

[डा० बलदेव प्रकाश]

जो हमने मोजन दिया था माटन के बारे में वह सब बातें ही हो गयी।

They should be taken up for tomorrow's business.

मेरे रिजल्ट है कि जो आज के लिए दिया गया था कॉलिग एटेशन मांजन

MR. SPEAKER: You have mentioned that.

श्री डी० सी० गवई - अधिलम्बनीय साह: महत्व के विषय को ले कर मैंने 377 के अधीन आपको सूचना दी थी। मराठवाडा विद्यापीठ के बारे में यह थी। मराठवाडा विद्यापीठ का नाम बदल कर डा० अम्बेदकर विद्यापीठ कर दिए जाने की बख्त से वहां पर बहुत ज्यादा तनाव बढ़ गया है और धीरे धीरे बढ़ रहा है। रेलें जलाई जा रही हैं, बसें जलाई जा रही हैं, छावनी मारे जा रहे हैं। गृह मंत्री यहाँ बैठे हुए हैं, प्रधान मंत्री बैठे हुए हैं। वहाँ का बाताबरण बहुत ही तनावपूर्ण होता जा रहा है, हाथ खराब होती जा रही है। एक तरफ दलित लोग हैं दूसरा तरफ सबर्ण लोग। वे एक दूसरे से झगड़ रहे हैं, पथराब कर रहे हैं। सरकार की मास मना को बहुत बड़ा नुकसान पहुँचाया जा रहा है। मैं परसों मराठवाडा से आया हूँ। वहाँ मुझे बहुत ही अग्रानक चित्र देखने को मिला है। मेरे सामने एक बच्चे का पत्थर मार कर उसकी जान ले ली गई। मैं गृह मंत्री जी का ध्यान उन तरफ दिखाना चाहता हूँ और उनसे प्रार्थना करता हूँ कि वहाँ पर स्थिति पर काबू पाने के लिए सीं आरपी या फौज को भेजा जाए और मराठवाडा को बचाया जाए। मराठवाडा क हुरिजनों की प्राय रखा करें, उन्हें बचाएं।

MR. SPEAKER: Now the Members themselves have seen how many urgent matters are before us. Therefore, it is a very difficult task for the Speaker to select. As for tomorrow, also, I

am hard put to it to select. The floods in northern India are one of the most devastating things. I thought it was a most important matter that we should take up

(Interruptions)

Therefore, I thought it was necessary that priority should be given to that. At the same time, I am thinking of giving a 377 statement to Mr. Qureshi because that is also an urgent matter. I have not been able to allow a calling attention because I thought floods were more important than this matter

(Interruptions)

I have heard all of you Now, Mr. Sathe

12.35 hrs.

'TIMES OF INDIA' CORRESPONDENT RE. ALLEGED MIS-REPORTING OF CERTAIN PROCEEDINGS OF LOK SABHA

SHRI VASANT SATHE (Akola): I am thankful to you for giving your kind consent under rule 222 to a matter, which I must say I feel deeply pained to raise as a privilege matter. I had thought, if you would recall, that I would bring this to your kind notice, to the notice of the House, so that even without bringing it as a privilege matter, it could be set right because it is no pleasure to me that a matter should be raised against the members of the fourth estate a journalist of an eminent paper like the Times of India. But unfortunately the Times of India thought it fit not to correct itself in spite of the fact that when I brought the omissions and commissions, the mistakes I honestly thought that it must have been an inadvertent mistake, very much as my hon. friend, Shri Jyotirmoy Bosu tried to show, it may be in the din and noise members rise and people in the gallery

may not be able to know; they are not magicians, I believed honestly that it might be a mistake and it would be corrected. Therefore, I had pointed out on the 21st the omission. Unfortunately it so happened that words which were never used by you were put in your mouth. In fact it is embarrassing for me because I was the person who was supposed to be castigated by you. But the words which you have used were, that is on the 19th: "Let me make it plain to the hon. Members that no threat will deter me. I have said that I will certainly go according to the rules, according to my interpretation, subject to any resolution in the House. Therefore, there is no use making a threat. I am selecting call attention notices according to what I consider to be important and decide about that."

Now you will see that in this there is no mention of any particular member. It was not directed to me. Therefore, the next day when in the front page report of the *Times of India* the learned special correspondent reported, "At one stage the Speaker Mr. K. S. Hegde had to remind Mr. Sathe that he should refrain from making threats in the House"—now this was an unfortunate statement which was never made. I have quoted what you stated. I therefore had pointed it out to you and you were pleased, when I pointed it out, to say on the 21st: "Mr. Sathe, you are right, I think the reporting is wrong and the paper should correct itself." I had hoped that after this the paper would correct itself. Unfortunately although it was pointed out to the correspondent and to the newspaper editor, they had not corrected it. Therefore, I sought your permission to raise it. It is really embarrassing for me and also for you to be very frank because both of us are involved.

MR. SPEAKER: I am not involved.

SHRI VASANT SATHE: Involved in the sense that you have been quoted wrongly. Therefore, I would request

you to consider that to report the proceedings of the House incorrectly—which had never happened, which had never taken place, which tends to malign a Member—is *per se* breach of privilege.

AN HON. MEMBER: Then who gave the threat?

SHRI VASANT SATHE: Actually it was not mentioned here at all.

So, therefore, I am not taking it as a matter of my personal concern. I leave it to the hon. colleague—the Prime Minister who is our leader in this House—the House and all the members who may feel that I have been wrongly maligned by this quotation which was put in your mouth and which inspite of your saying that that should be corrected has not been done. I feel it is for the House to decide whether a breach of privilege has been committed or not and I leave it to the House.

I beg for permission of the House to grant leave.

MR. SPEAKER: Anybody objecting it? Only those who object to the Motion.

(Interruptions)

SHRI JYOTIRMOY BOSU: I do, Sir. I do, Sir.

SHRI KANWAR LAL GUPTA (Delhi Sadar): Will you kindly permit me? I have objected. I Will take only two minutes.

MR. SPEAKER: In this matter all that is to be said is—"I am objecting". Nothing more than that.

SHRI JYOTIRMOY BOSU: I am objecting. I have come prepared.

MR. SPEAKER: It is not a debate that you have to come prepared. It is not a debate. You can state your mere objection.

SHRI JYOTIRMOY BOSU: I shall be failing in my duty if I donot point out certain inaccuracies.

MR. SPEAKER. Mr Bosu, the Rules of Procedure are very clear When a Privilege Motion is moved, normally is put to the House. When it is objected to, no debate is allowed It is the objection that is needed You just say—I object to it.

SHRI JYOTIRMOY BOSU. I object because

MR. SPEAKER No, no It is not necessary. It is not a debate.

SHRI JYOTIRMOY BOSU: Pages 2,000, 2001, 2002.

MR. SPEAKER May be 2,000 or 4,000.

The procedure adopted up till now is other people merely object and then it is put to the House If 25 members support it, it has leave of the House.

SHRI KANWAR LAL GUPTA I object because it is an objective reporting. Therefore, I want to object.

MR. SPEAKER All right Anybody can raise objection.

SHRI JYOTIRMOY BOSU My objection has gone on record. I object to this privilege motion

MR. SPEAKER Yes, all right.

SHRI GAURI SHANKAR RAI (Ghaziपुर) I have no objection but I would like to...

MR. SPEAKER: No, no It is not allowed.

SHRI KANWAR LAL GUPTA: Other people also object to it.

MR. SPEAKER: Those who are in favour of leave being granted may please rise in their seats

The required number is there.

Now it will go to the Privilege Committee for consideration.

SHRI JYOTIRMOY BOSU: Before admitting this you should have gone through.

MR. SPEAKER. Leave has been granted. Mr Sathe may move the motion

(Interruptions)

SHRI VASANT SATHE I beg to move

"That this matter be referred to the Committee of Privileges."

SHRI KANWAR LAL GUPTA: What is the procedure that you have adopted?

MR. SPEAKER. Rule 225.

When leave is granted by the Speaker and a request is made that the matter may be referred to the Privileges Committee

SHRI KANWAR LAL GUPTA: Under the Rule you are competent to refer it to the Privileges Committee.

MR. SPEAKER That I have not exercised

SHRI KANWAR LAL GUPTA Then the House can

MR. SPEAKER No, no Under rule 225 When you raise an objection, why do you not get yourself familiar with the rules?

225—".... "If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than twenty five members rise accordingly, the Speaker shall declare that leave is granted."

SHRI KANWAR LAL GUPTA: I am on a point of order under Rule 225.

This Rule 225 says—"The Speaker, if he gives consent under rule 225.."

So, I take it that you have given consent.

MR. SPEAKER: I have not given consent.

SHRI JYOTIRMOY BOSU: I may be permitted to point out certain inaccuracies in this statement.

MR. SPEAKER: No, no That is not . .

(Interruptions)

SHRI JYOTIRMOY BOSU: You cannot grant....(Interruptions) I regret to say that you are giving permission on a contention which is based on inaccurate facts.

MR. SPEAKER: That is all right. There the matter ends.

SHRI JYOTIRMOY BOSU. Why are you so generous? We have been very unkind to the journalists. It is a very difficult job that they do and on the top of that we are going to be so unfair. I would request you to kindly go through the uncorrected report of the debate and see what is there on pages 2,000, 2,001 and 2,002. May I read out?

MR. SPEAKER: Mr. Bosu. .

SHRI JYOTIRMOY BOSU: You are doing great injustice to the country

MR. SPEAKER. So far as my consent is concerned, it is not open to discussion.

SHRI JYOTIRMOY BOSU: I am making the submission with your permission.

MR. SPEAKER: No, you are not, because I have not permitted you to challenge my consent. In respect of rule 223, the Speaker has merely to consent, nothing more than that. The rest is for the House according to the procedure.

(Interruptions)

SHRI JYOTIRMOY BOSU: The law makers should be the law breakers.

MR. SPEAKER: I am not a law maker, all of us are the law makers. That is all right.

SHRI JYOTIRMOY BOSU: By this, you are going to demoralise the entire press corps who do a very difficult job here. We are seeing for the last 12 years, it is not an easy task to do. When your permission is based on inaccurate submission....

MR. SPEAKER: It is not open for discussion at all.

SHRI JYOTIRMOY BOSU: Why?

MR. SPEAKER: No The motion is before the House, that is all. The motion is that the matter may be referred to the Committee of Privileges.

SHRI KANWAR LAL GUPTA: We want to oppose it, Sir.

MR. SPEAKER: You are opposing, that is why 25 Members rose

SHRI DINEN BHATTACHARYA (Serampore): You have not mentioned the matter. What is the matter? What is the matter. What is the matter?

(Interruptions)

SHRI C. M. STEPHEN (Idukki): According to the rules, let me clarify with your permission, there are three stages. One, you giving the consent, second, the House giving the leave to move for the privilege motion. That comes under 225. The third is 226 where, once the leave is granted, the House will have to decide, unless the Speaker on his own refers it to the Privileges Committee, whether it be referred to the Privileges Committee. After leave is granted, Mr Sathe has made a motion that the matter may go to the Privileges Committee. At this stage, the House can discuss it; the House can immediately come to voting about it or alternatively, you can refer it to the Privileges Committee by exercising your right.

(Interruptions)

Let me clarify; I am not making any speech. I am holding the floor now.

[Shri C M Stephen]

Therefore, Sir, because my friends were asking what we are about, under, 226, the motion is before the House. It can be discussed and the final decision can be taken *(Interruptions)* Now, he is entitled to speak on that

SHRI VASANT SATHE Now kindly consider Rule 226 If leave under 225 is granted which has been done, the House may consider the question of breach of privilege itself and come to a decision itself Two things, the House has to become a Privilege Committee by itself, consider the motion, have it debated and take a decision Either this has to be done or it can refer it to the Committee of Privileges on a motion made by the member who has raised the question of privilege of any other member I have raised that it should be referred to the Privileges Committee There is no third alternative Either it goes to the Committee or it must be discussed here by the whole House and now, it is for the House, there is no other motion whether it is to be considered

SHRI JYOTIRMOY BOSU What is rule 226? Mr Sathe has conveniently put the cart before the horse 226 says "If leave under rule 225 is granted the House may consider the question and come to a decision" That is the first thing

MR SPEAKER That is on the motion

SHRI JYOTIRMOY BOSU And the second thing is 'or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member' Therefore, it is mandatory and obligatory on your part to bring the question of motion before the House

MR SPEAKER That is what I have been saying all the time

(Interruptions)

SHRI KRISHAN KANT (Chandigarh): Let us know whether the hon Member has moved the motion to refer

to to the Committee or to put it before the House—what is the motion.

SHRI VASANT SATHE I have moved that it should be sent to the Committee

SHRI KRISHAN KANT Then, if it is to be sent to the Committee, the House is not to discuss it Rule 226 says that if leave under Rule 225 is granted, then there are two options. The House may consider the question and come to a decision, or refer it to the Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other Member

SHRI K LAKKAPPA (Tumkur): He is a member of the Privileges Committee

MR SPEAKER He is merely telling the legal position

SHRI KRISHAN KANT Mr. Speaker, Sir I am not discussing the issue of privilege at all I am not discussing the pros and cons of it I am on a procedural matter When the motion has been put and as you earlier did it, now it has been referred to the Privileges Committee

MR SPEAKER No Please understand the position clearly There are three stages of the Privilege motion. The first stage is the consent to be given by the Speaker under Rule 222 The second stage is that leave be granted under Rule 225 The third stage is the motion before the House It is up to the House to decide on one of the two courses. They may say: "We are ourselves going to dispose of it" because the House is the master of the situation The Privileges Committee is only an agent of it or it is open to the House to say: "Why should we refer it?" The House has only two alternatives now—either to say: "We are seized of it, we dispose of it," or "we are referring it to the Privileges Committee." Now, the practice is.

(Interruptions)

SHRI KRISHAN KANT: The motion before the House is to refer it to the Privileges Committee.

MR. SPEAKER: But the House may say: "No, we are not going to."

SHRI KRISHAN KANT: The discussion will be limited.

(Interruptions)

The discussion will be limited to whether it should be referred to the Privileges Committee or should be discussed in the House. There is no other discussion on the motion.

MR. SPEAKER: Quite right, the discussion before the House is....

SHRI KRISHAN KANT: Only limited.

(Interruptions)

SHRI GAURI SHANKAR RAI: I am on a point of order. Now, the legal and constitutional position is that the House has got two options and these two options require two substantive motions. Now, only one motion of Mr. Sathe is before the House. No amendment or no alternative motion has been moved before the House. There is only one motion and in absence of the other motion....

MR. SPEAKER: Anyone can move a motion for amendment.

SHRI KANWAR LAL GUPTA: Let me read Rule 226. Rule 226 says that if leave under Rule 225 has been granted, then after granting the leave, the House may consider the question and come to a decision. That is one alternative that the House may consider. The other alternative is: "or, refer it to the Committee of Privilege on a motion made either by the Member who has raised the question of privilege or by any other member." So, there are only two alternatives.

MR. SPEAKER: Everybody says that.

SHRI KANWARLAL GUPTA: We want to say something on this. Kindly permit us.

MR. SPEAKER: No, no. You can move a motion.

SHRI KANWAR LAL GUPTA: I want to move a motion, Sir, that we want to consider this motion.

MR. SPEAKER: All right, you can do that. It is open to you to move.

SHRI JYOTIRMOY BOSU: I want to move an amendment to the motion. I move:

"That the House may consider the question and come to a decision with regard to this question of privilege."

MR. SPEAKER: That you are entitled to.

SHRI KANWAR LAL GUPTA: Now you can permit us to speak.

SHRI C. M. STEPHEN: I rise on a point of order. Now, one motion is already before the House. That motion has got to be disposed of. Two motions cannot be considered simultaneously by the House. There can be an amendment to the motion before the House. This is not an amendment. There is like a substitute motion and nothing like that. Two motions cannot be considered by the House at the same time. So, the motion which is already before the House must take precedence. Now the point is, if somebody wants the House itself to consider this matter, he should have brought in a motion initially and the desire of the House should have been tested, whether it must be considered or not. Once this motion is before the House, an amendment....

SHRI JYOTIRMOY BOSU: Is it put in the List of Business?

SHRI C. M. STEPHEN: I am here on a point of order. I have also a right, not Shri Jyotirmoy Bosu alone.

[Shri C. M. Stephen]

An amendment to the motion cannot be in the nature of rejecting the motion, or negating that motion. The second motion which is moved cannot be an amendment, because it is in the nature of negating the motion. Therefore, this motion has got to be decided, and the other motion cannot be taken up and considered at all. Two motions cannot be considered together.

MR. SPEAKER: I am not accepting this contention.

SHRI SHYAMNANDAN MISHRA: (Begusarai). May I explain what I understand by rule 226? According to rule 226, only when a *prima facie* case has already been established for rule 226, only when a *prima facie* is granted. Now, that being the case, the matter can be disposed of in two ways. For the first case, where the House itself should decide, no motion is required, because the words used are that the question shall be decided; it is not said "on a motion" but only that the question shall be decided.

SHRI K. P. UNNIKRISHNAN (Badagara): The words used are "the House may consider the question".

SHRI SHYAMNANDAN MISHRA: Because, in that very rule, you will find two kinds of expressions—"the House may consider the question and come to a decision" and "refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member". So, if the House wants to decide about this, then the House has probably lost that opportunity. Then the hon. Member had been obliged to come with a motion..... (Interruptions). The Chair's duty in the first instance should be to ask whether the House itself would like to dispose of it. Since the Chair has not asked that question, therefore, the hon. Member is quite competent, is quite in order, to bring up a motion before the House, and that is precisely what he has done.

MR. SPEAKER: I have heard the various contentions. Reading rules 222, 225 and 226 together the following procedure is laid down, according to me the first step is for the Speaker to decide whether he should give his consent or not. The second step is for the House to grant the leave under rule 225. The next stage is for the House to decide whether it will go into the matter and decide itself, or whether it will refer the matter to the Privileges Committee.

In this case, I have already given my consent under rule 222. The House has granted leave under rule 225. Now it is open to the House to say either it will discuss it itself at present or refer the matter to the Privileges Committee. Shri Sathe has given a motion, proposing that the matter be referred to the Committee of Privileges.

SHRI K. P. UNNIKRISHNAN: That will come only later.

MR. SPEAKER: It is open to a Member to move an amendment to say that the House itself will go into the matter and discuss it. But the normal convention of the House has always been, in a matter like this, to refer it to the Privileges Committee. But that convention does not bind the House. The House may make a different decision in the matter. Therefore, the amendment is permissible and, if the House so desires, the matter may be discussed by the House.

SHRI K. P. UNNIKRISHNAN: Rule 226 consists of two parts—discussion by the House or reference to the Committee. If the House is considering the question, only then he can move the motion.

13 hrs.

MR. SPEAKER: No. On his own motion, the House may say, "We will discuss it." That is the procedure. (Interruptions) I have given the decision.

SHRI P. K. DEO (Kalahandi): I would like to submit in this regard..

MR. SPEAKER: Not after my decision. (Interruptions). Is it the pleasure of the House to dispense with the lunch hour and dispose of it today?

SEVERAL HON MEMBERS No.

SHRI KANWAR LAL GUPTA: I want to speak on that. .

MR. SPEAKER: I will fix it for some other day.

SHRI KANWAR LAL GUPTA: I would speak on that after lunch.

MR. SPEAKER: No. after lunch, we are taking up a different matter.

11.01 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at five minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

MR. DEPUTY SPEAKER: We had a discussion on Shri Sathes Motion fixed for 2 o'clock but, unfortunately, we have certain other business which was not finished in the morning, like Papers to be Laid, Calling Attention and 377. So, I would suggest that we finish that part of the business and then take up this discussion, if the House agrees.

SOME HON. MEMBERS: Yes.

SHRI O V. ALAGESAN (Arko-nam): Will it spill over to tomorrow?

MR. DEPUTY-SPEAKER: We will see how much time we will take now. It will not take much time, I think, but the Privilege Motion may have to be taken up tomorrow or any other day; it depends on the speaker and Mr. Satha.

Now, the statement showing supplementary Demands for Grants.

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL), 1978-79

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI ZULFIQUARULLAH): I beg to present a statement showing Supplementary Demands for Grants in respect of the Budget (General) for 1978-79.

14.05 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER REPRESENTATION OF THE PEOPLE ACT AND REPORT OF LAW COMMISSION re. CRIMINAL LIABILITY FOR FAILURE BY HUSBAND TO PAY MAINTENANCE ETC., TO WIFE AS GRANTED BY COURT

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): I beg to lay:

(1) A copy of Notification No. S.O. 393(E) (Hindi and English versions) published in Gazette of India dated the 19th June, 1978 making certain amendment in the description of the 12-Champhal constituency in Schedule XXVII of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 under sub-section (2) of section 9 of the Representation of the People Act, 1950 [Placed in Library. See No. LT-2519/78].

(2) A copy of the Seventy-third Report (Hindi and English versions) of the Law Commission on Criminal liability for failure by husband to pay maintenance or permanent alimony granted to the wife by the Court under certain enactment or rules of law [Placed in Library. See No. LT-2520/78].