

[श्री गौरी शंकर राय]

को रिवाइज करने का प्रश्न है, एजार्नमेंट मोशन के सिलसिले में सारी दुनिया में पार्लियामेंटरी प्रैक्टिस यह है कि रूलिंग को थोड़ी देर बाद ही रिवाइज कर लिया जाता है। एसा मीका कभी नहीं आया है कि एजार्नमेंट मोशन पर दो दिन बाद रूलिंग दिया जाये सिर्फ दो बार मौके आये : एक तो हाउस आफ कामन्स में उस समय, जब इंग्लैंड में सारे कम्युनिकेशन्स खत्म हो गये थे, और दूसरी बार, जब यहां सरकार को दूसरे देशों से कोई सूचना मंगानी थी और प्रधान मंत्री ने कहा था कि हमें समय दिया जाये।

मेरा सबमिशन यह है कि अगर इस सदन में यह परम्परा प्रचलित हो गई कि एजार्नमेंट मोशन पर दो दिन बाद रूलिंग दिया जायेगा, तो फिर एजार्नमेंट मोशन का कोई अर्थ ही नहीं रह जायेगा। एजार्नमेंट मोशन का मतलब ही यह है कि सदन में उस विषय पर उसी वक्त बहस हो जाये। अगर रूलिंग को रिवाइज करने की बात कही जाती है, तो यह भी संभावना हो सकती है कि आप एजार्नमेंट मोशन को मूव करने की इजाजत दे दें। और अगर आप इजाजत दे दें, तो फिर दो दिन के बाद अजेंसी का सवाल ही पैदा नहीं होता है। दुनिया भर में पार्लियामेंटरी प्रैक्टिस यह है कि प्राइमा फेशी एविडेंस के बारे में डिविजन को टाला नहीं जा सकता है, जब तक कि सरकार विशेष रूप से यह निवेदन न करे कि किन्हीं विशेष परिस्थितियों के कारण आवश्यक जानकारी या रिपोर्ट देना संभव नहीं है। मैं चाहता हूँ कि आप इस सबघ में स्पष्ट रूलिंग दे दें, ताकि देश के विधान-मंडलों और दुनिया के अन्य देशों की पार्लियामेंट्स में इस बात को बोट न किया जाये कि एजार्नमेंट मोशन पर दो दिन बाद रूलिंग हुआ।

4 बात में सिर्फ परम्परा और डायरेक्शन

के लिहाज से निवेदन कर रहा हूँ। इसलिए इस संबंध में आप एक निश्चित व्यवस्था दें। यह प्रेसीडेंट नहीं बनाना चाहिए।

12.15 hrs.

QUESTION OF PRIVILEGE AGAINST SHRIMATI INDIRA GANDHI AND OTHERS.

श्री मधु लिमये (बांका) : अध्यक्ष महोदय, अगर आप का हुकम हो तो मैं आप की खिदमत में कुछ बानें कहना चाहूंगा..

MR. SPEAKER: I am not going to allow any discussion.

SHRI VASANT SATHE (Akola): I want to make a submission. As one of the persons who had given notice, my request to you is, if you are allowing calling attention, our names may kindly be added to the calling attention. There will be no harm in it.

MR. SPEAKER: Upto five Members, you can add.

SHRI K. LAKKAPPA (Tumkur): My name was the first.

MR. SPEAKER: You are inevitable, Mr. Lakkappa.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Sir, I talked to you yesterday.....

MR. SPEAKER: I see no point of order in that. There is no substance. I need not say anything at all.

SHRI C. M. STEPHEN: *rose*.

MR. SPEAKER: I have not given any decision. I have allowed him to mention. It is for the House to decide.

श्री मधु लिमये : अध्यक्ष महोदय, इस सदन का समय बचाने के लिए और आप की जानकारी के लिए मैं निवेदन करूंगा, कुछ समय पहले मैंने आप को... (इटरप्शंस)

SHRI C. M. STEPHEN (Idukki): I am on a point of order.

श्री मधु लिमये : अध्यक्ष महोदय, जब तक आप हकूम नहीं देंगे मैं ईल्ड नहीं करूंगा ।

MR. SPEAKER: He has raised a point of order.

SHRI C. M. STEPHEN: I am on a point of order. I cannot understand what y u have said.

MR. SPEAKER: I have permitted him to move in the House. There are two things. One thing, is the Speaker can straightway accept and refer it to the Privileges Committee, or, the Speaker may permit him to move in the House. And once it is moved in the House, it is for the House to decide one way or the other.

SHRI C. M. STEPHEN: I would like to make a submission. Rule 222 reads:

"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."

The permission has got to be given, which you have given. My point is, the permission can be given only on the ground that you are satisfied that there is a question of breach of privilege. Whether you decide or the House decides, that is a different matter. I would like to know whether it is your ruling that you are satisfied that there is a question of breach of privilege.

MR. SPEAKER: It comes within Rule 222. It is my ruling that it Comes within Rules 222 and 225.

SHRI JYOTIRMOY BOSU: Have you given consent or not ?

MR. SPEAKER: I have given Consent under Rules 222 and 225.

श्री मधु लिमये : अध्यक्ष महोदय, इस सदन का समय बचाने के लिए और आप की सुविधा के लिए अभी आप को जो पत्र लिखा है उसी में से कुछ हिस्से में पढ़ कर इस सदन को सुनाऊंगा । इस से अधिक मुझे इस समय कुछ बयान नहीं करना है ।

"My present notice of breach of privilege and contempt of Parliament is not complicated at all. That is also a very serious

matter—none can dispute. After the Mudgal affair, no case of this importance, I think, has ever been raised in Parliament. In fact, this is even more serious than the Mudgal case, because no less a person than the former prime Minister is involved.

The facts are very simple. Mrs. Gandhi's son was issued a letter of intent (of which the period was extended several times) and finally an industrial licence to manufacture a cheap and hundred per cent indigenous car on the condition that no import licence will be asked for or given and that no machinery of foreign origin will be allowed to be used in the manufacture of this car. From the very beginning, I was critical of the Project and I doubted the ability of Mr. Sanjay Gandhi to manufacture any car or the genuineness of his promise of not using any imported machinery for producing it.

"In 1974 I began to receive reports about the circumvention by Maruti Ltd. of the conditions laid down by the Government and willingly accepted by Mr. Sanjay Gandhi. When I got hold of the Annual Report and Accounts of Maruti Ltd. for the year 1973-74 I found a mention at pages 16-17 of the machinery installed or in the process of installation in the factory. The Maruti report made no mention of the fact that part of the machinery was imported machinery of foreign origin. Naturally they wanted to conceal from the general public the fact that conditions of licence had been blatantly violated by them. When I learnt that the imported machinery had been obtained by Maruti Ltd. through Batliboi & Sons, I tabled a question in the House in the 1974 winter session of the Lok Sabha. The question made a reference to pages 16 and 17 of the Maruti report and stated whether part of the machinery installed was of foreign origin.

After creating a lot of difficulties about the admission of the question, finally the Lok Sabha Secretariat admitted it in a mutilated form (U.S.Q. 4175 on 11-12-1974), of course, without reference to me, and with the inevitable result that a negative answer was conveniently given. The mutilation consisted in the fact that the reframed question asked whether Maruti report mentioned that foreign machinery had been installed. It was ridiculous to have framed such a question. The distortion was introduced at the instance of the Prime Minister's Secretariat. When I strongly protested and kicked up a row in the House itself the question was admitted in the original form and was set down for answer on 12-3-1975 (U.S.Q. 2960). Again the reply was evasive. Now what went on behind the scene

[श्री मधु लिमये]

during these days has been exposed before the Shah Commission.

When I persisted in my effort to elicit the embarrassing information about the imported machinery, and when the Speaker finally admitted it in the original form, the Industries Minister had no choice but to start enquiries. When his officers approached Maruti, the then prime Minister's son must have strongly protested to his mother. Mrs. Gandhi was furious, as Shri T. A. Pai, the then Industries Minister, testified before the Shah Commission. She took unusual steps to protect her son and wreak vengeance on the officers who had shown the temerity to start enquiries about imported machinery in obedience to the order of Parliament. The officers must be deemed to have been in the service of Parliament"—

I emphasise this fact—

"The officers must be deemed to have been in the service of Parliament since they were collecting information for answering a parliamentary question."

I will give four quotations from *May's Parliamentary Practice* to substantiate this.

"Obstruction of or interference—with such persons in the exercise of their rights or discharge of their duty or conduct calculated to deter them or other persons"—

केवल आफिसर्स नहीं, "अदर पर्सन्स"

"from preferring or prosecuting petitions or from discharging their duties may be treated as a breach of privilege."

"A contempt committed against one Parliament may be punished by another"

कोई यह कहेगा कि यह बात पांचवीं लोकसभा में हुई, छठी लोकसभा में यह मामला कैसे आयेगा तो यह क्लियर रजिज है :

"It is clear that breach of privilege in one Parliament may be punished in another succeeding....."

"It is contempt to obstruct officers of either House or other persons employed by or entrusted with the execution of the orders by either House, while in the execution of their duty."

"Neither will suffer any person whether an officer of the House or not to be molested....on account of anything done by them in the course of

their duty."

अध्यक्ष महोदय, आप नियम (41) देखें ।

Rule 41 says:

"A question may be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed."

इस नियम का दूसरा हिस्सा कहता है ।

"Right to ask a question "

तो यह कोई दया नहीं है । इस सदन के सभी सदस्यों को अधिकार दिया गया है नियमों और संविधान के द्वारा, संविधान के अनुच्छेद 105 में है :

"Powers, Privileges and Immunities of Parliament and its Members."

यह बात उसमें कही गई है । इसलिए यह मेरा अधिकार था । जब स्पीकर साहब ने मंजूर कर दिया तो इस के लिये जानकारी हासिल करना उद्योग मंत्री का कर्तव्य था और उद्योग मंत्री जी ने जिन अफसरों को यह काम दिया था, वे यह काम पार्लियामेंट की आज्ञा से, हुकम से कर रहे थे, ऐसा माना जाना चाहिये । मैं इस संबंध में "मै" से कुछ और कोटेशनज़ भी दे सकता हूँ, लेकिन, अध्यक्ष महोदय, मैं अधिक समय नहीं लेना चाहता हूँ ।

आगे, अध्यक्ष महोदय, यह है—

"The officers must be deemed to have been in the service of Parliament since they were collecting information for answering a parliament question. The C.B.I. Director was summoned and without probing the truth or otherwise of the fabricated charges made against the officers by the Prime Minister and others, the C.B.I. carried out raids and searches. Officers were harassed. One of the officers, Shri Kavale, was not only suspended but his wife was also harassed by the C.B.I."

अध्यक्ष महोदय, मिसिज़् कावले के रिप्लिक के पास गई थीं, मेरे पास भी थाई

थी और रो रही थी। उन्होंने कहा—मेरा क्या अपराध था ?

“Apart from the inhumanity of the whole affair and apart from the blatant abuse of power the pertinent question in this connection is the gross contempt committed by the former Prime Minister of the rights, privileges and immunities of the Member of Parliament and of the whole House.”

इस समय, अध्यक्ष महोदय, मैं और कुछ नहीं कहना चाहता हूँ। अगर ये लोग आक्षेप लेंगे, तो आप सदन की अनुमति मांगिये, उस के बाद मैं अपना प्रस्ताव पेश करूंगा कि यह मामला प्रिविलेज कमेटी के सामने जाना चाहिये।

SHRI VASANT SATHE (Akola) : Sir, under Rule 224, when you have given your consent and if the matter is to be considered by the House, then I wish to invite the attention of the House through you to this Rule regarding conditions of admissibility of questions of privilege. The Rule says :

“The right to raise a question of privilege shall be governed by the following conditions, namely :—

(i) \* \* \*

(ii) the question shall be restricted to a specific matter of recent occurrence;”

Now, Sir, all that we have heard from Mr. Limaye refers to an event under the previous regime. Therefore, I would like to know whether we can dig up from the events of the previous Parliament or even previous regime an incident.

MR. SPEAKER : What is the difference between regime and Parliament ?

SHRI VASANT SATHE : I mean, the previous Government. When the matter is as old as more than a year or two, can we consider whatever action was taken against that officer to be of recent occurrence ? The matter must be of recent occurrence. It has come to light today. If it is a matter of old occurrence, then can this House dig up a matter which is already being inquired into ? Another thing I would like to know is that the matter is *sub judice*. It is being inquired into by the Shah Commission. The Shah Commission is yet to give its Report. Can you consider this as a matter of privilege ? It will be a parallel proceeding. You will render infructuous all that is being done

in this matter before the Shah Commission. This House could to-day itself discuss the matter and take a decision. This House decide to take a decision and take some action, say against the ex-Prime Minister while the Shah Commission's report is yet to come—we don't know whether he will substantiate or uphold the allegations, or not; all that is yet to be seen. I would like to know, therefore: will this be the occasion or the time to have this matter decided as a privilege matter here—because this is what you are launching on. This is the point I wanted to make. (*Interruptions*)

MR. SPEAKER : Please let me give a ruling. It is a point of order; it is not a debate. I have considered both the points raised by Mr. Sathe before according my consent. So far as the point that it must be a matter of recent occurrence is concerned, the question is that it has not been definitely decided. Authorities have taken the view that when a matter comes to light at a later stage, Parliament has a right to take it into consideration. As far as the Shah Commission aspect is concerned, these also I have gone through the entire matter. I have gone through the terms of reference of the Shah Commission. They are confined to Emergency excesses and matters connected with them. This event has taken place much earlier than the declaration of the Emergency. Therefore I thought it was not necessary to go by that consideration.

श्री कंवर लाल गुप्त (दिल्ली सदर) :

अध्यक्ष महोदय, मेरे जो प्रिविलेज मोशन का सवाल है, वह एक लिमिटेड सबजेक्ट पर है कि इस सदन को प्रोपरली फंक्शन करने का अधिकार है। मेरा मतलब शाह कमीशन आदि से कुछ नहीं है। यह सदन ठीक तरह से फंक्शन कर सके, इस सदन के सदस्यों को उन के सवालों का जवाब ठीक तरह से मिले, उस में अगर कहीं बाधा आती है, तो यह ब्रीच थाफ प्रिविलेज होता है। इसलिये मेरे ब्रीच थाफ प्रिविलेज का जो मोशन है, वह श्रीमती इंदिरा गांधी के खिलाफ है, श्री आर० के० धवन और श्री डी० सेन, वि देव डाइरेक्टर, सी० बी० आई० के खिलाफ है for obstructing, harassing and instituting false cases against some officers who wanted to collect information, for giving a correct answer before the House. That is my plea. That is the basis.

[श्री कंबर लाल गुप्त]

अध्यक्ष महोदय, हर एक मंत्री, हर एक सदस्य को मौलिक अधिकार है विधान के हिसाब से और बल्स के हिसाब से, मैं आप का जगह समय नहीं लेना चाहता, प्रश्न ठाने का और मिनिस्टर साहब से इन्फार्मेशन लेने का।

PROF. P. G. MAVALANKAR (Gandhinagar) : On a point of order, Sir, I seek your guidance. (Interruptions). It will lapse after he has finished.

MR. SPEAKER : I will hear your point of order. Mr. Gupta, he has raised a point of order. He wants to say it before you finish.

PROF. P. G. MAVALANKAR : If I have to raise the point of order after my esteemed friend, Shri Gupta, has finished his speech, there will be no point of order. Therefore, I have to interfere. I am very sorry. I am not coming in his way of raising matter which, in his opinion, is very serious. But my point is that it will lead to rule 224 being violated. Sub-rule (i) of rule 224 says :

"not more than one question shall be raised at the same sitting;"

Shri Limaye has raised a question of privilege with regard to the Maruti affair. Mr. Speaker, Sir, I am entirely in your hands. (interruption) My point is that even within the same subject, this is a second Motion. There cannot be two motions by two different Members on the same subject. What Shri Gupta brings out can come in tomorrow or the day after. But if the matter is identical, the motion should be moved by two Members jointly. If the matter is not identical, even if it is raised by one person, rule 224 would operate, viz. that not more than one question shall be raised in one sitting. Mr. Gupta can, with your permission, speak in favour of Mr. Limaye's point of view; but he cannot in my submission, move another motion, even on an identical subject. It will be a violation of rule 224.

MR. SPEAKER : There is no point of order. Rule 224 must be read along with rules 222 and 223. The rules say that "a Member" cannot raise two questions in the same sitting. Rule 224 is a continuation of rules 222 and 223. There is no point of order. Shri Gupta may continue.

श्री कंबर लाल गुप्त : अध्यक्ष महोदय, मैं आपके सामने यह प्रार्थना कर रहा था

कि सदस्य को सवाल करने का अधिकार है और मंत्री महोदय से यह आशा की जाती है कि वे सवाल के उत्तर में ठीक जवाब दें। अब मंत्री महोदय किस आधार पर जवाब देंगे ? जो डाकुमेंट्स उपलब्ध हैं, एबीडेंसिज़ हैं, उनके आधार पर अपने अधिकारियों को कहेंगे कि इसका ठीक से जवाब दीजिये। अगर मंत्री महोदय ठीक जवाब नहीं देते हैं तो इस सदन को यह अधिकार है और आपको भी यह अधिकार है कि मंत्री महोदय को कहा जाए कि वे ठीक से जवाब दें। अगर वे जानबूझ कर गलत जवाब देते हैं तो उनके खिलाफ ब्रीच आफ प्रिविलेज आ सकता है। अगर जवाब सही नहीं आता है, उसके आने में बाधा आती है तो ब्रीच आफ प्रिविलेज आता है। अध्यक्ष महोदय, यह सही नहीं है या यह है, इसका क्राइटेरिया क्या है ? यह मैं आपके सामने पढ़ना चाहता हूँ। मेज की पार्लियामेंटरी प्रेक्टिस के पृष्ठ 136 में लिखा है—

"It may be said generally that any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of his duties, or which has a tendency directly or indirectly to produce such results may be treated as a contempt, even though there is no precedent of the offence."

एक तो यह है। दूसरे इसमें यह कहा है—

"It is a contempt to obstruct officers of either House or other persons employed or entrusted with the execution of the order of either House while in the execution of their duty."

अब मिस्टर कोल और मिस्टर शकघर ने भी अपनी किताब में लिखा है—

MR. SPEAKER : Use your own words; do not rely on that.

SHRI KANWAR LAL GUPTA : Let me read it.

"A contempt of the House may be defined as any act or omission which

obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency directly or indirectly to produce such results, even though there is no precedent of the offence. Hence, if any act, though not tending directly to obstruct or impede the House in the performance of its function, has a tendency to produce this result indirectly by bringing the House into odium, contempt or ridicule or by lowering its authority do constitute a contempt."

सभापति जो अगर इसको आधार मान लिया जाए—और मैंने इन दोनों किताबों को पांच-छः दिन लगा कर पढ़ा है—तो यह ब्रीच आफ प्रिविलेज का मोशन आ सकता है। केवल हिन्दुस्तान की पार्लियामेंट में ही नहीं, बल्कि दुनिया की किसी भी पार्लियामेंट में लीडर आफ द हाऊस ने कभी यह कोशिश नहीं की कि सवाल का जवाब अच्छी तरह से न दिया जाए। यह अनपैरालल्ड है, यूनीक है। मेरा कहना है कि यह जो टेंडेंसी थी रोकने की और जो उस सवाल का जवाब इकट्ठा करेगा उसको पकड़ने की, उसको गरिफ्तार करने की, हैरास करने की, शैट देने की, इसका मतलब यह है कि भूतपूर्व प्रधान मंत्री, उनके प्राइवेट सेक्रेटरी मि० धवन और मि० सेन जिन्होंने उनको गरिफ्तार किया, उनकी सारी कार्रवाई इसलिये थी कि जो सवाल लिमय जी ने पूछा था मारुति के बारे में वह चीज सदन के सामने न आए, देश के सामने न आए और यह पार्लियामेंट पूरी तरह से फंक्शन न करे, इसका जो प्रेस्टीज है वह नीचे जाए, इसका प्रेस्टीज ठीक न रहे, इसकी सावरेनटी को खत्म करने की एक तरह से यह कोशिश थी। इसकी स्पोंट में मेरा काम केवल एक है कि मैं आपके सामने प्राइमम फेसार्ड केस बता दूँ। जो डेफीनीशन है उस क्लिब से ये तीनों लोग दोषी हैं। अभी क्लब कमिशन का ज्विक किया गया है। उसके वॉडिक्ट को मैं मानता हूँ। उसका वॉडिक्ट नहीं धाया है। लेकिन

मुझे शाह कमिशन के वॉडिक्ट की जरूरत नहीं है। अगर मैं उसका ओनस सिफ्ट कर देता हूँ यह साबित करके कि प्राइमम फेसार्ड केस है तो फिर उसके बाद प्रिविलेज कमेटी की मर्जी है और वह चाहे तो श्रीमती इंदिरा गांधी को बुलाए, धवन साहब को बुलाए, सी बी आई के डायरेक्टर को बुलाए और उसके बाद अपना निर्णय दे कि क्या यह चीज ठीक है या नहीं। उस स्पोंट में मैं मि० पाई के स्टेटमेंट को कोट कर रहा हूँ :

"Former Heavy Industry Minister T.A. Pai deposed that Mrs. Gandhi was 'upset and furious' over the action of the officials who, he thought, were doing their legitimate duty in collecting material in response to a Parliament question. In Mr. Pai's presence, Mrs. Gandhi had called her additional Private Secretary, Mr. R.K. Dhawan, and told him to ask the CBI Director to start inquiries against the officials and raid their houses.

"According to him, the action against the officials was 'vindictive' and he had done his best to protect them to the extent he could. Mr. Pai alleged that it looked that his Ministry was under a seige for some time. What was being done to the officials was an effort to blackmail and demoralise everybody to prevent them from carrying on their normal functions."

अब जो मंत्री है जिससे यह आशा की जाती थी कि वह सवाल का जवाब ठीक दे, वह स्वयं वह कह रहे हैं कि चूँकि मैंने यह कहा कि आफिसर सवाल का जवाब लाए और वह लाने के लिए गया, इसलिए उसको तंग किया गया, सी बी आई ने तंग किया, उसको ऐरेस्ट किया और स्वयं इंदिरा गांधी नाराज हो गईं, लाल पीला हो गई और कहा कि उनको पकड़ा जाए। मुझे तीनों का केस बनाना है। इंदिरा गांधी का, धवन का और डी०सेन का। मैंने इंदिरा गांधी का इनवाल्वमेंट बता दिया है। अब धवन का बता रहा हूँ।

"In his inconclusive testimony, Mr. D. Sen, former CBI Director, said he had ordered the investigations on the basis of the information provided by

[Shri Kanwar Lal Gupta]

Mr. R.K. Dhawan, the Additional Private Secretary to the then Prime Minister, who had stated that Mrs. Gandhi had received the complaints from some MPs and others."

Mr. Pai again said :

"I knew why she (Mrs. Gandhi) was angry because the previous day Mr. R.S. Dhawan (Additional Private secretary to the then Prime Minister) had told me about it. She said my officers were talking of political corruption when they themselves were corrupt. Before I could say anything in reply to her, she called Mr. Dhawan and ordered that their houses should be raided, Mr. Pai submitted."

अध्यक्ष महोदय जी, इसका मतलब साफ है कि क्योंकि वह इन्दिरा जी की विशेष के अनुसार उन्होंने काम नहीं किया और और वह ठीक सदन को सूचना देना चाहते थे, इसलिये इन्दिरा जी ने, घवन ने और आखिर में सेन साहब ने यह कार्यवाई कर के उन लोगों को टोचर किया ।

In conclusion Mr. Pai said :

"On the face of it, I felt the charges (against these officers) were ridiculous and that there were other reasons. Officers were doing their legitimate duty and I had asked them to collect as much information (about Maruti) as possible, because I wanted to go by facts. I think they were perfectly right in doing their legitimate duty. I even wrote to her (Mrs. Gandhi) that my officers were being harassed."

अध्यक्ष महोदय, मैं और ज्यादा समय नहीं लेना चाहता । आफिसर्स क्या कहते हैं जिनको तंग किया गया वह भी इसके साथ रेलीवेंट है, इसको देखा जाये वह क्या कहते हैं :

Mr. Krishnaswamy said he discussed the matter with the Joint Secretary and the two decided to send a team of technical officers to the Maruti plant. The two officers, who visited Maruti were denied any information. The answer to the Parliamentary question was prepared without any information from Maruti Ltd.

He said he had simultaneously contacted officials in PEC and DGTD with the hope of getting the required information.

अध्यक्ष महोदय, मेरा आखिर में कहना यह है कि जिस तरीके से श्री पाई, डायरेक्टली और इनडायरेक्टली श्रीब्सट्रक्ट करने की जो टेन्डेंसी है. जैसा कि मेज पार्लियामेंटरी प्रैक्टिस में कहा गया है . . . . (ब्यवधान)

हम 18 महीने जेल में रहे तब ध्यान नहीं आया । अब जब यह पाप सामने आ रहे हैं तो आप चिल्ला रहे हैं । . . . (ब्यवधान)

मेरा कहना यह है कि मेज पार्लियामेंटरी प्रैक्टिस में कहा गया है डायरेक्ट और इनडायरेक्ट टेन्डेंसी टु श्रीब्सट्रक्ट दि हाउस, इसकी इन्होंने कोशिश की है और इन्दिरा जी जो इस सदन की लीडर थीं वह इस साजिश में शामिल थीं कि ठीक तरह से यह सदन फंक्शन न करे ।

मैं समझता हूँ कि प्राइमा-फोशी केस मैंने आपके सामने रखा है, आप इसको प्रिविलेज कमेटी को भज द । वह इन्दिरा जी को, घवन को बुलायगी और अगर ठीक समझ कि इसमें जान है तब तो उनको सजा दे, अथवा छोड़ दे ।

SHRI YESWANTRAO CHAVAN

(Satara): As far as the privileges of this House are concerned, I would like to assure this House, the Mover of the Motion, and everybody that we are as serious about the privileges of Parliament as they are. But in this particular case, I have got my own reservations because we are not, really speaking, following the tactics . . . . (Interruptions)

In the present case, the privilege is based on certain revelations of statements made before the Commission which is still in the continuing process. They have yet to make their own report. Without giving an opportunity to the Commission to form its own opinion on this matter if in between you take an extract from the evidence that is available in newspapers and on that basis you ask the parliament to take a view in the matter, it looks to me to be a non-judicial or an un-judicial way.

SHRI MADHU LIMAYE: Are you objecting? (*Interruptions*).

MR. SPEAKER: Nobody need usurp my powers. It is for me to put it to the House. Is anybody objecting to the grant of leave?

SHRI C. M. STEPHEN: I object.

MR. SPEAKER: In which case, I now go to the Rule 225(2).

Those who are in support of the motion may please rise in their seats. . . . I find more than twenty-five members rising in their seats. So, the leave is granted.

The next question is: Is it the pleasure of the House to refer it to the Privileges Committee or is the House going to consider it?

श्री मधु लिमये: अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि अब सदन इस प्रस्ताव पर विचार करे। मेरा प्रस्ताव इस प्रकार है :—

“That the question of breach of privilege and contempt of the House against Shrimati Indira Gandhi and others be referred to the Committee of Privileges with instructions to report within a period of six months.”

अध्यक्ष महोदय, सबसे पहले इस बात की ओर मैं इस सदन की तवज्जह दिलाना चाहता हूँ कि पिछले सदन में, पिछली लोक-सभा में, जब से श्रीमती इन्दिरा गांधी को और उनके दल को दो-तिहाई का बहुमत प्राप्त हुआ,

MR. SPEAKER: Is it necessary to make another speech?

SHRI MADHU LIMAYE: I have a right to speak on the motion.

MR. SPEAKER: You have a right to speak. But the facts are already stated.

श्री मधु लिमये: मैं सबसे छोटा भाषण करूंगा, लेकिन सारे फैक्ट्स सदन के सामने रखने की जरूरत है।

जिस समय उनको दो-तिहाई का बहुमत मिला, उसके बाद मैंने देखा कि इस सदन की जो प्रक्रियाएं हैं, इस सदन के जो अधिकार

हैं, उन अधिकारों को लगातार समाप्त करने का काम श्रीमती इन्दिरा गांधी कर रही थीं। इतना ही नहीं, सबसे खतरनाक बात यह थी कि प्रधान मंत्री का सचिवालय सर्वोपरि हो गया और लोक-सभा का जो सचिवालय है, लोक-सभा सेक्रेटैरिएट, उसके ऊपर भी हावी होने लगा। किन प्रश्नों को चर्चा के लिये, बहस के लिये स्वीकारा जाय, किन प्रश्नों को गायब कर दिया जाय, किन प्रश्नों का गलत जवाब दिया जाय, यह सारा निर्णय प्रधान मंत्री के सचिवालय में होता था। चूँकि दो-तिहाई का बहुमत था, स्पीकर को हमेशा यह डर था कि उनको हटाया जायगा अगर सदन की गौरव और गरिमा के लिये वह कार्यवाही करेंगे। नतीजा यह हो गया कि इस सदन की पवित्रता . . . . (अवधान)

SHRI C. M. STEPHEN: With reference to the statement of Shri Madhu Limaye about the conduct of the former Speaker, I do hereby give notice of a motion of breach of privilege against him. (*Interruptions*) I will give in writing a motion of breach of privilege against Shri Madhu Limaye.

श्री मधु लिमये: मैं सिद्ध करने वाला हूँ, मेरे पास डाक्युमेंट्स पड़े हैं, मैं हवा में बात करने वाला आदमी नहीं हूँ।

SHRI C. M. STEPHEN: I rise on a point of order. We are on rule 226. Rule 225 is over. “If leave under rule 225 is granted, the House may consider the question . . . . .” (*Interruptions*).

श्री दीनेन मट्टाचार्य (सीरमपुर): \*\* यह बड़ा

SHRI K. LAKKAPPA: I rise on a point of order. (*Interruption*) I want your ruling on this.

MR. SPEAKER: I do not know who said it. (*Interruptions*)

SHRI KANWAR LAL GUPTA: Sir, \*\* means he is a follower. (*Interruption*) It is not unparliamentary.

\*\*Expunged as ordered by the Chair.



PROF. DILIP CHAKRAVARTY (Calcutta South): If somebody makes a statement of facts.....(Interruptions) My friend says that \*\*means that he is a follower. If somebody makes a statement by describing somebody as\*\*it is not unparliamentary. (Interruptions)

MR. SPEAKER : Please sit down. The word 'chamcha' in the context is highly unparliamentary.

I am directing its expunction from the record.

SHRI C. M. STEPHEN : I am on a point of order. My point of order is this. Under rule 226 read with rule 225, the hon. mover has no right of speech. That is the point I am raising. Under rule 225, the hon. mover has the right to make a statement which he has already done. Rule 226 says as follows :

"If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made either by the member who has raised the question of privilege or by any other member."

There are two questions before us. (1) whether the House is proceeding to take a decision on that. Obviously not, because the motion is now before the House that the matter may be referred to the Committee of Privileges. Unless you decide that a discussion on that must be allowed under rule 226, a second speech moving that motion is not contemplated under the rules. If a decision of the House is contemplated, then a discussion can take place and speeches can be made. If it is treated as a regular motion on which the House may hold a discussion, then of course, speeches can be allowed the others also must be allowed to speak. Otherwise, if the proposal is that the matter may be referred to the Committee of Privileges, the Committee should not be burdened with previous discussion in the House, the material before the House and all that. The simple matter is whether it must go before the Committee of Privileges. If that is the matter being considered by the House, then a speech by any other Member is not contemplated by the procedure. If, on the other hand, your decision is that, on that motion, a discussion can take place, the House must come to a decision. In that case, I submit, this should not be the only speech; the others also should be allowed to make their speeches. There have been precedents in the House. On a motion for reference to the Committee of Privileges, no speeches

by any Member has ever taken place, and, therefore, the hon. Member may not be allowed to make a second speech on the same motion. He made a statement on the basis of the motion already before the House which you allowed. In the same proceeding, a Member is not allowed to make two speeches at all. That is another rule. The matter you allowed was the motion of the hon. Member. It had two aspects, one, the allegation that there is a question of privilege, and the other, it must be referred to the Committee of Privileges. You allowed that motion. On that, a speech was already made. Now, after that, a second speech is not contemplated. It is prohibited by the Rules of Procedure. Therefore, the hon. Member is not within his rights to make a speech now.

13 hrs.

MR. SPEAKER : under rule 226, the House has to decide whether you are going to refer it to the Committee or whether you are going to decide yourselves. The Member alone is not the person concerned ; the other Members are also concerned. He has a right to give his reasons why it should be sent to the Committee of Privileges. Of course, he cannot repeat what he has already said. The other Members also have a right to say that it may not be referred to the Committee and that the House itself may discuss. It is entirely the right of the House. If leave under rule 225 is granted, the House may consider the question and come to a decision or refer it to the Committee of Privileges on a motion made either by the Member who has raised the question of privilege or by any other Member. It is for the House to decide. It is not for the Member to decide whether it should be sent to the Committee, it is for the House to decide that.

SHRI C. M. STEPHEN : I am afraid, you did not catch the point I was trying to make. (Interruptions) The point that I was making was this. The hon. Member had given notice of a motion involving a question of privilege. You allowed that motion to be brought before the House. At that time he made a statement after you permitted him under rule 222. Now, the proceeding is on the basis of that motion. The question is whether on the same motion he has the right to make another speech.

MR. SPEAKER : It is a different motion, whether it should be referred to the Committee or discussed in the House.

Now, we shall continue after lunch.  
The House stands adjourned for lunch.

13:06 hrs.

*The Lok Sabha adjourned for lunch till  
Fourteen of the Clock.*

*The Lok Sabha re-assembled after lunch  
at Fourteen of the Clock.*

[MR. SPEAKER in the Chair]

QUESTION OF PRIVILEGE AGAINST  
SHRIMATI INDIRA GANDHI  
AND OTHERS—Contd.

श्री मधु लिमये : अध्यक्ष महोदय, मैंने जो प्रस्ताव रखा है, उसके ऊपर बहुत लम्बा भाषण देने की जरूरत नहीं है। जो मुख्य बातें हैं, केवल उन्हें ही मैं आपके सामने रखना चाहता हूँ। शाह कमीशन के सामने जो तथ्य आये हैं, मेरी राम में पूरे तथ्य नहीं आये हैं और प्रिविलेज कमेटी का यह फर्ज होगा कि इन तथ्यों की वह खोज करे। कौन से तथ्य नहीं आये हैं—वे संक्षेप में मैं आपके सामने रखना चाहता हूँ।

अध्यक्ष महोदय, यह जो मारुति के बारे में मेरा प्रश्न था, इसके बारे में बहुत बड़ा घपला और तिकड़न उन दिनों में हुआ था और इसीलिए 11-12-74 को जब मेरे प्रश्न को तोड़ा-मरोड़ा गया और जानबूझ कर उस का गलत उत्तर दिया गया, तो चूंकि मैं सचेत था, इसलिए दूसरे ही दिन मैं ने उस समय के अध्यक्ष को पत्र लिखा। अब, अध्यक्ष महोदय, जब मैं अध्यक्ष के बारे में बोल रहा था, तो ये लोग हल्ला कर रहे थे लेकिन आपको जानकारी के लिए मैं यह कहना चाहती हूँ। अभी मेरे लायक दोस्तों ने मुझको बताया कि जब मैं जेल में था, तो उस समय के अध्यक्ष श्री गुरदयाल सिंह ढिल्लों ने यह कहा था कि "I was the first victim of emergency" यानि उनको कितनी मुसीबतों का सामना करना पड़ता था, इसका इससे पता चल जाएगा। 12 तारीख को जो मैं ने पत्र लिखा था, वह इस प्रकार था :

"I wish to draw your attention to the very sordid trick which your Secretariat and the Industry Ministry have played on me in respect of my Unstarred Question No. 4175 answered on the 11th December, 1974. My original question made a reference to the Maruti Ltd.'s Annual Report for 1973-74 and asked whether part of the plant and machinery and equipment referred to at pages 16-17 of the report had been imported from abroad.

Without reference to me and without my consent, the Secretariat and the Industry Ministry have completely changed my question. The question as modified by them makes me appear to be a big fool. I am supposed to have asked whether the Maruti Ltd. annual report has stated that a part of their machinery has been imported from abroad.

I am in possession of the Maruti Ltd.'s annual report, why should I ask this stupid question? Of course, the Maruti Ltd. has not stated that part of the machinery is imported. It is on the basis of the report that I received that despite the declarations about the Swadeshi Car, machinery including the proto-type engine had been imported from abroad that I tabled the question. In order to avoid answering this embarrassing question, the Industry Ministry, in collusion with your Secretariat, have changed my question. This is nothing but a fraud."

अध्यक्ष महोदय, आगे मैं ने यह कहा था :

"I refuse to believe that your junior officers have done this on their own. Shri Dandavate had already charged that the Prime Minister's office has directed that all questions should go to her. Her Secretariat not only edits the answers but also the questions themselves as has been done in this particular case."

तो अध्यक्ष महोदय, हालात उन दिनों में ये हो गये थे कि प्रधान मंत्री जी ने न केवल यह निर्देश दिया था कि मिनिस्ट्रों के जो प्रश्न हैं, उन प्रश्नों का जवाब देने के लिए न केवल उनको ही उनके पास भेजा जाए बल्कि यहां तक उन्होंने निर्देश जारी किये थे कि किस प्रश्न को किस शकल में बहस के लिए स्वीकारा जाए...