

(ख) सरकार ने सरकारी उद्यमों को अनुचित जातियों/अनुचित जनजातियों के उम्मीदवारों के प्रशिक्षण और विकास के लिए भी सक्रिय कदम उठाने के लिए कहा है ताकि वे और अधिक सख्या में ऊँचे स्तर के रोजगार के लिए आकांक्षा कर सकें और अहंता प्राप्त कर सकें। इस नीति के कार्यान्वयन के फलस्वरूप होने वाली प्रगति पर सरकार द्वारा सर्वोच्च स्तर पर निगरानी रखी जाती है।

Decline in Production of Cloth

3584. SHRI MUHAMMED

SHERIEF;

SHRI DINESH SINGH;

Will the Minister of COMMERCE be pleased to state:

(a) whether the production of cloth in the different mills has gone down;

(b) if so, the reasons therefor; and

(c) the reaction of Government thereto and steps taken to increase the production of cloth?

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI VISWANATH PRATAP SINGH): (a) The provisional figures of production of cotton cloth in the mill sector during the period January-October, 1974 show a marginal increase, as compared to production during the corresponding period in 1973.

(b) and (c). Do not arise.

12 hrs.

MR. SPEAKER: The Deputy Speaker will occupy the Chair for a while. I am not going anywhere; I will be in my Chamber. I am going for a short time. The Prime Minister wanted to make a statement. She will make it when I return. In the meanwhile, the Deputy Speaker may conduct the other business—calling attention or whatever it is. As far as Mr. L. N. Mishra's statement is concerned, I will take it up when I come,

SHRI JYOTIRMOY BOSU (Diamond Harbour): Kindly tell us at what time the Prime Minister is going to make a statement because we have decided on a course of action.

MR. SPEAKER: I will tell you later.

श्री अटल बिहारी वाजपेयी : (स्वालयर) अगल प्रधात मन्त्री अभी वक्तव्य देने के लिये तैयार है तो अभी वक्तव्य हो सकता है।

MR. SPEAKER: I thought you will understand without my telling. I am meeting Shri Morarji Dasa and I am coming back.

श्री अटल बिहारी वाजपेयी : आप पहले कह देते तो अच्छा था।

SHRI S. M. BANERJEE (Kanpur): We wish you all success.

12.02 hrs.

[Mr. DEPUTY-SPEAKER in the Chair]

12.02 hrs.

RE. ADJOURNMENT MOTION (QUERY)

PROF. MADHU DANDAVATE (Rajapur): Sir, I have given notice of an adjournment motion on a very important issue. I have already spoken to the Speaker in the chamber. First I will make a submission about the adjournment motion. You will be probably shocked to know that in the last one week a very serious and unfortunate development has taken place in Bombay. The Matunga Workshop Personnel Officer, Mr N. C. Sundaraman, has issued a confidential circular, a photostat copy of which I have produced here. I have shown it to the Speaker also. (Interruptions). It has been stated in this confidential circular that the following workers who are the office-bearers of the INTUC-affiliated railway federation—there is a list given—even though they were absent during the strike, will be treated as having been present and they should be given wages. The All India Railwaymen's Federation affiliated National Mazdoor Union held a meeting at Matunga on 3rd December, 1974.

When the meeting was going on, one Mr. Pandey... (Interruptions) I want your protection, Sir. Let me complete my submission... (Interruptions).

MR. DEPUTY-SPEAKER: Kindly sit down. (Interruptions). I am on my legs. Kindly sit down.

SHRI JYOTIRMOY BOSU (Diamond Harbour): What about my point of order?

MR. DEPUTY-SPEAKER: Please sit down.

I would like a little quiet. Can you discuss anything in this atmosphere?

Now, I have before me the notice of an adjournment motion which Mr. Madhu Dandavate has sent to the Speaker. I see a note written here that this has been disallowed by the Speaker. Beyond that, I have no information.

SHRI JYOTIRMOY BOSU: I am on a point of order, Sir.

MR. DEPUTY-SPEAKER: What is the point of order? Please sit down.

PROF. MADHU DANDAVATE: Let me make a submission... (Interruptions).

MR. DEPUTY-SPEAKER: No please. (Interruptions). That is enough.

PROF. MADHU DANDAVATE: The All India Railwaymen's Federation held a meeting and one Mr. Pandey... (Interruptions). One worker died. Even in the British days, this had not happened. This Personnel Officer has issued a confidential circular... (Interruptions).

MR. DEPUTY-SPEAKER: Nothing more will go on record.

PROF. MADHU DANDAVATE: **

MR. DEPUTY SPEAKER: Nothing is going on record.

MR. DEPUTY-SPEAKER: Now I will get on with the business...

**Not recorded.

SHRI JYOTIRMOY BOSU (Diamond Harbour): If you read the rules, you will find that, if the Speaker is not in possession of full facts, the Member who has given notice of an Adjournment Motion is allowed to make a submission.

MR. DEPUTY-SPEAKER: Order, please. Nothing more on that. Now, Mr. L. N. Mishra, to make a statement.

श्री अटल बिहारी वाजपेयी : (स्वानियर) :
आप ने मदन को बताया है कि श्री मधु दंडवते ..

MR. DEPUTY-SPEAKER: Not on this any more.

SHRI ATAL BIHARI VAJPAYEE: May I put a direct question to you? Under what rule did you ask the Reporter not to record what was being said by Prof. Madhu Dandavate?

MR. DEPUTY-SPEAKER: I will answer his question. I fully agree that this House has to afford the members the maximum opportunity. But at the same time I have the duty to regulate the business of the House and to allow the members the maximum opportunity relating to the various subjects that are listed for the day.....

AN HON. MEMBER: Does what you say go on record?

MR. DEPUTY-SPEAKER: What I say goes on record.

SHRI DINEN BHATTACHARYYA (Serampore): What Prof. Madhu Dandavate said should also have gone on record.

PROF. MADHU DANDAVATE: Have I used any unparliamentary language? Nothing that goes on in the House can be expunged; that has been the convention in the House. Only when we use unparliamentary language, that can be expunged. If I have said something unparliamentary, then that can be expunged. Have I used any unparliamentary language?

MR. DEPUTY-SPEAKER: Let me deal with the point raised by Mr. Vajpayee.

Now, I am dealing with a point raised by Mr. Vajpayee: under what rule I have given the order that these things from a certain point will not go on record. This is a very legitimate question...

SHRI MADHU LIMAYE (Banka): Upto what point?

MR. DEPUTY-SPEAKER: From the point when I said that they will no longer go on record.

I will request Mr. Vajpayee to kindly look to Rule 356 which says:

"The Speaker, after having called the attention of the House...

Interruptions

श्री मधु लिमये : उपाध्यक्ष महोदय, आप पहले मेरा पायट ब्राफ ब्रांडर सुनिये।

DR. KAILAS (Bombay South): We want to hear from you, the Deputy-Speaker.

MR. DEPUTY-SPEAKER: He has asked the Rule. I am giving the answer... (*Interruptions*) Why don't you allow me to give the answer?

"The Speaker, after having called the attention of the House... (*Interruptions*). You give me some peace. Otherwise, I cannot conduct the House..."

SHRI JYOTIRMOY BOSU: That depends upon you.

MR. DEPUTY-SPEAKER: The rule says:

"The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate... (*Interruptions*). Don't laugh.

SHRI JYOTIRMOY BOSU: I am laughing at the wisdom.

MR. DEPUTY-SPEAKER: Let me complete my say:

"... may direct him to discontinue his speech."

That is one rule...

SHRI PILOO MODY (Godhra): Not applicable.

MR. DEPUTY-SPEAKER: I will request you also to look to Rule 389...

SHRI P. K. DEO (Kalahandi): Rule 380.

श्री मधु लिमये : उपाध्यक्ष महोदय, आप रूल पढ़ते जा रहे हैं। आप मुझे पायट ब्राफ ब्रांडर उठाने दीजिये। आप को रूल पढ़ने की जरूरत नहीं है। इट इज मोस्ट इर्रगुलर।

SHRI ATAL BIHARI VAJPAYEE: Are you going to quote the residuary power rule?

MR. DEPUTY-SPEAKER: Order, please. I have not finished.

SHRI MADHU LIMAYE: You cannot go on citing rules and ultimately say, 'I have given a ruling'.

MR. DEPUTY-SPEAKER: I am clarifying the position.

SHRI P. K. DEO: Kindly read Rule 380 before you go to the residuary powers. Rule 380 is very clear.

MR. DEPUTY-SPEAKER: I will clarify the position... (*Interruptions*). Order, please. The way you interrupt me... (*Interruptions*). I am again pointing out to Rule 389...

SHRI MADHU LIMAYE: What is this procedure? The Speaker goes on quoting the rules?

SHRI SHYAMNANDAN MISHRA (Begusarai): Let him say. He can also enlighten us.

MR. DEPUTY-SPEAKER: I am dealing with the point raised by Mr. Vajpayee and you do not allow me even to complete.

SHRI SOMNATH CHATTERJEE (Burdwan): Thereafter you should not end that you have given a ruling.

MR. DEPUTY-SPEAKER: I have not given a ruling. I am just clarifying the position . . . (Interruptions). Why do you not allow me? I do not understand this.

I am bringing to your notice Rule 389 which says. . . (Interruptions).

SHRI MADHU LIMAYE: You hear others also, and give your ruling at the end, not now. You hear me, you hear Mr. Stephen and others and then give your ruling.

MR. DEPUTY-SPEAKER: Sure. Let me hear all the points of order. . . (Interruptions). What is this? It is like this Let me finish. I shall put it to you.

PROF. MADHU DANDAVATE: You can quote the rules but don't give your ruling.

MR. DEPUTY-SPEAKER: There are two ways of dealing with this. Mr. Vajpayee has asked a very direct question—under what rules, have I given the order that all this will not go on record? I was going to reply to him. And now, Mr. Madhu Limaye says that I should not reply to him before hearing them. There are now two ways—either I allow them to make their submissions and then I deal with them all or I deal with his point and then allow others to raise their points. What I am saying is that either I deal with the question you raised now or I allow you all to make submissions and then I deal with them at a time. If you like it that way, I think, the time taken would be about the same or when I deal with a particular question and then allow others to raise points. The better thing is to hear them now.

SHRI P. K. DEO: Sir, I rise on a point of order.

MR. DEPUTY-SPEAKER: I am not going to hear any of the points of order except on this question which is raised by Shri Vajpayee.

SHRI JYOTIRMOY BOSU: Sir, see Rule 379.

MR. DEPUTY-SPEAKER: One by one please. I hear Mr. Vajpayee first. All of you will kindly sit down.

श्री अटल बिहारी वाजपेयी : उपाध्यक्ष महोदय, मैंने आप से प्रश्न किया था कि किस नियम के अन्तर्गत आप ने श्री मधु दण्डवते के भाषण को रिकार्ड किये जाने से मना कर दिया ? उपाध्यक्ष महोदय, यह बहुत महत्वपूर्ण प्रश्न है और मैं चाहता हूँ कि सदन में इस सवाल पर दो टूक फैसला हो जाना चाहिये । हमारे नियम में इस तरह की कोई व्यवस्था नहीं है जिस के अन्तर्गत जो मेम्बर भाषण दे रहा है उस को रिपोर्ट न किया जाय । आप ने जो नियम उद्धृत किया है—वह तो किसी मेम्बर को भाषण की इजाजत देने के बाद अगर वह इर्रैलेवेन्स में इन्डलज करता है, अप्रासंगिक बातें कहता है, तब आप उसे भाषण को रोकने के लिये कह सकते हैं. . . (अवधान) उपाध्यक्ष महोदय, यह टोका टाकी किस नियम के अन्तर्गत हो रही है ? . . . उपाध्यक्ष महोदय, श्री मधु दण्डवते ने जो कुछ कहा है, वह हम ने भी सुना है, इस में उन्होंने अपने को दोहराया नहीं, उन्हो ने जो बात विषय से सम्बन्धित थी, उसी को कहा है, कोई बात इस में इर्रैलेवेन्ट नहीं थी और अगर इर्रैलेवेन्ट थी या उन्होंने पुनरावृत्ति की है तो आप बतलाइये कौन सी पुनरावृत्ति की है ?

अब आप कह रहे हैं—जो आखरी नियम है—389 उस के अन्तर्गत . . .

MR. DEPUTY-SPEAKER: Please be brief.

श्री अटल बिहारी वाजपेयी : मैं बहुत संक्षेप में कह रहा हूँ

"All matters not specifically provided for in these rules and all questions relating to the detailed

[श्री अटल बिहारी वाजपेयी]

working of these rules shall be regulated in such manner as the Speaker may, from time to time, direct".

आप मुझे क्षमा करें—इहो रेसाइड्यूरी पावर्स का उपयोग करने का वक्त नहीं है—ठीक है आप एक्सपोज कर सकते हैं प्रोर कल आप ने किया भी—अगर कोई मेम्बर अनपार्लियामेन्टरी बात कहे तो एक्सपोज किया जा सकता है, लेकिन उन्हो ने ऐसी कोई बात नहीं कही है। उन्हों ने एक काम रोको प्रस्ताव दिया था, आप ने खबर दी कि स्पीकर ने नोटिस मन्जूर नहीं किया है, लेकिन उस के बाद भी मेम्बर आप के सामने सबमिशन कर सकता है...

एक माननीय सदस्य : नहीं कर सकता है ।

श्री मधु दण्डवते : आज तक ऐसा होना रहा है ।

श्री अटल बिहारी वाजपेयी : उसी के अन्तर्गत श्री दण्डवते जी जो कह रहे थे वह सबमिशन के रूप में था लेकिन आप ने कह दिया कि लिखा नहीं जायगा—ऐसा आप को नहीं कहना चाहिये था और भविष्य में भी ऐसी बात सदन में नहीं होनी चाहिये ।

SHRI C. M. STEPHEN (Mavattu-puzha): Sir, I rose on a point of order. I must be permitted to be heard. My submission is this.

MR. DEPUTY-SPEAKER: I have given you the floor. You take it.

SHRI C. M. STEPHEN: Mr. Deputy-Speaker, my submission is that your power to expunge... (Interruptions). Mr. Deputy-Speaker, you have given me the floor.

MR. DEPUTY-SPEAKER: I have given you the floor and you take it.

SHRI C. M. STEPHEN: Your power to order that anything said in the House be off the record is strictly covered by the rules of procedure. The only provision under which a Member is entitled to claim what he

says must go on record is covered by 378, the Secretary shall cause to be prepared a full report of the proceedings of the House at each of its sittings and shall as soon as practicable publish it in such form and manner as the Speaker may, from time to time, direct. That is the only provision under which any Member is entitled to demand that what he says must go on record. The question arises: what is the 'proceedings' of the House? May's Parliamentary Practice, page 86, 18th edition has this to say:

"But it does not follow that everything that is said or done within the Chamber during the transaction of business forms part of proceedings in Parliament. Particular words or acts may be entirely unrelated to any business which is in course of transaction, or is in a more general sense before the House as having been ordered to come before it in due course. This is a test which may be useful in deciding..."

This is the test which may be useful in deciding what exactly are part of the proceedings of the House.

What exactly is the business of the House is covered by rule 31.

Rule 31(1) says: a list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member. Sub-rule (2) says: Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any sitting without the permission of the Speaker. Therefore, my submission is that what is there as part of the business of the House will form part of the proceedings of the House and what is part of the proceedings, that alone is entitled to go on record in the proceedings of the House. What exactly is the business of the House is spelt out in rule 331. The list of business is set down but the Speaker has got the power to say that over and above what is

said, something may be allowed. Whatever is not in the list of business and whatever is not allowed by the Speaker cannot become part of the business of the House and whatever is not part of the business of the House cannot be part of the proceedings of the House. Whatever is not part of the proceedings of the House cannot form part of the record. Therefore, you have a right to say that it shall not be a part of the record.

MR. DEPUTY-SPEAKER: Shri Madhu Limaye . . . (Interruptions).

श्री मधु लिमये : उपाध्यक्ष महोदय जब आप विभिन्न नियमों को पढ़ रहे थे तो मैंने इसलिये आक्षेप उठाया कि प्रावच्यक नियमों को आप के सामने रखू क्योंकि अपने प्वाइंट आफ ऑर्डर को फॉर्मलिट करना हमारा काम है। उसके बाद अगर आप की राय होगी कि हमारा प्वाइंट आफ ऑर्डर गलत है तो आप उस को अस्वीकार कर दीजियेगा।

MR. DEPUTY-SPEAKER: I am not able to follow you; the translation is not working at all.

श्री मधु लिमये : उपाध्यक्ष महोदय, यही तो हमारे साथ बड़ा अन्याय है : आप का ध्यान मैं नियम सं 379 की तरफ दिलाना चाहता हूँ —

"The Secretary-General shall cause to be prepared..."

उस की कोई च्वाइस नहीं है, यह अनिर्धार है—

"... a full report of the proceedings of the House at each of its sittings and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time direct."

Now, I refer to rule 380:

"If the Speaker is of opinion that words have been used in debate which are defamatory or indecent

or unparliamentary or undignified, he may, in his discretion, order that such words be expunged from the proceedings of the House".

Now, I shall deal with the point raised by Mr. Stephen. He said that whatever did not relate to the business before the House did not constitute proceedings within the meaning of rule 379; and secondly, that the business of the House is given in the revised list of business and there is no other business before the Speaker.

MR DEPUTY-SPEAKER: Do not refer to him; you may make your submission to me; you do not have to answer Mr. Stephen.

SHRI MADHU LIMAYE: Between the question hour and the laying of papers, there is some miscellaneous business including adjournment motions, privilege motions, etc. Mr. Mishra is going to make a statement today; it is not in the list.

MR. DEPUTY-SPEAKER: You make your point on why it should go on record.

SHRI MADHU LIMAYE: You asked Mr. Dandavate to make a submission; it was only at a later stage that you said that nothing would go on record.

MR DEPUTY-SPEAKER: About Mr. Dandavate's submission?

SHRI MADHU LIMAYE: Yes, only at a later stage you said, "This will not go on record."

MR. DEPUTY-SPEAKER: Whatever Dandavate said until the point when I said it would no longer go on record, that has gone on record. Whatever he said from that point when I said: 'It will no longer go on record', from that point it will not go on record.

SHRI MADHU LIMAYE: Let me conclude. Whenever notices of adjournment motions are given, it is the convention of the House that the Speaker allows the members to make submissions on admissibility.

MR. DEPUTY-SPEAKER: From rules to conventions now.

SHRI MADHU LIMAYE: Mr. Dandavate, with your permission, was making a few submissions. So, under the rule the Chair has absolutely no right to expunge anything unless it is defamatory, unparliamentary or indecent. Nothing that he said can be described as unparliamentary. You should allow him to complete his submission and give your ruling. . . . (Interruptions).

MR. DEPUTY-SPEAKER: I will hear everybody. But let me make this distinction. This is not expunction. This is an order that from this particular point, this will not go on record.

SHRI VASANT SATHE (Akola): I should like to draw your attention to rule 350 read with rule 378. Rule 31 has already been referred to, so was 379. If we start the practice that any Member can speak any time that he wants without the Chair giving him permission and yet whatever he says goes on record, physically it will be impossible for anything to go on record because 100 persons will stand and will all start speaking and nothing can be heard. This is a practical problem. Therefore the rule of sanity which regulates the proceedings of the House is 350.

PROF. MADHU DANDAVATE: This is too much of a sermon to teach us sanity. . . (Interruptions).

MR. DEPUTY-SPEAKER: I agree that we must have a fresh look at our own sanity.

PROF. MADHU DANDAVATE: Sanity, like charity, must begin at home.

MR. DEPUTY-SPEAKER: Let it begin in this House. . . (Interruptions).

SHRI VASANT SATHE: It applies to me also. Rule 350 says. . . .

MR. DEPUTY-SPEAKER: You have made the point. That is clear.

SHRI VASANT SATHE: Rule 350 says:

"When a member rises to speak, his name shall be called by the Speaker. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak."

Then rule 378 says:

"The Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions."

Therefore, if a member starts speaking without your permission, it is absolutely necessary for you to say that what the member speaks will not go on record.

SHRI JYOTIRMOY BOSU: When you made some observations, first I took them to be sarcastic because you said "it is the convention of the House". It is not a convention; it is much more than that. Prof. Madhu Dandavate had given notice of an adjournment motion and in regard to that there is something very definite, in black and white. If you, in your wisdom, kindly look at page 31, it says. . .

MR. DEPUTY-SPEAKER: Page 31 of what?

SHRI JYOTIRMOY BOSU: I am referring to the procedure for disposal of adjournment motions. I am referring to page 31 of Handbook for Members.

MR. DEPUTY-SPEAKER: I am not going by the Handbook; I am going by the Rules of Procedure. The Handbook is for school children.

SHRI JYOTIRMOY BOSU: It is mentioned in the Handbook:

"Where it is a border-line case or the Speaker is not in possession of full facts to decide the admissibility of a notice, he may mention the receipt of the motion from the Chair and after hearing a brief statement from the member and/or the Minister concerned, give his final decision on merits."

MR. DEPUTY-SPEAKER: The point here is my order that "it will not go on record".

SHRI JYOTIRMOY BOSU: I am coming to that. You cannot bully me that way.

MR. DEPUTY-SPEAKER: There is no question of any bullying here. I am the last person to be bullied by anybody.

SHRI JYOTIRMOY BOSU: Rule 379, which is absolutely clear, says. . .

"The Secretary-General shall cause to be prepared. . . ."

MR. DEPUTY-SPEAKER: Here I am in charge; not the Secretary-General.

SHRI JYOTIRMOY BOSU: It reads:

"The Secretary-General shall cause to be prepared a full report of the proceedings of the House at each of its sittings and shall, as soon as practicable, publish it in such form and manner as the Speaker may, from time to time, direct."

MR. DEPUTY-SPEAKER: All right; that point has been made. I will deal with it.

SHRI JYOTIRMOY BOSU: So, what you have done is quite outside the Rules of Procedure and is quite unbecoming of the Chair.

SHRI H. K. L. BHAGAT (East Delhi): Sir, I am glad this question has been raised. As Shri Sathe has rightly pointed out, under rule 350 a member can speak only when the Speaker calls upon him to speak. In this case what happened was that when Prof. Madhu Dandavate rose you told him that the Seaker has disallowed it. Then you went on calling "order, order" and he went on speaking. This is what is happening from time to time and I want you to give a considered ruling on this. Even where the Speaker does not give permission, what now happens is that a member goes on speaking and it goes on record. A member thinks that he has a right to speak without the permission of the chair, without being called upon by the Speaker, he can get away with it and that he can get publicity for that. This has reduced this House to a House without rules. Under rule 350 no member can speak unless you have specially called upon him to speak. It says:

"When a member rises to speak, his name shall be called by the Speaker. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak."

Secondly, my hon. friend says that on an adjournment motion, the person has a right to speak and make a submission. I do not accept it. I do not accept that anyone has a right to speak unless the Speaker has allowed him.

Then, Rule 352 says, no Member shall use his right of speech for the purpose of obstructing the business of the House. The Chair has to judge, whether the right of speech is being used for the purpose of obstructing the business of the House or not. You have not expunged the remarks. You have only asked him to discontinue his speech.

SHRI SHYAMNANDAN MISHRA:
Sir there are a few things which are absolutely clear.

One is that the hon. Member Mr. Madhu Dandavate, was speaking and he was prevented by the Chair at a particular point of time. That means, he had got the permission of the Chair to speak. Which rule would be operative when the hon. Member has been permitted to speak? I can agree with the Chair that the rule that would apply would be rule 356, that is, if he is irrelevant, if he repeats his arguments. Now, on these two grounds, if the Chair was satisfied that he was repeating his arguments and he was also indulging in irrelevance, then I would completely agree with the Chair that rule 356 would apply.

PROF. MADHU DANDAVATE: I would agree on that.

MR. DEPUTY-SPEAKER: I will hold you on that that you would agree there.

PROF. MADHU DANDAVATE: If you prove that I was irrelevant, repetitive of unparliamentary.

SHRI SHYAMNANDAN MISHRA: (Begunari) The Chair would not be bound by my judgment in this matter. But the Chair would certainly pay some attention to the views we have on this matter. We did not find him indulging in any kind of irrelevance or we did not find him repeating any arguments. That is for your consideration.

That being so, you have been pleased to apply a new-found power of ordering something not to be recorded. That does not find any place in our Rules of Procedure. Does any rule equip the Chair with the power of preventing anything from being recorded? This is a matter which has to be considered very coolly. I am placing before you all the facts for

your consideration. This power is not found in our Rules of Procedure. Either the Chair has to include this power... (Interruption). The power of expunction is there. But the power of expunction cannot be used here. Incidentally, may I make a submission to you that sometimes the Chair tries to use the power of expunction as an instrument for restoring order in the House? If you want to restore order in the House, there is a relevant rule for that purpose. If I happen to be disorderly, the Chair has a particular rule to apply to me. But this power of expunction cannot be used as an instrument for restoring order. My submission is this. Prof. Madhu Dandavate had been allowed to proceed upto a point by the Chair. And what was he speaking on? He was trying to make some submissions to the Chair about the admissibility of his Adjournment Motion, and you had permitted him to make his submission upto a particular point. His submissions remain incomplete. He wanted to make submissions in order to convince you that his motion for adjournment was admissible. There, the rule that would apply is this. Although it requires the consent of the Chair, the consent of the Chair cannot travel beyond rule 58. The consent of the Chair would be based on rule 58. If Prof. Madhu Dandavate's motion conforms to all the conditions and criteria laid down in rule 58, then the Chair must permit him. Rule 58 is governed by the taste and criteria laid down in rule 58. My humble submission now would be that Prof. Madhu Dandavate should not be prevented from proceeding from that point where the Chair had stopped him. He had not committed any kind of mistake.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): I want to reinforce the points already raised by Mr. Sathe and Mr. Stephen. I want to draw your attention to rules 350, 356 and 378 is most important in this connection. Rule 350 says that no Member shall speak

without your permission. Rule 356 says that you have the right to ask a Member to resume his seat if he indulges in either repetition or irrelevance. And what is irrelevant? A Member may consider what he says to be very relevant. But anything that is said on a subject which is not before the House is irrelevant for the purpose of the debate. And who is the person to judge whether it is relevant or not? The Chair is to judge whether the subject matter is relevant or not. Otherwise, we will think that the subject matter which we consider relevant for the purpose of placing it before the House is relevant.

The Chair, in this case, came to the judgment that the Adjournment Motion given notice of by Prof. Madhu Dandavate was not in order and, therefore, the Chair disallowed it and you asked Prof. Madhu Dandavate to resume his seat. For the purpose of this House, his subsequent submissions became irrelevant because he was talking on a subject which was not before the House.

You have been asked under what rule you had asked for the proceedings not to be recorded. Rule 378 is the most important rule in this connection. It says:

"The Speaker shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions."

Prof. Madhu Dandavate had been asked by the Chair not to speak; he was asked by the Chair to discontinue his speech. But he kept on speaking. To enforce his decision, the Chair has all the powers; the Chair can say that nothing will go on record. In order to enforce his decision, the rule says clearly, the Chair shall have all the powers. It is not possible to bring

under the rule all the contingencies and, therefore, a wide power has been given that in order to enforce the ruling, you may take any *ad hoc* decision which you may desire and that decision is perfectly in order.

SHRI H. N. MUKERJEE (Calcutta—North-East): I would say first of all that the life of a rule is not entirely in logic but in experience. But even so, the rules have a binding authority and we have to understand whatever is done with reference to the Rules.

I am not unready to concede that the Chair sometimes confronts a very difficult situation, but, that does not imply that certain conventions which have grown can be thrown aside.

On this occasion I felt unhappy that you stopped further recording of Mr. Madhu Dandavate's observations because I feel that while under Rule 378 to which with considerable eloquence, our friend, Shri Goswami drew your attention, you do have the authority to preserve order and you have powers to enforce your decision, but these orders and powers have to be exercised in a fashion consistent with the rules. For instance, you can invoke the residuary power but do not invoke the residuary power out of the blue.

What should have happened in this case is that when a senior parliamentarian confronts the Chair when the Chair has disallowed an adjournment motion, to explain before the House and the Chair further reasons for not disallowing it he should have been allowed. Therefore, I shall guard like the apple of my eye, the right of Members, especially, of the Opposition, to explain why a certain adjournment motion in spite of the initial decision of the Speaker against him, is permissible. And, therefore, I am very much in favour of Mr. Madhu Danda-

vote going on with what he has to say. Maybe at a certain point, you may have to decide and may be quite rightly, that the hon. Member is going quite off the point and at that point of time, when further elaboration was uncalled for, you should stop him at that point of time. But there is a way of doing it. There is a method of doing it. You could have given him notice by ringing the bell or by bringing it to attention of the House that the Member concerned is unnecessarily prolonging his point because the House has already had the bang of it. But you never gave that opportunity to the House. I know the Chair sometimes feels haggard and we also feel haggard most of the time, but that is a different matter. I should have expected you to say at what point of time Mr. Madhu Dandavate should not proceed further

MR. DEPUTY-SPEAKER: I did say that.

SHRI H. N. MUKERJEE: But, without having done so ...

MR. DEPUTY-SPEAKER: I had drawn his attention . . .

SHRI H. N. MUKERJEE: It did not happen in the way it should have happened in the Parliament.

MR. DEPUTY-SPEAKER: No, no. . . . (Interruptions).

I did, but, unless you want me to raise my voice at the very top so that I may drown your voice, that is the only way. But I did say that.

There is too much of noise in the House.

SHRI H. N. MUKERJEE: That is not the point. The point we are trying to make is . . .

MR. DEPUTY-SPEAKER: I do not think you should put the Chair in this position where he will be the marked

shouter, that he should outshout everybody.

SHRI H. N. MUKERJEE: It is very difficult to understand your observations. For heaven's sake let not the Chair deliver statements which would be interpreted as if the Chair considers this Parliament as . . . (Interruptions) I have all respect for the Chair and we want that the Chair to regulate the proceedings of the House fully to all concerned. What I feel is and I have tried to indicate it. (Interruptions). We have every sympathy for whoever occupies the Chair but because of the difficulty of the operations, I insist, that if the Chair feels that order cannot be kept in the House, he should abdicate and other members may possibly do better. . . (Interruptions). This is a different matter. But as long as the Chair is there, the Chair must abide by certain rules and conventions and the Chair must be in a position to regulate the proceedings of the House . . . (Interruptions).

MR. DEPUTY-SPEAKER: Order, please.

SHRI H. N. MUKERJEE: You wanted arguments. You wanted to understand . . .

MR. DEPUTY-SPEAKER: I have understood.

SHRI H. N. MUKERJEE: The House cannot dictate to the Chair but it must know at what point of time an emergency arises and the Chair is to exercise the residuary power and says, 'You are filibustering' or something of that sort. You have to tell the House that here is a gentleman who is obstructing the House. Then, I can understand . . . (Interruptions).

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): Sir, it is a Parliamentary convention that in the zero hour Members of Parliament can bring issues which are important. It

the Speaker intends to listen they can express but they must try to bring it through a notice and certain other rules. When Mr. Dandavate brought the motion I heard that the Speaker had disallowed the motion. Now, whether you have given permission to Mr. Dandavate to make the submission, I am not sure of it. But if you feel it is wrong on our part to obstruct him, upto that point we agree. But I would like to submit that when you had said that something could be expunged and something might not go on record, both are the same. Day before yesterday I wanted to bring certain issues. I agree I did not bring in a particular way. But when I tried to bring in a different form even in that form the Speaker did not allow I was told to bring under Rule 377. Then I wanted to make my submissions without using any unparliamentary word about Mr. Goenka. Yesterday in your presence when I wanted to clarify you said it is expunged. Today I am not sure whether you have given permission to Mr. Dandavate to make submissions. Then only that will go on record but if you have said no permission then nothing will go on record.

MR. DEPUTY-SPEAKER. I would like to know whether you want this point to be thoroughly discussed and my ruling to be given or you feel that we had enough of submissions.

13.00 hrs.

SHRI SAMAR GUHA (Contai): Mr. Deputy Speaker, Sir, once for all whether these words that 'nothing will go on record' should be on record in this book of Rules of Procedure or not should be decided. My friend, Mr. Madhu Limaye, yesterday tried to draw the attention of the Speaker that these words are very often used by the Speaker, Deputy Speaker or any other person occupying the Chair. These words, namely, 'nothing will go on record' are not found anywhere in this book of Rules of Procedure. If you use these words by applying the Rules Nos. 378 or 389 then, I think,

this is too far an authority that is being exercised either by the Speaker or the Deputy Speaker or the Chairman. Also according to Rule 381 when you say it will be expunged it does not say it will not go on record. It will go on record but the portion of the proceedings of the House so expunged shall be marked by asterisks and an explanatory footnote shall be inserted in the proceedings as follows:

"Expunged as ordered by the Chair."

There is another rule, namely, Rule 187. It reads:

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

Sir, even Rule 187 does not apply in this case because he had started making submissions and you stopped him in the midst of his submissions. As regards the words 'nothing will go on record' they do not find mention in the book of Rules of Procedure and, therefore, today this matter should be finally decided and the whole matter should be referred to the Rules Committee. This is my first submission. Before that you cannot prevent Mr. Dandavate to make his submissions because he was stopped in the midst.

My second submission is you should allow Mr. Dandavate because he has placed a serious matter and he has been stopped in the midst of his submissions. He should be allowed.

SHRI SOMNATH CHATTERJEE (Burdwan): Sir, our Constitution provides in Article 105:

"Subject to the provisions of this Constitution and to the rules and standing order regulating the pro-

[Shri Somnath Chatterjee]

cedure of Parliament there shall be freedom of speech in Parliament."

Sir, the freedom of speech..

SHRI PILOO MODY: When you talk about the freedom of speech, all they can do is to giggle.

SHRI SOMNATH CHATTERJEE: Right to speak and right to speak in such manner does not amount to unreasonable exercise of the right.

Therefore, let us find out whether there are any rules which interfere with my right of speech in Parliament as a Member of this House.

MR. DEPUTY-SPEAKER: You will kindly read Art. 105 to the House.

SHRI SOMNATH CHATTERJEE: Article 105(1) says:

"Subject to the provisions of this Constitution and to the rules..."

Therefore, let us come to the rules. Let us look at the rules which provide for the curtailment of that right. You have been able to point out two rules—356 and 389.

MR. DEPUTY-SPEAKER: I have not finished. I was going to point that out. Then I asked you to continue.

SHRI SOMNATH CHATTERJEE: On the basis of your decision to rely on Rules 356 and 389, I submit that it does not come within the power of the Chair to direct that a speech of a particular Member shall not be recorded. Rule 356 clearly provides that if a Member is persistent in his irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members, etc., etc., then he can direct him to discontinue his speech.

13.00 hrs.

[MR. SPEAKER—in the Chair].

If he does not listen to him, he may ask him to discontinue his speech.

There are provisions in the rules to regulate the proceedings. For example, Rules 373 and 374 do provide as to what will happen if the Member does not listen to the Chair. Recourse was not taken to Rules 373 and 374. So far as Rule 378 is concerned, that applies for the purpose of enforcing the decision of the Speaker. The Speaker can pass an order. Here, probably, the decision was not to record it. The enforcement of a certain order necessarily postulates under Rule 378. Under Rules 373 and 374 you can take a decision. They do not confer a complete and automatic power to the Chair to direct or not to direct that the speech will be recorded or not.

Rule 389 speaks about Residuary powers. If there are some matters which are not provided for in the rules, then you can resort to the residuary powers. There are specific rules relating to the matters. For example, you control a Member who is not obeying the Chair. And you can expunge the speech on certain grounds. Taking recourse to the residuary powers will amount to interference in the right of the speech. Therefore, there is no such power for curtailing the right of a Member.

SHRI PILOO MODY: The suggestion is that all the arguments on this particular subject were heard by the Deputy-Speaker. A decision on this or the ruling on this can be postponed till Monday and let us proceed with the statement that the hon. Prime Minister is going to make.

MR. SPEAKER: Let it be done like that. The adjournment motion is not connected with that. It is only some matters which are left to the Deputy-Speaker. I think we may take it up some time later.

MR. SPEAKER: May I inform the House... If you do not mind and keep silent for a few minutes, not much time, I want to say this. I had in my chamber met Shri Morarjibhai Desai

and also the Prime Minister. They met together also in my presence and discussed the position regarding the aatyagraha about which notice had been given to me by Shri Morarjibhai Desai, that it was commencing from today. So, I am informing you that he has agreed to my request to postpone it till Monday to enable further consultations.

SHRI SHYAMNANDAN MISHRA (Begusarai): Let it be known that notice was also given by the leaders of various political parties and not only by Shri Morarji Desai.

MR. SPEAKER: Whatever it be, it concerned it. The notice is already circulated; there is no doubt about it. Mr. Mishra will also continue on Monday..

SHRI PILOO MODY (Godhra): Are you suggesting that the Prime Minister is not going to make a statement?

MR. SPEAKER: No, she will not make a statement today.

SHRI PILOO MODY: Let the Prime Minister make some conciliatory remarks.

SHRI JYOTIRMOY BOSU (Diamond Harbour): My Party, along with other Parties spoke with one voice; the Opposition spoke with one voice. Our expectation was to hear from the Prime Minister as to how close they were willing to... (*Interruptions*).

SHRI PILOO MODY: Can you hear me for a minute? I would appeal to the Prime Minister to make some conciliatory remarks?

MR. SPEAKER: No, no. Mr. Mishra's statement will come next week because there is no time left. If you want to adjourn for lunch now, I have no objection. But let the formal business be over. Papers to be laid,

13.13 hrs.

PAPERS LAID ON THE TABLE

Annual Report of Cotton Corporation of India Ltd., Bombay for 1971-72.

THE MINISTER OF COMMERCE (PROF. D. P. CHATOPADHYAYA): I beg to lay on the Table a copy of the Annual Report (Hindi and English versions) of the Cotton Corporation of India Limited, Bombay for the year 1971-72 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (1) of section 618A of the Companies Act, 1956. [Placed in Library. See No. LT-8681/74].

Annual Reports of, Air India and Indian Air Lines for 1973-74 and certified Accounts of Air India and Indian Air Lines for 1973-74

THE MINISTER OF STATE IN THE MINISTRY OF TOURISM AND CIVIL AVIATION (SHRI SURENDRA PAL SINGH): I beg to lay on the Table—

(1) A copy each of the following papers (Hindi and English versions) under sub-section (2) of section 37 of the Air Corporations Act, 1953:—

(i) Annual Report of the Air India for the year 1973-74.

(ii) Annual Report of the Indian Airlines for the year 1973-74. [Placed in Library. See No. LT-8682/74].

(2) A copy each of the following papers (Hindi and English versions) under sub-section (4) of section 15 of the Air Corporations Act, 1953:—

(i) Certified Accounts of the Air India for the year 1973-74 together with the Audit Report thereon.

(ii) Certified Accounts of the Indian Airlines for the year 1973-74 together with the Audit Report thereon. [Placed in Library. See No. LT-8682/74].