

MR. CHAIRMAN: You approach this issue with an open mind.

SHRI ATAL BIHARI VAJPAYEE: Open mind does not mean vacant mind. The mind should be open, but it should not be vacant.

MR. CHAIRMAN: The presumption is that the mind is not vacant.

SHRI ATAL BIHARI VAJPAYEE: There is no State Assembly for this. Parliament has to enact all laws. I would like to know whether the Minister will be prepared to refer the whole Bill to the Select Committee.

SHRI YOGENDRA MAKWANA: That will be done at an appropriate stage. This is not the stage to suggest whether it would be referred to the Select Committee. Let it come, then we will consider it in the House. It is for the House and not for me to decide.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Punjab Municipal Act, 1911, as in force in New Delhi, and the Delhi Municipal Corporation Act, 1957."

The motion was adopted.

SHRI YOGENDRA MAKWANA: Sir, I introduce the Bill.
(Interruptions).

13.05 hrs.

HIGH COURT AND SUPREME COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT BILL

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): I beg to move for leave to introduce a Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, and the Supreme Court Judges (Conditions of Service) Act, 1958.

SHRI JYTIRMOY BOSU (Diamond Harbour): I am very constrained to say....

MR. CHAIRMAN: I think you will throw some jyoti, light.

SHRI JYOTIRMOY BOSU: I do not know whether I will succeed or not, it is up to you to judge. I do not know why my parents have chosen that name for me, because I think it is a very wrong thing to do.

MR. CHAIRMAN: The Chair only wanted to tell you that you should not shed so much light that people may become blind!

SHRI JYOTIRMOY BOSU: I am most constrained to say that *(Interruptions).

SHRI P. SHIV SHANKAR: On a point of order. Nothing should be on record with reference to these matters.

MR. CHAIRMAN: Against a sitting Judge, nothing can be said.

SHRI P. SHIV SHANKAR: Whatever he has said should be expunged from the records.

MR. CHAIRMAN: Nothing will go on record.

SHRI JYOTIRMOY BOSU: Kindly read article 121. It is made clear there that no discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties....

SHRI P. SHIV SHANKAR: Extraaneous matters should not be recorded.

SHRI JYOTIRMOY BOSU: * *

THE MINISTER OF INFORMATION AND BROADCASTING AND SUPPLY AND REHABILITATION (SHRI VASANT SATHE): Such unparliamentary remarks should not be allowed.

**Expunged as ordered by the Chair.

MR. CHAIRMAN: This is insulting the House, against the dignity of the House.

(Interruptions)

MR. CHAIRMAN: Those remarks which, on examination, are found to be unparliamentary, not befitting the dignity of the House, will be expunged.

SHRI JYOTIRMOY BOSU: Which one?

MR. CHAIRMAN: I cannot make a running commentary like you. Each and every word will be weighed, and those which stand scrutiny will be allowed to remain, others not.

SHRI JYOTIRMOY BOSU: I may amend the word * * It may be substituted by "lacking in grey matter". That is the best I can do.

I will be coming nearer to the subject.

MR. CHAIRMAN: You say you are coming nearer and nearer, but to the Chair it appears you are moving farther and farther.

SHRI JYOTIRMOY BOSU: You get someone to measure the distance between the Chair and myself. I am very near to you.

श्री अटल बिहारी वाजपेयी (नई दिल्ली): सभापति जी, मेरा एक व्यवस्था का प्रश्न है। अभी आप ने निर्देश दिया कि जो कुछ सदन में कहा गया है उस में से यदि कुछ अस्सदीय है या सदन की मर्यादा के खिलाफ है तो उसे निकाल दिया जाएगा। मेरा निर्देशन यह है कि क्या निकाला जा रहा है क्या रखा जा रहा है यह सदन को पता होना चाहिये।

सभापति महोदय: हां, पता होना चाहिये। लेकिन यह संभव नहीं है, कोई भी यहां चैयरमैन हो, जब बहुत सारे

मेम्बरों का साथ बोलने लगे तो प्रत्येक सदस्य किस पृष्ठभूमि में बोलें, क्या बोलें, क्या हुटाना होगा, कहां तक हुटाना होगा, उस सम्बन्ध में तुरन्त निर्णय दे सके, यह किसी के लिए संभव नहीं होगा। उस के बिना केवल जीनियस की जरूरत नहीं है, सुपर जीनियस की जरूरत होगी, वह आप के यहां पर कार्य सम्पादन कर सकता है।

श्री अटल बिहारी वाजपेयी: कभी-कभी ऐसा होता है कि सदन की कार्यवाही में से निष्काज दिया जाता है लेकिन अखबारों में छाप दिया जाता है। (व्यवधान)

सभापति महोदय: ऐसा नहीं होना। (व्यवधान)

श्री अटल बिहारी वाजपेयी: निकालने के बारे में जो फैसला हो वह सदन में होना चाहिए, चैम्बर में नहीं।

सभापति महोदय: नहीं, चैम्बर में नहीं होना।

श्री सतीश व्यवधान (जयपुर): क्या निष्काज जा रहा है, अखबारों को क्या पता?

श्री अटल बिहारी वाजपेयी: कोई ऐसी बात निकाली जा रही है जो अन्-पार्लेमेन्टरी नहीं है, तो सदस्यों को कहने का मौका होना चाहिये।

सभापति महोदय: आप नियम 380 पढ़न की कृपा करें:

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House."

SHRI SATISH AGARWAL: I am on a point of order. The rule is quite correct.

SHRI XAVIER ARAKAL (Ernakulam): On a point of order. Can there be a debate on the ruling by the Chair?

SHRI SATISH AGARWAL: No ruling has been given. The Chairman has simply read out the rules. The rules are quite clear, and your interpretation is also quite clear. The discretion is yours, the power is yours. What words have been expunged, that should be made known.

MR. CHAIRMAN: I have already explained my position. (*Interruptions*) If the rules are clear, if the interpretation is clear and if everything is clear to you, then you would not have put this question to me.

SHRI SATISH AGARWAL: You have the discretion to expunge such words. But you have to exercise that discretion in the House so that you make it clear to everybody that these words have been expunged. (*Interruptions*)

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I am on a point of order. Under Article 121 of the Constitution, the objection was taken by Mr. Shiv Shankar that no reference can be made to a Supreme Court Judge. Only last week, Mr. Shiv Shankar himself referred to the conduct of Justice Srivastava and when this point was raised, there was a ruling .

SHRI P. SHIV SHANKAR: He was not a Judge.

SHRI BAPUSAHEB PARULEKAR: The Chair had given a ruling at that time that if the conduct of a Judge not in the discharge of his duties is to be discussed, that can be discussed on the floor of the House. That is exactly what Mr. Bosu has said. He

did not utter a word about him which is defamatory. There is a precedent and I request you not to commit a breach of that.

MR. CHAIRMAN: I am committing absolutely no breach.

SHRI JYOTIRMOY BOSU: I know you will not. I am on a point of order under Article 121 of the Constitution.

MR. CHAIRMAN: Instead of speaking on the issue, you go on raising points of order.

SHRI JYOTIRMOY BOSU: I am on a point of order under Article 121 and you are oath-bound to give a ruling.

Article 121 says that no discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties—I repeat, in the discharge of his duties—and I have repeatedly said that it is unconnected with the discharge of the duties, the judicial functions. I have made it clear. ******(*Interruptions*) This is my charge. (*Interruptions*) Kindly defend the judiciary in this country.

SHRI P. SHIV SHANKAR: Those things must be expunged because in the discharge of his duties he has made certain observations. Those things must be expunged.

MR. CHAIRMAN: At the very outset, I cautioned Mr. Jyotirmoy Bosu. He should not try to shed so much light that everybody here may become blind. He is whispering in my ears that the people speaking on this side should not be listened to. Whoever says anything I have to listen. I have to keep my mind open. I will approach the issue accordingly.

SHRI JYOTIRMOY BOSU: I have one more submission to make. The venerable and the hon. Law Minister, the other day, had chosen in his wis-

****Expunged as ordered by the Chair.**

dom**** on the floor of the House with regard to the former Judge of Allahabad High Court, Mr. Srivastava ... (Interruptions)

MR. CHAIRMAN: The word "lies" is unparliamentary. You withdraw it immediately. (Interruptions). This is only the stage where leave is asked for. You are raising all sort of issues. At this stage, no debate can be conducted; no deliberations can be conducted. (Interruptions)

SHRI JYOTIRMOY BOSU: I am saying to the Law Minister, "Doctor, heal thyself first. Then try to reform the judicial system." He said things about the man which he dare not say outside. Here is a letter from Mr. Srivastava, the former Judge, who has denied all the things that he said. (Interruptions)

SHRI P. SHIV SHANKAR: The cat is out the bag. The "politician—Srivastava" has come true when I said that because he has made available a copy of the letter to him.

MR. CHAIRMAN: Incidentally, I read out the relevant rule.

SHRI JYOTIRMOY BOSU: I have read it myself. Please don't take the trouble.

MR. CHAIRMAN: Do you want to say something?

SHRI P. SHIV SHANKAR: Here, the only question arises about the legislative competency. All extraneous matters have been brought in. I request that those things may be expunged. There is no basis at all. His skin-deep respect for the judiciary has been exposed by raising the objection.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the High Court Judges (Conditions of Service) Act, 1954, and the Supreme

Court Judges (Conditions of Services) Act, 1958."

The motion was adopted.

SHRI P. SHIV SHANKAR: I introduce* the Bill.

SHRI JYOTIRMOY BOSU: Now it is all over. I do not want to go back. But I want to draw your kind attention to one thing. The Chair itself has done something improper. I said, "division" and you passed on. Mr. Vajpayee said, "no division". I agreed to that. But the Chair has to catch my voice immediately. Division means, immediately division. It is all over now.

MR. CHAIRMAN: I did not catch your voice. So, I did like that. Otherwise, there was absolutely no earthly reason why I should not have allowed a division.

SHRI JYOTIRMOY BOSU: I have not imputed any motive. I will never do that.

MR. CHAIRMAN: But you will say so.

13.20 hrs.

MATTERS UNDER RULE 377

- (i) LIVERIES AND SALARIES OF POSTMEN AND CLASS IV EMPLOYEES OF BEGU SARAI DISTRICT POST OFFICE, BIHAR

सभापति महोदय : श्रीमती कृष्णा साही ।

श्रीमती कृष्णा साही (बेगुसराय) : सभापति जी, मेरा व्यवस्था का प्रश्न है।

सभापति महोदय : आप व्यवस्था को छोड़िये, नियम 377 के तहत अपना

*Introduced with the recommendation of the President.

**Expunged as ordered by the chair