

versions) under sub-section (1) of section 619A of the Companies Act, 1956:—

(a) (i) Annual Report of the Bharat Electronics Limited, Bangalore, for the year 1976-77 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) A statement explaining that Government are in agreement with the Above Report and therefore no separate Review on the working of the Company is being laid.

[Placed in Library. See No. LT-1541/78.]

(b) (i) Annual Report of the Bharat Earth Movers Limited, Bangalore, for the year 1975-76, along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon.

(ii) A statement explaining that Government are in agreement with the above Report and therefore no separate Review on the working of the Company is being laid.

[Placed in Library. See No. LT-1542/78]

(c) (i) Annual Report of the Garden Reach Shipbuilders and Engineers Limited, Calcutta for the year 1976-77, along with the Audited Accounts and comments of the Comptroller and Auditor General thereon.

(ii) A statement explaining that Government are in agreement with the above Report and therefore no separate Review on the working of the Company is being laid.

[Placed in Library. See No. LT-1543/78.]

ANNUAL REPORT ON THE WORKING OF INDUSTRIAL AND COMMERCIAL UNDERTAKINGS OF THE CENTRAL GOVERNMENT FOR 1976-77 (VOLS. I TO III).

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI ZULFIQUARULLAH): I beg to lay

on the Table a copy of the Annual Report (Hindi and English versions) on the working of Industrial and Commercial Undertakings of the Central Government for the year 1976-77 (Volumes I to III). [Placed in Library. See No. LT-1544/78.]

12.10 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

ELEVENTH REPORT

SHRI VINODBHAI B. SHETH (Jamnagar): Sir, I beg to present the Eleventh Report of the Committee on Private Members' Bills and Resolutions.

BUSINESS ADVISORY COMMITTEE

ELEVENTH REPORT

DR. MURLI MANOHAR JOSHI (Almora): Sir, I beg to move:

"That this House do agree with the Eleventh Report of the Business Advisory Committee presented to the House on the 21st February, 1978."

MR. SPEAKER: The question is:

"That this House do agree with the Eleventh Report of the Business Advisory Committee presented to the House on the 21st February, 1978."

The motion was adopted.

12.12 hrs.

MATTERS UNDER RULE 377

(i) REPORTED ISSUANCE OF NOTICES BY SHAH COMMISSION TO CERTAIN ADVOCATES TO APPEAR BEFORE IT.

SHRI C. M. STEPHEN (Iduki): Sir, I rise to draw the attention of the

[Shri C. M. Stephen]

House to an incident which has very serious implications, firstly, for the freedom of the legal profession....

MR. SPEAKER: Please confirm yourself to the statement. It is *sub judice*; still I have allowed you.

SHRI C. M. STEPHEN:.... and consequently for the freedom of the functioning of the courts. It is in that spirit that I am raising this matter for the attention of the House.

In yesterday's paper it was reported that the Shah Commission had ordered issuance of notice to three advocates to appear before the Shah Commission. Action against the party is conceivable, but here to the advocates appearing before the Commission on behalf of the party not on the ground of their conduct before the Commission but on the basis of a statement filed before the Commission, show-cause notice has been issued personally as to why action should not be taken under the Criminal Procedure Code secondly why the matter should not be referred to the Bar Council of India, and, thirdly, why the Commission itself should not take action against them.

SHRI KANWAR LAL GUPTA (Delhi Sadar): I am on a point of order relating to this very question.

अध्यक्ष महोदय, माननीय मित्र जिस मवाल को उठा रहे हैं वह शाह कमीशन के बारे में है जिसमें उन्होंने तीन वकीलों के खिलाफ कार्यवाही करने के लिए कहा है। जो हमारे रूल्स हैं, उनके मुताबिक जो जुडिशियल इन्क्वायरी है, वह सब-जुडिस मानी जाती है और यह सब-जुडिस केस है। शाह कमीशन ने जो कुछ भी उस पर आज्ञा की है यह सदन उसको डिस्कर नहीं कर सकता है, उस चेलेन्ज नहीं कर सकता है। माननीय सदस्य चाहते हैं कि वकीलों के खिलाफ जो कार्यवाही की है, या उनको नोटिस दिया है,

यह उसको चेलेन्ज करना चाहते हैं। मैं समझता हूँ कि हमारा जो विधान है, नियम है, यह उसके खिलाफ है और इसलिए आपको इसकी आज्ञा नहीं देनी चाहिए।

MR. SPEAKER: I am not allowing any discussion about the matter nor am I commenting on the matter. He has merely shown me a statement and that is why I am confining him..

SHRI KANWAR LAL GUPTA: Then he should confine himself only to the statement and not make any comments.

MR. SPEAKER: The matter being *sub judice* no comments are allowed. Please confine yourself to your statement which you have shown me and nothing more than that.

SHRI C. M. STEPHEN: I am aware of my limitations. But I would submit that under the rule though no discussion is allowed the procedure of any Commission or Tribunal is permitted to be discussed under Rule 188. I would therefore like to draw the attention of my friend to Rule 188.

I have only to say this (if this is what has happened) that the part of the statement to which the Commission took objection is this.

'The purported invitation to the Respondent and the Counsel to appear on February 25, it is submitted with respect, is merely an extension of the illegal procedures already adopted by the Commission and has no meaning for the Respondent in terms of the Commission of Inquiry Act and the principles of natural justice'

If that statement becomes objectionable. I wonder which Advocate can make such statement before any commission or any court.

MR. SPEAKER: You cannot come to that....

SHRI C. M. STEPHEN: I am not commenting about this. Let us not

get angry about this. What I am submitting is about the freedom of, the legal profession which appears before any Commission or Court on behalf of any client and to make any statement, or to say that the Commission or Court has no jurisdiction over something or that the procedure is illegal. If the Commission or Court is to take the view that this is a disparagement of the Commission or Court and the question of 'contempt' will be called in. I would submit that the legal profession will not be able to function in this country and no court will be able to function in this country. This is a very important matter. (*Interruptions*).

MR. SPEAKER: All statements reflecting on the conduct of the Commission will be excluded.

SHRI C. M. STEPHEN: Is this statement a reflection on the conduct of the Commission? This sort of general statement will not do: you will have to show which part has referred to the conduct of the Commission. (*Interruption*). I also have got any right. I am submitting that you have made a statement that all references to the Commission....

MR. SPEAKER: No, no: I said all 'reflections' on its conduct: I never said all 'references'.

SHRI C. M. STEPHEN: Which part is a reflection? Somebody must point out that this part of the statement is a reflection.

MR. SPEAKER: Before I make any deletion, I will discuss the matter with you and thereafter I will delete it. I do not want any reflections on the Commission but before doing so I shall certainly discuss the matter with you.

SHRI VAYALAR RAVI (Chirayinkil): I rise to draw the attention of the House.... (*Interruption*).**

श्री उपसेन (देवरिय) : क्या इनसे डिस्कशन करेंगे, अध्यक्ष महोदय ? इन्होंने उनके विरुद्ध कह दिया जो कि नहीं कहना चाहिए था । यह तो मेक-आउट करना चाहते थे, इनसे आप क्या डिस्कस करेंगे ?

SHRI SURATH BAHADUR SHAH (Kheri): Is it necessary that the Speaker has to hold consultations with the hon. friend over here about the Shah Commission?

MR. SPEAKER: So, far as the conduct of any Commission is concerned, it cannot be discussed in the House. But so far as the procedure adopted is concerned, it can always be brought to the notice of the House. The conduct cannot be discussed but the procedure can be discussed. That is the ruling the Presiding Officers have given.

Therefore, I shall go through the matter, discuss with Mr. Stephen, the procedural part I shall retain, reflection if there is any, will be removed. until then....

श्री भारत भूषण (नैनीताल) : अध्यक्ष महोदय, जब तक आप इस बारे में विचार करेंगे, तब तक सारा स्टेटमेंट पब्लिकेशन के लिए नहीं जायेगा ।

MR. SPEAKER: You are right, until that is finalised.

श्री उपसेन : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है । जो रिफ्लेक्शन माननीय सदस्य ने किया है, वह तो आप रिकार्ड से निकाल देंगे, लेकिन आप के सामने—इन दि आईज आफ दि स्पीकर, इन दि आईज आफ दि हाउस—उन्होंने शाह कमीशन की जो बेइज्जती की है, उसके लिए आप उन्हें क्या सजा, पनीशमेंट, देने जा रहे हैं ?

SHRI MOHD SHAFI QURESHI (Anantnag): My submission is that Mr. Stephen has taken your permission to make certain references to the procedure before the Shah Commission. Now, you, in your wisdom, have decided that you will consult him and you will point out which are the portions which he should not have referred to in his speech.

The whole House is entitled to know—it is for our future guidance also—as to what are the things which you would permit about Shah Commission and which are the things which you would not like to be referred to. The House should be informed.

MR. SPEAKER: The record will show it to you.

SHRI KANWAR LAL GUPTA: My submission is that it should not go to the Press.

MR. SPEAKER: I said it. It will not be published in the Press until it is finalised.

SHRI HARI VISHNU KAMATH (Hoshangabad): On a point of order....

SHRI C. M. STEPHEN: On a point of order I am rising....

SOME HON. MEMBERS rose.

MR. SPEAKER: One at a time. Mr. Ugra Sen, would you like to rise every time?

SHRI C. M. STEPHEN: On a point of order. With your permission I raised certain matters. It is my case that I confined myself to the procedural aspect of the subject which is permitted under Rule 188; not merely the procedure, the subject and the stage—all the three are permitted under rule 188.

It is my contention that I made no reflection on the Commission. If an expunction is to take place, then the attention of the House must be brought

to that part of it which, according to you, is a reflection on the Commission. I aver that I made no reflection on the Commission at all. All I said was that this statement reflects on the legal profession. Therefore, when you say that a statement made by me in the House with your permission, cannot be published in the Press, then why should I make a statement? My submission is: if it cannot be accepted, why should I make a statement? If *in camera* something is to take place, that should not go on record and everything will be forgotten, then that is killing the statement that I made for the House and that is not permissible. Whatever statement has been made with the permission of the House, is part of the proceedings. Except that which you expunge nothing which you do not expunge can be barred from the publication and from the records of the House. I would like to know which you want to expunge and until you order which part is expunged, the rest must be available for publication.

MR. SPEAKER: May I make my position clear?

Mr. Speaker has given me a written statement which I have got in my possession. To that there can be no objection because I have approved it. If he has added anything more, that at present I have not got and I will not be able to do that. But it is always the practice to examine the record and thereafter, I shall decide. What I said was that till that matter is decided, it will not be published, not that your statement will not be published at all. It will not take any long time to examine the matter. By afternoon I will be to do it.

SHRI C. M. STEPHEN: Reflection part will not be published.

MR. SPEAKER: Nobody raises any objection to other parts. To that extent, you have given me written statement and if your speech confines to that statement, there can be no objection to publication, but anything that

you have said has exceeded further and if it has an implication of reflection, that will not be published. What that matter is will be decided by me this afternoon so that for the evening newspapers it is available for publication. There is no difficulty about this.

SHRI HARI VISHNU KAMATH: Mr. Speaker, Sir, I presume that my hon. friend, who now enjoy a now, higher if dubious status in the House.....

SHRI C. M. STEPHEN: I take objection to that statement. I charge him to be the dubious man and in a dubious capacity.... (*Interruptions*).

AN HON. MEMBER: Do not be agitated like this.

SHRI HARI VISHNU KAMATH: Sir, I presume that he has been permitted by you to raise the matter under Rule 377. Rule 377 is as follows:

"A member who wishes to bring to the notice of the House any matter which is not a point of order shall give notice to the Secretary-General in writing stating briefly the point which he wishes to raise in the House together with reasons for wishing to raise it, and he shall be permitted to raise it only after the Speaker has given his consent....."

My hon. friend has invoked the aid of rule 188 also.

SHRI C. M. STEPHEN: That was only in answer to another point.

SHRI HARI VISHNU KAMATH: That does not apply here.

MR. SPEAKER: Why?

SHRI HARI VISHNU KAMATH: You will kindly see that no such debate or discussion can ordinarily be raised here. The proviso to this rule says:

"provided that the Speaker may, in his discretion, allow such matter being raised in the House as is con-

cerned with the procedure or subject or stage of enquiry if the Speaker is satisfied that it is that likely to prejudice the consideration of such matter by the statutory tribunal

As regards expunction, Rule 380 is there, and under it your powers are very wide. It reads:

"If the Speaker is of opinion that words have been used in debate which are defamatory ..."

It does not apply.

"... or indecent or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House."

Any statement made in the House or any words used contrary to the Rules of Procedure should be regarded as unparliamentary. Therefore, there is no need for you to discuss with him and take his advice in this matter.

MR. SPEAKER: I would not be arbitrary. The final decision would, of course, be mine, but I have got a duty to discuss it with him.

SHRI HARI VISHNU KAMATH: I want an assurance that the press will not publish anything until you have decided.

SHRI KANWAR LAL GUPTA: He has already said it.

PROF. P. G. MAVALANKAR (Gandhinagar): Sir, I rise on a point of order further to the point of order raised by my friend, Shri Kamath. May I respectfully invite your attention once again to Rule 380, which reads:

"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

[Prof. P. G. Mavalankar]

such words be expunged from the proceedings of the House."

The words used are 'He may, in his discretion'.

MR. SPEAKER: Quite right.

PROF. P. G. MAVALANKAR: Your ruling today expands the scope of this particular Rule 380 by including all the Members, individuals or more than one, who may have said certain things which were either undignified, defamatory, or unparliamentary etc. Then, the whole thing becomes a matter of debate. The whole spirit of Rule 380 is that there cannot be any discussion. If the words used are defamatory, undignified or unparliamentary, the Chair is certainly within its right, and it is within its discretion and wisdom to decide 'yes' or 'no'. How can you discuss it with the Member concerned, and how can there be a dispute on that? Therefore, I request you kindly to reconsider your ruling before you give it finally, because your ruling today would expand the scope of Rule 380 by unnecessarily opening the gate for endless discussions with Members either in the House or in your chamber. Therefore, all I request you is this.

You said to Shri Stephen, because you had some doubts, you wanted to read again exactly what he said and then decide. So far, so good. But you kindly read it yourself and decide yourself. Why do you allow a Member who is alleged to have said something undignified to come to you in the Chamber, discuss with you and then you will decide? That means that may be extending the scope of Rule 380 beyond what has been said.

It is good that you said that you do not want to decide immediately because you may have any doubt. You decide it today, tomorrow or day after, but you decide alone and let the discussion not go on with the Member concerned.

(Interruptions)

MR. SPEAKER: There has been a considerable misunderstanding of the matter.

So far as discretion is concerned, it is not an arbitrary discretion of anybody. Whenever we discuss the matter, it is only to give him an opportunity. Final decision will be that of the Speaker.

Even here when the Speaker wants to expunge, he gives an opportunity to the other side. Therefore, what I have said, is that before I decide it, I shall discuss the matter with Shri Stephen. Ultimately, my discretion is my discretion and nobody else's discretion.

(Interruptions)

SHRI SURATH BAHADUR SHAH: I want to raise a point of order.

MR. SPEAKER: No, no.

SHRI SURATH BAHADUR SHAH: I observe parliamentary etiquette and procedure. In case the procedure of hooliganism is adopted....

MR. SPEAKER: Many points of order have arisen.

SHRI SURATH BAHADUR SHAH: I want to know whether it is necessary for the Speaker to consult the hon. Member....

MR. SPEAKER: Everybody raises the same question.

SHRI RAM CHANDRA RATH (Aska): You have every right to have a dialogue with every Member.
(Interruptions)

You should not have soft attitude for the ruling party. You must apply your discretion.

श्री किशोर लाल (पूर्व दिल्ली) : अध्यक्ष महोदय, मैं यह व्यवस्था का प्रश्न उठा रहा हूँ कि जितने भी रूल्स और कानून होते हैं वह कामनसेन्स पर बेस्ड होते हैं,

जो भी रूल्स और कानून उधर से और इधर से भी कोट किए गए हैं वह आपने सुने और हमने भी सुने लेकिन प्वाइन्ट यह था जो रूल्स में लिखा हुआ है और वह यह है कि किसी कमीशन के सामने जो प्रोसीजर होगा वह पार्लियामेंट के सामने डिस्कस हो सकता है—इस बात का उन्होंने सहारा लिया—मैं यह मालूम करना चाहता हूँ आप तो सुप्रीम कोर्ट के जज रहे हैं और लीगल पण्डित हैं, कोई भी आदमी या वकील वहां जाये और गाली दे दे फिर विदड़ा करले, दूसरी बार फिर गाली दे दे और फिर विदड़ा कर ले तो यह कानून शरीफ आदमियों के लिए था पर जो शरीफ हैं और दूसरे जो शरीफ नहीं हैं उनके बीच में फर्क होना चाहिए ।

MR. SPEAKER: This is not a point of order.

(ii) BOMB BLAST AT A SYDNEY HOTEL WHERE INDIA'S PRIME MINISTER WAS STAYING

SHRI VAYALAR RAVI (Chirayinkil): I wish to raise the matter regarding bomb blast at Sydney hotel during the Commonwealth Conference. This was a matter of serious concern for everybody in this country. We are fortunate and we are all happy that the Prime Minister and the Indian personnel who stayed in the hotel escaped unhurt. But this incident of bomb blast is a very serious matter not only for the Indians working in Sydney (Australia), but in Manila, in Canada, in London. In all these places the Indian people working in embassies are facing a serious threat everyday and even have been attacked on many occasions.

This incident of bomb blast in Sydney Hilton hotel was a deliberate attempt of sabotage and even a threat to the life of the Indian Prime Minis-

ter. I wish to draw the attention of the Government of India and specially of the hon. Home Minister to this matter. He should tell us as to what are the steps which are taken to tighten the security and safety of the Ministers and also of Indian people working abroad. In this connection, Mr. Speaker, may I draw your attention to one matter? This allegation has been made and the matter has been raised several times before the House. Certain organisations like the Anand Margi have been mentioned. Certain people who have been arrested in Manila and other places have been identified as Anand Margis. Unfortunately, Sir, on an earlier occasion the leader of the Anand Margis has been given some respectability by some of the political leaders by visiting him in the jails. It included three parliamentarians, Mr. Samar Guha, Mr. Jyotirmoy Bosu and Mr. Vajpayee. After that, Sir, the Anand Margis have got a boost because of the respectability. Now the time has come for the Government of India to take a serious view of these incidents of violence and terrorism inside and outside the country which is a continuous threat to the lives of the people especially our people belonging to the foreign service cadre working abroad.

Lastly, Sir, I again request the Government to see that an assurance is given. Merely checking at the airports or merely checking here and there is not enough. There must be a proper machinery to find out who are the people and who are the agencies and who are all working on this not only in India but outside.

In this connection, Mr. Speaker, you are well aware of this. Because they are angry with the erstwhile Government, they have completely demolished the system of an intelligence agency working in this country to find out not only in India but abroad