

12 hrs.

RULING BY SPEAKER RE QUESTION OF PRIVILEGE

MR. SPEAKER: On 15th and 16th March, 1983, Shri Atal Bihari Vajpayee gave notices of breach of privilege under Rule 222 against the Minister of Home Affairs and the Minister of Law, Justice and Company Affairs and by implication against the Chief Election Commissioner. On 16th March, 1983, Shri Vajpayee also forwarded to me a copy of the note which he claimed was sent to the Government of India by the Chief Election Commissioner after the first round of poll in Assam and sought my permission for laying a copy of the note on the Table.

Shri Atal Bihari Vajpayee in his notice dated 15th March, 1983 of breach of privilege and contempt of the House stated *inter-alia* :—

“असम के सम्बन्ध में लोक सभा में जो वाद-विवाद होने वाला था उसकी तैयारी के सिलसिले में जब मैंने समाचार-पत्रों में यह पढ़ा कि मुख्य चुनाव आयुक्त ने असम में 14 फरवरी के मतदान के बाद सरकार को यह सलाह दी थी कि आगे का मतदान टाल दिया जाय, मैंने मुख्य चुनाव आयुक्त से व्यक्तिगत रूप से सम्पर्क स्थापित किया था कि उनके पत्र के बारे में जो खबर छपी है वह सही है ? मुख्य चुनाव आयुक्त ने इसका स्वीकारात्मक उत्तर दिया ।

दिनांक 14 मार्च को सदन में असम की स्थिति पर हुई बहस के दौरान पहले गृह मंत्री और बाद में कानून मंत्री ने इस बात का खण्डन किया कि मुख्य चुनाव आयुक्त ने असम के बारे में उन्हें कोई सुझाव मिला है । उन्होंने यह भी कहा कि उन्हें मुख्य चुनाव आयुक्त से कोई पत्र प्राप्त नहीं हुआ ।

When the Minister of Home Affairs, Shri P. C. Sethi was making the statement on Assam at the beginning of the discussion on Assam, Shri Vajpayee had intervened and asked

श्री अटल बिहारी वाजपेयी : गृह मंत्री जी ने बड़ा लम्बा बयान दिया है मगर इस बयान में चीफ इलेक्शन कमिश्नर द्वारा लिखे गए उस पत्र का कोई जिक्र नहीं है जिसमें चीफ इलेक्शन कमिश्नर ने सुझाव दिया था 17 तारीख को कि 14 तारीख का पोलिंग हो गया है, कांस्टीट्यूशनल आब्लीगेशन अब पूर्ण कर लिया गया है । अब चुनाव टाले जा सकते हैं । चुनाव टाले जाने चाहिए । सभापति महोदय, आपको याद होगा कि उस दिन भी हमने मांग की थी कि उस पत्र को सदन की टेबल पर रखा जाना चाहिये । सरकार अपनी जिम्मेदारी इलेक्शन कमीशन पर फेंक रही है और इलेक्शन कमीशन सरकार को दोषी ठहरा रहा है । यह सदन कैसे फैसला करेगा कि कौन सही है । क्या मंत्री महोदय जानते हैं कि उनको पत्र मिला है ?

On 18th March, 1983 Shri Vajpayee sent in continuation of his earlier notices under Rule 222 a communication clarifying his point of view.

Shri Harikesh Bahadur gave on 16th March 1983 a notice under rule 222 of breach of privilege against the Minister of Home Affairs and the Minister of Law, Justice and Company Affairs on the ground that they gave a wrong statement that they did not receive any communication from the Election Commission regarding postponement of elections in Assam.

I have tried to carefully sift the material contained in the notices under rule 222 given by Shri Atal Bihari Vajpayee, the clarification and other information furnished by him in relation to those notices, his request for permission for the laying of a

(Mr. Speaker)

particular document on the Table of the House, the notice given by Shri Harikesh Bahadur and the material furnished by the Home Minister and the Law Minister.

I have no doubt that the Members of the House would like to know about the existence and identity of the document which the Home Minister and the Law Minister have been alleged to have failed to mention in the course of the debate and which has led to the various notices by Shri Vajpayee and the notice by Shri Harikesh Bahadur. This is a note entitled 'The General Elections to the Legislative Assembly of Assam-1983'. This note was prepared in the Election Commission and it is the same as the one for which Shri Vajpayee has sought my permission to lay on the Table of the House.

This note was first furnished by the Election Commission to the Ministry of Law, Legislative Department, on 19 February 1983 under a covering letter of the same date. It is clear from the contents of the covering letter and information made available by the Law Minister that the note was sent to the Legislative Department by the Election Commission not on its own volition, but in compliance with a specific request made by that Department on 27th January 1983 and a reminder sent by that Department on 14th February 1983 for material for preparing a statement for the use of the Law Minister for dealing with Calling Attention notices in the Rajya Sabha.

I find from the material furnished by the Home Minister that a copy of the same note was sent on 21 February 1983 to the Home Ministry by the Election Commission as an aid for the use of the Home Minister in connection with his proposed statement on Assam in Parliament.

It may be that if the Legislative Department had not on its sought information from the Election Commission, and followed it up by a reminder, the Election Commission might not perhaps have compiled this note. A careful perusal of this note leads one to the logical conclusion that far from containing any suggestion for postponement of the poll in Assam after the first round of poll on 14 February 1983, it contains passages which indicate that the Commission itself considered it improper to cancel *in toto* elections on the basis of the views of one of the Parties and without taking into account the views of certain Parties which had representation in the dissolved Legislative Assembly of Assam and which were in favour of elections. The note also contains a passage indicating that the Commission was continuing with the process of election on account of the assurances given by the State Government at various stages that they were in position to carry out the process of election. The note also contains a statement to the effect that the Commission would be referring some of the important complex constitutional issues to the Attorney General of India for his considered advice, which would show that the references had not been made on or before 19th February 1983. As a matter of fact, from the information furnished by the Law Minister, I find that the Commission sent the first communication for making reference to the Attorney General only on 21st February 1983, i.e. after the third round of poll in Assam was over on 20 February, 1983.

Since there has been speculation about the contents and implications of this note, I hereby accord permission under Direction 117 to Shri Atal Bihari Vajpayee to lay this note of the Election Commission on the Table of the House.

Let the time when, and the manner in which and the purpose for which the note was sent to the Government and the contents of the note speak for themselves. In any case, it is clear that the note does not afford any factual basis for the inference that the Election Commission made any suggestion that the poll in Assam be postponed after the first round on 14 February, 1983.

I am also unable to accept Shri Vijpayee's contention in his second letter of 18 March, 1983 that the central issue is not that the note sent by the Election Commission on 19 February contained any suggestion or hint for postponing the next round of poll in Assam, for this was the very point which he had raised in the House pointedly.

According to well established parliamentary practices and procedures and precedents, a breach of privilege can arise only when a Minister/Member makes a false statement or an incorrect statement wilfully, deliberately and knowingly.

The facts as briefly recalled by me clearly indicate that the statements of the Minister of Home Affairs and the Minister of Law taken in the context of the specific queries by Shri Vajpayee in the House on 14 March, 1983 were factually not incorrect and there is thus no question of breach of privilege or contempt of the House.

I, therefore, do not accord consent under Rule 222 to Shri Vajpayee and Shri Harikesh Bahadur to raise this matter as a question of breach of privilege or contempt of the House.

I do wish that greater care had been taken to ascertain the facts in their entirety before the issue was taken up on the floor of the House. At the same time, I also wish that greater restraint was shown by the persons concerned, and the high office

of the Chief Election Commissioner, who has his own statutory obligations and responsibilities under the Constitution is not brought in unnecessarily. Truth should prevail.

SHRI HARIKESH BAHADUR (Gorakhpur): We are not satisfied with this. (Interruptions)

श्री अटल बिहारी वाजपेयी : (नई दिल्ली) : अध्यक्ष महोदय, हम आपके फैसले को स्वीकार करते हैं लेकिन अच्छा होता फैसला देने से पहले आप हमको सुन लेते ।

MR. SPEAKER: No, I have seen all the facts. The facts speak for themselves. I have gone through them completely, carefully.

(Interruptions)

MR. SPEAKER: Nothing; no; not allowed.

(Interruptions)**

MR. SPEAKER: I have seen all the facts.

(Interruptions)**

श्री राम बिलास पासवान (हाजीपुर) : क्या आपने एलेक्शन कमीशन से भी बात की है ?

अध्यक्ष महोदय : हां, कर ली है ।

श्री अटल बिहारी वाजपेयी : आपने एलेक्शन कमीशन के खिलाफ कह दिया लेकिन इन मंत्रियों के खिलाफ एक शब्द नहीं है आपके पास कहने के लिए ।

अध्यक्ष महोदय : मैं कोई गलत बात क्यों कहूँ ?

(Mr. Speaker)

If I had found anything I would not have spared them.

(Interruptions)

MR. SPEAKER: Not allowed.

(Interruptions)**

श्री अटल बिहारी वाजपेयी : 14
माचं को जो मैंने सवाल उठाया था...

(Interruptions)**

MR. SPEAKER: I am not going to allow any discussion on it. I am completely sure of my ground. I have checked everything. I have got whatever I wanted. I am perfectly sure of my ground. I have seen the facts and I am completely satisfied.

श्री अटल बिहारी वाजपेयी : यह तरीका नहीं है ।

(Interruptions)

SHRI HARIKESH BAHADUR: It is against the justice that you have not heard us. (Interruptions)

AN HON. MEMBER: What about other pending matters? What about my reminder no. 1 for my privilege motion? (Interruptions)

श्री अटल बिहारी वाजपेयी : मैंने पहले ही कहा कि आप फैसला देने से पहले हमें सुन लेते । (व्यवधान) हम आपके फैसले से सन्तुष्ट नहीं हैं, हमें अपना विरोध प्रकट करना होगा ।

THE MINISTER OF PARLIAMENTARY AFFAIRS, SPORTS AND WORKS AND HOUSING (SHRI BUTA SINGH): Mr. Vajpayee cannot run away like this.

(Interruptions)**

SHRI SONTOSH MOHAN DEV (Silchar): His remarks should be expunged.

PROF. MADHU DANDAVATE (Rajapur): I have talked to you.

MR. SPEAKER: I will reply to you.

PROF. MADHU DANDAVATE: Please pull up the member. He feels that I am insulting you by just reminding you that you are supposed to give a ruling. (Interruptions)

MR. SPEAKER: I have to answer him. Your notice under rule 222 does not come under privilege; you come under Direction 115.

PROF. MADHU DANDAVATE: I take it that you are allowing me a statement under Direction 115.

MR. SPEAKER: You come under Direction 115.

SHRI E. BALANANDAN (Mukundapuram): I gave a notice of an adjournment motion for discussion in the House on the DTC workers' strike. One DTC worker was shot dead yesterday.

SHRI SUNIL MAITRA (Calcutta North East): We have already given adjournment notice regarding DTC strike. The worker were being shot down like dogs. We want a discussion on the Floor of the House.

MR. SPEAKER: You can give notice.

SHRI SUNIL MAITRA: We have already given it.

MR. SPEAKER: It has to be given after the statement.

(Interruptions)

SHRI BUTA SINGH: I have listened to your very judicious ruling.

Shri Vajpayeeji made a remark in this House which is very much disparaging against the hon. Ministers. I

was thinking—I was expecting—that a senior Member like Shri Vajpayeeji will come with an unconditional apology after the ruling has been given by you. In fact, he went on maligning the Ministers also. He showed scant regard for your ruling by walking out, against your ruling. That shows how much faith they have in Parliamentary democracy. They cannot face the ruling of the Chair. They should have remained here to respect the ruling of the Chair.

(Interruptions)

PROF. MADHU DANDAVATE: Please take note that Mr. Vajpayee is on record that "I accept your ruling. But I would have liked that the Ministers should have been pulled up." That is all that he has said.

(Interruptions)

SHRI HARIKESH BAHADUR: I accept your ruling, but I am not satisfied, this much I can say. I accept your ruling, there is no doubt about it. But I am not satisfied.

MR. SPEAKER: I do not discriminate against one or the other. I have to go according to the facts. I cannot go against the facts.

(Interruptions)

SHRI RAM VILAS PASWAN: You must have talked to the Chief Election Commissioner also. (Interruptions)

MR. SPEAKER: That is a statutory body; it is a supreme body in its own affairs. I have got the two letters. That is all.

(Interruptions)

श्री मनोराम बागड़ी (हिसार) : अध्यक्ष जी मेरी दो बातें हैं। मैंने एक विशेषाधिकार का सवाल उठाया था कि 13 लोक सभा के मੈम्बर...

MR. SPEAKER: Not allowed.

... (व्यवधान) ...

श्री मनोराम बागड़ी : दूसरी बात मैंने काम रोको प्रस्ताव दिया है और कार्लिंग एटेंशन दिया है। जमुना जी मथुरा के अन्दर विश्राम घाट का पानी दूषित हो गया है और सरकारी तौर पर इस की...

अध्यक्ष महोदय : आपने कोई नोटिस दिया है। ... (व्यवधान) ...

श्री मनो राम बागड़ी : दिया है।

अध्यक्ष महोदय : श्री दिगम्बर सिंह जी को 377 इस संबंध में एलाउ किया है। यदि आपको कोई और करना है, तो दे दीजिए।

... (व्यवधान) ...

श्री मनोराम बागड़ी : आप मेरी बात एक मिनट सुन लीजिए :

अध्यक्ष महोदय : मैंने सुन ली है।

श्री मनोराम बागड़ी : वह कृष्ण की जन्म भूमि है।

अध्यक्ष महोदय : ठीक है। एहतराम करता हूँ।

श्री मनोराम बागड़ी : भारत में सबसे उत्तम पवित्र स्थान है। वहाँ पानी के पीने से आदमी मर रहे हैं। धार्मिक आस्था देश की घट रही है।

अध्यक्ष महोदय : आपकी धार्मिक भावनाओं का एहतराम करता हूँ, सबका।

श्री मनो राम बागड़ी : यह पानी है, जिसमें मछली मर गई है।

अध्यक्ष महोदय : इसको देख लूंगा। आपने कोई नोटिस दिया है। मैंने आज श्री दिगम्बर सिंह जी को 377 एलाउ किया है।

श्री मनीराम बागड़ी : 377 नहीं ।

अध्यक्ष महोदय : उनको किया है ।
आप अपना कोई नोटिस दे दीजिए ।

श्री मनीराम बागड़ी : मैंने नोटिस दिया है ।

अध्यक्ष महोदय : एडजानमेंट मोशन एलाड नहीं करते हैं ।

श्री मनीराम बागड़ी : मैंने कालिग एटेंशन दिया है ।

अध्यक्ष महोदय : सोच लेंगे ।
... (व्यवधान) ...

श्री मनी रामबागड़ी : आप मुझे अनुमति दे दीजिए । आप इसकी जांच करायेंगे ।

अध्यक्ष महोदय : आप नहाएइगा भी मत । इसे ऐसे ही रखिए ।

श्री मनीराम बागड़ी : ऐसी हल्की बात मत करिए । करोड़ों लोग पानी को पवित्र समझकर अपेण करते हैं ।

अध्यक्ष महोदय : मैं दूषित पानी की बात कर रहा हूँ । जमुना के पानी की बात नहीं कर रहा हूँ ।

श्री मनीराम बागड़ी : मथुरा के विश्राम घाट का पानी, जिसका आप ने भी जाकर आचमन किया है । समूचे देश के लोग उससे पवित्र होते हैं ।

अध्यक्ष महोदय : उसको शुद्ध करने की बात करेंगे ।

... (व्यवधान) ...

श्री मनी राम बागड़ी : आप कुछ करने के लिए विश्र्वास दिलाते हैं ।

अध्यक्ष महोदय : करेंगे । इसका प्रबन्ध करेंगे ।

... (व्यवधान) ...

अध्यक्ष महोदय : इसका डिस्कशन करवायें । बात करके करवायेंगे ।

... (व्यवधान) ...

श्री मनीराम बागड़ी : अध्यक्ष महोदय, देखिए आप..

अध्यक्ष महोदय : हो गई बात, मैंने सुन लिया है ।

श्री मनीराम बागड़ी : ये कागज पटल पर रखवा लीजिए ।

अध्यक्ष महोदय : आप मुझे दे देना । मैं देख लूंगा ।

श्री मनीराम बागड़ी : आपको दे दूँ ।

अध्यक्ष महोदय : मुझे दे देना ।

DR. SUBRAMANIAM SWAMY (Bombay North-East): Sir, Members of Parliament are free to travel in any part of this country. You have yourself said it on a number of occasions. I am surprised to see the statement of the Chief Minister of Assam that Members of Parliament should not go to Assam for the next one week. This shows that there is a breakdown there and there should be President's Rule.

MR. SPEAKER: That is not binding on you. That is not binding on anybody. It is only a suggestion.

(Interruptions)

DR. SUBRAMANIAM SWAMY: Then, why should he make a statement like this, that Members of Parliament should not go there?

MR. SPEAKER: There is nothing in this.

... (व्यवधान) ...

अध्यक्ष महोदय: मैंने इनको अलाउ नहीं किया है। नाट एलाउ।

DR. SUBRAMANIAM SWAMY: Let the Home Minister make a statement on it. If there is a breakdown there should be President's Rule. (Interruptions)

If I go there and if something happens, who will be held responsible? (Interruptions) The Home Minister wants to say something.

THE MINISTER OF HOME AFFAIRS (SHRI P. C. SETHI): May I clarify? The Assam Chief Minister has made a request that hon. Members who are keen to visit Assam, should go after a few days. But if the hon. Members insist on going, we would speak to him and make arrangements for them.

श्री मनोराम बागड़ी: इन्होंने तो रोका है।

अध्यक्ष महोदय: रोका कोई नहीं सकता।

श्री रामावतार शास्त्री (पटना): अध्यक्ष महोदय, ट्रांसपोर्ट मिनिस्टर के बयान के बाद डी० टी० सी० को हड़ताल पर बहस होना चाहिए।

अध्यक्ष महोदय: आप नोटिस दाजिये। फिर करेंगे। स्टेटमेंट होने के बाद नोटिस दाजिये।

... (व्यवधान) ...

अध्यक्ष महोदय: नोटिस बाद में दिया जाता है।

श्री रामावतार शास्त्री
जरूरी है। बहुत आवश्यक है।

SHRI CHANDRAJIT YADAV: (Azamgarh): I also wanted to raise the same thing i.e. DTC strike and lot of violence.

अध्यक्ष महोदय: स्टेटमेंट के बाद नोटिस दाजिये।

SHRI R. S. SPARROW (Jullundur): I had submitted a notice for a calling attention motion relating to the activities of extremists and terrorists in Punjab.

MR. SPEAKER: I will consider that.

श्री मनोराम बागड़ी: पूरा सुन तो लिया करें। आप के पंजाब की बात है।

अध्यक्ष महोदय: सुन लिया है।

PROF. K. K. TEWARY (Buxar): It is obvious from your ruling you have just now given that Mr. Vajpayee...

MR. SPEAKER: This is not the way. I cannot allow you. If you have got anything, you give me in writing.

श्री बी० डी० सिंह (फुलपुर): पंजाब में जो घटनाएँ हो रही हैं, मैं चाहता हूँ कि गृह मंत्री जी उनके बारे में इस हाउस को आवश्क करें...

अध्यक्ष महोदय: वही बात उन्होंने कही है। गृह मंत्री जी आपके सामने बैठे हैं...

श्री बी० डी० सिंह: हम जानते चाहते हैं कि सरकार ने सुरक्षा के लिये क्या कदम उठाये हैं। वे इस सदन को आवश्क करे कि वहाँ पर आगे ऐसी घटनाएँ नहीं होंगी।

श्री राम बिलास पासवान : अध्यक्ष महोदय, मैं आपका ध्यान आदमी के जीवन से संबंधित एक सूचना की ओर खींचना चाहता हूँ। डॉ० एम० एस० की दूध की बोतल में बड़हा-चूहा ...

अध्यक्ष महोदय : जब इसकी बात आयेगी तब करेंगे।

श्री राम बिलास पासवान : लोग उसके दूध को पी रहे हैं, जब कि दूध में चूहा रहता है, साँप रहता है।

श्री रामावतार शान्त्री : मक्ड़ी भी रहती है।

अध्यक्ष महोदय : शुक्र करो भाय खुद नहीं आ गई।

... (व्यवधान) ...

श्री राम बिलास पासवान : देखिये, कितना बड़ा चूहा है। इस पर आप डिस्कशन करवायें।

MR. SPEAKER: That is under my consideration.

SHRI HARIKESH BAHADUR: A very important Central undertaking, DTC, as paralysed completely.

अध्यक्ष महोदय : यह हो गया है।

श्री हरीश कुमार गंगवार : (पोलीथीन) : अध्यक्ष महोदय, मैं एक स्पष्टीकरण चाहता हूँ—कल रात्र डॉ० टी० सी० का एक मसला उठाया गया था तो आप ने कहा था कि

यह स्टेट का मामला है, इस लिये यहाँ पर नहीं उठाया जा सकता है। जब के मिनिसटर साहब कैसे बयान आये हैं ?

अध्यक्ष महोदय : जिस वक्त यहाँ मेट्रोपोलिटन काउंसिल नहीं थी तो यह कहा जाता था कि चूँकि यहाँ चुनो हुई बाड़ी नहीं है, इस लिये यहाँ उठाना चाहते हैं ...

श्री हरिकेश बहादुर : लेकिन यह तो सैफ्ट्ल गवर्नमेंट की अन्डरटेकिंग है।

MR. SPEAKER: Its management is under Metropolitan Council. It is concurrent.

श्री हरीश कुमार गंगवार : राज्य सभा में डिस्कशन हुआ, लेकिन आप ने यहाँ पर एलाउ नहीं किया।

अध्यक्ष महोदय : आ रहा है।

श्री हरीश कुमार गंगवार : कन्डक्टर मर गया है —**

MR. SPEAKER: Nothing is going on record.

श्री राजेन्द्र प्रसाद यादव (माधोपुर) : डॉ० टी० सी० की हडताल के बारे में यहाँ पर डिस्कशन होना चाहिए।

SHRI SUDHIR GIRI (Contai) I have given an adjournment motion relating to DTC....

MR. SPEAKER: Not allowed.