

opinion I will call you off to give your opinions (*Interruptions*) Will hon. Members resume their seats? I will call on you to give your opinion. But if 5 or 10 people talk at the same time, I cannot take the opinion of the House. Otherwise, this way you are not going to help people affected by floods; you can help only by sobriety. After the hon. Minister has spoken, I will take your opinion. (*Interruption*) Mr Balbir Singh, will you resume your seat?

Now the Minister.

शुचि श्री सिधार्थ मंत्री (श्री सुरजीत सिंह बरनाला) : मि० बेयरमैन, श्री पूर्ण नारायण मिन्हा ने जो बहस उठाई है ... ( *व्यवधान* ) ...

SHRI KANWAR LAL GUPTA *ros*.

MR. CHAIRMAN : The Minister is replying, Mr. Gupta (*Interruptions*.)

श्री लखन लाल कपूर : मेरा कहना यह है कि इस को कष्टीयु रखा जाए और इस के डिस्कशन के लिए कोई दूसरा दिन रखा जाए।

MR. CHAIRMAN : You do not want to know what the Government is doing? ... (*Interruption*) It is upto you. If it is the wish of the House that this Resolution should continue on another day, I shall call ...

SHRI C. K. JAFFER SHARIEF (Bangalore North) : If the Government is not interested in the flood devastation ...

MR. CHAIRMAN : That is not correct. The Minister is prepared to reply. I would request the hon. Members not to make such remarks.

SHRI G. NARASIMHA REDDY (Adilabad) : May I request you to let the hon. Minister reply because the entire country is suffering due to floods. We would like to know; the further debate may continue the next day; we must know what is happening.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : I want to make a submission. I think the whole House agrees with me that this debate should continue upto 2 p.m. and later on it should be continued in the next week itself. It would not be delayed. The Government must find out time. We should take up Mr. Sathé's resolution exactly at 2 O'clock. It seems they want to back out because they have no charges. We want to press for that discussion ...

MR. CHAIRMAN : You are bringing in something different ... (*Interruptions*)

MR. CHAIRMAN : The hon. Minister would like to take about 20 minutes; he may start now and he can continue.

AN HON. MEMBER : How can he speak? Members would like to speak.

MR. CHAIRMAN : The Minister can intervene.

SHRI KANWAR LAL GUPTA : He should reply in the last.

MR. CHAIRMAN : It happens that there are some Members who are interested in listening to what the government has to say... (*Interruptions*). The debate has been going on; I have been listening to what the people have been saying; from that I know and I can judge.

SHRI KANWAR LAL GUPTA : You should find out the opinion of the House.

श्री बहीलाल (बिजनोर) श्री कंवर लाल गुप्त ने जो सुझाव दिया है, उस का मैं समर्थन करता हूँ।

MR. CHAIRMAN : The Minister can always intervene.

Dr. SUSHILA NAYAR (Jhansi) : I endorse Shri Kanwalal Gupta's suggestion. Just now we must take Mr. Shate's motion. We can continue this debate on Monday.

श्री सुरेश चिक्म : बहन जी ने जो यह कहा है कि सोमवार को यह डिबेट चले, मैं इसका समर्थन करता हूँ। इस में हाऊस की राय ले ली जाए।

13:55 hrs.

RE: STATUTORE RESOLUTION FOR APPOINTMENT OF COMMISSION OF INQUIRY TO GO INTO CAARGES REPORTED TO HAVE BEEN MADE BY SHRI CHARAN SINGH.

SHRI VASANT SATHÉ (Akola) : It seems they are not interested in flood. They are afraid of the Government being flooded out by my resolution. (*Interruptions*.)

MR. CHAIRMAN : We do not want a flood of abuses here, which will not

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help anybody. This is a most unbecoming behaviour. I am sorry Mr. Sathe, you have started this flood of abuse.

SHRI VASANT SATHE : Shri Kanwar Lal Gupta started it.

(Interruptions).\*\*

MR. CHAIRMAN : Don't record anything being said without my permission. (Interruptions). Nothing is being recorded.

SHRI DINEN BHATTACHARYA (Sarampore) : Kindly see today's order paper. It has been specially mentioned that Mr. Sathe's motion will be taken up at 2 P.M. or as soon as the preceding items of business are disposed of. So, Mr. Sathe's resolution must be taken up at 2 O'clock.

MR. CHAIRMAN : In view of the sense of the House that they wish to continue the discussion on floods, it will be referred to the Business Advisory Committee which will go into the matter, because it is nearly 2 O'clock now. The Minister's reply will have to wait till whatever the Business Advisory Committee decides.

PROF. P.G. MAVALANKAR (Gandhinagar) : On a point of order, Saturday was a holiday, but this was made into a working day because of the respect the Government has shown to the opposition. They wanted the opposition to move this motion so that it can be discussed in this House. Therefore, a week-end holiday was converted into a working day. So, we would like Mr. Sathe to move his motion, because although this monsoon session, he and his friends in the opposition have been saying that this is an important matter and it cannot wait even for a minute.

MR. CHAIRMAN : What is your point of Order ?

14 hrs.

PROF. P.G. MAVALANKAR : My point of order is, I would like to tell you that Mr. Sathe should start moving his motion.

MR. CHAIRMAN : I was going to ask him to move it. You have only delayed it.

SHRI C.K. JAFFER SHARIFE : (Bangalore North) Why don't you ask Shri Sathe to move the motion, before you call any other Member ?

MR. CHAIRMAN : That is exactly what I have said. You were so busy interrupting, you did not hear what I said. I am very sorry.

Now Mr. Sathe, will you move your motion ?

SHRI GAURI SHANKAR RAI (Ghaziपुर) : Mr. Chairman, I have written to the hon. Speaker that I want to make an appeal. It will have to be done before Shri Sathe moves his motion.

MR. CHAIRMAN : I am sorry, I have not got it here.

SHRI GAURI SHANKAR RAI : The Secretariate might be giving it to you. I have sent it to the Speaker. That has priority.

MR. CHAIRMAN : Mr. Speaker is bringing it here.

14.01 hrs.

[MR. SPEAKER in the Chair]

SHRI GAURI SHANKAR RAI : Mr. Speaker, I have sent an appeal to you. I would like to make it now, because it cannot be done after Shri Sathe has moved his motion.

I want to make an appeal against the ruling of the hon. Speaker admitting the Statutory Resolution given notice of by Shri Vasant Sathe, a Member of the Lok Sabha, which has been listed for discussion tomorrow, Saturday, the 12th August, 1978, in the sitting of the Lok Sabha.

My submissions in that regard are as follows:

- (1) That section 3 of the Commissions of Inquiry Act, 1952, under which this Resolution is sought to be moved, lays down that a Commission could be appointed for the purpose of making an inquiry into a "definite matter of public importance";
- (2) The Resolution given notice of by Shri Sathe does not contain any matter of definite public importance. All that it refers to are certain statements and utterances by Shri Charan Singh, former Minister of Home Affairs, as published on various dates in newspapers and magazines .... (Interruptions). The resolution is based upon hearsay reports, of which Shri Sathe has no personal knowledge, nor has he cared to verify the veracity of these statements from Shri Charan Singh, who is alleged to have made these said statements .... (Interruptions). This is not a simple academic matter.

\*\*Not recorded.

3. For the appointment of a Commission of Inquiry, one of the essential ingredients, apart from the fact that it would be a definite matter of public importance, is that the matter should be authenticated by the person making the allegation. In this case, all that Shri Sathe relies on are unconfirmed press statements which, apart from being couched in general terms, lacks factual basis.

I would, therefore, appeal to the House against the ruling of the hon. Speaker on the admissibility of the Resolution referred to above and request that the House do not sustain it. As the matter is urgent, I would further request you to consider it immediately.

SHRI KANWAR LAL GUPTA (Delhi Sadar): Sir, since you have admitted it, let him start.

DR. SUSHILA NAYAR (Jhansi): Sir, I wish to speak a word with regard to the motion of appeal made by Shri Gauri Shankar Rai. The motion of Shri Sathe has been accepted by you. It has received wide publicity and it has been discussed in the other House. Sir, we know that there are no charges, they are all frivolous and they have all been based on newspaper cuttings. There is no proof whatsoever.

SHRI P. VENKATASUBBIAH (Nandyal): Sir, can she go into the details of that?

MR. SPEAKER: They are questioning my admitting the motion.

DR. SUSHILA NAYAR: Under the circumstances, this House wants to have an opportunity to refute and tear to bits the arguments of Shri Sathe.

We do not want you to revise your ruling. We do not want you to give permission to Shri Sathe to withdraw his motion. (Interruptions).

SHRI VASANT SATHE: Why are you in years? (Interruptions)

MR. SPEAKER: Why not we have the proceedings quietly?

THE PRIME MINISTER (SHRI MORARJI DESAI): May I say that on this side, there can be no question of challenging the ruling of the Speaker, I would, therefore, request my hon. friend to withdraw his appeal.

SHRI GAURI SHANKAR RAI: I withdraw my appeal. (Interruptions)

SHRI VASANT SATHE: Sir, Under Rule 180, I wish to withdraw. (Interruptions) I am withdrawing the resolution standing in my name here and I do not move the resolution. (Interruptions)

MR. SPEAKER: Let it be a little orderly. It is an important subject. (Interruptions).

SHRI K. P. UNNIKRISHNAN (Badagara): I had presumed that you had called upon Mr. Sathe to move his statutory resolution. There is a difference between a statutory resolution and other resolutions. Once he has given his intention of moving a resolution and once you admitted it, and once we assemble here, if he has not given any written intimation to you previously....

MR. SPEAKER: He has given a written intimation.

SHRI K. P. UNNIKRISHNAN: Then there is no question. (Interruptions)

PROF. P. G. MAVALANKAR: On a point of order.

MR. SPEAKER: I will call you.

DR. SUBRAMANIAM SWAMY (Bombay North East): I would like to know whether under Rule .... (Interruption)

SHRI DINEN BHATTACHARYA (Serampore): Let him say categorically that he is not moving this resolution. Otherwise, this House will not allow him to withdraw it.

DR. SUBRAMANIAM SWAMY: I would like to know whether under Rule 355, I can ask, through you, Mr. Sathe a question.

MR. SPEAKER: What does it say?

DR. SUBRAMANIAM SWAMY: I would like to know, in particular, in view of the fact that Mr. Sathe has come to learn that he has no case, the Janata Party is completely united and prepared to smash him to bits, whether he got scared and withdrew the resolution. I would like to know from Mr. Sathe .... (Interruptions)

MR. SPEAKER: One by one. Let us see whether you have the right to.... (Interruptions) You have no right; under rule 355, you cannot. It is only when the resolution is being discussed.

DR. SUBRAMANIAM SWAMY : I want to put it on record that it is now quite clear that Mr. Sathe's moving the resolution would be completely counter-productive for them and that they will be exposed. That is why he is withdrawing it. I want him to apologise to the House (Interruptions).

MR. SPEAKER : Mr. Kanwar Lal Gupta has given me a notice earlier.

SHRI VASANT SATHE : You also expunge his earlier references to "mother of corruption" and all that... (Interruptions)

MR. SPEAKER : First of all, your reference was to the Member of Parliament You must remember that... (Interruptions) Please sit down. Don't record.

(Interruptions)\*\*

श्री कंवर लाल गुप्त : अध्यक्ष महोदय, मेरे पास हरएक चीज का जवाब है। धर्म तेजा को किस ने पहले भेजा 1976 में? इंदिरा गांधी ने भेजा.... (व्यवधान)

MR. SPEAKER : It is not a point of order. He is say thing that Mr. Sathe has no right to withdraw. They are counter-arguing... (Interruptions).

SHRI C.M. STEPHEN (Idukki) : You called Mr. Sathe and Mr. Sathe said he was not moving the motion... (Interruptions).

MR. SPEAKER : He says, he cannot withdraw it.

SHRI C.M. STEPHEN : He is going into all sorts of Allegations... (Interruptions).

MR. SPEAKER : He has sent me a letter saying that the BAC has allotted the time for it and, therefore, he has no right to withdraw it... (Interruptions)

श्री कंवर लाल गुप्त : मेरा कहना है कि उन्होंने धर्म तेजा का 76 में भेजा। मिसैज गांधी ने क्लियरमें दिया।.... (व्यवधान)

SHRI C.M. STEPHEN : Is this the point ?

MR. SPEAKER : I am not able to hear anything. I have a duty to hear whether he can withdraw or not. (Interruptions)

SHRI KANWAR LAL GUPTA : We will move a Resolution of our own on this in the next week, we will force you to speak on that and see what is with you. I know you have nothing. You are hollow... (Interruptions)

AN HON. MEMBER : There is no motion before the House. What is the business before the House ?

श्री कंवर लाल गुप्त : अध्यक्ष महोदय, मैंने जो पहले कह था वही ठीक निकला। बिजनेस ऐडवाइसरी कमेटी के सामने इन्होंने और इनके मित्रों ने यह जोर डाल कर कहा कि एक दिन रखा जाये और उसके लिए प्राय राजी हुए, बिजनेस ऐडवाइसरी कमेटी राजी हुई, और हम भी बहुत खुश थे कि कम से कम कोई चीज सामने आए तो पता तो लगे कि जो गटर में से क्लेबट किया हुआ है गटर इस्पेक्टर ने और जो येनो जर्नलिज्म है उसका पर्दाफाश हो, हमें भी मोकामिले। हम बड़ी खुशी में थे लेकिन अध्यक्ष महोदय, ये मिस्कोवियस चार्जेंड थे। कोई इनके पाम चार्ज नहीं है। इनकी हातीनेस घब पता लग गई है। ये इतने डिमोरेलाइज्ड हैं इनके पाम कोई चीज नहीं है और...

They want to equate the mother of corruption with our prime Minister. They should be ashamed of that. They want to equate the unconstitutional authority of Mr. Sanjay Gandhi with the of Mr. Kantibhai Desai... (Interruptions) Go to the people and ask what is their opinion about Mrs. Indira Gandhi and Mr. Sanjay Gandhi. They should be ashamed of it. (Interruptions).

AN HON. MEMBER : What is the point of order ?

MR. SPEAKER : Orer, order. It is not a point of order.

There is a counter argument. They can argue that he has no right to withdraw the resolution... (Interruptions) He has a right to say that.

SHRI C.K. JAFFER SHARIEF : Under what rule ? (Interruptions)

MR. SPEAKER : It is not a point of order. He is saying that he has no right to withdraw... (Interruptions)

SHRI VASANT SATHE : \*\*\*Interruptions What is he talking ?\*\*\* (Interruptions).

MR. SPEAKER : It will be expunged; I expunge it. (Interruptions)

\*\*Not recorded.

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

MR. SPEAKER : Mr. Kanwar Lal Gupta, this morning, sent me a Resolution... (*Interruptions*) He is speaking on that Resolution. I have not admitted it because ... (*Interruptions*)

श्री कंवर लाल गुप्ता : इन्होंने साह कमीशन की कमीशन दी, पुलकी जलाये, साह कमीशन की वेदव्यक्ति की ओर सब यह कमीशन की मांग कर रहे हैं। (अव्यवधान)

MR. SPEAKER : No. You are not speaking on your Resolution. Mr. Krishan Kant.

SHRI KRISHAN KANT (Chandigarh) : The Lok Sabha has been sitting from the 17th July, and since that day, our friends on the opposition belonging to Congress (I), have been branding these charges and have been threatening to bring a Resolution against the Prime Minister for a Commission of Inquiry. And today, when he withdraws this Resolution, I am reminded of an urdu couplet :

बहुत छोर बुनते थे पहलू में दिख का,  
जो काटा तो एक कतरण खून निकला।

That is the situation. Under rule 180, he is withdrawing his Resolution after fighting in the Business Advisory Committee, after fighting in this House and wasting the time of the House for hours together. This is a moral defeat, a moral cowardice. If they had anything, they should have come forward.

MR. SPEAKER : Are you arguing that he cannot withdraw ?

SHRI KRISHAN KANT : The House can decide this. They should not be allowed to withdraw this Resolution because this Resolution has been circulated. It is the property of the House, not only the property of the House but the property of the whole country. By withdrawing this Resolution, they are not only insulting this House, they are insulting the intelligence of the Member, they are insulting the country whom they are taking for a ride. This is contempt of the House, contempt of the Members, contempt of the country. If they withdraw this Resolution, I think, the whole House must condemn this with their bitterest of feelings. They should not be allowed to withdraw this.

2290 LS—3.

PROF. P. G. MAVALANKAR (Gand inagar) : For reasons which are quite obvious, a lot of heat and provocation have been injected into the atmosphere of the debate. I am not looking at it from the merits of the debate, nor am I doubting your right to admit this motion. I am only on a specific point of order with regard to my friend Mr. Vasant Sathe's taking refuge under rule 180(1).

My point of order is this.

First of all, if you read the rule, it says :

"A member in whose name a resolution stands on the list of business may, when called upon, withdraw the resolution, and shall confine himself to a mere statement to that effect."

Obviously, what I have understood just now from what has happened is that he has come under this 180(1) and he has taken your leave....

MR. SPEAKER : There is no leave provided for.

PROF. P. G. MAVALANKAR : My point is this, that this rule has to be read not merely in the context of the four lines of 180(1) but it has to be read in conjunction with 180(2) and the other rules of the House.

My contention is that if you kindly see, the subject matter of the statutory resolution that my hon friend Mr. Sathe has brought refers to a number of important subjects which were agitating the minds of the House and also the country from the beginning of this session, i.e. 17th July onwards. Now, they will be only exposing themselves if after the end of nearly 4 weeks, after having come with a motion, they come here and take a refuge under a mere technicality of Rule 180(1) and tell this House that they do not mean any serious business. Are we taken for a ride ? We, in this Parliament, often charge and charge rightly that the government have no business to take us for a ride. Then how can the Opposition take the whole Parliament for a ride ? (*Interruptions*)

I request you to kindly see why you allowed this resolution to be moved....

MR. SPEAKER : He has not moved.

PROF. P. G. MAVALANKAR : I am only arguing. Why did you allow this resolution ? If you thought that this was a frivolous matter, that this is not very important and that it has not agitated a good part of the House, I am quite sure you would not have

[Prof. P.G. Mavalankar]

allowed this motion to be brought up. But the very fact that you allowed this motion, which incidently is crudely worded and which is also wrongly worded, shows that you allowed it because you went into the subject matter of the motion and thought that the House is agitated and particularly, the opposition and so you have allowed it.

My submission is : under a mere technicality of Rule 180(1) and ignoring 180(2), can a member seek permission to withdraw and do this kind of a drama, and not only expose himself and the Opposition completely, but to bring this House to a kind of ridicule ?

Apart from that, we are meeting on a week-end which is a holiday in normal times. We are all assembled here, public money is spent and public time is spent and we have a right to know.

Now, apart from that, Mr. Speaker, I would also submit that we can move for the suspension of rule 180(1) and take the House into confidence and if the House agrees, then we go ahead because, otherwise, not only the Opposition but we, as the Parliament, will stand condemned in the eyes of the people that we have spent so much time and when the right moment comes, nothing happens. They are exposed today completely and I hope they will not allow this Parliament to be exposed in the same way.

**श्री भूषणदेव नारायण यादव (मधुबनी) :** अध्यक्ष महोदय, मैं आपका ध्यान नियमावली के नियम 339(1) और (2) की तरफ ले जाना चाहूंगा। यह जो प्रस्ताव लाया गया है, इस प्रस्ताव को सदन में बहस के लिए आपने जो लिया, तो नियम 190 को भी देखा जाये। नियम 190 यह स्पष्ट रूप से उपबन्ध करता है कि ऐसे प्रस्ताव पर सदन में बहस करने से पूर्व सदन के नेता को राय से, परामर्श से आप समय नियत करें। नियम 190 के मुताबिक इस प्रस्ताव को अहमियत, इस प्रस्ताव का महत्व इतना ज्यादा है कि सदन के नेता से राय लेकर समय नियत किया जाता है। अर्थात् प्रविष्टिवास के प्रस्ताव और नियम 190 के जो प्रस्ताव हैं, वे बराबर हैं यानी ऐसे प्रस्ताव को बहुत ज्यादा महत्व दिया जाता है। जब ऐसे प्रस्ताव पर सदन के नेता से राय लेकर समय नियत किया जाए और जब कोई उस को वापस लेना चाहे, तो नियम 339 स्पष्ट कहता है कि जिस सदस्य ने ऐसा कोई प्रस्ताव किया हो, तो वह सभा की अनुमति से उसे वापस ले सकेगा लेकिन नियम 339(2) स्पष्ट करती है कि प्रतिबन्ध लगाता है। उसमें यह भी अनुमति, प्रश्न नहीं, अपितु अध्यक्ष द्वारा सभा को इच्छा जानकर व्यक्त की जायेगी। अध्यक्ष जब यह कहेंगे कि प्रस्ताव वापस हो गया है तो यह सदन को इच्छा लेने के बाद ही होगा। और इसमें 339 का जो परन्तुक है, प्रोविजन है, उसको भी देखा जाए। परन्तुक कहता है कि यदि किसी प्रस्ताव पर कोई संशोधन स्थापित किया गया हो तो मूल प्रस्ताव

वापस नहीं लिया जाएगा जब तक कि संशोधन निबटारा नहीं दिया जाए। जब प्रस्ताव पर संशोधन दिये गये, बहुत से संसद सदस्यों ने संशोधन दिये हैं तो जब तक संशोधनों का निबटारा नहीं होगा, तब तक मूल प्रस्ताव को वापस लेने का प्रस्तावक महोदय को नियम के तहत कोई अधिकार नहीं है। इसलिए नियम 339, नियम 190, नियम 138 का एक झोर दो, इन सारे प्रावधानों से यह स्पष्ट है कि कोई भी सदस्य अपने प्रस्ताव को वापस नहीं ले सकता है। अब यह उनका प्रस्ताव नहीं है। अगर माननीय सदस्य को यह प्रस्ताव वापस लेना था तो इसे पेश करने से पहले सोचना था। अब यह सदन की सम्पत्ति होगया है। हम लोगों ने महत्त कर के उस पर संशोधन भी दिये हैं, अन्य माननीय सदस्यों ने भी दिये हैं। इसलिए इसको वापस लेने की इस विधान के तहत कोई अनुमति नहीं है।

**SHRI A. BALA PAJANOR (Pondicherry) :** Mr. Speaker, Sir, I would like to submit on two points before going to the rules. This matter has been decided in the Business Advisory Committee. And you made us, some of us, with great difficulty to accept that to be here on Saturday. I understand this is a matter of fooling the Members of this House because even upto 2 O' clock we were not definitely told that he had withdrawn it. You have just stated that in the House. I would like to know from you at what time Mr. Sathe has given you a witten on this ?

**MR. SPEAKER :** About 1 O'clock— I think it was at about 12-35 p.m.

**SHRI A. BALA PAJANOR :** I would like to know the time of his signing the written application for withdrawal. Here I do not agree with Prof. Mavalankar, as far as the technicality is concerned, once the motion has been moved under 181, then, after that, there is no bar for them to withdraw unless the leave is granted. That is clear. The House can take shelter under 388. That has been clearly pointed out.

**MR. SPEAKER :** But, somebody must move it.

**SHRI A. BALA PAJANOR :** That is the reason why I submit that you must put to this House first whether there is any Member who has raised any point of order under this rule. Any one of the Members out of 544 can move for the suspension of this particular rule ; I want to go on record, that this House takes a very serious notice of this. Our party takes a serious notice of this because of this reason that we have asked our Members to go over here. They have come from far-off places. We have requested them to be here in this Station.

SHRI T. BALAKRISHNAIAH (Tirupathiti): This is crow-catching.

SHRI A. BALA PAJANOR: It is not a question of crow-catching business. That is the business of you, people.

Anna-DMK need not crow-catch anybody. We stand on our own legs. The same thing was said when you were following Mrs. Gandhi. So, Mr. Balakrishnaiah, please do not talk like that. If at all, I would say that we are proud of this. Everyone of us was opposing this motion, I suggested to the Speaker that leaders were opposing this particular motion. We stand on our own views. We are not dependent on any body in this country. We are proud of it.

Secondly, Mr. Speaker, this is a very serious matter and I remember that when Shri Sanjiva Reddy was here he used to conduct the House and sometimes he used to say jocularly 'I do not care for the rule or no rule. I follow the commonsense in the House'. I want you to apply that here at least as a convention for the future. It is a serious thing because something took place in the other House and in the eyes of the world, we looked very badly. It is for the simple reason that the other House is dictating to the elected Members of this House (*interruption*). This is a very serious matter because it is a *fait accompli* just because something has been passed in the other House, that must be taken into consideration. Sir, you must give a ruling. And that ruling must be for over binding on this House.

That ruling must be there. So I want that. I take shelter under the rule as Mr. Mavalankar explained. I agree with Mr. Mavalankar. Any one of the Members can move that motion under Rule 388. That is not my business. But I do not agree with Mr. Mavalankar when he stated that Rule 180(1) and (2) are to be taken up together. It is only if Mr. Sathe moves under Rule 180(1) that rule 180(2) can have any effect. I don't want to elaborate but if I do not distinguish, I will lose my power of analysis as a lawyer.

MR. SPEAKER: Before I proceed further, I would like to inform you that I have got notice of a motion from Mr. Saugata Roy and Mr. Unnikrishnan saying: 'Under Rule 388, I beg to move that Rule 180(1) be suspended and only Rule 180(2) shall apply on the Statutory Resolution standing in the name of Mr. Vasant Sathe'. This is the motion given. I will call first Mr. Saugata Roy to speak. I will then allow others also to speak.

SHRI SAUGTA ROY (Barrackpore): I am on a point of order.

SHRI VASANT SATHE: Please hear me first.

MR. SPEAKER: He is raising a point of order on moving it.

SHRI VASANT SATHE: For a person to request for suspension of rule, now, the position is this. That rule should have operative position relating to a particular matter. It is not that by suspending you can make it applicable retrospectively. As you know, Rule 180(1) says this, and I will read it:

'A Member in whose name a resolution stands on the List of Business may, when called upon, withdraw the resolution, and shall confine himself to a mere statement to that effect.'

That is what I did. Now, Sir, kindly see Rule 176. It says:

'A Member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it.'

—that is, under Rule 180—

'when called upon move the resolution, and shall commence his speech by a formal motion in the terms appearing in the list of business.'

So, I have a right. Then, further Sir, Sub-clause (2) of Rule 180 says:

'A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the House.'

So, when does the 'leave of the House' come in? It comes in only after a Member has moved the resolution in terms of Rule 176. Therefore, I have given these reasons which I have also stated in my letter. Now that friends are raising such a row, what all I have done is this.

This is because, in the mean time, the Upper House, the other House, has already passed a Resolution appointing a Committee.

I do not want to prejudice the working of that Committee.

I am showing respect (a) to the other House and (b).... (*Interruptions*) Please have patience.

श्री भारत कृष्ण (नेनीताल) : इसी हाउस में लीडर आफ दी अपोजीशन ने कहा है कि दूसरे सदन में कोई बात होती है तो हम पर वह लागू नहीं होती। आप को याद होगा कि जब माननीय प्रधान मंत्री ने कहा था कि जो निर्णय राज्य सभा में होगा पत्रों के विषय में वही यहां भी लागू हो जाये, तो नेता विरोधी दल ने कहा था कि वहां के फैसले से हमें कोई मतलब नहीं है क्योंकि हम सीवरन हैं, प्रौर स्पीकर महोदय ने भी रूल किया था कि हम स्वयं इस बारे में निर्णय लेंगे। फिर आज उस के विरुद्ध नेता विरोधी दल क्यों कह रहे हैं।

SHRI VASANT SATHE: I request them to have patience. I have stated in my letter to you, Sir. One has to be fair to all concerned, including the Prime Minister. (Interruptions) He has to be fair to all concerned, including the Prime Minister...

MR. SPEAKER: Let us hear the point of order.

SHRI VASANT SATHE: and all those against whom Chaudhury Charan Singh has made charges...

MR. SPEAKER: I am allowing them to have their say. We are now on a point of order.

SHRI VASANT SATHE: Sir, I have mentioned this in my letter to you. Rule 388 says:

"Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being."

This should have come before I put the motion, or if I had moved the motion. (Interruptions) Therefore, when withdraw the motion, there is no motion to which this rule of suspension can be made applicable. Hence my friend's motion now is out of order; and we beg you that you should consider this. Now the House is *functus officio*, as they say, because I have already withdrawn the motion standing in my name.

MR. SPEAKER: Mr. Prime Minister.

THE PRIME MINISTER (SHRI MORARJI DESAI) : I consider that the decision of my hon. friend Shri Sathe is his own. I do not know whether it reflects credit on him, or on his colleagues. But I am not concerned with that. He has moved it under rule 180. Now, if rule 180 is suspended, that does not take away the first thing. It is a *post-facto* suspension. Therefore, it will have no use. Therefore, I do not think it requi-

Further discussion. But, then, Mr Sathe also wrote to you Sir, an 8-page letter containing several charges. He withdraws them too. That is what is it means. (Interruptions) Either he should withdraw them, or we should discuss them. I have received a copy of it. Either we should take it as withdrawn, or we should discuss it. (Interruptions)

MR. SPEAKER: Now Mr. Saugata Roy.

SHRI SAUGATA ROY: I have moved that under rule 388, one particular rule viz. 180(1) be suspended. As you know, the rule regarding the suspension of rules says:

"Any member may, with the consent of the Speaker, move that any rule may be suspended in its application to a particular motion before the House and if the motion is carried the rule in question shall be suspended for the time being."

I have also applied to you saying that rule 180(2) should be applied—which says:

"A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the House."

There was a statutory resolution moved in the name of Mr. Vasant Sathe...

AN. HON. MEMBER: Not moved.

SHRI SAUGATA ROY : . . which stood in the name of Mr. Vasant Sathe, and is still standing, and which is listed in the List of Business. As you might have noticed, there are several amendments which stand in the name of Mr. Unnikrishnan, myself and Mr. Gopal to the same statutory resolution. Naturally, we had given these amendments, expecting that this resolution will be debated and these amendments will also be discussed. Now there is some barter deal somewhere. (Interruptions) Mr. Sathe gives a letter to you, Sir, saying that he does not want to move it. Our party will not be a party to any barter deal in this way. He says that Mr. Mavalankar has mentioned that the entire Opposition wants it to be withdrawn. I say that he is the leader of a particular Opposition party. He does not represent the entire Opposition. The charges made against the Leader of the House and the Prime Minister of the country are a very serious matter. We want them to be debated in this House in all seriousness. There should not be any barter deal and nothing done behind the backs of the Members of Parliament. We do not know of any under-



standing. That is why I have applied to you that we are prepared and we are willing to move this resolution; let there be full scale debate in this House; we will put across our point of view; we do not believe in the principle that you throw a bucketful of mud and some of it will stick. When the question is raised about the Prime Minister's son, when the former Home Minister raised the same question, the House has a right to discuss the same thing. Nobody has any business to shut it out. We did not move a resolution since you accepted Mr. Sathe's resolution; otherwise on the correspondence issue, we have given you a number of motions which you did not think fit to admit. You admitted this particular resolution. Now Mr. Sathe says he wants to withdraw it; that is why I appeal to you not only under rule 388 but also under rule 389 which says that the Speaker has residuary powers: All matters not specifically provided for in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct. This is a situation in which the Speaker has to give a ruling; the whole country is watching this House today, what this House would decide today. That is why as an opposition party we have taken on ourselves the responsibility of moving this resolution; let this be debated in full in the House and let the sovereign House of the People not be debarred from participating and debating such a subject of vital importance. That is my submission.

**SHRI CHANDRA SHEKHAR (Bajia):** Mr. Speaker, I am sorry to make a few observations about this motion, this debate. The motion has been withdrawn by my friend Mr. Sathe. . . . (Interruptions) . . . has not been moved, I stand corrected. I feel Mr. Sathe is within his rights not to move the motion.

**AN HON. MEMBER:** It is his fundamental right to run away.

**SHRI CHANDRA SHEKHAR:** It is not a fundamental right. I want to raise a fundamental question. It is not only the rule but the behaviour of the Members which is being watched by the country, by the world over. Parliamentary democracy is to run it by certain standards of decency and decorum. May I request Mr. Sathe that he should recollect that all machinations and this type of abuse of parliamentary institutions have not paid them in the past; it is not going to pay them in future. There is a certain standard a certain morality which is involved in the whole issue. If he raised this issue, I think that he raised it in all seriousness. Now he has proved by his own behaviour that he was frivolous.

**SHRI VASANT SATHE:** How ?.. (Interruptions) Because the Rajya Sabha has passed it.

**SHRI CHANDRA SHEKHAR:** A little while ago his reaction in the House reminded me of a film which I saw a few days ago, *The Exorcist*. He was behaving like the girl in the *Exorcist* who had been possessed. It seems he has been possessed by some evil spirit. He has reminded me of the resolution passed by the other House. I have no comments to make on it is But it is again a fundamental question of political morality. It is a question, a fundamental question of parliamentary democracy whether the other House can arrogate the authority of the lower House, can arrogate the mandate given by the people, whether we are going to subordinate. . . .

**SHRI VASANT SATHE:** I do not want you. . . (Interruptions) why should I duplicate?

**SHRI CHANDRA SHEKHAR:** Mr. Sathe, by the use of both the Houses, by the use of all governmental machinery, by the use of all machinations, you cannot subvert democracy and you cannot subvert the mandate of the people; you cannot subvert democracy by using machinations in one way or the other. Mr. Speaker, I should like to make a request to you. I am not in favour of suspending the rule because it will be ineffective. But at least you, Mr. Speaker, as the custodian of the dignity and privilege of this House, should make it quite clear that this behaviour of an hon. Member is below the standard of parliamentary democracy. (Interruptions). It deserves condemnation on all hands. It deserves your reprimand, Mr. Speaker because it is not only his right but the right of all hon. Members sitting here. We were summoned to this House to discuss this motion and the time was taken after so much trouble created by that. I am sorry my hon. friend, Shri Saugata Roy, has not learnt any lesson so far. Why did you support this party till the other day? Have you yet to learn their machinations? Have you yet to learn their behaviour? Have you yet to learn their standard of political morality (Interruptions) Mr. Sathe is not in himself. He is guided by the evil spirit, the evil spirit which haunted this country for long. Mr. Speaker, no motion, no hubbub, no quarrel, no machination is going to drive the country again to the same dark days which the evil spirit tried to bring upon this nation.

I shall request Mr. Saugata Roy not to move for the suspension of the rule.

[Shri Chandra Shekhar]

We do not want to subvert the rule. We do not want to use this parliamentary institution to gain a political point. We have gained the mandate of the people. We shall rule this country to their benefit and to their privilege, not for satisfying the whims of certain people. May I request Mr. Sathe not to resort to these tactics. All these tactics failed in the past when you were in power. Now no window-wailing is going to bring you to power by this method. Please don't go by this. Mr. Speaker, you should reprimand this Member that he should not behave like this. *(Interruptions)*

MR. SPEAKER: Don't record.

*(Interruptions)\*\**

SHRI C. M. STEPHEN: Sir, I heard with patience the statement made by Mr. Chandra Shekhar. As the leader of my party, through you, I would appeal to my friends to give me also patient hearing. The short discussion we have had has thrown up three matters. One is the question about the suspension of the rule, which I do not think I should elaborate long, for the simple reason, as Shri Chandra Shekhar has said, suspension would be ineffective, because it is not retrospective. Therefore, I do not want to elaborate on that. Simply, it would be inoperative and ineffective. I do not want to elaborate on that. It is only with respect to the business before the House the suspension takes place. If sub-rule (1) is suspended, if sub-rule (2) is to operate, then it is only under rule 176 that a motion can be made, and the motion can be made only if the person concerned does not want to withdraw it, then only he can make a motion. Unless it is moved, sub-rule (2) does not operate. Therefore, the suspension of sub-rule (1) subsequently is ineffective. I do not want to go into the legal aspect of it.

Quite a lot was spoken about the justifiability of the conduct of Shri Sathe, in declining to move the motion. Well, Sir, in moving this motion, in giving notice of this motion, there were certain things in mind. No special charges were definitely made at all. *(Interruptions)* If you are going to laugh, let me go on. Not that there are no charges. Knowing this, this motion said, recommended, that the matter must be referred to a Commission of Inquiry. In the meanwhile, another House decided that a Parliamentary Committee be set up to consider whether there is a *prima facie*. *(Interruptions)* Shri Chandra Shekhar commented adversely against that House condemning

the conduct of the other House and you raised no voice against it. What I am saying is that when they have resolved to set up a Committee, we are not rushing with this matter of the Commission of Inquiry. If there is a machinery to consider as to whether there is a *prima facie* case, then we are prepared to suspend, or rather hold over, our motion, which says that the matter be referred immediately to a Commission of Inquiry. This is our position.

MR. SPEAKER: May I just interfere? The jurisdiction under section 3 of the Commission of Inquiry Act is only for this House. Therefore, the final say must be with the House of the People. So, when you refer to the other House, I may tell you that it may not be appropriate to refer to the other House in support of it, because the peculiar jurisdiction, exclusive jurisdiction, is with this House.

SHRI C. M. STEPHEN: That is alright. To this motion amendments have been moved that the matter be referred to a jurist, to a Supreme Court Judge or a Parliamentary Committee

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Sir, how can he refer to the amendments?

SHRI C. M. STEPHEN: The amendments have been circulated. Therefore, the point is taken that this motion must stand amended in this manner, that before referring it to a Commission of Inquiry, there must be a preliminary screening; this is the opinion that has been brought out by the amendments given notice of. If a preliminary... *(interruptions)* We agree there. Let us be charitable to one another. I am explaining my position; I am explaining the other point of view; Shri Sathe will reply; I am explaining the other point of view... *(interruptions)* I am explaining as party leader the other point of view. The point, therefore, is that if a preliminary enquiry.....

SHRI MORARJI DESAI *rose*

SHRI C. M. STEPHEN: I do not yield.

SHRI MORARJI DESAI: I rise on a point of order. The motion has been withdrawn; that is, not moved. Therefore, beyond that no other statement can be made.

That is the rule. I do not know how the Leader of the Opposition can now give an explanation for it? How can he do that? I do not understand how that can be done. (*Interruptions*)

MR SPEAKER: While seeking to withdraw the motion, Mr Sathe has . . . . (*interruptions*) But the other side has also a right to say, "don't allow him to withdraw it". I may allow it or may not allow it.

SHRI VASANT SATHE: You have no right.

MR SPEAKER: I am only hearing about my right. At that time, they were giving reasons for saying why I should not allow it to be withdrawn. I may have the right or may not have the right, I am not speaking on that at all now. But at that time they have a right to say, "Look, these are the circumstances under which we have come here; therefore, don't allow withdrawal". It may be legal or it may be illegal. That is a different matter. It is for me to consider and decide. But if you are supporting the motion, that moment you come within the Rule 180(1) because once you make a statement in support of the motion, the motion is moved. That difficulty might arise. Mr Sathe in his later observations began to give reasons for his withdrawing. (*interruptions*) So far as you are concerned, you must strictly say . . . (*Interruptions*)

SHRI VASANT SATHE: You are allowing them to speak. . . (*interruptions*)

MR SPEAKER: They have a right. . . (*interruptions*)

SHRI C.M. STEPHEN: Is it your position that they can put forth whatever arguments they choose to, and I cannot rebut it?

MR. SPEAKER: No, no. You are rebutting it. I did not say anything about it. So far as the Mover is concerned, he has got to confine himself only to . . . (*Interruptions*).

SHRI C.M. STEPHEN: He has done it. (*Interruptions*) I am not now speaking. I am not the mover. Therefore, what I am submitting is, a section of the House has the given expression to the feeling through their amendments that the matter should not be referred to a Commission of Inquiry immediately; but in the meanwhile . . . . . (*Interruptions*)

MR. SPEAKER: The amendment is to refer it to a Committee of this House and not some other House. Therefore, when you go to the amendment, you go to the

motion. That is why I am saying, please do not go to that because the amendment seeks to refer it to a Committee of this House and not of some other body and we are not concerned with some other body.

SHRI C.M. STEPHEN: I am only saying that in view of the fact that some other Committee would consider all this, we had decided. . . . . (*Interruptions*)

SHRI DINEN BHATTACHARYA: They are wasting your time. What will be the reaction outside? If they have got the moral courage, let there be a debate on the motion. (*Interruptions*). Then it will be known, that they are not sincere in what they were speaking so long. Otherwise, they will be known as coward fellows. They are retreating back. . . . . (*Interruptions*).

SHRI C.M. STEPHEN: I am holding the floor. Let me explain the things. We felt that it is absolutely legitimate for the mover to take up the position that when there is a proposal of the matter, to be screened preliminarily for deciding whether there is a *prima facie* case for reference of the matter to a Commission of Inquiry, the motion should not be moved. There is a perfectly legitimate case for the mover to take up that position. My second point is, I had given notice of an amendment and I wrote to the Prime Minister for placing the correspondence on the Table. . . . .

MR. SPEAKER: You are coming to the amendment.

SHRI C.M. STEPHEN: I am not coming to that. I wrote to the Prime Minister asking for the papers to be laid here. . . . .

MR. SPEAKER: That amendment can be taken up for consideration after. . . . .

SHRI C.M. STEPHEN: I am not referring to the amendment at all.

MR. SPEAKER: For the time being. . . . .

SHRI C.M. STEPHEN: I wrote to the Prime Minister asking for the letters to be placed on the Table of the House. . . . .

MR. SPEAKER: That matter we have discussed.

SHRI C.M. STEPHEN: And the Prime Minister wrote back to me saying that he is not prepared to place those letters on the Table of the House.

[Shri C.M. Stephen]

According to me, those letters are essential for discussing this motion. Those letters are absolutely essential.....(Interruptions).

MR. SPEAKER : Therefore, you want the motion to be taken up; therefore, you want the amendment to be taken up.

15 hrs.

SHRI C.M. STEPHEN : I am not the mover.....(Interruptions)

MR. SPEAKER : That issue if you are raising, then that motion is being raised. I am not allowing any amendment to be spoken of.

SHRI C.M. STEPHEN : I am not not speaking on any amendment at all. I am really surprised at this attitude of yours. Mr. Chandrashekhar rose and he did not speak on a point of order; he made a political speech.....(Interruptions)

MR. SPEAKER : He was not speaking on any amendment.

SHRI C.M. STEPHEN : I am not speaking on any amendment at all. I am only saying why the motion must not be moved. Mr. Chandrashekhar pleaded that the motion must be moved. I am pleading that the motion must not be moved. I am putting forth my arguments as to why the motion must not be moved. There must be a preliminary examination. There is a body to examine it. Let us wait till that body gives its finding. This motion cannot be effectively discussed unless the Prime Minister places on the Table of the House the letters he has in his possession.

Thirdly, this motion contains a subject matter of national importance. I would have expected that the party whips would not operate here at all because it is a matter of conscience, it is a matter of national issue, whereas they have chosen to issue a party whip. I am not bothered about it.....(Interruptions).

The two reasons that I have stated are, firstly, there must be a preliminary inquiry by a duly constituted body and, secondly, the Prime Minister in a very very rigid manner has withheld those letters from the House to which we are entitled and only when those letters are laid on the Table of the House we can discuss this motion. Therefore, he has a right to withdraw the motion.

MR. SPEAKER : Shri Unnikrishnan.

SHRI D.N. TIWARY (Gopalganj) : I am also a member of the House, senior most member of the House. You are not allowing me.

MR. SPEAKER : Mr. Unnikrishnan has given a notice of a motion to suspend the rule. He has got a priority.

Senior members have a right; junior members have a right; everybody has a right.

SHRI K.P. UNNIKISHNAN : Sir, most of us came here on the basis of the List of Business supplied to us by the Lok Sabha Secretariat. We were under the impression that at 2'0 clock the statutory resolution standing in the name of Mr. Sathé would be taken up. When we came here, the first question was raised by Mr. Gauri Shankar Rai regarding its admissibility. You allowed a debate or points of order to be raised on the question of admissibility of the statutory resolution to be moved by Mr. Sathé. Soon after, when so many members had stood up for raising their points of order, I enquired from you whether you had any written intimation...

SHRI VASANT SATHE : After that you asked. You did it afterwards.

MR. K.P. UNNIKISHNAN : Mr. Sathé, the valiant revolutionary that he is, is not a person who will run away; a person who is a crusader for the down-trodden would not runaway just because something happened somewhere, with all respect to the Rajya Sabha—let us not bring that House into the picture—and this House is unique in the sense that this House consists of the elected representatives of the people, and, according to our rules, we are not even supposed to quote from the proceedings of the other House.....(Interruptions). Because we want to assert the particular and unique position of this House in terms of their Constitutional framework of a Constitutional democracy. Now, if he wants to run away, it is his business. He is only pursuing the politics, the command politics.....

SHRI VASANT SATHE : Of Chha trapati.

SHRI K.P. UNNIKISHNAN : ...of marionettes and wire-pullers. This constitutes a grave insult to this House. Now, Sir, what you had in your possession is a letter of which we were not aware. He had only sent a copy to the Leader of the House. He did not even have the courtesy of consulting the other Members of the opposition or Groups of opposition of which there are more than 100 or 120 in number.

Now, he decides at 1 'O Clock today to give you a letter, and when the question of admissibility is being discussed, he decides to withdraw. My contention is that this is a unique situation, an extraordinary situation, which was not visualised by the founding fathers or those who made these rules. This is because they were, basically, very decent people who believed in straightforward people. They were people of great integrity. They did not visualise a situation where these rules as well as the basic norms of Parliamentary democracy would be thrown to the winds. That's why I am arguing that it is a situation which calls for application of not only rule 388 but also 389. But I agree with the point raised by Mr. Chandrasekhar as well as the Leader of the House that the question is whether he has withdrawn. The question is whether he has moved. My contention is that the House was seized of the item listed on the list of business, and we were only on the point of admissibility when points were being raised. Now it was only on that limited point that you had called Mr. Sathe. Then he decides to run away. Now it is a moot point which should not apply—rule 389 or 388. That is why, I have moved the motion. I do not know whether there has been any barter. Barter can also be between a section of the Treasury Benches as well as Mr. Sathe or his Party. We do not know which section of the Treasury Benches is involved in this game. But we on our part stand squarely by the position that this is an important matter that should be discussed, but we are not for an Inquiry Commission to be set up. That is why we have moved certain amendments.

Mr. Sathe has decided to take,—let it go on record .....

SHRI VASANT SATHE : Take the wind out of his sails.

MR. SPEAKER : Nobody can take the wind out of you.

SHRI K. P. UNNIKRISHNAN : ...take refuge under the rules and wants to withdraw the motion. I have no objection if he wants to withdraw and run away. That is his option and the option of his leader who believes—I would repeat—in the politics of marionettes and wire-pullers.

MR. SPEAKER : The senior most Member—Mr. Tiwary.

SHRI D. N. TIWARY (Gopalganj) : I am very sorry to say that you recognize only 2 or 3 people who can speak very loudly as Members of the House and not the others I was standing here from the very beginning to have my say but you did not allow me so far .....

MR. SPEAKER : Yes.

(Interruption)

MR. SPEAKER : Yes, yes.

SHRI D. N. TIWARY : You allow only those members who can speak very loudly. Others should also be heard who speak mildly.

MR. SPEAKER : Yes.

PROF. P. G. MAVALANKAR : Sir, your 'Yes' is very dangerous.

श्री द्वारिका नाथ तिवारी : मैं यह जानता हूँ कि साठे साहब को राइट है नियम 180(1) के तहत अपने रेजोल्यूशन को विद्वद्धा करने का या मूव नहीं करने का लेकिन रूस ग्रफ प्रोसीजर के अलावा क्वेश्चन ग्रफ प्रोप्राइटी भी आता है। उन्होंने जो यह दलील पेश किया कि राज्य सभा में चूँकि पास हो गया है इस लिए यहां जरूरी नहीं है, मालूम होता है उन को यह इलहाम बहुत पीछे हुआ। राज्य सभा में यह तीन दिन पहले पास हुआ, परसों, और कल शाम को बिजनेस एडवाइजरी कमेटी में इन्होंने इन-सिस्ट किया कि रेजोल्यूशन आना चाहिए। अगर उन को यह इलहाम था, पहले से मालूम था कि राज्य सभा में हो गया है, यहां नहीं चलन है, तो कल उनको इनसिस्ट नहीं करना चाहिए था . . .

Mr. SPEAKER : There was a meeting of the Business Advisory Committee but he did not come. Your information is not correct. Yesterday he was not present.

SHRI D. N. TIWARY : He should have written to you yesterday, 'As it has been passed in the Rajya Sabha, I do not want to move.'

देखिए, कितने मेम्बरों को असुविधा हुई। मैं साठे साहब को तीन काउंट पर गिल्टी मानता हूँ। पहला यह कि उन्होंने समय पर आप को सूचना नहीं दी कि वह रेजोल्यूशन मूव नहीं करना चाहते। आप ने हाउस का स्पेशल सेशन आज किया। सब मेम्बर जो अपने अपने कार्यक्रम के अनुसार दूसरी जगह जाने को थे, अपने प्रोग्राम को बदल कर यहां रुके, उन को यहां रहना पड़ा और सिक्रेटैरिएट के लोगों को जिन की

[Shri D. N. Tiwary]

आज सैकेंड सैटरडे की छुट्टी रहती है, उन को आप को कंसालिडेटेड फंड से भत्ता देना पड़ेगा, इतना पैसा उन्होंने मुफ्त खर्च कराया, इसलिए वह गिल्टी है ...

SHRI VASANT SATHE : You had a discussion on the floods situation. Are you not concerned with floods ?

श्री द्वारिका नाथ तिवारी : इन सब असुविधाओं और खर्च को देखते हुए मैं उम्मीद और आशा रखूंगा कि साठे साहब अनकंडीशनल प्रपोलाजो इस हाउस से मांगे कि उन्होंने इस हाउस को इन्कन्वीनिअंस किया है, मेम्बरों को इनकन्वीनिअंस किया है और कंसालिडेटेड फंड का पैसा मुफ्त खर्च कराया है ।

श्री रामजी लाल सुमन ( फिरोजाबाद ) : अध्यक्ष महोदय, माननीय साठे साहब ने यह प्रस्ताव किया, हम खुद यह चाहते थे कि भाषा के सवाल को ले कर और एन्वायरी के सवाल को ले कर ये पन्द्रह दिन से नेतागिरी कर रहे थे, यह मामला आज अंतिम रूप से तय हो जाता । साठे साहब ने साहस किया लेकिन मुझे दुख है कि साठे साहब ने इस प्रस्ताव को पेश किया, इंदिरा गांधी ने इस प्रस्ताव को वापस किया, साठे बारह बजे साठे साहब को यह सूचना दी कि हमारे आदेश का इतजार कौजिए और जब तक हम कोई आदेश न दें तब तक आप कोई काम न करें । इस पर क्या होना है, क्या नहीं होना है यह आप जानें लेकिन मेरी आप से करबड़ प्रार्थना है कि सभा के समाप्त होने के पहले आप खड़े हो कर सभी सदस्यों को यह निर्देश दें कि दो मिनट तक इनकी वृद्धि के शुद्धिकरण के लिए हम प्रार्थना जरूर करें ।

MR. SPEAKER : I have got two resolutions before me but none of them I can allow. One is by Mr. Krishna Kant.....

SHRI KANWAR LAL GUPTA : I have also given notice of a resolution.

MR. SPEAKER : I will come to that.

Let me first dispose of Mr. Kanwar Lal Gupta's.

Mr. Kanwar Lal Gupta has given notice of a resolution before Mr. Sathe withdrew his resolution saying—this is what he says :

“That newspapers indicate that Mr. Sathe is likely to withdraw is resolution.....”

SHRI K. MAYATHEVAR (Dindigul) : I am coming all the way from Madras only for this. He should be held responsible for this.

AN HON. MEMBER : He must pay for your air ticket.

SHRI K. MAYATHEVAR : I am going to sue him in the court.

MR. SPEAKER : I have got three resolutions before me. The first resolution is by Mr. Kanwar Lal Gupta saying :

“This House disapproves the conduct of Shri Vasant Sathe in not moving the resolution listed in item 6 of the List of Business taking into account that Shri Sathe and some of his Party colleagues have pressed for a discussion of the resolution and the Business Advisory Committee had, at their request, recommended fixing up a special sitting of the House on Saturday, the 12th August.....”

“This House is further of the opinion that the aforesaid conduct of Mr. Sathe is beyond doubt that charges of corruption referred to by him are baseless and need no enquiry of any kind.”

This is one Resolution.

The second Resolution is given by Shri Amrit Nahata and Shri Krishan Kant.

“This House wishes to express its grave displeasure and to reprimand Shri Vasant Sathe, who, having given notice of moving a motion before the House and then having refused to do so, has committed a grave contempt of the House”.

This is the second Resolution. The third one is by Shri Ram Dhan :

“This House wishes to express its grave displeasure and to reprimand Shri Sathe who, having given a notice of moving a motion before the House and then having refused to do so, has committed a grave contempt of the House.”

Before I go into the Resolutions, I will dispose of the contentions raised up till now. Shri Gauri Shankar Rai and Shri Kanwar Lal Gupta raised an objection to the admissibility of the Resolution in question. (Interruptions). These objections need not be considered now. They did not press their objections. Moreover, these objections become irrelevant in view of the withdrawal of the Resolution by Mr. Sathe.

SHRI DINEN BHATTACHARYA : It was not moved. Let him first move and then apologise before the House and then it will be withdrawn. (*Interruptions*).

MR. SPEAKER : Mr. Saugata Roy and Mr. Unnikrishnan have moved under Rule 388 to suspend Rule 180, sub-clause (i).

SHRI RAJ NARAIN (Rai Bareli) : Is it for future ?

MR. SPEAKER : The suspension prayed for is not permissible under the rules because there is no Resolution before the House. Moreover, I am not very clear whether Rule 388 applies only to motions or also to Resolutions. It applies to motion and not resolution under our rule. Resolution is separate from motion. They are dealt with separately. I need not go into that question at this stage as I think that the suspension prayed for is not permissible under the rules, though they are justified in mentioning that a great deal of inconvenience has been caused by summoning this House on a holiday and making the Members come from distant places.

SHRI VASANT SATHE : No, Sir. They came here because they have another Resolution (*Interruptions*) under item No. 1. They came only for the motion on floods. (*Interruptions*).

MR. SPEAKER : I do not know. I am only referring to this. (*Interruptions*). When notice of this Resolution was given, both by Mr. Sathe and Mr. Stephen, the Leader of the Opposition came and said that this Resolution must be taken up for discussion at a very early date. I therefore placed the matter before the B.A.C. despite the fact that not sufficient time was available for discussing new resolutions in view of the calendar of work.

Taking into consideration the importance of the resolution, the Business Advisory Committee thought that we should sit on a holiday and dispose of this resolution. The meeting was therefore called mainly to consider this Resolution.

It is only after we decided to discuss this Resolution that we thought that some time of the day might be made available for another Resolution relating to Floods in Northern India. (*Interruptions*). Please don't disturb me when I am giving my ruling. I did not say, it is not important. Even if Mr. Sathe had informed

me yesterday or day-before-yesterday that he had no intention to move the Resolution, we would then have probably countermanded the sitting. The other motion could have been taken up on some other day. (*Interruptions*).

I am sure several hon. Members must have come from distant places for attending the meeting.....

श्री लखन सास कपूर : (पूणिया) : बहुत से सदस्य बाढ़ के इलाकों में डूबते हुए लोगों को छोड़कर सिर्फ इस मोशन के लिए आए हैं।

MR. SPEAKER : Therefore, I see force in the observations of several Members of the House when they say that they have been greatly inconvenienced by the Motion not having been withdrawn earlier, if Mr. Sathe really wanted to withdraw it.

In cases of this nature it is but proper that hon. Members of this House must look to the convenience of others also.

Moreover, this is an extremely important Resolution—more particularly in view of the fact that the jurisdiction to deal with it under Section 3 of the Commissions of Inquiry Act is exclusively that of this House. This House has now been deprived of the opportunity of discussing this matter on a technical plea taken under Rule 180 (1).

SHRI VASANT SATHE : I have a substantive right—right as a Member. It is not a technical plea or a procedural thing. It is a substantive right. Therefore, please don't say 'technical'....

MR. SPEAKER : I do think that the rules in this regard require to be modified, so that the House may not be deprived of the opportunity of discussing important motions by manoeuvres by one party or the other.

Now, having considered this matter, I do not think I will be justified in consenting to the motion of Shri Saugata Roy and Shri Unnikrishnan for suspension of Rule 388.

Now, I come to these Resolutions given notice of : These Resolutions have not mentioned the rule under which these Resolutions are to be moved.

SHRI SAUGATA ROY : You please hear us....

MR. SPEAKER : I am hearing everybody.

[Mr. Speaker]

Therefore, I would like to be satisfied how it is permissible for me to admit this Resolution.

I will now call upon one by one, all those who have given notice....

SHRI GAURI SHANKAR RAI : I wish to make a submission....

MR. SPEAKER : You have not given any notice.

SHRI GAURI SHANKAR RAI : I am on a point of order. I can give you my opinion how you can handle it....

MR. SPEAKER : There are others who are more competent, who have given notice. So, that point, how that Resolution can be admitted, must first be mentioned by those members. Now, Mr. Amrit Nahata.

SHRI AMRIT NAHATA (Pali) : Sir, you yourself, in your learned ruling, have explained the circumstances in which this Motion came up]before this House.

Sir, the hon. Leader of the Opposition and Shri Vasant Sathe, both, impressed upon you about the urgency of this motion. The Business Advisory Committee gave special time for discussion of this Motion.

This House was summoned to sit even on a.... (Interruptions)

MR. SPEAKER : I want to know the rule under which I can admit it. (Interruptions).

SHRI VASANT SATHE : I have withdrawn it. After that, I am withdrawing myself. After this, if you want to hear anybody..... (Interruptions)

MR. SPEAKER : Mr. Nahata.

SHRI C. M. STEPHEN : What is now going on, is a most unprecedented procedure. There is a motion, and you call the Member. The Member said, "I am not moving the motion." Normally, this must be the end of it. A whole round of discussion went on, and now, certain motions you read out which would be in the character of a breach of privilege or contempt of the House. You have got to decide whether an exercise of the right of a Member in declining to move a motion, is a breach of privilege or not. Now you want to hear. There is nothing to hear about this. You are now proceeding and giving a forum for persons to speak whatever

they want to. You are behaving in a manner which we cannot normally expect of a Speaker. (Interruptions). So, if they want to speak, they can speak. (Interruptions) I would like to know what is the next stage you are proceeding to. We also want to know what is the next stage you are proceeding to. You have now called Mr. Amrit Nahata. He has started speaking. What is the matter he is speaking about ?

MR. SPEAKER : The motions before me are not privilege motions. Therefore, they do not fall under rule 222. They are substantive motions ; and I want to know how they are admissible.

SHRI C. M. STEPHEN : For a substantive motion, there is a method. It can only be under rule 184. It must come under....

MR. SPEAKER : That is what I am asking.

SHRI C. M. STEPHEN : No, no. That cannot be the excuse. It can be by a specific rule and notice is necessary. You cannot foist a motion, and to decide whether a motion is admissible, carry on a discussion. That is what you are allowing. Do you mean to do like that ? I would like to know. There are certain procedures. The motion must come before the House. It must go through the Business Advisory Committee. You must decide its admissibility there. (Interruptions) Not here. Not here. The admissibility of the motion ? Not here. Has it ever happened ? (Interruptions). We will not allow this to happen. We will not allow. We will not allow.

At this stage, Shri C. M. Stephen and some other hon. Members came to, and stood in the well of the House.

MR. SPEAKER : Mr. Nahata. (Interruptions)

SHRI C. K. JAFFER SHARIEF : You are establishing a new procedure. (Interruptions)

SHRI C. M. STEPHEN : No Sir, no, Sir. You do what you choose. No, no. We will not allow this. You do what you do ? There is a limit. There is a limit.

(Interruptions)

MR. SPEAKER : There is a rule. Rule 184. Please read it. Whether I consent or not is a different thing. The rule is there.

(Interruptions)



MR. SPEAKER : Order, order. There is rule 184. The question whether I consent or not is a different matter. Shri Nahata.

(Interruptions)

MR. SPEAKER : I am asking Mr. Nahata to speak.

SOME HON. MEMBERS : No.

(Interruptions)

MR. SPEAKER : Rule 184 is there.

(Interruptions)

MR. SPEAKER : The Leader of the Opposition is under wrong impression. It was given to the Secretary.....

(Interruptions)

MR. SPEAKER : I am hearing him under what rule it should be done.

(Interruptions)

MR. SPEAKER : Leader of the Opposition, I am clarifying the position.

(Interruptions)

MR. SPEAKER : You don't hear me. How can I hear you ?

(Interruptions)

MR. SPEAKER : The motion was given to the office. It has been given to the office.

(Interruptions)

MR. SPEAKER : Why don't you hear me ? You are trying to dictate to me !

(Interruptions)

MR. SPEAKER : I am hearing them only on the admissibility. I am not hearing them on any matter other than the admissibility. 'How that resolution is admissible'—only on that I am hearing. Beyond that, I am not hearing them on any point. (Interruptions) I won't allow anything....(Interruptions).

SHRI C. M. STEPHEN : I want to make a statement. I also have some right. (Interruptions).

MR. SPEAKER : You also have a right. I too have a right. Please hear me first. I make this very clear. I am not hearing any Member on anything other than the admissibility. Nothing more. If anything else comes in, I will expunge from the record.

SHRI C. M. STEPHEN : I rise on a point of order.

MR. SPEAKER : Point of order against me ?

SHRI C. M. STEPHEN : No.

MR. SPEAKER : I make it very clear. The resolutions have been moved here. I want to know how they are admissible. Beyond the admissibility..

SHRI SHYAMNANDAN MISHRA: (Begusarai) : Given notice of, not moved. (Interruptions).

MR. SPEAKER : Beyond admissibility, I am not hearing anybody. I am only hearing on the admissibility. If I feel inclined that it is admissible, I will call upon the other side also.

SHRI C. M. STEPHEN: I rise on a point of order. My point of order is this. There are definite rules, whereunder only matters can come up in this House. Matters as are listed in the list of Business only can come up and nothing else can come up before the House. There is no other rule. For a motion to come up before the House, there are certain methods. The method is, a specific notice has got to be given to you through the Secretary-General. You have got to decide on the admissibility. Never has it happened in the history of this House when the admissibility of a motion is discussed on the floor of the House. You have got to decide it in your Chamber. Now, three motions have been given. You have stated it out and you have called for opinions. Under what rule, I do not know. Under no rule, the admissibility of a motion, such as the one here, can be discussed here at all. Therefore, that is without rule. May I submit one thing? When we declined to move this resolution normally that should have been the end of the matter. (Interruptions) There was no other business in the House. But under the guise of something or other, speeches are being made; we bear with it. I kept quiet, silent.....

SHRI DINEN BHATTACHARYA: No, no.

SHRI C. M. STEPHEN: It went to that extent. But when I rose..... (Interruptions) It is elementary that an Opposition, however, small, must have its say on the floor of the House. When the Opposition rises, if you are shouting it down, then the Opposition has no place. You are now driving us to a corner. (Interruptions) Not you, but the whole proceedings here is driving us to

[Shri C. M. Stephen]

a corner. May I say, we may be small in number, but we have got an authority or right to have our say here. I tell you I swear by God, I will fight if we are driven to a corner.

The point of order is, the admissibility of this motion cannot be discussed on the floor of the House. You can consider it in the Chamber and give your ruling, put it under 'no date yet named' motion, bring it before the Business Advisory Committee and then bring it here. There is no rule, which permits a discussion on the admissibility of a motion on the floor of the House. I rise on a point of order objecting to that.

(Interruptions)

श्री लखन लाल कपूर : मेरा प्वाइंट ऑफ़ ऑर्डर है। मि० साठे ने जो संकल्प रखा है, वह समाचारपत्रों में जो प्रकाशित हुआ है, उसी के आधार पर रखा है। मे यह कहना चाहता हूँ कि समाचार पत्रों को देख कर ही उन्होंने यहाँ पर अपना मोशन रखा है और उन्होंने जो लिखा है, उसमें कोई स्पेसिफिक चार्ज नहीं है।  
... (व्यवधान) ...

MR. SPEAKER: There is no point of order; I do not allow it. We are on a different motion. (Interruptions). Don't record.

(Interruptions)\*\*

SHRI GAURI SHANKAR RAI: A piquant situation has arisen today in the House. The Leader of the Opposition in the most disgraceful manner has raised a question. I am not going to talk anything about that. But the thing is that the House stands duped and deceived. There is a rule; I tell you what is the rule. There is rule 389 regarding residuary powers of the Speaker. The position has come to be that on a very important matter of discussion, they have just sabotaged the discussion. It is very clearly proved that they have misused the House. .... (Interruptions)

MR. SPEAKER: I am not allowing that. Don't record.

SHRI GAURI SHANKAR RAI : \*\*

DR. SUBRAMANIAM SWAMY : I draw your kind attention to rule 194 which says :

"If the Speaker is satisfied, after calling for such information from the member who has given notice and from the

Minister—in this case, the Ministry of Parliamentary Affairs—as he may consider necessary, that the matter is urgent. ....

MR. SPEAKER: That is about a short duration discussion. That has nothing to do with this.

श्री हुकम देव नारायण यादव : अध्यक्ष महोदय, मैं आपका ध्यान नियम 349 की क्लॉज 9 की तरफ ले जाना चाहूँगा। क्लॉज 9 में है कि इस प्रस्ताव की जो स्वीकृति वापस लेने का मसाला है उसमें मैं इतना ही निवेदन करूँगा कि प्रधान मंत्री जी, ने अपनी राय सदन में इस प्रस्ताव के बहस होने पर, नहीं होने पर जाहिर कर दी है और जो प्रधान मंत्री जी ने अपनी राय यहाँ जाहिर कर दी है, मैं उन की राय से सहमत हूँ। लेकिन (व्यवधान)

MR. SPEAKER: This has nothing to do with it. Rule 349 is about maintaining silence.

श्री हुकम देव नारायण यादव : मैं नियम 349 की क्लॉज 9 के तहत यह व्यवस्था का प्रश्न उठा रहा हूँ। मेरा प्वाइंट ऑफ़ ऑर्डर है। सदन में जो भी कार्यवाही हो, उस के बीच प्वाइंट ऑफ़ ऑर्डर उठाने का हमारा हक है।

नियम 349 की क्लॉज 9 के तहत अभी सदन में विरोध पक्ष के द्वारा जो कुछ भी आचरण किया गया, मैं एक नये सदस्य की हैनियम से नियम 349, क्लॉज 9 के तहत व्यवस्था का प्रश्न उठाता हूँ और कहता हूँ कि इस नियमावली के नियम का घोर उल्लंघन किया गया है। जब उल्लंघन किया जाता है तो सदन में व्यवस्था बनाये रखने का आपको हक है। आप यह व्यवस्था बनाये रखने के लिए सभी व्यवस्थाओं का प्रयोग कर सकते हैं। (व्यवधान)

SHRI KRISHAN KANT: I want to speak on the point of order raised by Mr. Stephen, so that you can proceed with the other thing. He has said that a regular motion has to be given through the Secretary and then you decide; it cannot be decided in the House. According to rule 185, I have given notice of the motion under rule 184 to the Secretary. We gave it here, and it was handed over to you. It has been regularly given through the Secretary to the Speaker. Now, what I am saying is this. Rule 184 says:

"Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker."

I have given this motion through the Secretary for your consent and you, in your pleasure, have asked whether it is

admissible or not—to make up your mind. Therefore, what I say is that Mr. Stephen's point of order should be rejected....

MR. SPEAKER: Tell me how it is admissible, under what rule.

SHRI KRISHAN KANT: I was only confining myself to the point of order raised....

SHRI C. M. STEPHEN: The notice must have been given, under rule 332, before 10 O'Clock.

SHRI KRISHAN KANT: Rule 186 says:

"In order that a motion may be admissible, it shall satisfy the following conditions, namely:—

- (i) it shall raise substantially one definite issue...."

This motion that I have given raises one substantial issue—to express its grave displeasure and to reprimand....

MR. SPEAKER: You are complying with that. But you have not complied with the time stipulation. It must have been given before 10 O'Clock in the morning.

SHRI KRISHAN KANT: Mr. Saugata Roy's motion was taken up and discussed..

MR. SPEAKER: No motion can be taken up unless notice of that has been given before 10 O'clock in the morning.

SHRI KRISHAN KANT: Mr. Saugata Roy's motion was taken up.

MR. SPEAKER: How do you come in? The rule provides that for all substantive motions, notice shall be given before 10 O'clock.

16 hrs.

SHRI RAJ NARAIN: By suspending the rule, the motion can be taken up.

MR. SPEAKER: For that notice should come.

SHRI KRISHAN KANT: Under Rule 184 it shall be restricted to a matter of recent occurrence. What has happened in the House and what they have done is a matter of recent occurrence.

MR. SPEAKER: That may be good reason for you.

SHRI KRISHAN KANT: That is why I want under Rule 184 you decide about the admissibility of the motion in the House itself.

MR. SPEAKER: That is a good reason for you to come with a substantive motion according to the Rule. But it does not arise.

Dr Subramaniam Swamy: Please see Rule 333. This is not an original motion, this is a contingent motion....

MR. SPEAKER: No, no. It is not a contingent motion.

SHRI K. RAMAMURTHY (Dharmapuri): I am on a point of order. What Shri Saugata Roy and Shri Unnikrishnan have given notice of is for suspension of the rule. What Shri Krishan Kant has given is a substantive motion, and it comes under Rule 332 and it can be taken up only on Monday and not now.... (Interruptions).

SHRI SAUGATA ROY: Regarding admissibility, rule 186 gives the criterion. But the point made by Mr. Stephen that the admissibility of the motion must be decided by the Speaker in this Chamber..

MR. SPEAKER: That may not be correct. Many times it has been decided here.

SHRI SAUGATA ROY: Rule 187 says:

"The Speaker shall decide whether a motion or a part thereof is or is not admissible under these rules and may disallow any motion or a part thereof when in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of these rules."

So, nowhere it says where the Speaker has to take a decision, whether it should be in the House or in the Chamber.

I am not going into the merits of the case. If the question is about the contempt of the House committed on the floor of the House, nobody comes the next day and gives a notice. The House has to take notice of any contempt of it summarily and immediately and can accept a motion or cannot accept a motion regarding that contempt of the House. It is a matter which happened just now. So, all I

[ Shri Saugata Roy ]

wanted to say is that there is nothing in the rules which prevents you from admitting it.

MR. SPEAKER : No notice under Rule 222 has come to me.

SHRI KANWAR LAL GUPTA : I am strictly on the admissibility and I will not take any other point. Sir I agree with Mr. Stephen completely. If you see rule 332 it requires that the notice shall be given before 10 O'clock. So far as I am concerned, I gave the notice... before 10 O'clock and that is there and your office will bear me out that you received the notice before 10 O'clock.

Now, Rule 184 says :

"Save in so far as is otherwise provided...." My notice...

MR. SPEAKER : Your motion is a contingent motion. Under what rule can I admit a contingent motion ?

SHRI KANWAR LAL GUPTA : You kindly listen to my submission, Sir, I gave the notice before 10 O'clock.

Mr. Speaker : Quite right.

SHRI KANWAR LAL GUPTA : That condition has been fulfilled. Now, it should be a matter of public importance. It is a matter of public importance and Section 3 of Commissions of Inquiry Act Says :

"Either the appropriate government shall be satisfied that it is necessary or the House of the People or, as the case may be, the State Legislative Assembly shall pass a resolution, the inquiry should be into a definite matter of public importance."

These are the two conditions and you, having been a Judge of the Supreme Court, know K.B. Sahay's case, AIR 1969, Supreme Court 258 at page 262 and Bakshi Ghulam Muhammad's case, AIR 1967, Supreme Court 122 at page 128.

There they have clearly said that it is only the House of the People who can decide about the enquiry.

MR. SPEAKER : This is not a point. You come to the admissibility.

SHRI KANWAR LAL GUPTA : Therefore it is a matter of great public importance. I gave this notice in time.

MR. SPEAKER : Quite right. Your contingent motion says if he withdraws, How is it permissible ? Under which rule ?

SHRI KANWAR LAL GUPTA : Let me read Rule 184.

"Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Speaker."

Of course, I agree, it is you who should decide finally. But it is a matter of public importance because this matter was considered in the Rajya Sabha.

MR. SPEAKER : No Body disputes that.

SHRI KANWAR LAL GUPTA : So, my motion is before you. Read Rule 185.

"Notice of a motion shall be given in writing addressed to the Secretary-Genral".

That also I have fulfilled. You read Rule 186.

"In order that a motion may be admissible it shall satisfy that following conditions ; namely :—

- (i) it shall raise substantially one definite issue ;
- (ii) it shall not contain arguments, inferences, etc. etc.
- (iii) it shall not refer to the conduct or charter of persons except in their public capacity ;
- (iv) it shall be restricted to a matter of recent occurrence ;
- (v) it shall not raise a question of privilege," and so and so forth.

So far as Rules 184, 185 and 186 are concerned. I have complied with these conditions. Now come to 187.

"The Speaker shall decide whether motion or a part thereof is or is not admissible under these rules and may disallow any motion or a part thereof when in his opinion it is an abuse of the right...."

You are quite competent to disallow my whole motion or apart thereof. So, I have complied with all the rules. I have fulfilled all the rules. I gave a notice and it is before you. But it is a matter of public importance and, particularly because this issue was raised in the Rajya Sabha and there is a recommendatory position; they are not a final authority.

Therefore, may I request you to accept my motion and allow me to move it ? That is all.

MR. SPEAKER : I shall dispose of the matter raised by Mr. Kanwar Lal Gupta. Shri Gupta's motion is a contingent motion. It anticipates a discussion. I am disposing of some other matter. (*Interruptions*).

SHRI SHANKAR DEV (Bidar) : . . .  
\*\*(*Interruptions*).

MR. SPEAKER : Don't record.

SHRI RAM DHAN (Lalganj) : Sir, I am on a point of order.

MR. SPEAKER : Is it on Mr. Gupta's motion ? Shri Gupta has given a notice in the morning. But it is a contingent motion which, under the rules, is not permissible. Further, the motion is violative of Rule 186(ii). Hence the consent is refused.

SHRI AMRIT NAHATA : Sir, my submission is this ...

MR. SPEAKER : I am hearing first those who gave resolutions on this point, how they are admissible.

SHRI AMRIT NAHATA : Sir, the only objection of Mr. Stephen to the admissibility of my Motion is that it was not given notice of before 10 O'clock.

Now, Sir, there are certain motions which, in the very nature of things, just cannot follow this particular rule. I give you certain examples.

Suppose a Member wants to move a closure motion. Would he need to give any notice of it before 10 o'clock ?

MR. SPEAKER : No.

SHRI AMRIT NAHATA : Suppose a Motion is moved for extension of time of the House.

MR. SPEAKER : He does not give notice.

SHRI AMRIT NAHATA : Therefore, first, it should be taken for granted that all motions invariably need not be notified before 10 o'clock. This is my first point.

My second point is this : My motion relates to an incident that has happened in this House, of which I had no prior knowledge.

Thirdly, it is in Logical pursuance of your own ruling and it is in pursuance of the feelings expressed by the Leader of the House.

Lastly, Sir, you had already called me to speak on the Motion ....

MR. SPEAKER : No. no. only on admissibility. I am not calling for anything else. You are making a mistake ..

SHRI AMRIT NAHATA : Time factor is not relevant because it has arisen on an event that has taken place in the House, two hours ago.

MR. SPEAKER : Ram Dhan...

SHRI KRISHAN KANT : I have one submission to make. I would not like you to dispose of this motion if it is to be rejected to the point of 10 o'clock admissibility. It may be taken up on Monday...

MR. SPEAKER : You can give notice. Same notice you can give. I have to place it before the BAC.

श्री रामधन : अध्यक्ष महोदय , आज जिस तरह का प्रदर्शन यहां उठा है उसमें देख रहे हैं ...

MR. SPEAKER : Let us come to admissibility.

SHRI RAM DHAN : I am just giving you an example about admissibility of a Motion.

Suppose Mr. Stephen, Leader of the Opposition throws or hits by a paper weight lying on the Table of the House. (*interruptions*) Please allow me. I seldom speak.

SHRI C. M. STEPHEN : I am unlike you. Sir, he presumes too much. Why do you misrepresent me ?

MR. SPEAKER : I have already ruled, Mr. Ram Dhan.

SHRI RAM DHAN : I say 'suppose'. Then, I withdraw it, and I say, suppose a Member does it ; or I may do it ....

MR. SPEAKER : That is not on admissibility. Let us come to admissibility.

SHRI RAM DHAN : Let me have my say.

आप हम को सुनें ।

अगर मान लीजिए कि कोई सदस्य किसी पर हमला कर दे, हाउस का कन्टेस्ट करे तो क्या हम चुपचाप बैठे रहेंगे ? ...

MR. SPEAKER : I am removing everything other than admissibility.

श्री राम धन : क्या हम आप के सामने कोई मोशन नहीं लायेंगे ? यह भी आप को हम बताना चाहते हैं ...

MR. SPEAKER : This is not admissibility, Mr. Ram Dhan. No, I am not allowing.....

SHRI RAM DHAN : Why ?

MR. SPEAKER : This is not about admissibility of the motion. I have called you to speak only about the admissibility of the motion.

श्री रामधन : जब कभी भी कोई ऐसी स्थिति पदा होगी, आप समझ लीजिए, महाराष्ट्र विधान सभा में एक सदस्य ने पेपरवेट स्पीकर की ओर फैंक दिया ...

MR. SPEAKER : It does not matter. I can stand it.

श्री रामधन : सुन लीजिए, आप पूरी बात सुनिए ।

एक किताब फैंक दिया तो क्या किसी मेम्बर को अधिकार नहीं है कि उस के खिलाफ तुरन्त मोशन ले आए ? इसलिए मैं आप से कहना चाहता हूँ ..

MR. SPEAKER : It has nothing to do with this

श्री रामधन : मैं यह कहना हूँ कि हमारा मोशन इन आर्डर है , उस को ऐडमिट होना चाहिए ।

MR. SPEAKER : I am on my legs.  
(interruptions)

MR. SPEAKER : Everybody wants to be the Chairman here. Now Mr. Mavalankar.

PROF. P. G. MAVALANKAR : As you have rightly directed, I am just now strictly on the question of admissibility. I am not giving expression about the contents of the 3 motions that have been moved in the House not moved but read out by my friends, Mr. Krishan Kant, Mr Kanwar Lal Gupta and Mr Amrit Nahata. Three sets of rules have been quoted. I invite your attention to rule 389, rule 332 and rules 184 to 188.

With regard to rule 389, it seems to us and many of us I also sometimes make such mistakes that rule 389 talks about unlimited residuary powers. I will not read it out. The House knows it. In

this particular matter about admissibility, we cannot have recourse to rule 389, because it deals with residuary powers...

MR. SPEAKER : When there is no special power.

PROF. P. G. MAVALANKAR ... and it does not deal with the reservoir of powers - The Speaker cannot go on drawing from the reservoir, under rule 389. Otherwise, all the rules from rule 1 to rule 388 will become meaningless and infructuous, Rule 389 has a limited purpose.

Now, rule 332 is not obviously adhered to, as you have pointed out, and as our friends also pointed out.

Now, I come to rules 184 to 188. I must tell you frankly that although the provocation for giving this motion may be justified, the fact is that neither rule 184, nor 184 onwards upto rule 188 gives any power to any Member of this House to move a motion suddenly like this and get it admitted by you. Because of what happened to-day, they can certainly move these resolutions or motions, if they like, in a normal way ; then, you can put it under rule 189 and print it in the Bulletin. Then, if the House wants to find time it can go to the Business Advisory Committee. Then it can discuss it. That is my contention.

श्री मनो राम बागड़ी (मथुरा) : अध्यक्ष महोदय, एक बात तो मैं यह कहना चाहता हूँ कि कभी भी इतना उत्तेजित नहीं होना चाहिए। मुझे आप सब से ज्यादा बदनाम किया करते थे। इधर वाले और उधर वाले, पक्ष के और विपक्ष के, दोनों को सोच लेना चाहिए कि पक्ष वाले विपक्ष में जा सकते हैं और विपक्ष वाले पक्ष में जा सकते हैं। (व्यवधान) विपक्ष वालों को सोचना चाहिए कि उनको कहाँ जाना है और पक्ष वालों को भी सोच लेना चाहिए कि कल उन को वहाँ बैठना है। तो इतना दोनों तरफ से होना चाहिए ।

मैं एक बात यह कहना चाहता हूँ कि आप नया नोटिस लेकर इपके ऊपर विचार करें। (व्यवधान) वैसे यहाँ पर बोचन को आजारी है, यह लोक सभा है यहाँ पर सभी बातें कर सकते हैं किन डिमोकैटिक ढंग यह है कि आप नया नोटिस लें और नया काप करें ।

MR. SPEAKER : You are in the best position to advise.

SHRI K.P. UNNIKRIISHNAN : You have not heard me on this point.

MR. SPEAKER : I will hear you.

श्री राज नारायण : श्रीमान्, इस सदन में बड़े-बड़े बुजुर्ग और संसदीय प्रथा के बड़े जानकार लोग बैठ हैं। नित्य प्रति सुबिच और सुर्नामा को बातें वे यहां पर किया करते हैं—डोसेंसा और डिफोरम को बातें करते हैं। मैं आपसे निवेदन करना चाहता हूँ, आप जरा गम्भीरता से सोचियेगा क्योंकि आप बहुत ही महदूर और ज्ञाता जज रह हैं :

"A Member, in whose name a resolution stands on the List of Business may, when called upon, withdraw the resolution and shall confine himself to a mere statement to that effect."

यह हो गया। यह खत्म हो गया। अब मैं आपसे पूछना चाहता हूँ कि क्या आप किसी मेम्बर को बाध्य कर सकते हैं कि वह अपने रेजोल्यूशन को मूव करे ?

Why this discussion ? I ask you.

MR. SPEAKER : It is not on that discussion.

श्री राज नारायण : अब मेरा दूसरा प्वाइन्ट आफ आर्डर है कि जब इन्होंने विवदा कर लिया, तो क्या उनके ऊपर कोई कम्प्लेंट आफ दि हाऊस हो सकता है। अगर किसी मेम्बर ने नियम 180 के मुताबिक अपने प्रस्ताव को मूव नहीं किया और उस को वापस ले लिया, तो क्या आप यह कहेंगे कि हम उनके विवदा कम्प्लेंट आफ दि हाऊस लाएँगे ?

What are you going to do ?

हम लोग इस सदन को ह्याम्पस्पद बना रह हैं। मैं यह कहना चाहता हूँ कि जहाँ तक नियमों का सवाल है, नियमों का शुद्धता में पालन होना चाहिए, अशुद्ध तरीकों को हमें नहीं अनुमाना चाहिए। मैं आपसे पूछता हूँ कि आप भी उस तरह का कोई मोगन, रेजोल्यूशन ला सकते हैं, आप थिक कीजिए, आप को सदन चलाना है। आज जो परिपाटी इस सदन में आपने चलवा दी कि :

Let me hear ; Let me hear.

MR. SPEAKER : I have to do it to you. What can I do with people like you who insist on it ?

श्री राज नारायण : मैं कहना चाहता हूँ  
It is a question of admissibility

इस प्रस्ताव को आप ले सकते हैं ? आप इस के पक्ष और विपक्ष में सुनेंगे तो कल से जो आप बैठेंगे तो पचासों इस तरह की चीजें आएंगी और फिर सदन की कार्यवाही नहीं चल पाएगी।

MR. SPEAKER : I suppose you will apply this rule to yourself also.

श्री राज नारायण : इसलिए हाथ जोड़ कर मेरी विनती है कि इस तरह की प्रथा इस सदन में न चलने दें जिससे इस सदन की मर्यादा और गरिमा कुंठित हो। यह सदन है। यह कोई मजिस्ट्रेट की कोर्ट नहीं है कि मजिस्ट्रेट बैठा हुआ है और प्रार्गमेंट्स सुन रहा है और हमारे शान्ति भूषण साहब नजीर पर नजीर, नजीर पर नजीर देते चल जा रह हैं। यह कोई मजिस्ट्रेट की कोर्ट नहीं है, यह पीपुल्स कोर्ट है। बिस इज पीपुल्स कोर्ट, यह जनता को प्रदालत है, यह जनता का हाऊस है और जनता के नियमों के मुताबिक यह चलेगा। इसलिए मेरी प्रार्थना है कि इस सदन की मर्यादा को आप सुरक्षित रखिये इस की मर्यादा की कुंठित न हो न दीजिए। इस सदन में इस तरह की सारी चीजें हो रही हैं। मैं अपने उधर के भाइयों से कहना चाहता हूँ कि उन्हें उठ कर भ्रान की क्या जरूरत थी, कोई जरूरत नहीं थी। मैं अपनी तरफ के लोगों से भी कहना चाहता हूँ कि हम मजोरिटी में हैं, बहुमत में हैं और बहुमत की मर्यादा बहुत ही गहन होती है, उस में बहुत गहराई होती है, बहुमत की मर्यादा छिछली नहीं होती। जो अल्पमत है, वह छिछलापन दिखाने का अधिकार है लेकिन बहुमत को छिछलापन दिखाने का जरूरत नहीं है।

MR. SPEAKER : I agree with you Mr. Raj Narain ; we have to remind ourselves of this.

SHRI K.P. UNNIKRISHNAN : I have great affection for Raj Narainji but being lectured to by a Member who has himself been hauled up for misconduct was a bit too much. Anyhow, this is an extra-ordinary situation. The House is responding to an extra-ordinary situation for which there has been no precedent. The issue arises (1) whether notice is in order, whether if a Member has given notice it could be taken up for discussion, (2) what does it relate to and (3) whether it is a motion or resolution. There is a substantial difference between motion and resolution. The contents are also very important because if it is a privilege issue, it has to go, to proceed from 222 onwards. But there have been occasions in dealing with strangers in the House, in dealing with disorderly conduct by people in the visitors' gallery; I recall there had been a number of occasions, when the House discussed these motions and come to a conclusion; not only that but also sentenced people. There have

[K. P. Shri Unnikrishnan]  
 been numerous such examples such as throwing leaflets found in possession of bombs, etc. That is a different issue. What has happened there? A situation arose which could not have been foreseen earlier except by you and by the Leader of the House who were in the possession of a letter or a document sent by the member in whose name a statutory resolution was standing in the list of business. The House was taken by surprise. The House was responding to the situation. Now the question is whether it constitutes a privilege issue because it is misconduct or whether it is simply an issue where the House can itself dispose of the conduct of a member which is unbecoming and derogatory to the dignity of the House. But even if a motion of this kind is given, I think you can only accept notice. The question of raising it before 10 o'clock does not arise because the occurrence of this misconduct or whatever it is happened only after 2 o'clock. The House was surprised. The members responded to the situation. So, the question of giving earlier notice does not arise. It depends upon whether you regard the content of the resolution, i.e. the conduct of the member basically as a matter of privilege or the House wants to express its disapproval, because you cannot take away from the House also its basic right. The House has a right at any time to suspend the rule. The House has a right to do anything with it but not you. I agree with Prof. Mavalankar that you cannot decide the issue under rule 389. Basically the reservoir of power is in the House itself and only the House can decide. But I personally think that it would be better, since you will be laying down a precedent that you admit this notice and fix up a time latter. That is the only question that you have to decide.

**SHRI EDUARDO FALEIRO** (Mormugao) : The incident which has triggered the present situation, namely, withdrawal of the resolution by Mr. Sathe has been most unpleasant for most of us, if not for all of us. The question that arises, is though the incident has been unpleasant, whether a member can be censured when he takes shelter under a legal right or a right which may be a technical right.

**MR. SPEAKER** : I am only hearing on admissibility.

**SHRI EDUARDO FALEIRO** : Rule 180(1) says :

"A member in whose name a resolution stands on the list of business may, when called upon, withdraw the resolution, and shall confine himself to a mere statement to that effect."

So, it may be a technical right, but he has got that right. In such circumstances, can he be censured? I am saying, 'no' on the basis of a recent precedent, which relates to the very resolution itself. If you look at the resolution it says :

"Taking note of the signed statements, public utterances and Press interview by Shri Charan Singh, former Minister of Home Affairs, published in the Newspapers on 30th May, 1978 etc. etc. and in the news magazine 'Sunday'.."

The whole issue has therefore, arisen from statements made in the press by the former Home Minister and you ruled the other day that there is no duty imposed on a Minister to make a statement in explanation.

**MR. SPEAKER** : Tell me only about admissibility.

**SHRI EDUARDO FALEIRO** : The point I am making is, when a person has a right, in that case he cannot be censured. Similarly the other day you ruled that a Minister has a right to make a statement or not to make a statement and he cannot be censured for not making a statement. I am submitting that it might have been improper in the case of Mr. Sathe, namely, what he has done. It was equally improper for the Ministers not to come before the House and not to disclose the reasons for their resignations.

**MR. SPEAKER** : You are going outside ; that is not allowed.

**SHRI EDUARDO FALEIRO** : I am linking the two. The two former Ministers exercised their right not to make a statement and by passed the House. You cannot have double standards. This House cannot have double standards, one for the Ministers and others.

**MR. SPEAKER** : You are not on the admissibility at all. I allowed you only on the admissibility. I am not allowing the rest.

**SHRI EDUARDO FALEIRO** : I will be back on the admissibility. When the right is there.

**MR. SPEAKER** : You have mentioned that.

**SHRI EDUARDO FALEIRO** : However improper the conduct of the Member, however improper the conduct of the Minister, how can the House, under the same circumstances, have



two standards ? We cannot have double standards. We cannot have one standard for the ruling party and another standard for the opposition. Therefore, under these circumstances, however unpleasant the conduct of Mr. Sathe might have been, this motion cannot be accepted.

MR. SPEAKER : I have heard several members about the motion.

*(Interruptions)*

MR. SPEAKER : No, it is for me to decide. You have not given any notice.

I have allowed several Members on the motion placed before the House. The motions are not in order, as the same have not been submitted to office before 10 A.M. in the morning, as stipulated by the rules.

I do not think there is any substance in the contention that Shri Sathe has committed any contempt of the House. He has exercised the right conferred on him under rule 180 (1). Therefore, the question of contempt does not arise. If any Member wants to move any substantive motion, in view of the changed circumstances, it is open to him to do it according to the rules. The present motions do not conform to the rules. Therefore, they are rejected.

The House stands adjourned till 11 A.M. on Monday.

16.32 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, August 14, 1978/ Sravana 23, 1900 (Saka)*