

ment of a similar plant by M/s Fertilizers and Chemicals Travancore Ltd. in Cochin, which was being processed separately, Government decided to locate the first of the two proposed projects for the manufacture of fertilizer and chemical equipment at Visakhapatnam. The implementation of this project has since been taken up by Bharat Heavy Plate & Vesse's Ltd., a Company wholly owned by the Government of India.

#### Machine Tool Plant at Kalamassery in Kerala

2120. Shri A. Sreedharan:  
Shri P. Viswambharan:  
Shri Mungalathumadom:  
Shri K. Anirudhan:  
Shri P. C. Adichan:

Will the Minister of Industrial Development and Company Affairs be pleased to state the steps taken by Government to put into effect the expansion programme of the Machine Tool Plant at Kalamassery in Kerala?

The Minister of Industrial Development and Company Affairs (Shri F. A. Ahmed): The scheme of expansion of the Kalamassery Unit of Hindustan Machine Tools Limited has been deferred for the time being because of the fall in demand for machine tools. It is proposed to re-examine the scheme after watching the market trend for some more time.

Correction of Reply to USQ. No. 525 dated 25-5-1967 regarding conversion of joint plant committee into Statutory body.

The Minister of Steel, Mines and Metals (Dr. Chenna Reddy): In my reply to Unstarred Question No. 525 given in the Lok Sabha on the 26th May, 1967, I stated as follows:—

'(a) and (b). The question of the future constitution of the Joint Plant Committee is under consideration of the Government.'

The above reply may be substituted by the following reply.

'(a) and (b). The working of the Joint Plant Committee will be watched and a decision about its future set-up will be taken in the light of experience of its working.'

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

—contd.

REPORTED REFUSAL OF CENTRAL GOVERNMENT TO MAKE AVAILABLE TO ORISSA GOVERNMENT CBI REPORT ON SHRI B. PATNAIK—contd.

Mr. Speaker: I would request the Ministers of Law and Home to throw some light on the issues raised yesterday, so that later on I could take some decision.

Shri Samar Guha (Contai): I have a submission.

Mr. Speaker: Again, if you begin submissions, there will be no end. Yesterday I have heard. I wanted to hear both of the Ministers.

Shri Samar Guha: If you hear me, you will appreciate it.

Shri Sheo Narain (Basti): Point of order.

Mr. Speaker: Once I allow, I do not know where it will lead. I would like to hear only the Ministers now. The Law Minister Please.

Shri Samar Guha: The House has been deprived of the opportunity of . . .

Mr. Speaker: It will lead us to confusion. It is for my information, for assisting me that I am calling the Minister.

Shri Samar Guha: I gave a call attention notice on the revolving restaurant. In the Rajya Sabha that has been admitted and discussion is going on. No time is allowed here.

**Mr. Speaker:** Why does the hon. member think only he knows what is happening in the Rajya Sabha. Other hon. Members also know. Why don't you allow the Minister. Yesterday I have heard.

**Shri Samar Guha:** My call attention was rejected.

**Mr. Speaker:** You are on a different subject. I am calling the Minister about the points of order raised yesterday.

**Shri P. K. Deo (Kalahandi):** If you will give me one minute. . . .

**Mr. Speaker:** If you are only one, I can understand. There will be ten people, and I cannot show discrimination. About call attention I will allow you.

**The Minister of Law (Shri Govinda Menon):** With respect to the point raised yesterday by Mr. Nath Pai and others . . . (Interruptions.)

**Shri Sheo Narain:** You are the Speaker of the House, Sir; no one else on that side. What is it that is going on in this House? (Interruptions.)

**Mr. Speaker:** May I request him to resume his seat? I think Shri Sheo Narain should be put on the panel of Chairmen; he is qualified.

**Shri K. Narayana Rao (Bobbili):** Sir, I am rising on a point of order.

**Mr. Speaker:** Everybody has got a rules book. You are not helping the proceedings.

**Shri Govinda Menon:** With respect to the point raised by Mr. Nath Pai and others, you correctly observed yesterday that there was no point of order. You were pleased to say however that it was a relevant point. The point is this. In the last Lok Sabha Mr. Kamath placed on the Table of the House what he claimed to be a summary of the CBI report with respect to some of the activities of the Orissa ministers and later Mr. Dwivedy placed on the Table what he claimed to be a copy of the full

report with respect to that matter. It was claimed that on account of the fact that this was placed on the Table of the House it had become what they termed 'public property'.

**Shri Hem Barua (Mangaldai):** The Speaker also said that yesterday.

**Shri Govinda Menon:** It was also said that these documents were printed and circulated or sold in large number and therefore, literally also they became public property. They say: how can the Home Minister claim that the CBI report was a confidential and secret document which he did not want to publish or disclose and therefore did not want to communicate to the Orissa Government?

On this matter, I wish to submit to you two points. The first is that the matter does not arise in the Lok Sabha; secondly, if it does arise this point has been the subject matter of a ruling by your distinguished predecessor on the 26th February, 1965. I take up the second point first, because that might dispose of the matter. In a considered ruling, Speaker, Mr. Hukam Singh, said as follows:

"After examining the constitutional position, the precedents and the general practice I give below my conclusions on the various aspects that have arisen and which I have specified earlier: (1) A member can ordinarily quote from a document that is treated by the Government as secret or confidential and which the Government have not disclosed in the public interest; (2) Government are not obliged to lay such documents on the Table of the House and the Chair cannot compel them to do so if they continue to hold the view that it is not in the public interest to do so.

**Shri P. K. Deo:** We never heard that public interest.

**Shri Govinda Menon:** It goes on:

"It is for the Government to consider whether a document,

copies of which have been circulated among Members and have appeared in the Press wholly or partially shall still be treated as secret or confidential and not laid on the Table of the House."

I do not want to read the rest of the ruling. Therefore, it follows that it is binding on us that although what was claimed to be a copy of the report or summary of the report was placed on the Table, it is still open to Government to claim that it is a confidential document and therefore they are not bound to disclose it, publish it or communicate it. That should dispose of the matter really, Sir.

Regarding the first point which I referred to, the present matter arose out of a Calling Attention notice under rule 187. The rule is clear, that there should be no discussion on the statement, but it has been the practice of the House to allow Members to ask the Minister concerned to give clarification. Now, the question has not arisen whether the so-called 'CBI report'—I used the word 'so-called' because the Minister said yesterday that it was not the result of any investigation; he will probably refer to it—

**Shri Surendranath Dwivedy (Kendrapara):** According to Prof. Ranga, you are the so-called government.

**An hon. Member:** You are prejudicing the enquiry.

**Shri Govinda Menon:** Therefore, the question did not arise whether the report should be produced in this Lok Sabha. The question did not arise whether Government should place it on the Table of the House or not. And it is when such a question arises that it would be open to you,—you are then acting almost in a judicial capacity—to say whether this document is one with respect to which the Government may claim privilege or not. Suppose this House comes to the conclusion or you come to the conclusion that this is a document

over which no privilege can be claimed, what follows? It is a decision in the vacuum, and therefore it is that the Home Minister said if there is need for it, if the Tribunal which is constituted would call for it, and if it would rule that this is a document which can be admitted in evidence, Government may consider that matter.

In the circumstances, my short submission would be that the question does not arise and it may be disposed of that way.

**An hon. Member:** It is a Congress interpretation.

**The Minister of Home Affairs (Shri Y. B. Chavan):** Sir, yesterday, nearly for 40 minutes or so, this matter was dealt with in the form of questions, and points of order were raised by certain Members. Really speaking, the main question and the point of order raised was whether a document which was laid on the Table of the House was a confidential document which Government can accept or reject. But incidentally, some other points were also raised and certain innuendoes and allegations were also hinted. I thought I should take this opportunity to clear those points.

As far as the technical aspect of the point of order is concerned, the Law Minister has very ably dealt with it. The only other alternative is, I can give certain background why we have come to this decision. It is necessary that I put this point before this hon. House. It is not the intention of this Government—and I would like to assure this House again that it is not the intention of this Government—to protect anybody against any enquiry. As a matter of fact, the Chief Minister of Orissa did discuss this matter with me once. I told him my difficulties in this particular matter. I have also told him if they want any officers on deputation to make further enquiries we will be willing to do so. He has recently written to us asking for the

[Shri Y. B. Chavan]

appointment of a certain judge of the Delhi High Court as an enquiry officer, and we are taking up the matter with the Chief Justice of the Delhi High Court.

**Shri Surendranath Dwivedy:** Supreme Court or the Delhi High Court?

**Shri Y. B. Chavan:** The Delhi High Court, because he asked for a judge of the Delhi High Court. So, there is no question of not giving them any co-operation. But the point is that naturally, when we have to take certain views about certain documents, we have to go into the merits of that. What happened is, when a memorandum was submitted, that memorandum was sent to the Prime Minister; the then Prime Minister, Lal Bahadur Shastri, thought it fit that he should appoint a Cabinet Sub-Committee to advise him in this matter. So, a Cabinet Sub-Committee was appointed. I know about it because I happened to be also a member of that Cabinet Sub-Committee. That Cabinet Sub-Committee decided upon the procedures to deal with this problem and the Cabinet Sub-Committee decided to ask the Director of CBI to go and check up certain facts from the records of the Assam Secretariat, etc. I am sorry—the Orissa Secretariat. Assam was so much in my mind and that is why I possibly slipped.

**Shri Hem Barua:** That is why you love Assam so much!

**Shri Y. B. Chavan:** What is the role of that enquiry? The role was not an investigation. Though the officer who was asked to was the Director of CBI, a police officer, really speaking, his function was to check up certain facts from certain documents. Under the Criminal Procedure Code, an investigation is not merely a question of checking facts; it can become a real investigation if he investigates statements, calls people for giving evidence, etc. Then it becomes a proper investigation report. So, in the real sense, the

document which was submitted to the Cabinet Sub-Committee was not an investigation report, but some sort of an internal study that he was asked to make.

**Shri P. K. Deo:** He made a *prima facie* case.

**Shri Y. B. Chavan:** This document is not in that sense an investigation report and we are claiming privilege for it.

Really speaking, the refusal of the document is not going to obstruct the enquiry in any way, because the documents on which the whole enquiry is based are with the Orissa Government and if they want to go into that examination again, they can very well do that. If they want any officer from CBI on deputation to them, certainly we will give it. If this commission is appointed and if the commission requires it and if it is admissible, certainly we will not refuse to give it. Having said all this, I do not know why there should be that sort of attitude of suspicion. I must lodge my protest here.

The hon. member, Mr. Madhu Limaye, made certain references to certain PAC reports. Normally the PAC reports are not discussed here. But certain allegations were hinted at, though not made in a specific way I think it is my duty to lodge my protest against it.

श्री मधु लिमये (मुंबई) : मैंने इसको नहीं कहा। मैंने पी० ए० सी० की रिपोर्ट के अदृच्छेद को पढ़ा। अगर आरोप था तो क्रमेटी का आरोप था...

श्री यशवन्त राव चव्हेण : आपने यह कहा कि मेरे बीच में और कालिंगा के बीच में कोई इर्रग्युलर रिलेशन थै। यह आपने कहा...

श्री मधु लिमये : पी० ए० सी० ने ग्राधर्चय व्यक्त किया !

श्री बलराम राव बन्हाण : पी० ए०  
सी० में यह नहीं है ।

I must not only deny that, but I must lodge my protest about this matter. Whatever decisions were taken, those decisions are on record and I am not shunning the responsibility for the decisions taken.

डा० राम मनोहर लोहिया (कन्नोज) :  
थोड़ी हंसी को समझा करो । टेल्युलर  
कहा था तो मधु सिमये साहब ने इरेयुलर  
कहा था । आपके साथ हंसी की थी ।

Shri Y. B. Chavan: The question was raised, when I was Defence Minister in 1963, whether the marginal transport capacity of the Indian Air Force which was available should be made available for this type of work. That was the limited question raised. It is true that in October, 1962, before the Chinese aggression, the same question was raised and the then Defence Minister had accepted the position that the Air Force should take that responsibility. When I was considering this question in October 1963, the situation had radically changed. There was the possibility of war exploding any time. The question before me was, whether the marginal transport capacity that was available with the Air Force should be committed for this type of operation or whether it should be kept available in case of any emergency arising. I did take the responsibility for the decision that this marginal capacity of the Air Force should not be committed to peaceful operations of this type, because suddenly sometime hot war may explode.

डा० राम मनोहर लोहिया : जरा  
जांच हो जाए । टायर वाली भी हो जाए ।

श्री बलराम राव बन्हाण : सब की  
जांच हो जानी चाहिये । आपकी भी हो  
चाहिए ।

डा० राम मनोहर लोहिया : मंत्री हो  
कर नैर मंत्री की जांच करवाना चाहते हैं  
इसकी बुद्धि पर परदा पड़ा हुआ है ।

Shri Y. B. Chavan: I thought it was my responsibility, because certain allegations were made. . .

श्री मधु सिमये : मेरा व्यवस्था का  
प्रश्न है । इन्होंने पी० ए० सी० की रपट के  
सम्बन्ध में जो कहा है उस पर मेरा व्यवस्था  
का प्रश्न है ।

Mr. Speaker: I will call you; let him finish first.

श्री मधु सिमये : यह बहुत गम्भीर  
बात है । हमारी जो प्रक्रिया है परम्परा  
है उसके खिलाफ बात हो रही है । मुझे  
कहने दीजिये ।

Shri Y. B. Chavan: I am in possession of the House. मेरा भी पाइंट प्राफ  
आर्डर है ।

Shri Pilloo Mody (Godhra): I know the Minister is strong enough politically to rule out the point of order, but I must say that a point of order has to be taken up at the right time.

Mr. Speaker: I am sure the Minister is not doing that at all. Shri Ranga asked how what the Minister was saying was relevant to the issue before the House. He is only explaining the point of order that was raised. While raising the point of order, yesterday, some allegations were made. If they were relevant there, naturally the hon. Minister has to reply them somewhere. If the hon. Minister is not given an honest chance to reply those points, it will not be fair. He is only explaining that.

श्री मधु सिमये : मैंने सब से पहले  
व्यवस्था का प्रश्न उठाया है । मैं नहीं बैठने  
चाहता हूँ ।

**Mr. Speaker:** I will allow the hon. Member, Shri Madhu Limaye to raise his point of order.

**Shri S. M. Banerjee (Kanpur):** The point of order gets precedence over other matters.

**Mr. Speaker:** That is known to everybody. That is the weapon in the hands of hon. Members to get up. Everybody has been doing it, and the unfortunate Speaker is in such a helpless position that the moment an hon. Member gets up on a point of order everybody else has to sit down.

**Shri Pilo Mody:** If he has no point of order you may ask him to sit down.

**Mr. Speaker:** How can I say that now. I have not heard him. I am only asking Shri Madhu Limaye whether when the hon. Minister is explaining the points that were raised yesterday in the middle I should allow him to raise his point of order or whether he can wait for another one or two minutes and raise his point of order after the hon. Minister has concluded.

श्री मधु लिमये : जैसी आपकी इच्छा ।

**Shri Y. B. Chavan:** Sir, I said this not as any criticism on the report of the Public Accounts Committee. I am only explaining my point of view to the extent certain allegations were hinted against me. I thought it was my duty, my personal right to explain my personal behaviour. The hon. Member Lohia also, yesterday, made a very interesting point. He said . . .

डा० राज मनोहर लोहिया : कब नहीं करता है ?

**Shri Y. B. Chavan:** Interesting but not necessarily valid point he made was . . .

**Shri S. M. Banerjee:** Sir, are you allowing a debate?

**Shri Y. B. Chavan:** I am replying to the point that he made.

**Mr. Speaker:** He is explaining the point of order that was raised yesterday.

**Shri S. M. Banerjee:** Let him say something on that.

**Mr. Speaker:** As Shri Banerjee comes to his question after a preface, he is also giving a preface to his explanation.

**Shri S. M. Banerjee:** Sir, the Law Minister has said something. Now the Home Minister is having his say. Kindly allow us also some time.

**Mr. Speaker:** You can put a question.

**Shri Y. B. Chavan:** The point he made was that the Government of Orissa has decided and because it acts on behalf of the Governor and the Governor is appointed by the President what we are doing is against the President. I would like to point out that whatever we do here is also in the name of the President and therefore it is President against President.

डा० राज मनोहर लोहिया : यह तो है ही । यह सरकार ही ऐसी हो गई है कि अपने हाथों से एक हिस्से को दूसरे हिस्से से पीट रही है । कभी पुलिस को गजटन से धीर और कभी पलटन को पुलिस से । यह तो कब ही रहे हो, धीर क्या कर रहे हो ।

**Shri Y. B. Chavan:** We are claiming the privilege of treating this document secret because it is a Cabinet document and not an investigation report. Once we start laying Cabinet documents on the Table no government can function, whether of this party or that party, if they hope to come to power some time (Interruption).

**Shri A. S. Saigal (Bilaspur):** No Government will do it.

**Shri Y. B. Chavan:** There is no question of any consideration of giving cooperation or not giving cooperation. Our attitude in this matter is to give full co-operation to the Government of Orissa when and where they want to proceed in this matter.

**Mr. Speaker:** Now, before I allow Shri Madhu Limaye to raise his point of order, I want to remind hon. Members that yesterday we stopped at a particular stage and no question on the Calling Attention Notice was put. Therefore, after he raises the point of order. I think we may take up the Calling Attention Notice and hon. Members whose names are there may put their questions.

**श्री मधु लिमये :** अध्यक्ष महोदय, श्री भाननीय गृह मंत्री जी ने कहा कि पब्लिक एकाउंट्स कमेटी की रपट पर चर्चा इस तरह नहीं हो सकती है। पब्लिक एकाउंट्स कमेटी की रपट सदन की टेबल पर रखी गई है। इसलिए बहस और विवाद में उस रपट का इस्तेमाल करने में कोई श्रत बात नहीं है। पब्लिक एकाउंट्स कमेटी की रपट में जो जुमले लिखे गये हैं उनके आधार पर निष्कर्ष निकालना भी कोई श्रत बात नहीं है। पब्लिक एकाउंट्स कमेटी की रपट इस वक्त मेरे सामने नहीं है, लेकिन मुझे यह पड़ता है कि उसका जुमला इस प्रकार था, जिसका मैंने उद्धरण दिया था :

"The thinking in the Defence Ministry underwent a radical change for reasons not easy to understand."

मंत्री महोदय बड़े जोर में हमको समझा रहे हैं कि मैं जिम्मेवारी लेने के लिए तैयार हूँ। आपसे पहले वाले अध्यक्ष महोदय ने मुझे लिखा था कि जब तक सरकार की "एक्शन टेकन रिपोर्ट" नहीं आती है और जो मतभेद

के मुद्दे हैं, वे साफ़ नहीं होते हैं, तब तक पब्लिक एकाउंट्स की रपट पर चर्चा नहीं होती है। अगर मंत्री महोदय में इतना गुस्सा और गर्मी है, . . . . .

**श्री यशवन्त राव चव्हाण :** मुझ में कोई गुस्सा या गर्मी नहीं है ।

**श्री मधु लिमये :** . . . . . तो उन को एक्शन टेकन रिपोर्ट जल्दी सानी चाहिए। हम उस पर बहस के लिये तैयार हैं। उस समय मंत्री महोदय भी बोले और हम भी बोलने के लिए तैयार हैं। लेकिन कल मैंने कोई श्रत काम नहीं किया ।

**Mr. Speaker:** Now may I ask members to ask questions on the Calling Attention Notice.

**Shri Surendranath Dwivedy:** Sir, I want to raise a point of order, before you allow members to ask questions. This arises out of the reply given by the Home Minister.

**Mr. Speaker:** You will cover the who'e ground again.

**Shri Surendranath Dwivedy:** It is a new point which I am raising Sir, you know that I do not generally get up and raise points of orders. So, you must listen. The question that was raised here, and to which the Law Minister has replied, I am not going into that—whether since it is a public document you are going to make it secret and not make it available to the Government of Orissa. But a new question has arisen out of what the Home Minister has stated. He said: no inquiry, no investigation.

**Mr. Speaker:** You are discussing the whole thing.

**Shri Surendranath Dwivedy:** Sir, I am placing before you a book. You may kindly look into it. This is an important point. It is not that we want anything to be placed in the House by the Government; we are

[Shri Surendranath Dwivedy]

not demanding it. Here the question is whether it was an investigation or not. What the Home Minister has stated is not a fact because, as I will read out to you, this is the report of the preliminary inquiry into allegations against some Ministers of Orissa Government and how this inquiry was conducted. The State Government wants a copy of the inquiry report and nothing else. It is not a fact that the Cabinet Sub-Committee wanted some information. The fact is, I will read out from the letter which Shri Kohli wrote to the Home Secretary of the Government of India. (Interruptions).

Mr. Speaker: Everybody has got a copy of it. Why read it?

श्री सच्चिदानंद : यह बहुत जरूरी है।  
 आपके निर्णय के लिये यह बहुत आवश्यक  
 है।

श्री रबी राय (पुरी) : मंत्री महोदय  
 प्रसन्न बोल रहे हैं। उसका निराकरण होना  
 आवश्यक है।

Mr. Speaker: Today we are discussing only the point of order which was raised. I wanted enlightenment from the Law Minister and the Home Minister. After that, if the whole discussion is started again, there will be no end to it.

Shri Surendranath Dwivedy: Sir, if you permit me to read from the report. . . .

Mr. Speaker: No, it is not necessary.

Shri Surendranath Dwivedy: Sir, if you take that attitude, it will be difficult for us. I am bringing in matters which are relevant to the specific point which I am raising. I am pointing out to you that there was a regular case filed by the Government of India under the Delhi State Police Establishment Act for

conducting this inquiry. I shall read out to you what Shri Kohli wrote to the Home Secretary, the letter which he submitted on the 15th of November 1964.

Shri S. M. Banerjee: It should be laid on the Table.

Shri Surendranath Dwivedy: This is a public document. It has already been laid on the Table. It reads:

"The Government of India in the Ministry of Home Affairs desired the Central Bureau of Investigation"

not the Cabinet Sub-committee—

"to make a Preliminary Enquiry into these allegations and accordingly three separate P.Es. in respect of the allegations against (i) Shri B. Patnaik and Shri B. Mitra (ii) Shri Neelamani Rout Roy and (iii) Shri Sadasiva Tripathy were registered on 10.9.64 in the Special Police Establishment. Two other P.Es. concerning certain entries in the books of Mohd. Serajuddin and Company showing certain payments to Shri Neelamani Rout Roy and Shri Sadasiva Tripathy, Ministers, Orissa Government were also registered for Preliminary Enquiry."

The cases were registered by the Government of India under the Act and then only the Central Bureau of Investigation went in for a preliminary enquiry. Now he is taking shelter behind the fact that there was no regular enquiry. This is not the question whether it was a regular enquiry or an irregular enquiry. The fact is that an enquiry was made, money was spent and officers were sent. Even in the report they say that sufficient time was not available for them to make a fuller enquiry. So, the whole question which I want to put to you and want you to give a decision on is that this was an enquiry. An en-

quiry may be regular or irregular and may not be full but it is an enquiry, after all, conducted by a regularly constituted legal authority. The report was submitted not to the Cabinet Sub-committee, who may be the members, but the report was submitted to the Home Secretary of the Government of India. When a State Government asks for a copy of that report and not the Cabinet Sub-committee's decision—I again want to repeat it. . . .

Mr. Speaker: I have understood it.

Shri Surendranath Dwivedy: The Government takes shelter under this and will not give the copy of the enquiry report to the State Government. That is the simple point I want to raise and I want your ruling on this.

Mr. Speaker: Is anybody prepared to put a question on the call-attention?

श्री म० वि० शि० : आपके निर्णय के बाद ।

श्री सु० द्र० शी (कासगंज) : मेरा पॉइंट ऑफ ऑर्डर है ।

श्री कं० लाल गुप्त : इस बात की एम्बेयरी होगी चाहिये कि मंत्री महोदय की बात ठीक है या माननीय सदस्य की बात ठीक है ।

Shri K. Narayana Rao: Mr. Speaker, several times points of orders have been raised and sufficient discussion has been allowed. I want a ruling on this simple point, namely, what is the scope of a point of order, what is the scope of the enquiry into the point of order and what is the scope of the power of the Chair to give a ruling. These are the issues which must be decided under rule 376.

Mr. Speaker: He wants enlightenment.

663 (A) L&D—7.

Shri K. Narayana Rao: It is not a question of enlightenment. Rule 376(1) reads—this is a very important provision for our purpose—

“A point of order shall relate to the interpretation or enforcement of these rules or such articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.”

So, a point of order generally must relate either to the interpretation or enforcement of a given rule. Any person who raises a point of order should point out a given rule in the Rules of Procedure or any Constitutional provision.

श्री क० वि० शि० : वह सब जानते हैं ।

Shri K. Narayana Rao: Such being the case, the first thing you have to do is to see whether a point of order should be allowed to be discussed at all, because that depends upon the interpretation of the rule. Sub-rule (3) says:—

“Subject to conditions referred to in sub-rules (1) and (2), a member may formulate a point of order”.

Then it is for the Chair to decide whether it is a point of order or not. That comes in the picture when there is final decision on the point of order. Therefore my submission is that there are two stages in the decision of a point of order, that is to say, whether a point of order is a point of order at all. That is a fundamental issue. The second issue is, that depends upon....

Mr. Speaker: When do we know it? It is only after the hon. Member has explained the whole thing that we will know whether it is a point of order or not. The previous Speaker had ruled that the hon. Member raising a point of order must point out

the rule. But it is not so difficult to point out some rule. So, I am not very strict about it.

**Shri K. Narayana Rao:** My submission is this. By raising a point on the ground of point of order, are we to understand that a full discussion can be opened up or whether a point should be formulated in conformity with a particular rule, whether it relates to an interpretation of the rule or enforcement of a rule or to a provision relating to the Constitution. Yesterday, Dr. Lohia was discussing so many provisions of the Constitution which were totally irrelevant . . . (Interruption).

**Mr. Speaker:** That is all.

श्री म० ब० साँ : अध्यक्ष महोदय, मैं यह जानना चाहूँगा कि कौन भी इस सवाल पर बहस होते बरत जब कि अध्यक्ष महोदय ने कुछ सदस्यों को सिर्फ सवाल करने की इजाजत दी थी और डिबेट के लिए मना किया था तो अध्यक्ष महोदय की कृपिय के बाद भी कुछ लोगों ने सदन में . . . . . (अव्यवधान) . . . . . अध्यक्ष महोदय, आप मुझे धुन लें। कल भी अध्यक्ष महोदय आप तशरीफ रखते थे, आप भी मजबूर हो गये और सदस्यों ने डिबेट जारी किया और आज भी एक ऐसा ही मौका हमारे सामने आया जब कि आप बड़े होकर बराबर सदस्य को मना करते रहे कि वह कार्यवाही जारी न रखें लेकिन तो भी मजबूर हो कर आप अपनी जगह बैठ गए और कार्यवाही जारी रही। तो मैं जानना चाहूँगा कि आपके फंसले के बावजूद भी, आपके मना करने पर भी जो कार्यवाही जारी रहेगी क्या वह कार्यवाही प्रोसीक्यूट आप दि हाउस में शामिल रहेगी ? यह निर्णय मैं आपसे चाहता हूँ।

**Shri S. M. Banerjee:** Sir, may I make a submission?

**Shri P. K. Deo:** On a point of order, Sir.

**Mr. Speaker:** Let a point of order be first raised.

**An hon. Member:** On a point of order, Sir.

**Mr. Speaker:** I will call him.

**Shri P. K. Deo:** I support the stand taken by my friend, Shri Dwivedy, that the Report of the C.B.I. is a part of the inquiry which was properly constituted . . . .

**Shri Manubhai Patel (Dabhoi):** Are we entering into a discussion again?

**Mr. Speaker:** We are not entering into any discussion. These are all points of order.

**Shri P. K. Deo:** Now, the plea taken is that it is a secret document and that it was meant to help the Cabinet Sub-Committee in arriving at a decision. I do not think they can take that plea. The ruling of the previous Speaker is very clear on the subject. He had ruled:

"... if they continue to hold the view that it is not in the public interest to do so."

Uptill now, the Minister has never said that it is not in the public interest to reveal the document.

Secondly, there have been many such precedents in the House. On 4th March, 1963, when Mr. Daji—he is not here; Mr. Banerjee will bear me out—quoted from certain portions of Part I Report of the Attorney-General and of the Vivian Bose, the Minister of Industry, at that time; *su motu* placed the secret document on the Table of the House with the following remarks:

"Since this part of the Daph-tary-Shastri Report is already in

circulation, Government do not consider that any useful purpose will be served now by continuing to treat this part of the Report as secret. I am, therefore, laying it on the Table of the House."

So, the entire matter has been in circulation in the country; everybody knows about it. I do not think that Government will take the plea of secrecy in this and I hope that Government will make a copy of the report available *suo motu*.

Some hon. Members rose—

Mr. Speaker: Should we have a whole debate on this?

Shri S. M. Banerjee: I want to know only one thing, Sir.

Shri K. K. Nayar (Bahraich): I stood up much before.

Shri S. M. Banerjee: This is for the 16th time that I am standing.

Mr. Speaker: Mr. Banerjee is always on his legs.

Shri K. K. Nayar: I may be heard first.

Mr. Speaker: All right.

Shri K. K. Nayar: My purpose is not to hinder the proceedings, or obstruct the proceedings; I only want to assist you. One question which arises in this context is this. The learned Law Minister raised certain legal points. Naturally you wanted to hear him; that is correct. He raised some legal points; he is an excellent exponent of this point of view. But the points that he has raised are such on which perhaps further contribution should be invited from the other members of the House. For instance, he said that Government claims a privilege on this question. Government is always a claimant of privileges. But the question of privilege will be decided by you. A privilege will not

be claimed in a blanket manner without assigning any reason that could be examined by you. If the plea is that it is not in public interest, the examination of that plea should be possible by you and the decision will be given by you. Merely to say that it is not in public interest . . . (Interruptions).

An hon. Member: That was not the plea.

Shri K. K. Nayar: The privilege was claimed all along on the ground that it was not in public interest. You must have a chance of examining what public interest would be injured or damaged by the revelation of the facts in that report. That is the first question.

The second point is this. The learned Minister for Home Affairs was pleased to say that this was a Cabinet matter . . .

Mr. Speaker: Is he going to analyse the whole thing?

Shri K. K. Nayar: No, Sir, I was just . . .

Mr. Speaker: What else is he doing now? No, no.

Now, papers to be laid on the Table. (Interruptions). I would not give a ruling now. How can I? I will give on Monday.

Shri S. M. Banerjee: Before you give your ruling, kindly give me a chance, Sir, That is my request.

12.56 hrs.

#### PAPERS LAID ON THE TABLE

##### NOTIFICATIONS UNDER SUB-SECTION (3) OF SECTION 620A OF COMPANIES ACT

The Minister of Industrial Development and Company Affairs (Shri F. A. Ahmad): I beg to lay on the Table a copy each of the following