself had all praise for the Speaker. He is highly an intelligent person and he has been impartial to both the Treasury benches as well as the Opposition. Sir, it is unfortunate that the leaders of the Opposition party are stooping to such a level of having a debate like this by a back-door method. It is a surprise to me. The remedy is always there for the Opposition, that is, by bringing a substantive motion against the Government. If there is any grievance, that can be remedied by the Government. But as far as this motion is concerned, I would say that it is unnecessary and unwarranted. It is just like stabbing in the back and destroying the root of the Parliament's functioning. So, even the motion they have brought in is uncalled for, and I think it is not the forum in which this motion has to be discussed at all, and I bring it to the notice of the House that even in the Business Advisory Committee whenever we have met each other, at that time he has allowed so many adjournment motions, he has allowed so many discussions under Rule 153 and also Calling Attention motions. Even he was very very impartial to the Treasury Benches and also to the Opposition. So, as far as this motion is concerned, it is absolutely an uncalled for motion and this method ought not have been adopted by the Opposition. That is all.

18.21 hrs.

THE MINISTER OF STATE IN THE DEPARTMENT OF DEFENCE PRODUCTION AND SUPPLIES IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL) : Sir, I would like to be very very brief.

I will refer only to Rule No. 58, Rule No. 223, Article 74 and Article 78.

Rule 58 of the Rules of Procedure says :
 "The right to move the adjournment of the House for the purpose discussing a definite matter of urgent public importance shall be subject to the following restrictions,"

If an adjournment motion has to be moved in the House, that adjournment motion should relate to the urgent matter. What was the urgency involved in the adjournment motions that were given by the hon. Members? And if on this count also the hon. Speaker had come to the conclusion that adjournment motions could not have been admitted, he would have been right.

Rule 223 of the Rules of Procedure says:
 "A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document."

If a privilege motion is based on a document, that document also will be produced before the Speaker along with the notice. Was there any document produced? And if any document was produced, could any reliance be placed on that document? Could any matter which appears in the newspaper be relied upon? That is the question. Even in this House one of the hon. Members got up and said, 'One of the hon. Ministers had gone to the Gulf country and not gone to the other country.' And he had read that from the newspaper, and the hon. Minister said that he had not gone to that country. Now, here in this House within a period of only seven days this has come to our notice. All that appears in the newspaper is not authentic, it cannot be relied upon. One does not know who has given this information, one does not know why that information has been published, one does not know what is the intention behind giving wide publicity to those things. Even if a document is produced by a Minister on the floor of the House, it is not accepted unless it is authenticated as true. Even if a Member wants to give a document is true and here is a case in which reliance is asked to be placed on something

which has appeared in a newspaper and that it is asked that the privilege motion should be admitted. Even on this count also the privilege motion that was moved could not have been admitted. Adjournment motions could not have been admitted, privilege motions could not have been admitted according to the rules which are given by us and so the decision of disallowing them is not wrong, is not illegal.

Reference has been made to Article 74 and Article 78. Very ably interpretation of these articles has been placed before this House.

I will not now like to take much of the time of this hon. House. One of the references which are made relates to the interpretation of the article 74 (2). It reads like this :

"The question whether any, and if so what, advice was tendered by Minister to the President shall not be inquired into in any Court."

An hon. Member, Prof. Madhu Dandavate said, this a limitation placed on producing any advice in the court of law and not in the House. A very ingenious interpretation is put on this. My question is, the advice is given by the Council of Ministers to the President and sometimes the advice is also passed or some hints are also passed on by the President to the Council of Ministers. Does this article mean that the advice given by the Prime Minister to the President cannot be brought in a court of law but what has been said by the President to the Prime Minister can be discussed in a court of law. If you want to put an interpretation of this kind on this article, that kind of interpretation will be very very misleading and that will create a lot of difficulties. The intention in having this kind of provision in the Constitution is to see that the correspondence or advice which flows from the President to the Prime Minister from the Prime Minister to the President or from the Council of Ministers to the President or *vice versa* should be inviolable, should be confidential and should not be easily and lightly discussed on the streets, in the courts as well as in other fora also ; If you put that interpretation on this the

[Shri Shivraj V. Patil]

advice which is being given by the Council of Ministers to the President cannot be discussed on the floor of this House also. It does not require long argument to establish and to say that the correspondence or the matter which flows from the President to the Prime Minister or from the Prime Minister to the President is having a confidential nature and should not be discussed. On this count also, the ruling given by the hon. Speaker was correct.

An article 78, there are three things :

(i) The Council of Ministers can advise the President ; (ii) that information has to go to him. The article reads like this :

“(a) to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union.”

There is no case where the decisions taken in the Council of Ministers are not communicated to the President. Another point is relating to the proposals for legislation. There is no case where the information relating to the legislation is not communicated to the President. And the other point is to furnish such information relating to the administration of the affairs of the Union. This is also not applicable. And another point is, if the President so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council. The President can ask the Council of Ministers to reconsider anything.

Sir, the information about the policy speech which has been made at the beginning of the Budget Session is the speech made by the President. That information is there. Information relating to the Budget reaches the President. Information about the decision taken in the Council of Ministers reaches the President. All the dignitaries who are coming to the country meet the President and any information which is really required reaches the President. The President has also a right to ask for information and the information is given.

This kind of arrangement is here. And these matters could not be discussed on the floor of the House. The intention in not allowing these adjournment-motions and privilege motions was to provide some sort of immunity to the office of the President. And I will repeat that intention in disallowing the adjournment-motion and the privilege motion was to provide immunity to the President and keeping in view the dignity of the office of the President. It was not to provide immunity to the Government or to the Prime Minister or to the Ministers. How many motions have been moved in this House against the Government ? How many motions have been moved against the Ministers ? You have said so many things against the Prime Minister, against the Ministers and against others also, And who has obstructed you from saying all those things ? The whole intention was to bring down the dignity of the high office of the country. You want to discuss, not this motion. The intention in bringing this motion is not so much to denigrate the person of the Speaker but to discuss something which you cannot discuss otherwise on the floor of the House. And that is why you have brought these things but in the process, you have done a great disservice to the office of the Speaker, you have done a great disservice to this House, and you have done a great disservice to the system which we are following today in the country.

The representatives in the House represent their Constituencies and this House represents the entire nation as such and the hon. Speaker represents the House. This is what Pandit Jawaharlal Nehru said, while intervening in the debate in 1954 and any indignity inflicted against the Speaker is an indignity inflicted against the Members of the House, is an indignity inflicted against the system itself and is an indignity inflicted against the entire nation as such. You have tried to bring the President into the debate. You have tried to pull down the position of the Speaker also and you have tried to harm and injure the institution which can help you in many many respects. By playing a role of iconoclast, by trying to destroy the institutions, you would not be able to protect the parliamentary democracy or democracy in the country. We are very very sorry that you have adopted this dubious method of maligning the Speaker

with an intention of maligning the Government, and you have brought this kind of motion here. We hope we shall implore on our friends and they will withdraw the motion even at this stage and that would have just reduced some damage which is being caused to the office of the Speaker.

SHRI INDRAJIT GUPTA (Basirhat) : Mr. Deputy Speaker, I listened with great attention to the interpretation being given just now by my friend Mr. Shivraj V. Patil to the provisions of Article 78. Only one question remains unanswered and that is what is troubling us and no reply has been given from that side. Some constitutional and legal pundit sitting there, should please satisfy this question. If the situation arises where the President's rights under Article 78——he has certain rights there which are spelt out in Article 78 (2), what he is entitled to get from the Council of Ministers, certain information that he may seek himself also, decisions every information regarding the Government's activities and so on—— I do not want to read out that Article 78 again——suppose those rights which the President is entitled to under Article 78 are infringed upon, are not carried out, are not implemented by anyone at any time, then what is the remedy? How are the rights of the President under Article 78 to be protected? That is what I want to know. This whole crisis has arisen out of this.

SHRI P. CHIDAMBARAM : Please read Article 78. It speaks of the duty of the Prime Minister. The duty of the Prime Minister is to advise the President. It is not your case that Article 78 (a) was violated. It is not your case that Article 78 (c) was violated. You tried to make out a case under Article 78 (b). Under Article 78 (b), the President may call for information. That is an executive function of the President and under Article 74, in exercise of every function, the President is bound by the advice of the Prime Minister.

SHRI DINESH GOSWAMI (Guwahati) : Will you kindly answer one of my questions? Why did not the Speaker permit this to be argued in the House? This very point which you are arguing is not permitted by the Speaker.

SHRI P. CHIDAMBARAM : Self-evident truths need not be argued.

SHRI INDRAJIT GUPTA : Mr. Chidambaram, we have not made out any case specifically that such and such provisions of Article 78 have been violated. We have not made out such a case. The whole trouble has arisen in a peculiar situation. Let me first make one thing clear. I personally and my party deplore very much and are very much distressed by the leakage of this document. Wherever the leakage may have come from, whatever its source may be, I do not know. One can speculate; one can insinuate many things and let me tell you that there is more than one version and if you want to believe the mills, the gossip mills, there is more than one version floating around as to the source of that leakage. I am not interested. Please sit down. You are a Minister. What are you hopping about for all the time? Give us some chance to speak.

(Interruptions)

AN HON. MEMBER : Not only do they disturb but they also ask the others to disturb....

SHRI INDRAJIT GUPTA : At my age, you see, I am able to read some English also. The English does not have to be translated to me by Mr. Chidambaram, though his English is much better than mine, I agree. I do not need any Interpreter or Translator. I have seen atleast six Speakers in this House, while I have been a Member. I do not remember any Speaker barring the present one who gave such rigid interpretation of certain of our rule. Mr. Bhagat sought fit to quote one journalist, I think Mr. Maniam of the Statesman and quoted some headline one some article of his to say that praising the tolerance of the Speaker'. But I think he has misquoted him also because if he read that article a bit further down, then Mr. Maniam has referred to what he calls 'sweeping rulings of the Speaker'. That it also there. That, he did not quote.

(Interruptions)

**THE MINISTER OF PARLIAMEN-
TARY AFFAIRS AND MINISTER OF
FOOD AND CIVIL SUPPLIES (SHRI
H.K.L. BHAGAT) :** He has conveniently
forgotten one thing. What I said is correct.
He has praised the Speaker and he has
said his tolerance.....

(Interruptions)

SHRI INDRAJIT GUPTA : That is all
right. Mr. Maniam may be your Bible.
He is not my Bible.

(Interruptions)

SHRI H.K.L. BHAGAT : About Mr.
Maniam's writing, I was specific in raising
discussion, question, Calling Attention,
Adjournment Motion, 377 and what not....

SHRI INDRAJIT GUPTA : I see I
made a mistake. I should have also done
my quota, my share of heckling and inter-
fering and interrupting which I did not do.

(Interruptions)

SHRI INDRAJIT GUPTA : Anyway,
Sir, since I got the infection from Mr.
Bhagat, let me quote one other journalist,
He is also very-well known to all these
Members here, i.e. Mr. Inderjit of INFA.
He is known to everybody. I see him in
the company of many Ministers and illus-
trious people.....*(Interruptions)* Mr.
Inder Jit is a very knowledgeable journalist.
I think he has stated. This is a public
document i.e. Newsletter or something which
he publishes. I am reading this out because
it is much shorter than to explain. Now,
I quote him. He says :

"I spoke to Mr. S.L. Shakhbar, former
Secretary-General of the Lok Sabha and
Co-author with Mr. Kaul of the authori-
tative work : Practice and Procedure
of Parliament. He said—that means
Mr. Shakhbar said to Mr. Inder Jit, it
is in quotation mark—"It is a great pity
that Parliament has not been allowed to
discuss something which is being debated
by the whole country. The Prime
Minister has been accused of misleading
the House. He should not have been
denied the opportunity to clear himself.

Quite frankly, the Speaker's ruling has
come to me as a surprise. I am unable
to see how any rule comes in the way of
the House debating the issue. At any
rate, we also have a rule which
empowers the House to suspend any
rule. The important thing was for the
House to come to grips with the unpre-
cedented crisis. In fact, a discussion
should still be held. It would not only
help to let off steam but afford the Prime
Minister a chance to clarify matters. It
would also help to reaffirm establisher'
conventions, put the issues in proper
perspective and ensure cordial relations
between the Prime Minister and the
President in accordance with the letter
and spirit of the Constitution."

This is the view of Mr. Shakhbar.

Our main complaint against the Speaker
is the kind of ruling which he gave,
completely cutting off, sealing off all
discussion on this issue from the Parliament.
It is something really unprecedented, unheard
of. It is unheard of. We don't think that
this document, this so called letter—I don't
know whether it is authentic or not, it is for
you to say or somebody—else to say, nobody
has publicly challenged its authenticity yet.
Nobody has publicly contradicted this letter
and said that it is a forgery or it is not
authentic

SHRI VASANT SATHE : Do you want
the Speaker to act on this ?

SHRI INDRAJIT GUPTA : I deplore
very much the leakage of this letter. It is a
thing which should never have taken place.
But once the letter has become public through
some paper, we cannot shut our eyes to it,
we cannot close our eyes to its contents.
What do you expect us to do ? Therefore,
we don't believe that this letter can be
treated as a private affair. It cannot be
treated as a private affair.

SHRI VASANT SATHE : You are
such a good Parliamentarian, how can a
Speaker take cognisance of a document
unless it is authenticated.....*(Interruptions)*..

SHRI SOMNATH CHATTERJEE : The Speaker proceeded on the belief that it was an authentic document.

MR. DEPUTY SPEAKER : I request Members not to go into the merit of this letter.

SHRI INDRAJIT GUPTA : I am not going into the merits of this letter at all. Just as on the Farefax issue. I am not in the least interested whether Mr. Nusli Wadia or Mr. Dhirubhai Ambani is going to down the other, which one is going to pull the other one down. The whole Press, the whole Parliament, the whole country was involved for fifteen days in a furore over an issue which was basically a struggle between two corporate giants, as though there was nothing more important in the country for the people than that. We are being drawn into a state of affairs where you have to say as though insinuations are being made ; whereas the better thing is to make a clean brest, take the Parliament into confidence and state your case here clear, a whatever it is.

That is sought to be evaded by this kind of subterfuge that this is a subject which cannot be discussed here because you cannot drag in the name of the President to influence the debate. Nobody is doing that. You cannot mention the name of the President. I think the President is also a creature of the Constitution just as all of us are, just as this House is, just as the Speaker is. We are all creatures of the Constitution, so is the President. He is not some kind of a sacred cow, above the Constitution. I am sorry to use these words. He is a creature of the Constitution.

Therefore, when some situation arises where a great deal of public concern aroused about some allegations that certain provisions of the Constitution are not being carried out which affected the relation between the Prime Minister and the President, the best place and the first place which should have accrued to the Government to come and make a clear statement about and to explain the whole position, as you are doing now only after we have brought this no-confidence motion, is in the Parliament and nowhere else.

Some other friends referred to the fact that that provision in the Constitution which says that advice given by the Council of Ministers to the President cannot be gone into by any court of law means it includes the Parliament also. Were our Coustitution makers such fools, dunder-heads to knowingly restrict the limitation of that clause only to the court of law ? Why didn't they mention Parliament there ? Why didn't they say that Parliament also will not be competent to go into this question ? They didn't say it. Parliament is also a creature of the Constitution ; but this is the highest authority, this is the sovereign authority.

Therefore, our complaint against the Speaker on this issue—because this is a very important issue, this is a question which involves compliance with the Constitution or non-compliance with the Constitution—is about shutting the Parliament out completely from this issue. It means that if anytime, any day, anybody seeks to violate this Article 74 there is no remedy. You cannot go to the court. The Speaker will say you are not allowed to discuss it here. Do you think that was the intention of the Constitution maker ? I think—if you excuse my saying so—the members oppsite. for some reason not known to me, are being haunted by some kind of a spectre. It has been stated here. Some conspiracy of a coup is going on. They are hunted by this conspiracy inspite of the fact that they have got such a huge majority here ; inspite of the fact that they go on saying that this majority is completely united and nobody should entertain any hopes that there will be a split or a break in the pary. Inspite of all that you are haunted by some spectre of a coup. Well we are not trying to bring about a coup, I do not know who is trying to bring about the coup. You know better than we do. But if you are really solidly united and you have got this tremendous unprecedented majority then why you are afraid of a coup and why do you think somebody is trying to elevate the President to the position of an absolute monarch—not like the monarch in England. Monarch in England is nothing. Absolute monarch. Why do some people talk of Presidential form of Government being preferable to the present ? We

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do not subscribe to that view. Mr. State, we subscribe to the view that Parliamentary form, the sovereign Parliament, should be defended, retained and strengthened and not be replaced by Presidential form of Government.

SHRI VASANT SATHE : Who has talked of Presidential form of Government ?

SHRI INDRAJIT GUPTA : I do not know. I am also haunted.

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Let me just say that I support you fully.

PROF. MADHU DANDAVATE : Even when you stand by it will not do...
(Interruptions)

SHRI INDRAJIT GUPTA : I want to raise another point. The rules of procedure of the House have always to be subject to the provisions of the Constitution, that is, Article 118. I cannot quote the whole thing now. Article 118 makes it clear that all rules of procedure of Parliament and of this House have to be subject to the provisions of the Constitution. Now there are number of Articles of the Constitution corresponding to which there are rules of procedure framed to enable those Articles to be implemented but unfortunately as far as Article 78 is concerned no such rules of procedure have yet been formulated or embodied in our rules of procedure. There is no such rule yet. Such rule should be made and should be made without much further delay. If the existing Rules Committee cannot do it then a special committee should be set-up and within a short space of time, within a few weeks, rules should be incorporated in our rules of procedure which will correspond to the requirements of Article 78. But because there happen to be no rules at present which permit Article 78 to be implemented does it mean that the Speaker can shut out all discussion on it? Then it would be violation of the Constitution. It would be violation of the Constitution. For all other important Articles regarding impeachment of judges or such things there

are corresponding rules of procedure but not of Article 78. This is a lacunae in our rules of procedure. Simply because those rules do not exist—of course, he did not take shelter behind that argument. He could have. There are no rules of procedure governing what to do in case of Article 78. Therefore, I would not allow any discussion. He did not even do that. He simply said it would not be allowed because you cannot bring in the name of the President.

Finally I want to say one thing. Even though the other colleagues of mine have mentioned it yet it requires some registration. It is a very false and wrong analogy which is sought to be drawn between the President's position here and the position of the King or Queen as it may be England. One is the hereditary monarch who occupies that position in Britain simply due to heredity and nothing else. Here is a President who is creature of the Constitution, who is elected in an electoral election—which is very much a political election—and who can also be removed from office and the two cannot possibly be equated. So, what I want to say is this the power of the House of Commons—we have to say this because we are always on other occasions priding ourselves on the fact that our model is patterned after the Westminster and the House of Commons and all that. In other matters which don't suit us so much, we should also try to feel like that the powers of the House of Commons *vis-a-vis* that King or Queen who is a hereditary monarch, those powers cannot be should not be more than our powers *vis-a-vis* the President. Our powers *vis-a-vis* the President cannot be less than the powers of the House of Commons *vis-a-vis* that monarch who is a hereditary monarch. If I had time, Sir, I would give you the examples how the House of Commons has dealt with this matter. Even recently, Sir, let me ask—the Queen of England at present it is widely rumoured, reported, written in the newspapers that she was in favour of imposition of sanctions by the British Government against the apartheid Government of South Africa. But of course, Mrs Margaret Thatcher's Government is not agreeable to that. It could not be discussed. The House refused to take notice of simply gossip, speculation and all that.

Suppose, Sir, the Queen had written a letter expressing her views about the leave to impose sanctions and that letter comes out, appeared in the press, leaked out to the Press, the House of Commons could not have ignored it. Here there are so many more case...*(Interruptions)*...I leave it to your intelligence. You are a person of common sense.

AN HON, MEMBER : All presumptions, Sir.

SHRI INDRAJIT GUPTA : There is an Opposition in the House of Commons also.

So, all I want to say, Sir, finally is a reference to what happened when King Edward the VIII was proposing to marry Mrs. Simpson has also been mentioned. It was certainly brought up in the House. Ultimately the Prime Minister after certain amount of hesitation and reluctance did make a statement on it. He did make a statement as to what would be the effect of such a marriage between a King of England and the commoner. Not only a commoner—what they call it—but a divorcee also. So, they did discuss. If they can do that with respect to their sovereign monarch and we cannot discuss anything about the President, simply because the name is mentioned, but the same Speaker will permit Mr. K. K. Tewary here to make all sorts of remarks here about the President.

(Interruptions)

SHRI KAMAL NATH (Chhindwara) : Nobody objected at that time. I have seen the proceedings of the House. He talked about the Rashtrapati Bhavan.

(Interruptions)

SHRI INDRAJIT GUPTA : Talking about doubtful shadow over the institutions which keep the country united, individuals come and go but the institutions must remain powerful. He says : How are these people coming and staying at Rashtrapati Bhavan ? Who has invited them ? Who has authorised them, and so on ? What is the implication ?

(Interruptions)

SHRI INDRAJIT GUPTA : I am not on any political matter or political dispute which may or may not exist between the President and the Government—the Council of Ministers. I am not prepared to take any sides. I am not taking any sides. I do not know what you were up to and I do not know what that gentleman was up to. There is so much speculation about all these matters. But I am concerned : If a situation arises where it is alleged that the provisions of Article 78 are not being implemented and the rights of the President under that Article are not being honoured. than a situation arises where the Government has to come forward and remedy this situation by putting all the cards on the table and taking the Parliament completely into confidence. But that was prevented by the Speaker. Therefore we are against what the Speaker did. The question is like this. If any coup or anything comes about any day, don't blame us. Blame these short-sighted people who want to short-circuit the Parliament.

If you try to short-circuit the Parliament, then coup will come about. Whether we want it or not, please remember that. This is the best safety valve for democracy. Do not try to throttle or strangle the rights of the Parliament.

And finally, one small remark, though compared to what I have been saying, it is chicken-feed. This is Rule 376. I have been in this House since 1960. When statements are made by Ministers. not all statements but important statements, in House, I remember for years and years, and it still goes on in the other House, Members were allowed to seek one or two clarifications. Heavens do not fall because of that. But now it is rigid. He shows me the book and says here it is written in the book that nobody will ask a question. I said, all right, I would not ask a question. He would say : "You cannot raise a point of order." I would not raise a point of order and I do not ask a question, subject to these two restrictions, you would not allow me even to say a single sentence when an important statement has been made. Are we children or what ? That

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is wha sometimes we say rather impetuously, I am afraid, that our House compared to the other House is being treated like a second class House.

MR. DEPUTY-SPEAKER ; There is a zero hour in the other House.

(Interruptions)

SHRI INDRAJIT GUPTA : Are we not to have minimum rights ? The Speaker is so rigid on these matters. The Speaker must have all the qualities which were recited by my hon. friend, Shri Kaushal, that he must be that, he must be flexible, he must do that etc., but I do not think, he is at all flexible. He is terribly rigid.

Therefore, I support this motion and I think. the Government should not attribute motives where motives do not exist.

THE MINISTER OF COMMUNICATIONS (SHRI ARJUN SINGH) : Mr. Deputy-Speaker, Sir, the motion against the hon. Speaker today has taken note of everything but the essence of what it is meant for. It has been very aptly documented here and the entire approach in this motion of no-confidence is to paint the Speaker in a light as if he was trying to choke out all discussions in Parliament and he was trying to subvert the rules of this Parliament and was trying to bring about a situation where the ultimate authority of Parliament is itself questioned.

I may be permitted to say that, in fact, what the Speaker has done is to put in correct perspective the rights and the duties of Parliament, and not in a very rigid or wooden manner but taking into consideration the broad sweep of the constitutional position, the political contingencies and above everything else, his effort has been to protect the institutions of this country, the institutions which have been enjoined with specific responsibilities, specific powers, and the execution of those powers has been made a subject of very intricate interweaving duties and responsibilities. If the Speaker had given free hand and what the opposition wanted to do, I think, he would have been doing a

great disservice not only to this Parliament but to the country as a whole. I am saying this because we must be aware of what is the broad framework of our Constitution. I am not a constitutional lawyer. I am a public workers and a public worker who has had the privilege to work for thirty years in the country and I can say that the common man in this county perceives the broad consitutional framework as if coming out of the ultimate sovereignty of the people.

The sovereignty of the people is expressed by their free choice when they elect the Government and that Government which enjoys the majority in this Parliament has the ultimate repositibility on behalf of the people of this country. In what manner that Government functions is subjct to what the Parliament wants to do or say. But and this is a very important BUT: Mr, Deputy Speaker, whatever Parliament has to say has to be through the procedure laid down by the Parliament itself.

19 hrs.

Here we are being asked, while accountability is here and responsibility is here, all the accountability and responsibility have to be on this side of the House while the other side is totally absolved of accountability and responsibility. On this, the Speaker had put his foot down and did not allow it to happen and that is why the motion of no confidence has been brought forward.

Prof. Madhu Dandavate has quoted examples of 1641 and 1642, about Charles I and about people trying to invade Parliament and all that. I quite concede his right to antiquity but that alone does not make any argument. I have been witness in this Parliament Mr. Deputy Speaker Sir, though not a member to some of the acts that the Government to which Prof. Dandavate belonged, had executed in this House. I would have liked Prof. Dandavate to stand up then and say that the rights and privileges of members of this Parliament were being violated in a most arbitrary and most brutal manner, when Shrimati Gandhi was standing on

that side. And she had to say ultimately that if for her views, it was in their power to cut off her head, they might cut her head off but that she would say what she wanted to say. What was Prof. Dandavate doing then? Then the right of Parliament or the right of a member was of no consequence. He did not raise the matter with the Speaker that what was happening was something unprecedented and it should not have happened. He did not do so because there was the political motivation and because certain political objective had to be achieved then. That was why everything was forgotten.

Now I would like to put this point before you Mr. Deputy Speaker. The question of the advice and its not being subject to a court of law is being brought up time again as if to suggest that we are trying to create a new constitutional provision. I would like to remind Prof. Dandavate and all others on that side of the House that this is not a question of the court being barred from investigating any advice being given. The question is why it has been kept secret. It is kept secret so that there shall be no inhibition on the part of the Prime Minister and the Council of Ministers. There shall be no inhibition on any side if the whole thing is kept confidential. And Mr. Deputy Speaker, at that level, that is at the level of the President and the Prime Minister. lack of inhibition can only come about when there is total confidentiality and it is only to keep that confidentiality inviolate, that provision has been made,

Now it is being suggested that while courts cannot inquire, Parliament can inquire. Then where is the concept of confidentiality left? That very same confidentiality is violated here and the same consequences will follow. So, it is an argument, which by itself is no argument because it does not proceed in any direction.

PROF. MADHU DANDAVATE : If Article 74 is violated, can you tell me what the remedy is ?

.. (Interruptions)

SHRI ARJUN SINGH : I think my friend Shri Chidambaram has answered that question very well,

SHRI P. CHIDAMBARAM : Article 74 is not violated at all.

SHRI ARJUN SINGH : Shri Indrajit Gupta has talked about the Bible..... (Interruptions) Of course, I am not going to quote a bible that suits me. But fortunately there is a bible here which is the real bible and whether it suits somebody or does not suit somebody is immaterial and that bible is our Constitution. That Constitution has laid down very clear guidelines, none of those guidelines have ever been violated by the Prime Minister ; by his Council of Ministers. That is why when this matter was brought up not only by way of any Substantive Motion, but just in a manner to provoke or embarrass the Prime Minister the Speaker rightly said that this cannot be done because it takes away or belittles or certainly whittles down the authority the sanctity which the Constitution has given to some of the highest institutions in this country.

Therefore, Mr. Deputy Speaker, Sir, I think this vote of No Confidence against the Speaker is an act of petty petulance the Opposition has been exposed as having taken recourse to this because having failed to perform their real substantive duties in the House, they now want to drag the fair name of the Speaker into it. Therefore, I oppose the adoption of this Motion of No Confidence.

MR. DEPUTY SPEAKER : Mr. Dinesh Goswami. Very brief Sir. It is already 7.05 P.M. I will give five minutes each to Prof. Soz and yourself.

SHRI DINESH GOSWAMI (Guwahati): Mr. Deputy Speaker Sir, it is after extreme serious consideration that I have appended my signature to this Resolution. I have done it with a sad mind. Mr. Shivraj Patil in his speech said that ; "moving this resolution, we have done a dis-service to the Parliamentary democracy." If, by taking recourse to the constitutional provisions, the Parliamentary democracy is eroded, then I think, he should blame the founding fathers of the Constitution for providing

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such an avenue of reliefs. This was the relief granted by the founding fathers knowing fully well that there may be a time when more than 50 Members of the Parliament may feel that the Speaker has not behaved in a manner in which he should behave. The farmers of the Constitution thought that if an outlet is not provided, in that case, the entire concept of the Parliamentary democracy may be blown off. That is why this provision has been kept and I do not think that the Parliamentary democracy gets affected if any Member or a number of Members, take recourse to the provisions which the Constitution permit them to do so.

In fact, when you said that, when a Member takes recourse to the Constitutional provision, the Parliamentary democracy is eroded, you don't know the underlying basic principles of Parliamentary democracy.

Mr. Deputy Speaker, let me point out one thing. Before giving this ruling, I myself pleaded with the hon. Speaker on three consecutive days that I am not going to refer to the letter, but before you give your ruling, you kindly hear us on the point, whether the President's and the Prime Minister's relationship can be debated in the House. Before, the hon. Speaker gives the ruling, naturally the justice demanded that he ought to have heard us on that particular point. After hearing us, if the hon. Speaker had rejected our points and if he had given the ruling, I might have said that I am not happy with the ruling. But I would have accepted the ruling. But the fact that the ruling which affects the very foundation of the democratic structure which has been given without hearing us, well give such a right to take recourse to the provisions which I have taken, Mr. Bhagat spoke about constitutional coups. Do you realise Mr. Bhagat that this ruling has given the President the right to go for a constitutional coup and I will say how ?

Article 74 of the Constitution makes it obligatory to the President to listen to and to act on the "aid and advice of Council of Ministers." Mr. Chidambaram pointed out, that our President has no indepen-

dent executive function of his own. He is bound by the aid and advice of the Council of Ministers. I entirely agree with Mr. Chidambaram that the President of India is bound by the aid and advice of the Council of Ministers, but let me also point out to him that at that time, when the Constitution was framed, this point was being debated threadbare. In fact Rajendra Prasad later had to take up this issue. Shetalvad had to give an opinion. Rajendra Prasad then referred it in the discussion in the India Law Institute. That speech which he made in the Indian Law Institute does not find place in the volumes of letters, speeches given by him. It was Dr. Ambedkar, who said that the President is bound by the aid and advice of the Council of Ministers. He is not a figure-head. He has the right to warn. He has the right to consult. He has the right to give an opinion,

Now, under Article 74, I asked hon. Prime Minister this question, If the hon. Prime Minister tomorrow gives an opinion to the President of India under Article 74 and if the President in complete disregard of the advise given by the Council of Ministers passes order which is against the advise given by Prime Minister, then what is the remedy? Can we not impeach under Article 61 of the Constitution of India. And on that, this has been argued and this has been made final that on the grounds of impeachment that.

(Interruptions)

According to Article 61 (1), the Parliament shall determine which are the impeachable offences. It may include abuse of discretionary Powers, refusal to accept the aid and advice of the Council of Ministers and the impeachment proceedings is conducted in the Parliament. Even in the impeachment proceedings, the President comes and says that because of the ruling of the Speaker, what advise was tendered by the Council of Ministers cannot be discussed in Parliament then how the Parliament is going to impeach the President of India. Because on that impeachment proceedings, the issue will be whether the President really responded to the aid and advice of the Council of Ministers. It cannot be taken up as the Hon. Speaker has said, and I fail to understand, When he

said, the relationship between the President and the Council of Ministers is a matter entirely between them. It is not a private relationship, it is a constitutional relationship. And when it is a constitutional relationship Parliament has authority to discuss the constitutional relationship. Supposing tomorrow, an impeachment proceeding comes because of the President, as the Hon. Shri Bhagat has said for constitutional coup...

(Interruptions)

SHRI H.K.L. BHAGAT : Don't mistake me. I said : 'unconstitutional coup outside the Parliament by certain people'. That is what I said I did not make any reference to the President

(Interruptions)

SHRI DINESH GOSWAMI : Let us remember, Sir, we came very near on a number of occasions. On a number of occasions, When Shri Jagjivan Ram was not called to form this Ministry, then almost we came to that position. Supposing there is an impeachment proceedings tomorrow against the President on the ground that he is not acting on the aid and advice of the Council of Ministers, he is taking independent decision, then in that case what will be the basis on which impeachment will be passed ? The Prime Minister shall have to come and say this was the aid and advice I gave and the President did not act on the aid and advice and therefore, he can be impeached. Mr. Deputy-Speaker Sir, the President can be impeached an impeachment proceedings under Article 61 says what aid and advice was given so that President becomes an issue. In turn, impeachment proceedings against the Prime Minister, can it not be said whether the Prime Minister followed Article 78 or not. Even in the impeachment proceedings against Prime Minister which is a No Confidence Motion how can I be barred to say that the Prime Minister too does not follow the confidence of the House today because he has not discharged the constitutional obligations of Article 78. When the Speaker has barred us from raising in an impeachment proceedings the advice which the Council of Ministers had given to the President and thereby this ruling, if it is taken to its logical

conclusions, destroys the very foundations of the Parliamentary democracy in this country and may lead to the worst kind of presidential democracy. This is a point on which I strongly oppose because I feel that the relationship between the President and the Prime Minister is not a private relationship, it is a constitutional relationship and when there is a constitutional relationship, the highest legislature has a right to discuss.

Sir, the other point that has been said is we cannot take the name of the President. But Sir, this has been taken from the Queen of House of Commons. We fail to understand how we are debarred. The provision never says that we cannot take or discuss the office of the President or the name of the President cannot be discussed. The reason is if you do not permit the office of the President to be discussed, you cannot discuss even the President's Address also in this House. In the House of Commons, the Queen's name is not permitted. They have made the distinction between Queen and the Crown. Queen's name is not permitted on the ground that the Queen has no individual opinion of her own. Therefore, the name of the Queen and her relations' are not permitted in the House. But the Crown and the office of the President always can be discussed in the House.

Supposing the President tomorrow is insulted while he is going to address a public meeting by a public authority, are we not entitled to discuss it on the ground that he cannot, under any circumstances, being the President, go outside and address a public meeting ? If I want to influence the debate by saying that Giani Zail Singh the President of India, says something, I will be out of that debate. But if I want to show that Giani Zail Singh the President of India and Constitutional authority, acted in a way which the Constitution asked him to do or acted in a way which the Constitution prohibited him to do, this rule to which the Speaker has referred, never comes in the way. In fact, we always start our President's Address by saying in the opposition that the President has not taken note of any of the important issues in the country. (Interruptions)

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : Precisely the hon. Speaker told the opposition that if they want to discuss it, they can discuss it on a substantive motion, it cannot be discussed in an ordinary manner.

PROF. MADHU DANDAVATE : We have given a substantive motion.

S. BUTA SINGH : And today they are discussing it on a substantive motion. He did not bar you under substantive motion. Than why did you bring a substantive motion ?

PROF. MADHU DANDAVATE : You go through the ruling.

(Interruptions)

S. BUTA SINGH : He has never said this.

SHRI DINESH GOSWAMI : He has said, the Speaker has said that even in a No Confidence Motion or any other motion, this cannot be discussed ; and this is what we are objecting to. If this is not permitted to be discussed, if the Speaker becomes untouchable in this House, if his conduct is not permitted to be discussed, this may lead to a Presidential form of government outside the base of the Constitution, and the Parliament must guard our right ; that is why we have objected to this ruling. Now, what is they way out, if we strongly feel that a particular ruling has violated the very essence and the foundation of the Constitution ? For three days, we had tried to listen to the Speaker and requested him to give us an opportunity to express our views. He has not done it. Therefore, the only alternative that was left with us to take recourse to the constitutional provision of this No Confidence Motion or the other motions. We have got nothing personal against the Speaker ; we have the best relationship with him. If we have moved this resolution, it is because of our commitment to parliamentary democracy ; and we feel that this ruling has gone completely against the foundation of independent democracy that this ruling has made a mockery of this democracy, because it has taken away a vital right of parliament and it has encroa-

ched upon valuable rights of the members, because we have felt strongly and therefore we have given this resolution.

I commend this resolution for acceptance of the House.

PROF. SAIFUDDIN SOZ (Baramulla) : Mr. Deputy-Speaker, I hold Shri Somnath Chatterjee in very high esteem ; so do I respect Prof. Madhu Dandavate and Shri Indrajit Gupta. It is therefore that I bring forward my point of order because this motion has been already 'publicised on a wider scale ; and there was no specific target against the Speaker,

Now that I rise to speak on this motion I feel I can characterise this discussion. As we say in Urdu *gunahe beghazeal*, but I will not translate it because I do not feel that there will be any substantial outcome of this debate. I will not bring in Article 78. I beg to differ with both sides of the House, because that Article was debated here ; that was not under discussion at all. The motion under discussion is that through a motion they want removal of the Speaker. And why I say, *gunahe Beghazeal* because Jawaharlal Nehru was quoted many a time here by my friends. When on the 18th December, 1954, a motion was debated here in this august House, Jawaharlal Nehru did not try to overstep the discussion. But he did alert this House at that time and I read, very briefly, as I promised that I will be brief. that he did not like a motion a like that against Mr. Mavlanker, because he felt that the office of the Speaker was very high, and we had to preserve the dignity of that office and therefore he cautioned the Members at that time :

"This matter is too serious a matter to be dealt with in a trivial manner or on legal technicalities. We attach great importance to this matter and we propose to see it through,"

Here, there were interruptions.

"In this matter not only the future of the House is concerned but the future of the work of this

House and the future of the democratic set up in this country are concerned."

Later, in 1958 while he was unveiling the portrait of the great Speaker, Mr. Patel—well, my friends referred to him, he gave further details about the office and dignity of the Speaker. It was during that function while he unveiled the portrait of the Speaker, Shri Patel, he said and I quote :

"The Speaker represents the House, he represents the dignity the House, the freedom of the House and because the House represents the nation, in a particular way the Speaker becomes the symbol of the nation's freedom and liberty".

Now, I brought in Pandit Jawaharlal Nehru, because he was among the prominent law givers and the Constitution makers of this country. And it is therefore that I wanted that such a Motion should not be debated in this House.

The basic question is that as I read, as I go through two volumes of Kaul and Shakhder, I feel that the Speaker has vast powers and he goes by rules. The real trouble is, if my suggestion is considered by the friends, if you are annoyed with the Speaker's behaviour, then you are annoyed with the set of rules that he has to deal with and therefore, if you want to change the behaviour or the attitude of the Speaker than you have to consider to change the set of rules that the Speaker has to deal with.

Despite the fact that the Speaker has to go by the rules, despite the fact that he rejected so many adjournment motions, I want to remind you that here in this House during the Seventh Lok Sabha and in the Eighth Lok Sabha, there were situations, there was pandemonium, people went to the pit; well, the Speaker did not name anyone, except in the Seventh Lok Sabha there was only one instance when the Speaker named one Member, Mr. Mini Ram Dagri, and there is no instance in the Eighth Lok Sabha.

AN HON. MEMBER : Today also.

PROF. SAIFUDDIN SOZ : Today, it is a different situation.

Now, Shri Indrajit Gupta referred—because there is a constraint of time I cannot go into the details—to an article of Mr. Indrajit which had come in the *Economic Times*. I had the privilege to read it, it is a very interesting article. But the burden of song of the article is, the Speaker is not the master of the House, but he is the servant of the House. That is what Speaker, Dr. Balram Jakhar tells you all the time, Well, he says, "I am in your hands. You are the people who frame the rules. You are the people who lay them down, and the conventions." So, on the one hand we have a set of rules. On the other hand he has conventions and now, I tell you, this article gives a very interesting reading. It tells us that the House of Commons showed the way. Actually the House of Commons does not show the way, because,.....
(Interruptions)

SHRI NARAYAN CHOUBEY : What?

PROF. SAIFUDDIN SOZ : Mr. Choubey, learn something from this. He refers to the year 1642. (Interruptions) He referred to the year 1642 when the House of Commons made the Speaker to behave in a particular way. But that was the time when the so-called, His Majesty the King could intervene in the proceedings of Parliament and he had told the Speaker to adjourn the House. but the Members asserted their position vis-a-vis the King. That is not the situation here. As I told you about the rules, so I tell you about the conventions. I will invite your attention to what Mr. Mavalankar had said. The Speaker has a difficulty in respect of rules and in respect of conventions also. So about conventions what Mr. Mavalankar had said I want to invite your attention to that. I sincerely feel that if any one of us is in that Chair, he will not behave differently as long as you have set of rules and as long as you have conventions, I will quote Mr. Mavalankar very briefly :

"It is not possible in present conditions of our political and parliamentary life to remain as

[Prof. Saifuddin Soz]

insular as the English Speaker, so far as political life goes. But the Indian Speaker, acting as such, will be absolutely a non party man, meaning thereby that he keeps aloof from party deliberations and controversies. He does not cease to be a politician, merely by the fact of his being Speaker.

We have yet to evolve healthy conventions about Speakership, the principle of which is that once a Speaker always a Speaker and that he is not opposed by any party in the matter of his election."

So that kind of political climate, that kind of convention we do not have. Therefore, it is not correct to compare the position of the Speaker with that of the Speaker of the House of Commons.

Before concluding I would like to give one or two suggestions for future. So far as adjournment motions by individual Members are concerned, I have a particular suggestion. It has become the habit of every Member to table adjournment motions.

SHRI NARAYAN CHOUBEY
(Midnapore) : He used to give more.

PROF. SAIFUDDIN SOZ : For future, whenever a sizeable number of Members approach the hon. Speaker with the adjournment motions, since adjournment motion is on a very important matter of public importance, he must invite parliamentarians to his Chamber for a discussion before rejecting or accepting those adjournment motions.

In order to maintain harmony in the House I will make an earnest appeal to Mr. Chatterjee that he may kindly consider my suggestion and withdraw this motion.

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Mr. Deputy-Speaker, Sir, it is a sad occasion today. I speak with a sense of deep anguish. What is

involved here is the very future of parliamentary democracy in India. Parliamentary democracy depends on healthy functioning of institutions. This motion that we are discussing today seeks to undermine these institutions. To what end—partisan end or political gain ?

The Speaker is the custodian of the rights and privileges of the Lok Sabha. It is under his guidance and under his control that we function and discharge our responsibilities in the Lok Sabha.

We have built over the last 40 years traditions which have strengthened the functioning of the Lok Sabha. But when I hear Prof. Dandavate speak, I cannot help feeling that I am in the presence of the past, specially as he has taken us back to 1642 and 1936. And ironically he has quoted the same case that a Member quoted in 1954 ; ironically the Member came from a neighbouring constituency. Mr. More had taken up the same case of Charles I in 1954. And I will just like to quote what Panditji had to say on that occasion :

"Mr. More, in his soft and gentle voice, which often contains many bitter things, went on and told us of what happened to the head of a king in England in the seventeenth century.....I listened with amazement. Here was a serious matter, here we are in the middle of the twentieth century, in the Republic of India, and we are told about what happenen in the middle ages or some other time in England. We are not concerned with what happened in British Parliament, we are concerned with the honour of our Parliament."

PROF. MADHU DANAVATE : That is why I quoted Vitthalbhai Patel and Mavalankar.

SHRI RAJIV GANDHI ; The great tradition of this House is that we do not question the bonafides of the Speaker, whether we agree with him or disagree with him. The Speaker has to function in a difficult situation when partisan passions

run high. The Speaker has to rise above them and to give decisions to regulate the orderly conduct of business. One may like what he does or one may not like it, but if we question his good faith and his commitment to the values of parliamentary democracy, we are destroying the very basis of our institutions. This is what is being done today. Motives are being ascribed to the Speaker. he is being accused of working under the pressure of the executive, he is being accused of stifling free discussion. I repudiate these charges with all the emphasis at my command.

Dr, Bal Ram Jakhar has functioned with great dignity and total impartiality.

SHRI S. JAIPAL REDDY : Reading out the speech is not allowed.

SHRI INDRAJIT GUPTA : It is Minister's privilege.

PROF. MADHU DANDAVATE : It should be allowed so that it creates less complications.

MR. DEPUTY SPEAKER : No, he is referring to the notes.

SHRI RAJIV GANDHI : Anyone observing this House will simply be amazed if he were told that the Speaker has gagged this House. All manner of subjects have been discussed in this House. That is the glory of our Parliament. This Government has never fought shy of any discussion. All this talk of a coverup is baseless and totally mischievous. But we can discuss things only within the framework of the rules and the regulations. There can be no licence. Freedom is contingent upon discipline—the discipline of rules which we have ourselves made. That is what the Speaker does—to enforce the rules that Parliament has made. And for this you want to criticise the Speaker and hurl accusations at him. It is most unfortunate and most regrettable. I want to remind the House of the only other occasion when the Speaker was the subject of such a debate. It was on December 18th, 1954. Intervening in the debate, the then Prime Minister Jawaharlal Nehru had said, and I quote :

“It is one thing not to like a ruling or to disagree with it or even to feel if I may say so, slightly irritated about something that has happened. These things happen. But, it is completely a different thing to challenge the bonafides of the very person in whose keeping is the honour of this House. When we challenge his bonafides, we betray before our countrymen and indeed before the world that we are little men and that in the seriousness of the situation. It is for you to decide because we are displaying to the world and to our country that we are little, quarrelsome men who indulge in frivolity, who indulge in accusation without thinking what that means and without thinking what the consequences of it might be.”

This is the spirit in which I want to approach this debate.

I have found listening to the debate that the discussion has not centred on the Speaker's actions at all.

Shri Amal Datta : At all ?

SHRI RAJIV GANDHI : Barely, They want to discuss something quite different. This is a misuse of the Motion. But I shall let that pass. I only want to appeal...

AN. HON. MEMBER : Loose motion !

(Interruptions)

MR. DEPUTY SPEAKER : Order, order.

(Interruptions)

SHRI RAJIV GANDHI : I cannot be held responsible for the Opposition's motion!

(Interruptions)

SHRI RAJIV GANDHI : I only want to appeal to my friends on the other side of the House to consider carefully what they are doing. In the guise of a motion on the Speaker, they are trying to upset the delicate balance of our polity. Any

[Shri Rajiv Gandhi]

nation that chooses its own path invariably faces difficulties. India—because we have chosen our own path—is always under pressure to be deviated from that path. At least some in the Opposition have the perception that the unity and integrity and independence of this country are being subjected to pressures and strain. These pressures emanate, in part, from external elements. This is the time to get together, to close ranks. All democratic and patriotic forces have to be conscious of the dangers that we face to-day. Is this the time to ignore these wider considerations and to get lost in melodramatic happenings? I submit, not. I do not want to say much more. I would only say that we must respect institutions. We must abide by their discipline. This Motion goes against the sanctity of institutions, the sanctity of Parliament. I hope wiser conscience will prevail and people will see the error of their ways.

I oppose this Motion. I repose full faith of all democratic forces in. Speaker, Dr. Bahram Jakhar, who has served this House with great distinction. And I would request my friends in the Opposition, in the interests of our institutions, in the interests of our parliamentary democracy to rise above petty politics and not to press the Motion.

MR. DEPUTY SPEAKER ; Shri Somnath Chatterjee. Do you want to say anything? You have already spoken.

SHRI AMAL DATTA : Why not ?

MR. DEPUTY SPEAKER : The time allotted was two hours but four hours have been taken.

SHRI SOMNATH CHATTERJEE : As soon as I stand.....

(Interruptions)

SHRI SOMNATH CHATTERJEE : Everybody is allowed unlimited time.

(Interruptions)

SHRI SOMNATH CHATTERJEE : We are interrupted by the Chair also.

(Interruptions)

SHRI SOMNATH CHATTERJEE : The Prime Minister has referred to unity and integrity of the country, the dangers that we are facing and there are supposedly forces which are trying to upset the delicate balance of our polity. Precisely those were the questions which were put by us. Neither the leader of the House has chosen to respond to that, nor a single member of the eminent speakers on the other side, we had an array of Ministers to-day who were quoting or misquoting whatever may be, but none of them has chosen to reply to a single question that has been put.

Sir, we wanted to know : was there a letter as published? *(Interruptions)*

MR. DEPUTY SPEAKER : Now, we are winding up the debate.

(Interruptions)

MR. DEPUTY SPEAKER : Please order.

(Interruptions)

SHRI H.K.L. BHAGAT : Sir, what is the scope of reply? The scope of the reply is that if a new point is made by other Members then he can reply to that. It is not for supplementing the points to his original speech or for summing up his original speech. The scope of the reply is limited to the new points which might have been raised by the Members. He must restrict his reply only to the new points, if any.

(Interruptions)

SHRI NARAIN CHOUBEY : Let him speak of 'maya', *(Interruptions)*

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH) : Sir, I can say with all the responsibilities at my command that there was no letter from Dr. Bahram Jakhar.

MR. DEPUTY-SPEAKER : Order please.

(Interruptions)

[*Translation*]

SHRI H.K.L. BHAGAT : I did not give any reply. What for I should reply. If nothing has been said, then what for I should reply.....(*Interruptions*) If nothing has been said, then how it was said that there is a front.....(*Interruptions*)

[*English*]

MR. DEPUTY-SPEAKER : Now, we are going to conclude the debate. Therefore, please try to be brief. Do not bring in the letter or the President. If you have anything to mention about the Speaker, you can do so.

(*Interruptions*)

SHRI S. JAIPAL REDDY : Sir, he is replying to the debate.

SHRI SOMNATH CHATTERJEE : Sir, I have never used the name of the President. I only said : was there a letter as published? Even the eminent lawyer Shri Chidambaram has read all the relevant portions of the judgement of the Supreme Court, knowing the Article 74, nobody had questioned. He did not say anything. I specifically asked whether anybody in this country is above the law of the Constitution. You don't choose to reply to this question. Even Mr. Jagannath Kaushal as a seasoned lawyer, eloquent speaker, who has experience and all that-he was the Law Minister also..... (*Interruptions*)

SHRI BHAGWAT JHA AZAD : It is obvious. (*Interruptions*).....

SHRI SOMNATH CHATTERJEE : I hope you won't declare it unparliamentary. Up-till-now, you have not made the word 'Prime Minister' unparliamentary although you have made the word 'President' unparliamentary in this House (*Interruptions*).

MR. DEPUTY-SPEAKER : I only said, don't drag the relationship between the Prime Minister and the President.....

(*Interruptions*)

SHRI SOMNATH CHATTERJEE : Can you tell us whether the statement of the Prime Minister made on the 2nd March, on the floor of the House corresponded to facts or not? Why can't the Prime Minister say 'yes' or 'no'? Why does he not say? (*Interruptions*)

MR. DEPUTY-SPEAKER : I am not allowing it.

(*Interruptions*)*

MR. DEPUTY-SPEAKER : You are to speak about the Speaker. Why are you bringing it again? I will not allow.

(*Interruptions*)*

SHRI SOMNATH CHATTERJEE : This is the impression in the country. Regarding the statement made by the Prime Minister in this House on the 2nd March...(*Interruptions*)

MR. DEPUTY-SPEAKER : No, no. I will not allow. I am not allowing it.

(*Interruptions*)*

PROF. MADHU DANDAVATE : Sir, he is referring to the Prime Minister, not to the President. (*Interruptions*)

MR. DEPUTY-SPEAKER : You can say how the Speaker was partial. That is all.

(*Interruptions*)

SHRI SOMNATH CHATTERJEE : We and our party do not want to be (*Interruptions*). We do not want to be over-emphasized on the importance of the unity and integrity of the country. No other party has suffered greater than my party in this country.

(*Interruptions*)**

MR. DEPUTY-SPEAKER : No, no-I won't allow. I am not allowing, Somnath Chatterjee.

(*Interruptions*)**

*Not recorded.

**Not recorded.

M.R. DEPUTY-SPEAKER : I am not allowing. Please wind up, Mr. Somnath Chatterjee.

SHRI SOMNATH CHATTERJEE : Sir, we have heard them generously and patiently. We are not given a reciprocal treatment. *(Interruptions)* We have heard them in patience, You control the House only when they speak, not us. *(Interruptions)*

Sir, the whole basic issue of this debate *(Interruptions)* I am not yielding, I am not yielding. *(Interruptions)*

Sir, the basic issue which has been in the forefront of this debate that has not been touched by the Prime Minister or any body else is whether the importance of this institution has to be maintained or not, whether Parliament.....*(Interruptions)*

SHRI ASUTOSH LAW : Is it in any way co-related or connected with your motion which has been moved here ?

(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, the whole attempt has been made by the Ruling Party to divert this motion as if it is a matter of confrontation between the Prime Minister and the President or consultation with the President... *(Interruptions)*. Sir, I am sorry you think of discipline only when they speak,

(Interruptions)

SHRI RAJIV GANDHI : Sir, for a second. Mr. Deputy-Speaker, Sir, the hon. Member is substantiating every word of what I said. Thank you.

(Interruptions)

PROF. MADHU DANDAVATE : At least he is also supporting no confidence motion.

SHRI SOMNATH CHATTERJEE : Sir, I did not take the attitude of sermonising the others on the basis of a prepared speech. I have not tried to teach others about melodrama or about the unity and integrity

of the country. It is a very serious debate but not a single important question that has been raised on this side has been attempted to be answered. What is the meaning of Article 78, nobody has said. Mr. Chidambaram read a Judgement well, A is not involved, B is not involved, C is not involved, therefore Article 78 is not attracted. But there is a solemn charge against this Government that they have slighted the President of India, the Rashtrapti of India.

(Interruptions)

MR. DEPUTY-SPEAKER : No, no. You speak about the motion, do not divert from it.

(Interruptions)

SHRI SOMNATH CHATTERJEE : Sir, our unhappiness is that the hon. Speaker, without imputing motives to him by reason of his Ruling of the 19th of March has taken away a very important function and position and power of this Parliament. We cannot accept it, Sir, without any protest and this is a humble protest we wish to make that because a particular individual is involved, a particular office-holder is involved, therefore, Sir, an attitude cannot be taken that he is somebody untouchable in this country.

Mr. Chidambaram has spoken about our supposed loyalty for monarchy, nostalgic attachment for monarchy. We are not in favour of hereditary institutions. Who is in favour of hereditary form of Government in this country ? We do not want it. They do not have to teach the lesson about monarchy.

Therefore, I am sorry to say that in spite of my highest personal regard and respect for the Speaker, Dr. Balram Jakhar.

SHRI VASANT SATHE : From N.C. Chatterjee to Somnath Chatterjee, is that hereditary ? What is hereditary ?

SHRI SOMNATH CHATTERJEE : Sir, I cannot but commend this resolution to this House because I cannot give up

the right of Parliament, the right of the people of this country to catch hold of the perpetrators of the Constitutional impropriety in this country. Therefore, they must answer and if the answer they do not have, if they want to avoid Parliament, the people of this country will give the reply, and they have started already giving the reply. (*Interruptions*).

MR. DEPUTY-SPEAKER : The question is :

“That this House having taken into consideration the rulings of the Speaker of the House including the one on March 19, 1987 on the question of privilege and adjournment motions feels that by denying to the Members right to raise vital Constitutional and procedural issues and burning problems, the Speaker has ceased to command the confidence of all sections of the House and therefore resolves that he be removed from his office”.

The motion was negatived.

19.52 hrs.

PAPERS LAID ON THE TABLE—
CONTD.

Notification under Customs Act

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) :

I beg to lay on the Table a copy of Notification No. 167/87-Customs (Hindi and English versions) published in Gazette of India dated the 15th April, 1987 together with an explanatory memorandum making certain amendments to Notification No. 364/85-Customs dated the 20th December, 1985 so as to reduce the basic customs duty on imported aluminium ingots from the existnig level of 35 per cent *ad valorem* to Rupees 3,700 per tonne which corresponds approximately to an *ad valorem* duty incidence of 20 per cent at current international prices, under section 159 of the Customs Act, 1962.

[Placed in Library. See No. LT-4185/87]

MR. DEPUTY-SPEAKER : The House stands adjourned to meet at 11.00 a.m. tomorrow.

18.53 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, April 16, 1987/ Chaitra 26, 1909 (Saka).