

(d) whether young Advocates of Chhapra, Madhubani and other districts of Bihar boycotted the courts on 24th January, 1981 demanding nationalisation of legal profession etc., if so, details of their demands and Government reaction thereon?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): (a) and (b). Government has not undertaken any survey of the economic and material conditions of members of the legal profession and as such has no clear information.

(c) No, Sir. Any scheme of social security launched by Government would have to be for the community as a whole and not for any limited section thereof.

(d) Government has no information whether young advocates of Chhapra, Madhubani and other districts of Bihar boycotted the courts on 24th January, 1981 demanding nationalisation of legal profession, etc., however, Government has received a copy of the resolution passed by the Sitamarhi Bar Association, Sitamarhi (Bihar) dated 20th February, 1981. The Association had passed two resolutions, the first resolution supports the demands of the District Young Lawyers Association, Madhubani, and by the second resolution it was resolved to boycott the courts on 24th and 25th February, 1981. Government has not received any letter of demand from advocates of Chhapra or Madhubani, but an appeal from District Young Lawyers Welfare Committee, Goda (Bihar) has been received. The demands mentioned therein were:

- (i) equi-distribution of cases among lawyers by the Government,
- (ii) abolition of the system of government advocates, APP, etc., by substituting advocates from the Bar Associations,
- (iii) providing facilities like housing, libraries, insurance, pension for old age and handicapped lawyers, and

(iv) appointment of Magistrates and Judges from among the advocates.

Government is not considering the nationalisation of the Legal Profession or regulating the distribution of briefs among Counsel other than those engaged by it.

12 hrs.

# RE. SUPPLY OF BRIEFS TO MEMBERS BY MINISTRIES

श्री राम विलास पालवान (हजीपुर) :

अध्यक्ष जी, हमने एजोर्नमेंट मोशन दिया है कि श्री जैल सिंह ने कांग्रेस (घाई) के सम्बन्ध में होम मिनिस्ट्री के एडीशनल सेक्रेटरी को लिखा है कि वे उन को ब्रीद करें। मैं जानना चाहता हूँ कि सरकार और पार्टी में कोई अन्तर है या नहीं ? (श्रवण) ...

MR. SPEAKER: Please listen to me. (Interruptions)

MR. SPEAKER: I am to decide it. I received this morning several notices drawing attention to the Press reports appearing today to the effect that the Home Minister is reported to have given directions for some briefs to be provided to some Members of the Ruling Party through the Party Office. This matter caused me concern and I took it up immediately with the Government. I have received a few minutes ago a letter from the Home Minister which is self-explanatory. The Home Minister has stated in his letter:

"On receipt of a letter from Shri Prakash Mehrotra, Secretary, Congress (I), dated the 9th February, 1981 asking for supply of background material for the use of Members on issues concerning my Ministry likely to come up in the Parliament, I had issued instructions to the Departments under my Ministry for necessary action in the matter. At that time I had thought that this would enable the Hon'ble Members to make useful contribution to discussions ...."

SHRI JYOTIRMOY BOSU (Diamond Harbour): Only to those belonging to the ruling party. (Interruptions)

MR. SPEAKER: Why are you interrupting me? Let me complete.

"At that time I have thought that this would enable the Hon'ble Members to make useful contribution to discussions and debates in the Parliament on those issues. As a matter of fact, if a similar request had been received from the Opposition parties I might have given the same directions to the Departments."

SHRI INDRAJIT GUPTA (Basirhat) .... might have given...?

MR. SPEAKER: Yes, "might have given the same directions to the Departments."

"However, on careful consideration of the matter I found that this would lead to complications. Accordingly, I have since withdrawn these instructions. I may add that no such material has been supplied so far. Anticipating that the Hon. Members may raise this issue consequent upon a news item appearing in a section of the Press, I am bringing these facts to your kind notice."

(Interruptions)

SHRI JYOTIRMOY BOSU: Does it not sufficiently show that all this has been done surreptitiously? (Interruptions)

MR. SPEAKER: Nothing will go on record.

(Interruptions)

MR. SPEAKER: I need hardly stress that in such matters which affect the interest of Members, every care should be taken to see that Parliamentary conventions are duly observed. This is what I wanted to say.

श्री रामबिलास पासवान : अब्बार में यह बात आई, इसलिए हम लोगों की नालिश में यह बात आई . . (इयबबान)

SHRI JYOTIRMOY BOSU: Sir, on a point of order ....

MR. SPEAKER: We would have faced the situation as it comes. We would have crossed the bridge when it comes.

(Interruptions)\*\*

MR. SPEAKER: Whatever the rules would have permitted, I would have taken decision accordingly.

(Interruptions)\*\*

MR. SPEAKER: Not allowed.

(Interruptions)\*\*

MR. SPEAKER: Nothing is going on record without my permission. I have not allowed any Member to speak.

(Interruptions)\*\*

मैं यह कह रहा हूँ कि आप चार-पांच बोलेंगे तो किसी को पता नहीं लग सकता कि आप क्या बोल रहे हैं और मैं क्या बोल रहा हूँ।

Why are you speaking without my permission when I am prepared to listen ....? You are also speaking without my permission.

(Interruptions)\*\*

I can listen but not like this. Please sit down.

श्री राम बिलास पासवान (हाजीपुर): आपने पहले मुझे बुलाया है।

अध्यक्ष महोदय : आपका जवाब दे दिया है।

श्री राम बिलास पासवान : होम मिनिस्टर यहां बैठे हुए हैं। इस प्रकार का डेमोक्रेसी में नहीं होता है। आप होम मिनिस्टर से माफ़ी मंगवाइये, होम मिनिस्टर माफ़ी मांगें। (इयबबान)।

MR. SPEAKER: I have done it; no hypothetical positions.

(Interruptions)

**THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE):** It is the right of member to ask for information; it is the right of a Minister to supply information. What is the breach of privilege? We do not agree to this at all. No question of privilege, no question of *mafi*. And, do not try to bully the Speaker.

**MR. SPEAKER:** Why are you doing this?

आप क्यों बोल रहे हैं ?

**AN HON. MEMBER:** They should be ashamed of it.

**THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN):** We are not ashamed of it. This is our right; this is our obligation. The question of privilege arises only when we ....

**MR. SPEAKER:** I have to decide that. Have you to decide that? Let them say; what is the harm?

**SHRI C. M. STEPHEN:** Then, it is all right.

**MR. SPEAKER:** How does it affect you? Why should you get agitated? *(Interruptions)*

एक माननीय सदस्य : आप माफी मांगना चाहते हैं ।

**MR. SPEAKER:** There is no question. *(Interruptions)*

**SHRI C. M. STEPHEN:** We will continue to do that. My Ministry will supply the brief; it is my right and my obligation. *(Interruptions)*.

**SHRI SATYASADHAN CHAKARBORTHY (Calcutta South):** It is the attitude of the elephant . . . . *(Interruptions)*.

**SHRI C. M. STEPHEN:** We can have a debate if you like.

**SHRI VASANT SATHE:** I will also supply the brief.

**SHRI C. M. STEPHEN:** We can supply the brief .... *(Interruptions)*

**SHRI JYOTIRMOY BOSU:** On a point of order ... *(Interruptions)*

**MR. SPEAKER:** I want to listen, but only if somebody allows that.

**SHRI JYOTIRMOY BOSU:** On a point of order under rule 376. If the journalist concerned had not rendered this yeoman service,....

**MR. SPEAKER:** This is a hypothetical question; not allowed.

**SHRI JYOTIRMOY BOSU:** The second thing is, do you realise that if they had done it, it would have amounted to violation of Official Secrets Act?

**MR. SPEAKER:** When that comes, then I will see.

**SOME HON. MEMBERS ROSE** *(Interruptions)*.

**MR. SPEAKER:** Have I allowed you? Not allowed. You have no permission of mine to speak.

*(Interruptions)\*\**

Not allowed. I will listen to you all . . .

**SHRI JYOTIRMOY BOSU:** My final submission is that Mr. Stephen in his wisdom has just now said ....

**MR. SPEAKER:** Nothing; over-ruled.

**SHRI C. M. STEPHEN:** I can answer that. You can bring a privilege motion. I consider it my obligation to brief the Members as to what is happening in my Ministry.... *(Interruptions)*

**MR. SPEAKER:** Why are you agitated?

*(Interruptions)\*\**

**MR. SPEAKER:** Mr. Somnath Chatterjee.

*(Interruptions)*

**MR. SPEAKER:** Please....order. *(Interruptions)\*\**

\*\*Not recorded .

MR. SPEAKER: Why are you trying to be funny? Nothing is to go on record without my permission. Yes, Mr. Somnath Chatterjee. He has my permission.

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, you were kind enough to observe just now that you really *suo motu* took action in this matter, because of its great importance; and you were kind enough to ask for information from the Home Ministry. And you have read out a letter. May I earnestly request you, because of the seriousness of the matter, for a *suo motu* intervention to enquire whether any other hon. Minister has issued such directives to his Ministry?

(Interruptions)

MR. SPEAKER: We will see when it comes.

SHRI SOMNATH CHATTERJEE: Unless you find out, it is not possible ....

(Interruptions)

MR. SPEAKER: I will find out. Yes, Mr. Gupta.

(Interruptions)

SHRI INDRAJIT GUPTA: We appreciate very much the ruling which you have given. I heard you to say: it is of great importance that parliamentary conventions are observed. The difficulty that has arisen here—and that is why I am standing up and asking for your permission—is: either your ruling has to stand, or what some Ministers are now saying, has to stand. Both cannot stand.

MR. SPEAKER: No; I also understand that, I can rule on this also. I will see; whenever I find infringements of this convention taking place, I can take care of them.

SHRI SOMNATH CHATTERJEE: Can your ruling be challenged? They are shouting here.

(Interruptions)

MR. SPEAKER: No; that might be in a different context. I will see that. Yes, Mr. Shejwalkar.

SHRI INDRAJIT GUPTA: Your ruling has been challenged. Two Ministers were shouting at the top of their voice. You should rebuke them for this.

MR. SPEAKER: I will see if they infringed. It might be something in another context. That might be under the rules. I cannot take anything for granted. Don't worry; I will look into it. Yes, Mr. Shejwalkar.

(Interruptions)

SHRI INDRAJIT GUPTA: They say: "We will do whatever we like".

MR. SPEAKER: It is on both the sides.

SHRI N. K. SHEJWALKAR (Gwalior): My point of order is this. I wanted to give notice; and I gave notice for privilege, for your consideration, on this very matter. To-day I gave it.

MR. SPEAKER: It has been disposed of.

SHRI N. K. SHEJWALKAR: Just hear me. Mine is a point of order. I know that it has been communicated to me. You have disposed it of. The point here is that so far as the question of fact is concerned, I was informed that the matter was being enquired into. There has been a letter from the Home Minister which confirms the charge which we have made, viz., some direction has been issued in contravention of...

MR. SPEAKER: That has been withdrawn. Nothing now.

SHRI N. K. SHEJWALKAR: Let me complete. I don't shout. I never rise. Let me make my point clear. You are free to decide. What I want to say is that according to me—what the reply says is this—they have said that they have withdrawn now. That means they had earlier issued the instructions for which you should ask them to...

(Interruptions)

MR. SPEAKER: There cannot be a withdrawal without an issue.

SHRI N. K. SHEJWALKAR: My point is: now the matter has come before this House. Something has been done; and without apologizing—which we are demanding—it is upto you....

MR. SPEAKER: No; that does not come into it.

SHRI N. K. SHEJWALKAR: Technically, my submission is that there is a breach of privilege.

MR. SPEAKER: Mr. Faleiro.

SHRI N. K. SHEJWALKAR: You give a ruling.

MR. SPEAKER: I have given it. Mr. Faleiro.

SHRI EDUARDO FALEIRO (Mormugao): Kindly listen to me, Sir, carefully and patiently. This relates to the convention regarding the relationship between Members of Parliament and the Government. It is a standard practice that whenever the Members of Parliament ask for information from the Government, Government gives it, unless it is confidential. There is one exception. Members of Parliament are not expected to divulge this information outside, to interests which are against the Government and against Parliament. There has been a definite instance in this case. A Member of Parliament wrote to the Minister of External Affairs mentioning that a Bengali author had prepared a plan showing a portion of India as part of China, and asked the Minister of External Affairs as to what his reaction was. The Minister of External Affairs said we were aware of this matter; we are seized of it; it is under consideration. The Member of Parliament divulged this information to the Chinese Embassy and it got.....

SHRI JYOTIRMOY BOSU: I did it....

(Interruptions)

SHRI EDUARDO FALEIRO: This is a shameful thing. (Interruptions)

\*\* (Interruptions) It is a shame to Parliament. (Interruptions)

MR. SPEAKER: Order, order.

SHRI HARIKESH BAHADUR (Gorakhpur): I have given another notice of privilege against the Minister of Finance regarding... (Interruptions)

MR. SPEAKER: I had sent that. I will get the facts.

(Interruptions)

MR. SPEAKER: I have asked for facts and then I will proceed.....

(Interruptions)

SHRI NIREN GHOSH (Dum Dum): I am on a point of order. We are obliged to you for giving your ruling.

(Interruptions)

MR. SPEAKER: Under what rule, do you want to speak?

SHRI NIREN GHOSH: Under rule 376. But the point is the Minister only reacting to your ruling?

MR. SPEAKER: That has been done. It has been overruled.

SHRI NIREN GHOSH: You should reprimand those Ministers.

MR. SPEAKER: Overruled.

(Interruptions)

SHRI NIREN GHOSH: I want to know whether there will be a reprimand from the Chair.

MR. SPEAKER: I have already done what I could do.

SHRI SATYASADHAN CHAKRABORTY: What I want to mention with your kind permission is important.

\*\*Expunged as ordered by the Chair.

MR. SPEAKER: Every member says something important.

SHRI SATYASADHAN CHAKRABORTY: I have learnt a lesson and you are very kind enough to teach us. The Speaker's Chair should be respected and we always abide by your ruling. This morning, Mr. Stephen openly violated your ruling.

MR. SPEAKER: No, not yet. I will look to that.

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY: This cannot be tolerated. (Interruptions) Will you allow me to speak? If I do something, will you allow me to do?

MR. SPEAKER: I will not allow you neither I will allow Mr. Stephen to go unchecked.

(Interruptions)

MR. SPEAKER: Rao Birendra Singh.

(Interruptions)

SHRI RASHEED MASOOD—rose.

MR. SPEAKER: What do you want?

श्री रशीद मसूद (सहारनपुर) : जो शोर करते हैं उनको आप मौका दे देते हैं। मैं चुप बैठ था और मुझे नहीं दिया जा रहा है। प्रिविलेज का सबाल जो फेलीरो साहब ने उठाया है मैं उसके बारे में इतना ही कहना चाहता हूँ कि जो सीप्रेट मैटर्ज हैं उनके बारे में इनफर्मेशन नहीं दी जानी चाहिए और मैं इसके मुत्तफिक हूँ। मेरा आबजैक्शन यह है कि होम मिनिस्टर कांग्रेस आई के मैम्बर्ज को ही नहीं बल्कि जो भी मैम्बर इनफर्मेशन मांगे उसको दी जानी चाहिए।

MR. SPEAKER: That has been disposed of. You had not heard me.

(Interruptions)

MR. SPEAKER: Why don't you listen to me? Why did you not keep your ears open? If you had done it, then you would have listened to me. I have done it.

श्री राजनाथ सोनकर शास्त्री (संदपुर) :  
मैंने एक एडजर्नमेंट मोशन दिया था। उसका क्या हुआ है? आज देश के सारे ग्रहचारों में यह फोटो छपी है और मोटे मोटे हैडिंग में यह चीज आई है।

MR. SPEAKER: No, no, I have already allowed it under 377. I would not listen.

श्री राजनाथ सोनकर शास्त्री : मेरी बात सुन लीजिए।

MR. SPEAKER: Rao Birendra Singh.

(Interruptions)

श्री राजनाथ सोनकर शास्त्री : उसको क्यों खारिज कर दिया गया है ?

अध्यक्ष महोदय : खारिज नहीं किया है, 377 में एलाऊ किया है।

(Interruptions).

MR. SPEAKER: I have already allowed it. Please sit down. Don't record.

(Interruptions)\*\*

12.18 hrs

#### PAPERS LAID ON THE TABLE

RICE-MILLING INDUSTRY (REGULATION AND LICENSING) AUDIT RULES, 1980

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND RURAL RECONSTRUCTION (SHRI R. V. SWAMINATHAN): On behalf of Rao Birendra Singh. I beg to lay on the Table a copy of the Rice-Milling Industry (Regulation and Li-