

LOK SABHA DEBATES

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LOK SABHA

Tuesday, August 22, 1978/Sravana 31,
1900 (Saka)

The Lok Sabha met at Eleven of the
Clock.

[MR. SPEAKER in the Chair]

MOTIONS FOR ADJOURNMENT RE-
REPORTED COLLECTION OF
LARGE SUMS OF MONEY BY SHRI
KANTIBHAI DESAI DURING ELEC-
TIONS TO STATE ASSEMBLIES

(Interruptions)**

MR. SPEAKER: Please do not
record.

(Interruptions)**

MR. SPEAKER: I am giving my
ruling.

(Interruptions)**

Notices of motions for adjourning the listed business of the House had been given by S/Shri K. Lakkappa, C. K. Chandrappan, Eduardo Faleiro, Saugata Roy, Vasant Sathe and Vayalar Ravi to discuss the newspaper reports that Shri Kantibhai Desai, the son of the Prime Minister had collected large sums of money on behalf of Janata Party during the general elections for some of the State Assemblies. In support of their version, some of the newspaper cuttings have been produced before me.

Published news items do not disclose that Shri Kantibhai Desai had used

governmental machinery for collecting funds, nor do they show that he had committed any illegality in collecting the funds. They also do not show that the Prime Minister had anything to do directly or indirectly with the collection of funds.

Collection of funds for political purposes without infringement of law is not an offence. If in collecting the funds Shri Kantibhai Desai had infringed any of the legal provisions then recourse to law is the proper course.

The collection of funds for political purposes by those in power as well as those near the seat of power is likely to give rise to suspicion that there might have been misuse of official power or position. This is a political question. Solution to such issues must be found either by enacting necessary laws or by developing appropriate conventions. This is not a matter for me. I have to take the things as they are. (Interruptions)**

MR. SPEAKER: Do not record.

(Interruptions)**

For the reasons mentioned above I am unable to accord by consent to the motions. The motions under Rules 184, 197 and 377 are under my consideration.

(Interruptions)**

MR. SPEAKER: Shri Hukamdeo Narain Yadav.

(Interruptions)**

MR. SPEAKER: There cannot be a point of order on my ruling. Shri Hukamdeo Narain Yadav.

(Interruptions)**

**Not recorded.

MR. SPEAKER: Nothing will be recorded.

(Interruptions)**

MR. SPEAKER: Probably you have not understood my ruling. My ruling says that the motions under rules 184, 197 and 377 are under my consideration.

(Interruptions)**

MR. SPEAKER: Nothing is being recorded. I am not hearing anybody.

(Interruptions)**

MR. SPEAKER: Order, order. I have heard you enough. Every second of ours is very valuable to the country. We are spending about Rs. 500 per second. (Interruptions) Why don't you hear me? I have heard you for 20 minutes. (Interruptions) Somebody is complaining that I am going by the Rules. No Speaker can deviate from the Rules. If he does it... (Interruptions) I have got to go by the Rules and I have been trained to go by the Rules. I have lived by the Rules and I will live by the Rules. (Interruptions) All of us must go by the Rules. There are other ways of... (Interruptions) There are Rules and Procedures. Why don't you examine the Rules and go according to the procedure?

(Interruptions)**

MR. SPEAKER: No point of order. I am not allowing anybody. No submissions. How could I hear? You don't hear me. I have said that a Motion under rule 184 is there. The best way of discussing this matter is through a Motion under rule 184. Tomorrow, the BAC is meeting. That is the question.

(Interruptions)

MR. SPEAKER: I have no power to allow you to do anything. You know

the rule. I can only admit it. It is for the BAC to find time.

(Interruptions)

SHRI VASANT SATHE (Akola): It is the BAC which is concerned, when it is about an adjournment motion.

MR. SPEAKER: I have disallowed your adjournment motion.

(Interruptions)

SHRI VASANT SATHE: Why?

MR. SPEAKER: Please... I am not here to answer you.

SHRI VASANT SATHE: You said you were helpless.

MR. SPEAKER: I think you are seeing your own picture in the mirror.

(Interruptions)

MR. SPEAKER: Please... kindly don't interrupt. Please hear me. I have said in my order that your rule 184 Motion is under consideration. I am admitting the rule 184 Motion. I am placing it before the BAC tomorrow. This is not a matter that can be discussed in an adjournment motion.

(Interruptions)

MR. SPEAKER: No. BAC is there. All your representatives will be there. I am quite sure BAC will find time to discuss it.

SHRI MALLIKARJUN rose—

(Interruptions)

MR. SPEAKER: Nothing more. I am not allowing anybody. Don't record.

(Interruptions)**

MR. SPEAKER: If each Member gets up and says: "Unless you obey my orders, I will not allow you to function", this House will never function. I have told you what I am trying to do. But I will never compel the other

side to say, under threat: "I will agree" or "I will not agree."

(Interruptions)

SHRI VASANT SATHE: You are throwing us at their mercy.

MR. SPEAKER: I am not throwing. At all times I have tried to persuade the BAC, whenever you wanted a discussion. BAC has invariably agreed. BAC has always respected my opinion, whenever I suggested it. Uptil now I have not found any difficulty. You know I have persuaded the BAC to agree to many of your Motions. The BAC's meeting is fixed for tomorrow.

(Interruptions)

SHRI C. M. STEPHEN (Idukki): Could I go on record? Could I make some submission?

MR. SPEAKER: About what?

SHRI C. M. STEPHEN: About what you said now. Not about your ruling. If you allow it to go on record, I will make the submission.

MR. SPEAKER: Yes.

SHRI C. M. STEPHEN: The point is this: you will kindly appreciate the feelings on this side, and the feeling of large sections of the Members of the House and outside, ever since this session started

SOME HON. MEMBERS: No.

SHRI C. M. STEPHEN: Ever since this session started... (Interruptions) This House has got certain responsibilities. The responsibility is not merely to pass the Bills. We have got some other responsibilities also. Certain things started when this session started functioning. We have been, from the very start, asking for a discussion on the circumstances under which some Ministers left, but nothing had happened. Finally, 2 letters were placed here. I gave a notice under rule

193, and I wanted a discussion on it, i.e. that the letters placed on the Table of the House be taken into consideration. For 2 weeks now this has been pending. I pleaded with the BAC. The other Opposition Members also pleaded with the BAC that time may be given. Time has not been given. Now this question of corruption came and... (Interruptions)

MR. SPEAKER: Please hear.

SHRI C. M. STEPHEN: An adjournment motion has been given notice of. I do not want to comment about it, I want only to say that we are not satisfied with the ruling. That is all I have got to say. I don't want to comment upon it. Now you say, you are considering a motion under rule 184, you are considering rule 377, you are considering all these matters and we must wait until the consideration is over, though it is such an urgent matter. You say, we must wait until the BAC gives its finding and gives time. This is a awaiting which will not yield any benefit at all as far as we are concerned. You and the Government can tell us that we will get time to discuss this matter. Government can just now tell us that they will make time available immediately to a discussion under rule 184. If that assurance is forthcoming, then of course we can be satisfied with that, because the discussion is coming forward. The Government keeps it within themselves. The whole matter depends on the BAC. The opposition is in a minority in the BAC. Opposition asks for time and time is not given. This is our experience. We cannot put our faith in the BAC to give time for us. If the Minister of Parliamentary Affairs gets up and says that in view of the feelings of the opposition and the urgency of the matter, it will be discussed, then that may be accepted as a substitution of the adjournment motion. This is what I have got to say.

I am extremely sorry that we are functioning in a manner as if Parliament has become irrelevant with refe-

[Shri C. M. Stephen]

rence to the things that are happening outside. You say, let us go on to some business. According to us, this is the major business. Bills can be passed. It can take its own time. This is the major business and I demand that time must be given to transact this major business. Otherwise, we have no interest in the other business. *(Interruptions)*

MR. SPEAKER: The Leader of the Opposition appears to have made certain allegations saying that BAC has not been giving sufficient opportunity for the motions moved by the opposition. *(Interruptions)* I am on my legs. I am explaining the position of the BAC. You are not explaining the position of the BAC. The Leader of the Opposition has overstated his case. In fact, practically every one except one of the motions he has given notice of, the BAC has agreed. BAC immediately found time. BAC has not only found time but BAC recommended that we shall sit on Saturday and discuss the matter. They gave the fullest opportunity for discussing the matter and it is not correct to say that they did not give time. Even the present motion which is pending could have been appropriately discussed last Saturday. It was up to them not to discuss it. *(Interruptions)* I am on my legs. I have never found the BAC disagreeing whenever I have made the recommendation. But I do not want to compel anybody to say anything. I have got my confidence when I place something before the BAC it will give weight to my opinion. Last time when Mr. Stephen came to me, I told him, "I will persuade the BAC to accept it." I was able to persuade the BAC. On the other occasion, I told him... *(Interruptions)* No, that will be a bad precedent....

SHRI VASANT SATHE: Why do you want to persuade the BAC? Why can't you persuade the whole House?

MR. SPEAKER: I have been repeatedly noticing Member after Member getting up and saying, "Unless you agree, I will obstruct it". This is not the proper way. This way Parliament can never function. When the Speaker gives his ruling... *(Interruptions)* The House must be satisfied with what I have said.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): We would also like to be heard.

MR. SPEAKER: I will call you after Mr. Gopal.

(Interruptions)

MR. SPEAKER: I have called Mr. Gopal. It is up to me to select the speaker.

SHRI K. GOPAL (Karur): I am really thankful that you are considering motions under rule 184. You have also said that you will try to persuade the BAC to listen to your advice. To that extent we are happy. If you had only said it in the beginning, you would have taken the wind out of the sails.

MR. SPEAKER: You never allowed me to say anything at all.

SHRI K. GOPAL: When I said that you cannot go strictly by the rules, I did not mean to cast aspersions on the Chair. For example, there are certain rules under which Members take protection. They say, we have got a right to raise certain matters. For example, one day Mr. Sathe was to raise certain matters in the House. Mr. Raj Narain gave notice to exercise his right to make a statement. But what happened subsequently was, for reasons best known to them, they did not exercise their rights. I am not here to defend either Mr. Sathe or Mr. Raj Narain. For example, it is the privilege of a Member who has resigned from the Council of Ministers that he can come before the House and make a statement. All

right. But he cannot exercise that privilege to go on threatening the Prime Minister, "If you do not make somebody a minister, I will make a statement tomorrow". So, also, Mr. Sathe withdrew his motion, I do not know why he withdrew his motion. That also I disapprove of. In matters like this, you know very well that yesterday itself many Members have given notice of adjournment motions, motions under rule 184 and so on. If only you had called us and told us, "This is what I propose to do", there is nothing wrong and this situation would have been avoided. What I request you is, when I say that rules are there, rules must be there, but canons or propriety and discretion of the Speaker also should be there along with the rules. This is my only submission.

श्री राज नारायण (राय बरेली):
 श्रीमान्, माननीय सदस्य ने हमारे ऊपर
 आरोप लगाया है यह कह कर कि राज
 नारायण प्रधान मंत्री को बाध कर रहे
 हैं कि हमारे पक्ष के इन-इन मिनिस्ट्रों को ले
 लें। यह बिल्कुल गलत है, बेबुनियाद
 है, ठेक पुर्ण है। राज नारायण की यह
 श्रावत नहीं है कि कहीं हाथ पसारें।
 आपने राज नारायण को ऐसा कह कर
 राज नारायण का अपमान किया।
 इस को आप वापस लीजिये। राज नारायण
 कहीं मांगने नहीं जाते।

MR. SPEAKER: The hon. Minister.

(Interruptions)

MR. SPEAKER: I have called the Minister.

SHRI RAVINDRA VARMA: Mr. Speaker, you have been witness to the fact that for the past nearly one hour hon. Members on the opposite side...

SHRI JYOTIRMOY BOSU (Diamond Harbour): 45 minutes!

SHRI RAVINDRA VARMA: I know the hon. Member's interests in statistics, but sometimes there is also some virtue in being interested in other things. Mr. Speaker, we have been witness for the past nearly one hour to the expression of intense feelings on the part of many hon. Members of the opposition. But you and the House have also witnessed the fact that the hon. Members on this side have been observing silence and order. (Interruptions). We listened to the hon. Leader of the Opposition and other hon. Members of the opposition. The mere fact that we constitute a majority in the House does not disqualify us from being heard. The fact that hon. Members from this side of the House constitute a majority in this House does not mean that they are second class Members of this House. If hon. Members opposite have a right to speak, so do hon. Members on this side of the House. The hon. Members on the opposite side know very well.... (Interruptions) Of course, I will speak... (Interruptions) It is a strange situation.... (Interruptions) If the hon. Members of this side are not allowed to speak. The parliamentary game is a game in which both sides play, and both sides can play.... (Interruptions) I have listened with great respect to the observations made by my good friend, the hon. Leader of the Opposition. I am greatly amazed at some of the observation which the Leader of the Opposition has made. You, Sir, have been pleased to deal with some of the points which the hon. Leader of the Opposition made, especially the points that related to the Business Advisory Committee. I do not, therefore, want to repeat what you, Sir, have said. But I think it is my responsibility, as the Minister of Parliamentary Affairs, to point out to the fact that it is a totally baseless allegation that the hon. Leader of the Opposition has made.... (Interruptions) I will not yield. Just as the hon. Leader of the Opposition was heard, I must be heard. I will not yield.... (Interruptions) Sir, as I said, the hon. Leader of the Opposition

[Shri Ravindra Varma]

chose to make totally baseless observations... (Interruptions)

Every time the matter has been brought up before the BAC, and the Government have been asked to provide time, even at the cost of business which the Government regarded as extremely important, the Government has gone out of its way to find time. If you look at the time allotted... (Interruptions) I am not going to be shut out; I will make it very clear. I will have my say. Sir, only you can ask me to sit down, and not the Members opposite... (Interruptions) If you look at the time that the hon. House has spent in discussing different matters during this session, you will find that almost a lion's share of the time has been spent on motions or discussions proposed by the hon. Member opposite to the extent.... (Interruptions) I can give you the list. You can look at the list and see it for yourself... (Interruptions) the extent of important business of the House, legislative business of the House, suffering, including the Constitution Amendment Bill. Hon. Members opposite know that we have been sitting day by day to get through this amending Bill. I wonder whether some of them are eager to see that the Bill is passed. If they were, they would not have raised this matter, as they have done.... (Interruptions)

I was born in Kerala and I am very familiar with Kathakali Mudras.... (Interruptions) It was stated that this matter, which the hon. Leader of the Opposition referred to is a matter that has been agitating the minds of some of the hon. Members opposite and the country and, therefore, there should be a discussion on that. As you have rightly recalled, the BAC agreed specially to sit on a Saturday when an omnibus motion was sought to be moved in the name of the hon. Shri Sathe. I do not know.... (Interruptions) I do not

know whether wiser counsel prevailed with Mr. Sathe, or political tactics prevailed with Mr. Sathe or he plainly funk'd the House. (Interruptions) On top of it, for the hon. Member opposite to get up and say that the Government or the Business Advisory Committee did not find time for him is a gross travesty of truth and an insult to the House. The entire House assembled here, sat here and waited for him to listen to the hon. Member. The hon. Member disappeared from the House. (Interruptions) The fact that there is an opposition in the House and the Leader of the Opposition in the House does not mean that the people have given a veto to them, and power to us.

12.00 hrs.

The hon. Leader of the Opposition went on to say, "We must find time to discuss this" after your ruling on the adjournment motion. It is entirely your privilege and prerogative to give a ruling. Your ruling cannot be challenged... (Interruptions)

SOME HON. MEMBERS: Ha, ha.

SHRI RAVINDRA VARMA: No amount of "Ha, ha" will affect me. "Ha, ha" can be answered with "Hi, hi". (Interruptions) Perhaps, we should say "Shi, shi" to them, not "Hi, hi". (Interruptions)

Sir, it is your prerogative to give a ruling on the adjournment motion. You in your wisdom have given a ruling; we have accepted your ruling. If anybody wants to make any submissions to you, that can be done in the manner in which it should be done, not by obstructing the business of the House. There are other ways of expressing protest, or urging you to reconsider your decision.

Then, as you very rightly pointed out, we hear threats so often that threats have lost their effect on us. They go on saying, "Unless this is done, unless that is done, unless there is a discussion on this or that, we will

not allow the business of the House to go on." I am amazed that this is the attitude of some hon. Members of the House. (*Interruptions*)

The Leader of the Opposition said that we have been functioning in a manner as if Parliament is becoming irrelevant. I wonder whether this is his considered opinion. (*Interruptions*)

MR. SPEAKER: Mr. Mallikarjun, I am appealing to you not to disturb the proceedings of the House. If you continue to do it, you are compelling me to name you. I do not want to do it. I warn you. Please don't disturb the proceedings of the House.

SHRI RAVINDRA VARMA: We also sometimes wonder whether there is any effort to make Parliament irrelevant, to make Government irrelevant. The hon. Leader of the Opposition went on to say that he had no interest in any other business. What a strange self-incriminating confession! (*Interruptions*) For the hon. Leader of the Opposition in a Parliamentary democracy to get up and say that they have no interest in any other business is something on which nobody need make any comments. It is self-evident.

As far as finding time for a discussion of this is matter concerned, as you have said, it is for the Business Advisory Committee to consider this. One hon. Member said, 'Let this House consider it because the Business Advisory Committee is a committee of the House'. Is it being suggested that it should be put to the vote of the House whether time should be provided? (*Interruptions*) My good friend, Mr. Saugata Roy, knows that I am the last person to be provoked by anyone, especially by him. (*Interruptions*) Therefore, what I was trying to say is that such matters like providing time for a sub-

ject is not subjected to the vote of the House on the spot. There must be full consideration of all aspects, including the time schedule. That is why, it is never put to the vote of the House. Sir, you in your wisdom have suggested that this matter may be taken up in the Business Advisory Committee. When it comes up before the Business Advisory Committee, we will give due regard to the feelings that the hon. Members opposite have expressed, and we will try to do our best.

SHRI MALLIKARJUN (Medak): Sir, I rise on a point of order.

MR. SPEAKER: What is your point of order?

SHRI MALLIKARJUN: I refer to rule 376, which says:

"A point of order shall relate to the interpretation or enforcement of these rules or such Articles of the Constitution as regulate the business of the House..."

The Article concerned is the Fundamental Right of the citizens, the right to equality, in relation to Mr. Kanti Desai....

MR. SPEAKER: It is not a point of order. Do not record him any more.

(*Interruptions*)**

SHRI C. M. STEPHEN: You allow Mr. Mallikarjun to raise a point of order, and once it has been allowed, if it is to be expunged, it has to be under a certain rule. You can hold that it is not a point of order, you can overrule that. But both must come on the record: his statement must come on the record, and your ruling must come on the record...

MR. SPEAKER: Both have come.

**Not recorded.

SHRI C. M. STEPHEN: There are certain Rules of Procedure. Once you give the floor to a Member, what the Member says must go on record, except that part of it which is either defamatory or incriminatory which you can expunge. Beyond that nothing can be expunged. Whatever Mr. Mallikarjun submitted with your permission must go on record and you can say, 'I hold this is not a point of order and I overrule it.' That also must go on the record but your saying, 'Don't record' even after he has taken your permission is not correct.

MR. SPEAKER: You have misunderstood me. Mr. Mallikarjun has again and again raised points of order. He said that there is a breach of the rule of equality. I said, 'It is not a point of order.' This is what I have said.... (Interruptions)

SHRI C. M. STEPHEN: You said, 'Don't record'.

MR. SPEAKER: No, no. Upto that it will go.... (Interruptions)

Now we go to the discussion of the Constitution Amendment Bill.

Shri Hukumdeo Narain Yadav.

SHRI VASANT SATHE: What is your decision on this discussion? ... (Interruptions) We want to know your decision.

MR. SPEAKER: The Business Advisory Committee will consider it.

SHRI VASANT SATHE: When are they going to sit?

MR. SPEAKER: Mr. Hukumdeo Narain Yadav.... (Interruptions) You have got to raise your voice a little.

SHRI VASANT SATHE: I am sorry I do not agree to continue on this.... (Interruptions)

MR. SPEAKER: Mr. Hukumdeo Narain Yadav, you please come to the front.... (Interruptions)

श्री हुकुम देव नारायण यादव (मध्यवर्ती):
महोदय, मन्त्रीदय, संविधान (संशोधन)
विधेयक पर जो चर्चा चल रही है, ...
(व्यवधान)

SHRI MALLIKARJUN: Let the House adjourn. This is a matter of very great sensitivity concerning the people of the country.

श्री हुकुम देव नारायण यादव : मध्यवर्ती
महोदय, मन्त्री जो हमारा संविधान (संशो-
धन) विधेयक चल रहा है.
(व्यवधान)

SHRI VASANT SATHE: What is it that is going on? We are not going to listen to this. We will not listen. We are sorry for this. We have made a submission to the Speaker. We want to know whether this issue of growing corruption at high levels is going to be discussed or not. Otherwise, with all humility I beg to submit that we will not co-operate with these people. We respect you, Mr. Speaker and again I will say, we respect you.

MR. SPEAKER: You are not respecting me.... (Interruptions)

Nobody can dictate to me...

SHRI VAYALAR RAVI (Chirayin-kil): On a point of order, Sir.

MR. SPEAKER: What is your point of order?

SHRI VAYALAR RAVI: My point of order arises under Rule 186.

Sir, in your wisdom you have just announced that you are calling the BAC to meet to discuss and find sometime for discussion of the motion under Rule 184. Rule 186 says very clearly that it shall raise substantially one definite issue. That definite issue has been given in the motion. I am not going into the merits of the case but that is the statement made by Mr. Madhu Limaye as well as confirmed by Mr. C. B. Gupta. That is about the collection of Rs. 90 lakhs. That collection, of course, is a definite issue. It can be confined to a discussion provided 2 or 3 ingredients are added with it.

That is one thing. Collection of funds—from whom? Then, who are the persons who gave the money? Number (2) is whether these persons....

MR. SPEAKER: What is your point of order?

SHRI VAYALAR RAVI: I am coming to it in one second. I want to know whether these persons have done it legally or not. Naturally, the House is entitled to know first the names of the people who have given the money. Then only it can become a definite issue. When a definite issue comes, the House knows whether the persons donated the money. Then only it will become a definite issue.

MR. SPEAKER: Are you saying that your motion is invalid?

SHRI VAYALAR RAVI: I am requesting you, Mr. Speaker, to please hear me and then give a direction in the matter.

MR. SPEAKER: That is not the point of order. (Interruptions) All of you will please sit down. If it is your object that the Constitutional Amendment Bill should not be discussed then I have nothing to say. I thought that this was the most important business of the House.

SHRI VASANT SATHE: Would the Government agree for a discussion?

MR. SPEAKER: I for one am not a party to the dictation.

SHRI VASANT SATHE: If they agree to discuss this evening, I assure you that we will cooperate with the Constitutional Amendment Bill of the Government.

MR. SPEAKER: I may tell you that I shall not be a party to the dictation either on this side or that side. The rules should be followed. If you cannot do that, dictation will

repeatedly go on. I have many times heard it said that 'unless you hear me and unless you decide in favour of, me I am not going to allow.' I shall not be a party to the dictation. (Interruptions) I know how my ruling is accepted. When the Speaker makes a statement that he will try to persuade the Committee you should accept this. (Interruptions) I won't allow any attempt to discuss anything other than the Constitution Amendment Bill. Shri Hukam Dev Narayan Yadav.

श्री हुकम देव नारायण यादव : अध्यक्ष महोदय, संविधान संशोधन
(व्यवधान)

MR. SPEAKER: I appeal to you. Mr. Leader of the Opposition to restrain your Members. Otherwise, I am sorry, I do not mind taking action. You know by nature I am very patient. I do not want to create a bad precedent in the House.

SHRI C. M. STEPHEN: Now that you have said this, I am also sorry. I would like to make a submission.

MR. SPEAKER: We have discussed it enough.

SHRI C. M. STEPHEN: Now that you have said this...

SHRI K. LAKKAPPA: Because they have made a certain mistake. And yet may I make a submission?

MR. SPEAKER: Mr. Lakkappa saw me this morning. I told him that I will consider 184. I thought that he was satisfied. Now everybody wants to make some statement.

SHRI K. LAKKAPPA: I am telling the entire House that the hon. Minister of Parliamentary Affairs did not clarify on the exact subject-matter to be discussed.

MR. SPEAKER: That is because it depends upon the notice.

SHRI K. LAKKAPPA: I am putting it correctly.

MR. SPEAKER: Mr. Lakkappa, nobody can do that. That depends upon the motion.

SHRI R. V. SWAMINATHAN (Madurai): You ask the Minister whether it may be taken up tomorrow.

MR. SPEAKER: The Business Advisory Committee is meeting tomorrow. *(Interruptions)*

SHRI C. M. STEPHEN: I have only one appeal to make. Now that you referred to me, I am standing.

MR. SPEAKER: I will hear you if you want.

SHRI C. M. STEPHEN: Now that you have referred to me, I am rising to make a submission. The point is this. You have stated that it will go to the Business Advisory Committee. But you know that under the rules the time has got to be given by the Leader of the House. This is what the rule says:

"That it has to be in consultation with the Leader of the House".

This is entirely the business of the Committee. *(Interruptions)* Sir, it was very uncharitable to make an insinuation that we are obstructing passing of the Constitution Amendment Bill. *(Interruptions)*

I am now stating that there is a difficulty in the House and I am only trying to find a solution for that. *(Interruptions)*

The point is we do not want to obstruct anything at all. What I want to submit is that this is a matter of very serious importance as far as we are concerned. You have agreed that you will take it up in the Business Advi-

sory Committee. It is possible for the Minister to say that he will agree to get time otherwise taking it to the Business Advisory Committee is useless. But I heard the Minister saying that he will be helpful to us in this matter. On the basis of that and in the expectation that we will get an opportunity at least tomorrow....

MR. SPEAKER: Not tomorrow. The Business Advisory Committee is meeting tomorrow and then the date can be fixed.

SHRI C. M. STEPHEN: Can you not call Business Advisory Committee meeting today? We are very insistent that we must have a discussion but we do not want to block the business before the House. In that sense I would appeal to my friends to agree to carry on the discussion here, to cooperate with the government in the discussion but I want to make it very clear that we are very insistent to have a discussion tomorrow. Rule 190 says:

"The Speaker may, after considering the state of business in the House and in consultation with the Leader of the House, allot a day or days or part of a day for the discussion of any such motion."

After discussing with the Leader of the House you allot us time tomorrow. It need not necessarily go to Business Advisory Committee. It is upto you to fix up the time. I request you to fix up time tomorrow. *(Interruptions)*

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Speaker, Sir, yesterday on your wise suggestion it was decided to go without Question Hour because we wanted to utilise this one hour in discussing and passing the Constitution Amendment Bill as soon as possible.

Sir, this House has been busy in trying to dismantle the authoritarian regime that had been set-up....

(Interruptions)

MR. SPEAKER: Let us utilise the time for the Constitution Amendment Bill.

Now let us not take up any other issues.

*(Interruptions)***

MR. SPEAKER: Don't record it. Order please.

Let us not take up other matters. Do you think your voice can drown everything? Let us not take up any other matter just at present. There are other opportunities for taking up this matter. You need not take up this matter at this stage. Let us proceed with the discussion.

*(Interruptions)***

I am on my legs. Shall we proceed with the Constitution Amendment Bill? All of us are interested. Today already you have wasted 1 1/2 hours.

*(Interruptions)***

MR. SPEAKER: Order, order. I am appealing to every Member not to make the Parliament a laughing stock....Some Members may be interested in making this Parliament a laughing stock, others even unconsciously should not contribute to it. Ultimately, the Parliament suffers in its dignity. Physical demonstration and all sorts of demonstration is totally unwarranted in the Parliament.

The language used must be appropriate language.

A criticism is not an abuse...In Parliament, you have a right to criticise. You cannot shout because you are hurt. I am sorry for the demonstration that has taken place in the House. I am extremely sorry and I appeal to you again and again to behave properly. If you do not listen to my appeal, this House will become a laughing stock. You have held to ransom...Mr. Mallikarjun. I have warned you enough....You have wasted one and a half hour of public

time...There are methods and rules to be followed; you have ignored all that. I am not blaming one or the other. There seems to be an attempt to see that the work of the House does not proceed. I will never be a party to it; I am prepared to be thrown out, but I am not going to allow this. If anybody dictates to me that I should do anything here and now, I shall say: No. My reaction is a negative to such things.

I shall only go by the rules. I am not concerned with this side or the other side. I have taken a vow to be impartial and I shall try to be impartial to the best of my ability and to the extent possible, I am helpful to the opposition....

SHRI MALLIKARJUN: On a point of order.

MR. SPEAKER: The point of order is about naming you. I warn you.

(Interruptions)

MR. SPEAKER: The point of warn you. If you get in the way, I am going to name you....

(Interruptions)

MR. SPEAKER: Please; let us not add to it. Let us not add to what has taken place. Anybody trying to obstruct the proceedings of the House—I am trying my best to see that I should not name anybody; but even my patience has a limit. Some individuals have so behaved, I do not know if I have to ignore all the rules. I have been a Judge. I have developed certain temperaments. I want to retain those temperaments. But it is becoming difficult day after day. The choice may be, sometimes, either to quit or to take to the rules.

PROF. P. G. MAVALANKAR: Which rules?

(Interruptions)

****Not recorded.**

MR. SPEAKER: I warn everybody. If I am not wanted by the House, I will not stay here for one minute more. But no one will compel me. I assure you, the moment I feel that the House, does not want me, I will be the first to quit. *(Interruptions)* But I shall not run away. I shall not run away. That much assurance I give you.

If anybody misbehaves, upto a point I will tolerate; beyond that point I will not tolerate. Now I am calling upon Mr. Chatterjee to go on.

SHRI MALLIKARJUN rose—

(Interruptions)

SHRI C. M. STEPHEN: You made an appeal. We agree that the House may go on. What then remains? We agree that the proceedings of the House should go on.

SHRI SOMNATH CHATTERJEE rose—

MR. SPEAKER: Mr. Chatterjee, the Leader of the Opposition says that his party has accepted my suggestion. Therefore, let us go on to the Constitution Amendment Bill.

SHRI SOMNATH CHATTERJEE: Half-a-minute, Sir, about what you have said now. I hope it will be accepted by all the sections of the House in the proper spirit. I do not wish to raise anything, except to say that let us proceed as seriously as possible with the passing of the Constitution 45th Amendment Bill. Before I sit down, I want to express my view that I treat with the grossest of contempts, what Mr. Sathe has said about me. I hope it will be expunged in full *(Interruptions)*

SHRI VASANT SATHE: I do the same about him. I do the same about him.

MR. SPEAKER: I have not been able to hear things at that time. If there is any contemptuous expressions, I shall certainly go into that matter and expunge them.

SHRI C.M. STEPHEN: Then I want to go on record as saying that Mr. Bhattacharya waved the chappal here on the floor of the House. He showed the chappal here. *(Interruptions)*

SOME HON. MEMBERS: No.no.

SHRI C. M. STEPHEN: He showed the chappal. That must go on record. Let it go on record. *(Interruptions)*

SHRI JYOTIRMOY BOSU: No. *(Interruptions)*

SHRI DINEN BHATTACHARYA: Mr. Sathe, I tell you; you do not have the courage to face me.... *(Interruptions)*** *(Interruptions)* I will tell you....

SHRI VASANT SATHE rise—

SHRI P. RAJAGOPAL NAIDU: What Mr. Bhattacharya has said, may please be expunged.

SHRI RAVINDRA VARMA: I assure our cooperation in maintaining order and harmony in this House; but I would also like to appeal to you to look through the records, because in the midst of the din, I understand some obscene words have been used. They should be expunged we hope you will look through the records.

MR. SPEAKER: I will go through the entire records. Whoever has observed any obscene or unparliamentary or defamatory things, those things will be expunged.

SHRI VASANT SATHE: All obscene things should go.

**Expunged as ordered by the Chair.

MR. SPEAKER: Not their physical demonstrations.

(Interruptions)

SHRIMATI PARVATHI KRISHNAN rose—

MR. SPEAKER: Madam, are you all not interested in seeing that we go on? Please. Now Mr. Hukmdeo Narain Yadav.

12.40 hrs.

CONSTITUTION (FORTY-FIFTH AMENDMENT) BILL—Contd.

Clause 45

(Amendment of article 368).

श्री सुकन देव भारद्वाज यादव (गझनी) : अध्यक्ष महोदय, संविधान में जनमत संग्रह करने के प्रावधान के सम्बन्ध में धारा 45 में मैंने तीन संशोधन दिये हैं। इस संशोधन के क्रम में बहुत से सदस्यों ने अपनी बात कही है।

कल जब सदन में इस पर बर्बात चल रही थी, तो बहुत से सदस्यों ने इस पर अपनी राय ज़ाहिर की। मैं भी इस राय का हूँ कि इसमें जो प्रावधान किया गया है कि जो संशोधन संविधान के धर्म निरपेक्ष और लोकतांत्रिक चरित्र को न्यून पङ्क-चायेगा—इसी प्रकार की और दो, तीस बातें दी गई हैं—उस संशोधन के बारे में जनमत संग्रह कराया जाये। मैंने यह संशोधन दिया है कि धर्म निरपेक्ष और लोकतांत्रिक के साथ समाजवाद भी जोड़ दिया जाये।

इसमें प्रावधान किया गया है कि जो जनमत संग्रह किया जायेगा, उसमें भाग लेने वाले अथवा 51 प्रतिशत मतदाता भाग लेते हैं और उस पर 51 प्रतिशत

का आधा अंगर इस बात से सहमत हो जाता है कि संविधान में से धर्म निरपेक्ष और लोकतांत्रिक को हटा दिया जाये तो यह हटा दिया गया मान लिया जायेगा।

मैं विधि मंत्री का ध्यान इस ओर आकृष्ट करना चाहता हूँ कि जब हिन्दुस्तान में आपातकालीन स्थिति लागू हुई, तो तानाशाही शासन के अन्तर्गत जो मतदान हुआ उस मतदान में श्रीमती इन्दिरा नेहरू गांधी जिस कांग्रेस को नेतृत्व दे रही थीं, उस कांग्रेस को 26 प्रतिशत से ज्यादा मतदान नहीं हुआ।

हिन्दुस्तान में विभिन्न प्रकार के मत, सम्प्रदाय और अल्पसंख्यक हैं। अगर यह कर दिया जाये कि धर्म निरपेक्षता को हटा दिया जाये और हिन्दुस्तान में कभी कोई कट्टरपंथी हिन्दूवादी का आधिपत्य स्थापित हो जाये तो यह संविधान के धर्म निरपेक्ष स्वरूप को बदल सकता है। हिन्दुस्तान की जनता ने भी कभी-कभी गलती की है, लेकिन 1877 में जनता में जाबूति आई थी। उसी को भाषण माना जाये।

जहाँ तक रिकॉर्डम का सम्बन्ध है, हम लोच शुरु से उसके समर्थक रहे हैं। जिन लोगों का डॉ० राम मनोहर लोहिया के दर्शन में विश्वास रहा है, वे जानते हैं कि जनता सर्वोपरि है, लेकिन लोकमत संग्रह में ऐसा किया गया है कि 51 प्रतिशत से ज्यादा मतदाता अगर उसको सम्पुष्ट करे तभी वह लोक मत संग्रह जायज़ माना जाये। अगर 51 प्रतिशत से कम लोग उसके पक्ष में वोट देते हैं तो उसको न माना जाये।

इसमें यह भी प्रावधान किया गया है कि जो लोक मत संग्रह किया जायेगा, उस के सम्बन्ध में न्यायालय में चुनौती नहीं