

Rules, 1977 (Hindi and English versions) published in Notification No. G.S.R. 1159 in Gazette of India dated the 3rd September, 1977, under sub-section (3) of section 21 of the Railway Protection Force Act, 1957. [Placed in Library. See No. LT-1028/77.]

NOTIFICATIONS UNDER REPRESENTATION OF THE PEOPLE ACT AND REPORT ON BIENNIAL ELECTIONS TO THE COUNCIL OF STATES, ETC.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NARSINGH YADAV): I beg to lay on the Table—

(1) A copy of the Delimitation of Council Constituencies (Uttar Pradesh) Second Amendment Order, 1977 (Hindi and English versions) published in Notification No. G.S.R. 615(E) in Gazette of India dated the 23rd September, 1977, under sub-section (3) of section 13 of the Representation of the People Act, 1950. [Placed in Library. See No. LT-1029/77.]

(2) A copy each of the following Notifications (Hindi and English versions) under sub-section (2) of section 9 of the Representation of the People Act, 1950:—

(i) S.O. 684(E) published in Gazette of India dated the 24th September, 1977 making certain corrections in Schedule XXVI of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976.

(ii) S.O. 685(E) published in Gazette of India dated the 24th September, 1977 making certain corrections in Schedule VIII of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976.

(iii) S.O. 725(E) published in Gazette of India dated the 18th October, 1977 making certain

corrections in Schedule XVI of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976.

(iv) S.O. 726(E) published in Gazette of India dated the 18th October, 1977 making certain corrections in Schedule IV of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976.

(3) A copy of the Report (Hindi and English versions) on Biennial Elections to the Council of States and Legislative Council, 1976 (Narrative and Statistical). [Placed in Library. See No. LT-1030/77.]

FINANCE ACCOUNTS OF UNION GOVERNMENT FOR 1975-76.

SHRI NARSINGH YADAV: On behalf of Shri Zulfikarulla, I beg to lay on the Table a copy of the Finance Accounts of the Union Government for the year 1975-76 (Hindi and English versions). [Placed in Library. See No. LT-1031/77.]

12.03 hrs.

RE QUESTIONS OF PRIVILEGE

श्री उपसेन (देवरिया): कृपया महोदय, मैं प्रश्नों के सम्बन्ध में एक ही व्यवस्था का प्रश्न उठाना चाहता हूँ। कल प्रश्नों की सूची में 20 प्रश्न दिये गये थे, लेकिन केवल 4 प्रश्न पूछने का अवसर दिया गया। आज भी ऐसा ही हुआ है। अगर 20 प्रश्नों में से केवल 4 प्रश्नों को सदन में पूछने का अवसर मिलेगा, तो कैसे काम चलेगा? मैं आप से निवेदन करना चाहता हूँ कि आप इस विषय में व्यवस्था दें।

MR. SPEAKER: All of you are responsible for that.

श्री ज्योत्सेन : जब चेयर पर आप बैठे हैं, तो व्यवस्था आप के हाथ में है। माननीय सदस्यों के हाथ में व्यवस्था नहीं है।

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sr, on a point of order. You are violating your own directions, direction 2, sub para 6, regarding questions involving breach of privilege of the House. I have given a notice for breach of privilege against the Chairman, Calcutta Port Trust, at least nine days ago.

MR. SPEAKER: I have not given consent to it yet. It is under consideration.

SHRI JYOTIRMOY BOSU: What is the position?

MR. SPEAKER: I have already told you in my chamber. You can again meet me in my chamber.

SHRI JYOTIRMOY BOSU: I have to make one submission. I have given this notice nine days ago. An employee of the Calcutta Port Trust who gave evidence before the Public Accounts Committee has been victimised. It is a clear case of breach of privilege***

MR. SPEAKER: I have told you the position.

Please do not record.

It depends

SHRI JYOTIRMOY BOSU: I will raise it again tomorrow.

SHRI SAUGATA ROY (Barrack-pore): I have given a privilege motion against the Union Home Minister against his adverse comments on MPs.

MR. SPEAKER: It is under my consideration.

श्री मधु लिमये : (बांका) अध्यक्ष महोदय, मैंने श्रीमती इंदिरा गांधी, भूतपूर्व प्रधान मंत्री के खिलाफ इस सदन का घोर अपमान करने के संबंध में नोटिस दिया था ... (व्यवधान)

SHRI K. LAKKAPPA (Tumkur): What is all this?.....***

MR. SPEAKER: Nothing will be recorded.

SHRI KANWAR LAL GUPTA (Delhi Sadar): Shri Madhu Limaye gave notice of a privilege motion on the 10th October and I have given notice on the 18th October. You may ask Mr. Madhu Limaye to raise it. My privilege motion is also on the same subject.

MR. SPEAKER: I have not given consent to your motion also.

SHRI MADHU LIMAYE: Let me make my submission.

MR. SPEAKER: I have called for certain information from you.

After the receipt of the information, I will be able to decide.

SHRI MADHU LIMAYE: I gave my notice on the 10th October. There was enough time for your office to process it. They asked for information only yesterday. That is not my fault. Let me make my submission.

SOME HON. MEMBERS: No, no...

(Interruptions).

SHRI MADHU LIMAYE: I am not talking about the substance of the motion. I am talking only about the procedure....

(Interruptions).

SHRI KANWAR LAL GUPTA:
I want to rise on a point of order. My point of order is this....

MR. SPEAKER: Please do not go into the merits of the case. I am going to decide all privilege questions on priority basis.

SHRI KANWAR LAL GUPTA:
Kindly listen to my point of order and then you decide. There are certain rules for the privilege motion.

MR. SPEAKER: Others may sit down. There is a point of order. Please hear him.

Yes, Mr. Gupta, what is the point of order?

श्री कंबरलाल गुप्त : मेरा प्वाइंट ऑफ ऑर्डर यह है कि कोई भी सदस्य प्रिविलेज मोशन का नोटिस स्पीकर साहब को देता है, चाहे उधर से या उधर से, जैसे श्री मधु लिमये ने एक महीना पहले नोटिस दिया और मैंने भी एक महीना पहले नोटिस दिया (व्यवधान) मेरा कहना यह है कि सर्टेन रूल्स हैं जिनके मातहत आपको फैसला करना है। हालांकि रूल्स में यह अर्वाधि नहीं है कि आप 6 महीने में या एक साल के बाद अपना फैसला दें लेकिन आप सुप्रीम कोर्ट के जज रहें हैं, कोई तो जूडिशियल पीरियड होना ही चाहिए जिसमें आपका फैसला हो जाये। (व्यवधान)

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

SHRI KANWAR LAL GUPTA:
When will you decide about the privilege motion? That is my question.

MR. SPEAKER: I am on my legs. Please sit down.

There are a number of privilege motions before me. On some I want more facts. I am considering on priority basis. Whoever has given the notice first, his motion will be considered first.

श्री मधु लिमये : किस का नोटिस पहले है ?

MR. SPEAKER: Yours is first. I am examining it. I have called for some information on the matter. My office is processing it. As soon as I get the information I shall take a decision.

SHRI MADHU LIMAYE: I want to make a submission about the procedure. Why do you not allow me to speak?

SHRI JYOTIRMOY BOSU: You must allow him to speak.

श्री मधु लिमये : मैं तो प्रोसीजर के बारे में बोलना चाहता हूँ। (व्यवधान) तीस साल तक यही चला कि किसी को सुनना नहीं है। क्या अब भी ऐसे ही चलेगा, बिना सुने फैसला देंगे ? मैं चाहता हूँ अपोजीशन को भी मौका मिले।

MR. SPEAKER: Shri Limaye, will you please hear me?

SHRI JYOTIRMOY BOSU: You fix the time limit—say a fortnight. It cannot go on for ever.

MR. SPEAKER: Shri Limaye, will you please hear me? On going through the rules, I have found that once I allow a motion to be talked in the House, then immediately thereafter I cease to have any jurisdiction on that. That is my view of the law. It may be right or wrong.

SHRI MADHU LIMAYE: But you hear us on procedure.

MR. SPEAKER: I am not accepting anybody's arguments. I have considered the matter. At one time I thought of giving you permission to make a statement, but on analysis of the rules I have found that once I allow there will be no end to it.

SHRI MADHU LIMAYE: You may please hear us and then decide about it. I may be right or I may be wrong, but you please hear me.

MR. SPEAKER: I am not denying you any opportunity.

SHRI MADHU LIMAYE: You do not allow me to speak even for one minute.

MR. SPEAKER: Once I allow you, immediately, there will be several others wanting to speak. Let me see the rule.

SHRI MADHU LIMAYE: It is not only the rule which is important; there is also the practice.

THE PRIME MINISTER (SHRI MORARJI DESAI): Whatever they want to say, let them say. Let them raise question. But why cannot they do this in a dignified manner? Why this shouting? (*Interruptions*) I am not referring to him only, he is mistaken if he thinks that I am referring to him only. I am referring to all Members.

MR. SPEAKER: I appeal to the Leader of the House and the Leader of the Opposition. There is noise on both sides of the House. Nobody is being heard. That is why I have asked them not to record when several of you speak. This is not something praiseworthy about us.

SHRI MADHU LIMAYE: I will not speak on the substance of the motion. I am only speaking about the procedure.

MR. SPEAKER: All right; then you can have your say.

SHRI MADHU LIMAYE: Sir, this Notice was given on 10th of October, 1977. There was ample time for the Secretariat to go into the matter. If they wanted any explanations or clarifications, I would have been quite willing to supply them. Yesterday they rang me up and said certain information is wanted. Our practice here has

been that there were privilege notices given which were based on newspaper reports which had not been contradicted. I am not saying that you should take a decision here and now. I am only suggesting that you may please hear me.

SOME HON. MEMBERS: No.

SHRI MADHU LIMAYE: The practice here has been to hear the members and allow them to make some preliminary points. Then the Speaker decides. The case against Mr. Lalit Narayan Mishra went on for several weeks before the Speaker gave his ruling. You do not know about it.

SHRI VASANT SATHE (Akola): He was responsible for it. That was contrary to the rules, contrary to the practice. Don't follow that. Please don't follow that now.

SHRI MORARJI DESAI: There was a question raised by a Member. Let it be dealt with by the Speakers. None from this side or from that side should decide it. They cannot take upon themselves the task of deciding such a thing.

SHRI SHYAMNANDAN MISHRA (Begusarai): May I make this submission with regard to matters concerning privilege issues? The practice in the House of Commons and the practice in this House has been this: A privilege motion would receive the highest priority in the Agenda of the day.

Now, the hon. Member submitted a motion on this as far back as 10th of October and it was clearly the duty of the Chair to apply its mind and to see to it that it should have received the priority. According to the Practice—I lay stress on this—the Privilege Motion receives the highest priority. You consult any book on Procedure on this. If this were received, it should have been taken on the very first day as the very first item after the Question Hour.

श्री मधु लिमये : मैं यह कहना चाहता था कि आज आप मेरे प्रिलिमिनेरी प्वाइंट्स सुन लीजिए। उस के बाद जो आप कहेंगे और जो निर्देश देंगे, उन को मैं मानने को तैयार हूँ।

MR. SPEAKER: We are here deciding about the procedure now. All shouting and interruptions need not go on record.

SHRI JYOTIRMOY BOSU: Under what rule do you say that they should not go on record? There is no rule.

श्री मधु लिमये : श्री ज्योतिर्मय्य बसु, मुझे अपनी बात कहने में सिर्फ दो मिनट लगेंगे।
(Interruptions)

MR. SPEAKER: Please sit down. You are unnecessarily distracting discussion. Only the person who is called upon by the Speaker will alone speak and that alone will go on record. Otherwise your voice and somebody else's voice will go on record. I do not want that.

श्री मधु लिमये : अध्यक्ष महोदय, मैं बह कह रहा था कि कल मुझे कहा गया कि दो तरह की जानकारी दीजिए। एक तो जिन कवेश्चन्स के ऊपर यह आधारित है, उन का नम्बर दीजिए। माहुरि के बारे में एक क्वेश्चन था। उस के लिए जो जानकारी इकट्ठा की गई थी और जिन अफसरों ने उस को दिया था, उन को समपेंड किया गया, तंग किया गया। उस के बारे में मुझे कहा गया कि उन कवेश्चन्स का नम्बर क्या क्या था। 10 अक्टूबर के बाद कल मुझसे इस के बारे में पूछा गया और मैंने तत्काल नम्बर दे दिये। उस के बाद उन्होंने कहा कि शाह कमिशन की सर्टीफाइड कापी लाइए। अब यह मेरा काम है कि मैं शाह कमिशन से सर्टीफाइड कापी लाऊँ और शाह कमिशन मुझे वह कापी देगा। ऐसा कभी नहीं हुआ है। अध्यक्ष महोदय, आप को इन बातों की

जानकारी नहीं दी गई। यह आज तक के पार्लियामेन्टरी इतिहास में कभी नहीं हुआ है। एक एक अब्द्वार में यह रिपोर्ट छपी है। This has not been contradicted. और उस के बाद सर्टीफाइड कापी मांगी जाती है। क्या लोक सभा सेक्रेटेरियट में वही सब पुराने तरीके चलेंगे? I would only request the Speaker to apply his mind to the problem.

SHRI MORARJI DESAI: After hearing all this, I find that if a notice was given on the 10th of October and, if no action was taken until the opening day, it means that there is some lapse in the Office. Let the Speaker look into it. I do not want to say anything about it. Please look into it and then the matter may be decided.

MR. SPEAKER: Let us not put the responsibility on the office. I take the full responsibility for whatever happens in the office. I do not want the Parliament to have anything directly with the Office. It is a matter between me and the Members.

SHRI MADHU LIMAYE: Even the Office has to be cleaned up.

MR. SPEAKER: It is not the office's desire but it is I who called for a certain information. What happened was this. I came back on the 10th night—it was about 11 O'clock that I came back. On the 11th morning, the matter was put up before me. When the matter was put up before me, I noted that the office was not able to trace the question to which Shri Madhu Limaye was also referring. The Office said that they were not able to trace that question. Then, I asked the Office to ascertain from Shri Limaye whether he could give the question number so that the office could trace the matter. That is all.

Thereafter, one aspect, I wanted to go into, which I am still studying

namely whether when a matter comes within one of the rules which prohibits its being raised when it is before a Commission, I can consider that. This is a very complex matter. I have lots of difficulties. That is why I have delayed that. I have a lot of difficulties on the legal question. That is why I withheld the questions in that matter. And when I complete the matter, probably in a day or two, I would be able to decide about it.

SHRI SAUGATA ROY (Barrack-pore): I rise on a point of order. I want your ruling on the question of privileges. Rule 222 says:—

“A member may, with the consent of the Speaker, raise a question involving a breach of privilege either of a member or of the House or of a Committee thereof.”

Then, Rule 223 says:

“A Member wishing to raise a question of privilege shall give notice in writing to the Secretary-General before the commencement of the sitting on the day the question is proposed to be raised.”

MR. SPEAKER: What is your point of order?

SHRI SAUGATA ROY: Please listen to me. If the question raised is based on a document, the notice shall be accompanied by the document. Now, the point of order I would like to make is while explaining the procedure on the subject you mentioned about Mr. Madhu Limaye's notice being given one month earlier. If a notice is given one month earlier, it should be considered on the basis of its importance. Here, the question is whether there is any breach of privilege. It should not get any priority on the basis of how far back that notice was given. It should be considered on the basis of the importance of the matter, on the urgency of the

matter, relevance of the matter and facts of the matter. I would only say that there has been no practice on this matter. It is entirely on the importance of the issue. Shri Gauri Shankar Rai brought a breach of privilege motion before this House on the same day when the report was published in the paper. On the same day it was brought before the House. After 10.30 he submitted the notice and on the same day the Deputy-Speaker gave a ruling that it should go to the privilege Committee. So, it is not a question of time. It is a question of importance of the matter. It is a question of relevance. That is why I wanted you to give a ruling whether my privilege motion is admitted or not, because this is against all the Members of Parliament. This is also a breach of privilege of the Joint Committee of both the Houses of Parliament. So, Sir, it is not a question of how far back the notice was given. There is no question of priority, but it is a question of importance. (*Interruptions*)

SHRI JYOTIRMOY BOSU: Sir, the priority that is enjoyed by the privilege motion is only next to adjournment motion. But by the time the privilege motion crawls to the Floor of the House, some of us will kick the bucket. (*Interruptions*) Sir, you kindly give a direction that a time-limit be fixed for processing the privilege motion and the Member may easily wait till that time instead of taking the time of the House.

MR. SPEAKER: No privilege motion will be allowed unless it comes within the rule. That is the first priority. The second priority is subject to other conditions being satisfied—if it satisfies the other conditions—first come first served. I have given my ruling.

SHRI VASANT SATHE: Sir, on a point of order the rule requires that notice should be given only at the beginning of the day, otherwise change

[Shri Vasant Sathe]

the rule and say that it should be given earlier. All that is required is to give it at the beginning of the day.

MR. SPEAKER: Not at all.

SHRI VASANT SATHE: Please see rule 223.

MR. SPEAKER: I have seen that rule.

SHRI VASANT SATHE: Then you are, by giving this ruling, now changing the rule.

MR. SPEAKER: I am not changing the rule. Unless the matter comes within the rule, I am not entertaining it. If it comes within the rule, then the priority will come in.

SHRI VASANT SATHE: My point is that by giving priority to those which are given earlier to the day of the sitting you are going to debar other privilege motions which are given on the day of sitting. (*Interruptions*). Suppose 10 privilege motions are given, what will you do? It requires that it should be given before the commencement of the sitting of the day. It says it should be given in writing. Kindly see rule No. 223. It says like this:

"223. A member wishing to raise a question of privilege shall give notice in writing to the Secretary-General before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document."

MR. SPEAKER: That does not mean that the Speaker must give his decision on the same day.

SHRI VASANT SATHE: You can give it on any day. But so far as the Member is concerned, he should give it on the day the question is proposed to be raised. Now, having done that, what will you do according to the ruling today?

MR. SPEAKER: I will consider the importance of it.

SOME HON. MEMBERS: Yes, yes. (*Interruptions*).

MR. SPEAKER: But I will consider priority also.

SHRI VASANT SATHE: But don't say that you will decide the priority on the basis of 'first come first served'. If this 'first come first served' business is completely thwarted, other privilege motions will go contrary to the rule, unless you change the rules. Therefore, your ruling may be reconsidered.

12.32 hrs.

RE ISSUE OF VISITORS' CARDS TO
M.Ps.

SHRI SURATH BAHADUR SHAH (Kheri): You have already given your ruling on this matter and I do not want to touch on that. I want to bring to your notice that on the last day of last session of Parliament, I wanted to bring some call attention notices.

MR. SPEAKER: That is not relevant now.

SHRI SURATH BAHADUR SHAH: I was never told by your Secretariat what happened to them. Unless one exhibits the perversity which people on my right are doing, one hardly gets any attention if one behaves like a gentleman. I only want to submit that I intended to table some call attention notices and I met you and you said that I should give it to the secretariat and I did so. I never got an answer. Whether it is right or wrong, whether it is accepted or not accepted, is a different matter; let the Member know where he stands. If one is to exhibit this indecency and perversity in order to be heard. It can only be done by those people who are not ashamed of doing so. I want you to find out whether one is entitled to get an answer or not from the Secretariat.