

- (v) Statement showing the replies of Government to the recommendations noted in Chapter V of the 77th Report of the Estimates Committee (Fourth Lok Sabha).

COMMITTEE ON PETITIONS

MINUTES

SHRI SRADHAKAR SUPAKAR (Sambalpur) : I beg to lay on the Table the Minutes of the Forty-eighth to Fifty-fifth sittings of Committee on Petitions.

MESSAGES FROM RAJYA SABHA

SECRETARY : Sir, I have to report the following messages received from the Secretary of Rajya Sabha :—

- (f) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 22nd December, 1969, agreed without any amendment to the Salaries and Allowances of Ministers (Amendment) Bill, 1969, which was passed by the Lok Sabha at its sitting held on the 24th November, 1969."
- (g) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 22nd December, 1969, agreed without any amendment to the Foreign Exchange Regulation (Amendment) Bill, 1969, which was passed by the Lok Sabha at its sitting held on the 19th December, 1969."
- (iii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 22nd December, 1969, agreed without any amendment to the Bihar Land Reforms Laws (Regulating Mines and Minerals) Validation Bill, 1969, which was passed by the Lok Sabha at its sitting held on the 13th December, 1969."
*Interruptions.***

**Not recorded.

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

If you all sit down, I want to say a few words. If you want the Chair to hear everybody, you must allow the Chair to hear what the Members say. If 4 or 5 or 6 of you get up, it is not possible.

SEVERAL HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER : If there is no order, there cannot be any point of order. Kindly listen to me.

SHRI JYOTIRMOY BASU (Diamond Harbour) : With the Speaker's permission I have to make a statement. How can you shut me down ?

MR. DEPUTY-SPEAKER : I am not shutting you out.

SHRI DHIRESWAR KALITA (Gauhati) : But the item is already passed over. (*Interruptions*).

MR. DEPUTY-SPEAKER : I would ask the Minister not to provoke. Now the right to raise a point of order is the right of the House. But this right should not be misused. I am saying so. It applies to you and applies to me as well. If there is no order in the House, there cannot be any point of order.

SHRI MADHU LIMAYE (Monghyr) : Now there is order in the House.

13-45 hrs.

CONVICTION AND RELEASE OF MEMBERS

MR. DEPUTY-SPEAKER : I have to inform the House that I have received four identical communications, dated the 23rd December, 1969, from the Judicial Magistrate, New Delhi, which read as follows :

"I have the honour to inform you that Sarvashri Madhu Limaye, J. H. Patel, Janeshwar Misra and Arjun Singh Bhadoria, Members, Lok Sabha, were tried at the New Delhi Courts before me on a charge under section 188, Indian Penal Code. They pleaded guilty to the charge and as such were convicted.

[Mr. Deputy-Speaker]

On the 23rd December, 1969, after a trial lasting for one day, I found them guilty of an offence under section 188, Indian Panel Code and sentenced them to imprisonment till the rising of the Court. They have been released after the expiry of the sentence."

SHRI DHIRESWAR KALITA (Gauhati) : On a point of order.....

MR. DEPUTY-SPEAKER : What is his point of order ?

SHRI DHIRESHWAR KALITA : Will those items be repeated ?

SHRI MADHU LIMAYE (Monghyr) : They will be repeated. They will have to be repeated.

MR. DEPUTY-SPEAKER : Let the hon. Member kindly listen to me for two minutes. Let him not get excited. It cannot be repeated because I have gone over to item 17A. But I shall permit him to make his observation on that.

Let me hear Shri Madhu Limaye now.

SHRI PRAKASH VIR SHASTRI (Hapur) : What about my point of order ? You should listen to me also.

MR. DEPUTY-SPEAKER : I shall hear him also.

SHRI JNANESWAR MISRA rose....

MR. DEPUTY-SPEAKER : Hon. Members do not allow even the Members from their own party to speak. I have called Shri Madhu Limaye. But I find that other Members are interrupting him.

SHRI RABI RAY (Puri) : We only say that he has a point of order, and you should hear him.

SHRI JYOTIRMOY BASU (Diamond Harbour) : Kindly allow me just three minutes.

श्री मधु लिमये : उपाध्यक्ष महोदय, जब आप दूसरी आइटम पर जाने लगे उसी समय मैं खड़ा हो गया था और मैंने अर्ज किया था कि मेरा व्यवस्था का प्रश्न है। इस हाउस में कौन आइटम किस समय ली जाए उसके बारे में कुछ नियम बने हुए हैं। क्या उन नियमों के बारे में हम अर्ज

नहीं कर सकते हैं, आपको बिनती नहीं कर सकते हैं? जो स्पीकर साहब की डायरेक्शन है, उन में आप डायरेक्शन दो देखिये। उस में लिखा हुआ है कि कालिग एटेंशन के बाद अगर कोई एडजर्नमेंट मोशन है तो एडजर्नमेंट मोशन आएगी और उसके बाद प्रिवलेज का मामला आएगा और उसके बाद बाकी सारी कार्रवाई होगी।

उपाध्यक्ष महोदय, आपने अभी दो कम्युनिकेशन पढ़ कर सुनाये। उसके बारे में हमने बाकायदा नोटिस दिया है, रबी राय जी ने दिया है, कई सदस्यों ने दिया है। क्या सदन को यह जानने का अधिकार नहीं है कि स्पीकर साहब ने हमारी प्रिवलेज मोशन के नोटिस को रिजैक्ट कर दिया है जिसएलाउ कर दिया है यदि कर दिया है तो सदन को यह जानने का अधिकार है कि क्यों जिसएलाउ किया है? अगर नहीं किया है और हम को कोई इत्तिला नहीं दी गई है कि जिसएलाउ किया है तो ऐसी हालत में प्रिवलेज का सवाल हम लोग किस समय उठा सकते हैं, इसकी मैं व्यवस्था आप से चाहता हूँ। रूल 225 में साफ लिखा हुआ है कि लिस्ट आफ विजिनैस का काम चालू होने के पहले प्रिवलेज का मामला आएगा प्रश्नोत्तर के बाद, कालिग एटेंशन के बाद। आप आगे क्यों बढ़ें? आपको निर्णय देना चाहिये था कि आपने अगर हमारे विशेषाधिकार के नोटिस को रिजैक्ट किया है तो किस कारण को ले कर किया है? यह बहुत गलत प्रक्रिया चल रही है। इस लिए हम लोग एतराज कर रहे हैं। कार्रवाई में कोई बाधा डालने के लिए हम ऐसा नहीं कर रहे हैं।

मैं आपका रुलिंग चाहता हूँ कि जब स्पीकर साहब ने हमारे प्रिवलेज को जिसएलाउ नहीं किया है तो ऐसी हालत में आप इस सवाल को उठाने क्यों नहीं देते हैं, आगे क्यों बढ़ रहे हैं। आप उसको जिसएलाउ करें, फिर आगे बढ़ें। मेरी बात

को आप सुन लें फिर डिसएलाउ करना हो तो करें। आपने कहा कि बाकायदा नोटिस देना चाहिये। हमने साढ़े दस के पहले नोटिस दिया था।

श्री रवि राय : मैंने कल नोटिस दिया था।

श्री स० मो० बनर्जी (कानपुर) : मैंने अभी वर्बल नोटिस दिया है।

MR. DEPUTY-SPEAKER : Has Shri Rabi Ray also sent a notice ?

SHRI RABI RAY : Yes.

MR. DEPUTY-SPEAKER : Does he want to make any submissions ?

SHRI RABI RAY : Yes.

MR. DEPUTY-SPEAKER : I would hear those Members who had sent notices to raise a question of privilege over the question of their arrest.....

SHRI S. KUNDU rose--

MR. DEPUTY-SPEAKER : Shri S. Kundu may sit down.

SHRI S. KUNDU (Balasore) : In all humility, I would submit that I am one of those Members who had sent their notices on this question of privilege, before 10.30 a.m. I was however not called. This is a very important question of privilege.

श्री रवि राय : उपाध्यक्ष महोदय, कल मैंने नियमों के अनुसार गृह मंत्री, श्री चह्माण, के खिलाफ विशेषाधिकार भंग का नोटिस साढ़े ग्यारह बजे से पहले दिया था। जब 22 दिसम्बर को मेरे दल के चार संसद-सदस्य, श्री मधु लिमये, श्री जनेश्वर मिश्र, श्री अर्जुन सिंह भदौरिया और श्री जे० एच० पटेल, ग्यारह या साढ़े ग्यारह बजे संसद की प्रोसीडिंग्स में भाग लेने के लिये आ रहे थे, तो दिल्ली की पुलिस ने पार्लियामेंट हाउस के सामने, पटेल चौक के बगल में, श्री जनेश्वर मिश्र को रोका और बावजूद इस बात के कि श्री जनेश्वर मिश्र ने अपना आईडेंटिटी कार्ड दिखाया, पुलिस ने उन को गिरफ्तार किया। उस समय

श्री मधु लिमये, श्री अर्जुन सिंह भदौरिया और श्री जे० एच० पटेल को भी गिरफ्तार किया। मेरा कहना यह है कि चूंकि यह सदस्यों के बुनियादी अधिकार का सवाल है, इस लिए यह विशेषाधिकार भंग का मामला हो जाता है। मैंने अपने नोटिस में मेज्ज पार्लियामेंटरी प्रैक्टिस का सम्बद्ध उद्धरण दिया है। उपाध्यक्ष महोदय, आप हमारे राइट्स के, हमारी बुनियादी अधिकारों के रक्षक हैं। यह सारे सदन के अधिकार का मामला है। इस लिए आप इस प्रिविलेज मोशन को प्रिविलेजिज कमेटी को सौंप दीजिए, ताकि श्री चह्माण भविष्य में हमारे बुनियादी अधिकार के उपयोग में हस्ताक्षेप न करें।

SHRI N. SREEKANTAN NAIR (Quinlon) : On a point of order. You, Sir, had read out a communication from the Judicial Magistrate of Delhi to the effect that these Members had admitted their guilt or crime, whatever it be, and, they were convicted.....

SHRI RABI RAY : Shri Madhu Limaye has challenged it.

SHRI N. SREEKANTAN NAIR : This question has got to be clarified before this question of privilege is taken up.

MR. DEPUTY-SPEAKER : I have allowed Shri Rabi Ray who sent the notice to raise the question of privilege. I shall allow only those Members who have sent their notices.

SHRI N. SREEKANTAN NAIR : That is not the question. The point here is whether they had admitted their guilt. If they had admitted their guilt, then there is no question of privilege at all. So, they have got to make it clear whether they admitted their guilt or not. That is the crux of the whole question.

SHRI RAM SEWAK YADAV rose--

MR. DEPUTY SPEAKER : I am told by the office that only Shri Rabi Ray had sent a notice on the question of privilege.

SHRI MADHU LIMAYE : I have also sent.

MR. DEPUTY-SPEAKER : The hon. Members has spoken already.

SHRI MADHU LIMAYE : I spoke only on the point of procedure and I have not said anything on the substantive issue.

श्री राम सेवक यादव (बाराबंकी) : उपाध्यक्ष महोदय, मेरा निवेदन है कि इस के बारे में मुझे आप को कुछ और इतिला देनी है।

MR. DEPUTY-SPEAKER : Let the hon. Member resume his seat. I have not allowed him to speak. He is not serving the purpose in view.....

श्री राम सेवक यादव : उपाध्यक्ष महोदय, यह तो कोई नियम नहीं है कि जो सदस्य प्रिविलेज मोशन दे, केवल वही बोल सकता है।

MR. DEPUTY-SPEAKER : I shall allow only those who have sent their notices and whose names are there on the motion.

श्री राम सेवक यादव : मैं आप से विनम्र निवेदन करूंगा कि जब यहां पर कोई प्रिविलेज मोशन आये, तो यह जरूरी नहीं है कि.....

MR. DEPUTY-SPEAKER : I have not given my ruling. I have only allowed them to raise it. I shall hear them, and then I shall hear the hon. Minister and then only I shall give my ruling, and I would decide whether I should allow this privilege to be raised or not.

They are only making a submission.

श्री राम सेवक यादव : उपाध्यक्ष महोदय, मैं आप को कुछ जानकारी देना चाहता हूँ। जो आप को अपने निर्णय पर पहुंचने के लिए जरूरी है।

MR. DEPUTY-SPEAKER : No, no. If I violate the procedure of the House, then I am not serving the purpose that the members want. At the moment, I am only to hear those who have sent notices.

SHRI JYOTIRMOY BASU : I sent it three days ago.

MR. DEPUTY-SPEAKER : That is different. We shall come to that when that

question is to be decided. At the moment, we are concerned with the arrest of certain MPs, and the communication sent by the District Magistrate. I will allow only those who have sent their names.

श्री राम सेवक यादव : मैं आप के निर्णय के सामने सिर झुकाता हूँ, नतमस्तक हूँ, लेकिन आप का निर्णय उचित नहीं है।

MR. DEPUTY-SPEAKER : I am not listening to him. I have allowed Shri Rabi Ray. He has completed his submission. I thought that Shri Madhu Limaye had also completed his submission. He will excuse me because I did not have the names of those who have sent notices. Now the office has informed me that he had sent a notice. I will allow him to make his submission. After that, I will call the Minister and then I shall reserve my ruling.

श्री मधु लिमये : उपाध्यक्ष महोदय, पहले तो मैं केवल प्रोसीजर के बारे में बोला था और मैंने कहा था कि पहले इस विषय को खत्म करना चाहिए और फिर दूसरे मामलों को लिया जाये।

आप के पास मैजिस्ट्रेट के पास से जो बयान आया है, अभी माननीय सदस्य, श्री श्रीकान्तन नायर, ने उस के बारे में सवाल उठाया कि क्या हम ने अपने अपराध को कबूल किया। जो कुछ हमें कहना था, वह हम ने लिखित रूप में दिया है। जो तीन वाक्य मैंने लिख कर दिये, मैं उन्हें पढ़ कर आप को बताता हूँ। इस समय मेरे पास वह लिखित बयान नहीं है, लेकिन मुझे वे याद हैं। एक तो मैंने यह कहा कि मैं पार्लियामेंट स्ट्रीट में पार्लियामेंट भवन की ओर बढ़ा। दूसरी बात मैंने यह कही कि मैंने जरूर नारे दिये। मैंने तीसरी बात यह कही कि मैंने सभा में भाषण भी दिया। इस के अलावा मैंने और कुछ नहीं कहा। (व्यवधान) यह हंसने की बात नहीं है। मैं साबित करूंगा कि "प्लीड गिल्टी" और इसमें बहुत फ्रक है। मैं साबित कर के

छोड़ूंगा कि मैंने यह बिल्कुल नहीं माना है कि इस में कोई गिफ्ट है। (व्यवधान)

यह सही है कि मैं पार्लियामेंट स्ट्रीट से संसद् भवन की ओर बढ़ रहा था, क्योंकि मैं संसद् में आना चाहता था। लेकिन मैंने पटेल चौक पर देखा कि हमारे समाजवादी युवजन सभा के छात्रों पर लाठी चल रही है। इस लिए क्या हो रहा है, यह देखने के लिए मैं वहां गया। जब मैं आगे संसद् भवन के सामने आया, तब वहां पर कुछ लड़कियों को पुलिस रोक रही थी उन पर कुछ लाठियां भी बरसाई गईं और कुछ चोटें भी आईं। जब मैंने यह देखा, और मुझे जाने से रोका गया, तो मैं भी उन लोगों में सम्मिलित हो गया। अगर मैं ऐसा न करता, तो मैं एक बहुत निकम्मा आदमी साबित होता। मैंने सरकार और इन्दिरा की तानाशाही के खिलाफ नारे ज़रूर दिये। मैंने वहां भाषण भी दिया। इस को अपराध मानना या न मानना मंत्री महोदय और मेरे बीच मतभेद की बात है। चूंकि मैजिस्ट्रेट साहब बहुत चामिन्ना है, इस लिए मैं उन के बारे में कुछ नहीं कहूंगा। (व्यवधान) चामिन्ना औरत है, इसलिए उनके बारे में कुछ नहीं कहूंगा।

14 Hrs.

आप को जो जानकारी दी गई है, जिस के बारे में मैंने नोटिस दिया है, मैं उस के सम्बन्ध में एक ही सवाल उठाना चाहता हूँ, जिस का श्री चव्हाण जवाब दें। 23 दिसम्बर के बुलिटन में कहा गया है कि मैजिस्ट्रेट ने यह खबर दी है कि हम को इंडियन पीनल कोड की दफा 188 के तहत गिरफ्तार किया गया है। मैंने क्रिमिनल प्रोसीजर कोड का सैकंड शिड्यूल एक दफा फिर, चैक करने के लिए, पढ़ा। वकील साहब, चौधरी साहब बैठे हुए हैं। श्री चव्हाण भी वकील हैं। सब जानते हैं कि दफा 188 के तहत, कम से कम क्रिमिनल प्रोसीजर कोड के अनुसार, यह काम्नेजेबल आफेंस नहीं है। इस केस को समन्स केस कहते हैं वारन्ट केस

नहीं। समन्स केस और नान-काम्नेजेबल आफेंस का मतलब है कि मेरी उस जगह पर गिरफ्तारी नहीं हो सकती थी, सामन्स निकालने के बाद हूं गिरफ्तारी हो सकती था। मैंने यह भी जानना चाहा था कि क्या दिल्ली प्रशासन का यूनियन टेरीटरी के लिए कोई ऐसा कानून है कि जिस के तहत 188 आई० पी० सी० के अपराध को काम्नेजेबल बनाया गया है, क्या बिना वारंट गिरफ्तारी का अधिकार पुलिस अधिकारियों को है? अगर चव्हाण साहब यह कहते हैं कि इस तरह का अधिकार है और वह कानून बनाया गया है तो मेरा इस के बारे में आक्षेप नहीं है। मैजिस्ट्रेट साहिबा का सवाल है कि हम ने प्लीड गिल्टी किया है। लेकिन हम ने नहीं कहा है। उन्होंने ने लिख कर दिया कि आए प्लीड गिल्टी तो उस के सामने मैं ने लिखा है कि नहीं, यह मैं ने किया है। ता फैंक्ट्स के बारे में अध्यक्ष महोदय, मतभेद नहीं है, फैंक्ट्स के इंटरप्रिटेशन के बारे में मतभेद है। अब श्री श्रीकांतन नायर साहब को पता चलेगा कि ऐसा कहा या नहीं हम यह कबूल करते हैं कि हम ने रोके जाने पर नारे दिए, सभा में भाषण दिया, मेरी राय में यह कोई गैर-कानूनी काम नहीं हुआ। मैजिस्ट्रेट साहिबा की राय में यह गैर-कानूनी है और उस को अपराध स्वीकार किया गया, इसलिए सजा दी गई। अगर 188 काम्नेजेबल नहीं है तो मेरी राय में मेरी गिरफ्तारी गैरकानूनी है और संसद् सदस्यों के अधिकारों का उल्लंघन करने वाली है।

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : There is only one point that requires an answer from me. (Interruptions). Members have a right to come here and exercise their rights as a Member of Parliament by attending Parliament. But whether he has the privilege to commit a crime the way...

श्री रवि राय : भाषण देना कोई क्राइम है चव्हाण साहब ? आप के राज्य में भाषण देना क्राइम हो गया ?

श्री जनेश्वर मिश्र (फूलपुर): एक व्यवस्था का प्रश्न है। आप ने जब कि रवि राय जी ने चर्चा की कि वहाँ पकड़े गए तो एक अगर व्यक्तिगत स्पष्टीकरण का भी मौका दे दिया होता तो मेरे क्वाल में गृह मंत्री को यह दिक्कत नहीं पड़ती... (व्यवधान)... क्यों कि इनके दारोगा जो लाठों चला रहे थे वह शराब पिये हुए थे और मैजिस्ट्रेट को हम ने बता दिया था... (व्यवधान)... इसलिए बिना जाने हुए यह बोल रहे हैं।

MR. DEPUTY-SPEAKER: This is no point of order.

SHRI Y. B. CHAVAN: I have nothing more to say in this matter. Unfortunately or fortunately, what Mr. Limaye did on the way may be justified in his own eyes from the political point of view, but in the eyes of law what he did and what he admitted he did amounts to an offence under the Act and for that matter the magistrate has very legally convicted him.

He raised the point about section 144. He has raised that point rather suddenly.

श्री मधु लिमये: नहीं सडेंली नहीं, नोटिस दिया था।

SHRI Y. B. CHAVAN: Subject to correction my information in that in the Bombay Police Act has been made applicable to the Union Territory of Delhi. Under that they can arrest... (Interruptions).

श्री भोगेन्द्र झा (जयनगर): उपाध्यक्ष महोदय, मैं एक व्यवस्था का प्रश्न उठा रहा हूँ कि जो मैजिस्ट्रेट की ओर से यहाँ पर आया है और आप के सामने उस पर जो गृह मंत्री ने बयान दिया है, अगर वह इस रूप में रह गया तो भारत के संविधान की और मौलिक अधिकारों की भी हत्या होगी। यह हकीकत जो अभी मधु लिमये जी ने बताई है जो जुर्म गृह मंत्री या मैजिस्ट्रेट को नजर में जुर्म समझा जाएगा वह अलग बात है लेकिन गिल्टी प्लीड किया यह मानना यह बिल्कुल उस से अलग बात है... (व्यवधान) आप एक सेकेंड सुन लीजिए। व्यवस्था का

प्रश्न मेरा यह है कि मुकदमा इन पर चला ही नहीं। अगर यह कसूर नहीं मानते हैं तब सुनवाई करके, बहस करके, फंसला मैजिस्ट्रेट दे सकता है, सजा भी दे सकता है, लेकिन अगर कसूर में हाँ नहीं कहा, कोई प्लीड गिल्टी पर दस्तखत नहीं किए...

MR. DEPUTY-SPEAKER: It is not a point of order. It is a speech. How can I listen to you? I have not allowed any other Member except those who have given notice. (Interruption).

It is not a point of order.

श्री भोगेन्द्र झा: उपाध्यक्ष महोदय, आप अपनी रूलिंग देने के पहले जो सुप्रीम कोर्ट की रूलिंग से उस को देख लें... (व्यवधान) ... व्यवस्था का प्रश्न यह है कि जो गृह मंत्री ने कहा कि वह एमांडट करता है तो एमांडट... (व्यवधान) ... मैं कहता हूँ कि इस मैजिस्ट्रेट पर प्रिविलेज का सवाल उठाया जाय, मर्यादा भंग का सवाल उठाया जाय?

MR. DEPUTY-SPEAKER: That is your opinion. It is not a point of order. I am sorry. No please.

श्री भोगेन्द्र झा: उस ने गलतबयानी की है। उस पर मर्यादा भंग का सवाल उठाया जाय।

MR. DEPUTY-SPEAKER: No. no. Mr. Jha, I will have to ask the Reporters to stop.

श्री भोगेन्द्र झा**

MR. DEPUTY-SPEAKER: Nothing will go on record. (Interruption). I cannot give my ruling now. I am sorry. Nothing is going on record. (Interruption).

SEVERAL HON. MEMBERS rose—

MR. DEPUTY-SPEAKER: Let me hear one by one. Let me hear Shri Yadav. If you are going to make any speech on this, I have already given my decision. You cannot make a speech on this. If there is a point of order on anything else, you can say. But if it is going to be a speech on the plea that it is a point of order, I disallow it with great regret.

** Not recorded.

श्री राम सेवक यादव : मेरा आपसे निवेदन है कि कोई भी मेम्बर प्वाइंट आफ आर्डर जब रेड करेगा तो बोल कर के ही करेगा। मेरा निवेदन है कि यह जो सारा प्रिविलेज का मुद्दा उठा अभी और जो वहां से सूचना आई वह आप ने पढ़ कर के मदन में मुनाया और जो गृह मंत्री महोदय ने सूचना दी वह केवल अरेस्ट को ले कर के दी लेकिन बाकी और मुद्दे हैं उस में, किस समय पर गिरफ्तारी हुई, दूसरे कब उस की सूचना दी गई, कब यह लोग अदालत के सामने पेश किए गए, यह सारे मुद्दे उस के साथ जुड़े हुए हैं। अगर उन के बारे में गृह मंत्री का कुछ जवाब नहीं मिलता, उस के बारे में जानकारी नहीं आती है तो कोई निर्णय उस पर ही नहीं सकता है। इसलिए अकेले 188 के प्रश्न को ले कर के वह चीज नहीं चल सकती है। और भी गलत बयानी हुई है इस मिलसिले में।

..... (ब्यवधान)

SHRI S. KUNDU rose—

MR. DEPUTY-SPEAKER : Mr. Kundu, kindly co-operate. I have listened to Mr. Yadav. What you have said has been noted although it is not a point of order.

But I would say, nothing prevents the members to bring any other additional information to the notice of the Chair. I would, therefore, humbly request members to allow me to continue with the business of the House. (*Interruptions.*)

I have no right to shut out any member if he is on the right procedure. Now Mr. Kalita. I will call Mr. Kundu after that.

SHRI S. KUNDU : You must first dispose of privilege issues. That is the convention.

MR. DEPUTY-SPEAKER : Under rule 224, not more than one question of privilege shall be raised at one sitting. Therefore, the other privilege notices cannot be taken up today.

SHRI SAMAR GUHA (Contai) : I have sent a privilege motion to the Speaker 5 or 6 days before about an article written in a

paper which is a distortion and misrepresentation of my speech. I met the Speaker in his Chamber and he said, he would allow to other privilege motions over mine !

MR. DEPUTY-SPEAKER : I cannot answer this question here now. I would request you to meet the Speaker in his chamber and get it clarified.

SHRI SAMAR GUHA : I met him in his chamber and he said categorically that he will allow me to raise it here today.

MR. DEPUTY-SPEAKER : I would remind the House that it is a time—honoured convention of this House that the Speaker's ruling or his decision in the House is final and unquestionable. But it can be reopened by the Speaker if the members can convince him about it in his chamber. The Chair is not expected to enter into a controversy with the member on the floor of the House. I would request Mr. Guha, who is a respected professor to kindly cooperate in our efforts to maintain and promote the decorum and dignity of the House.

SHRI HEM BARUA (Mangaldai) : Where is the question of decorum in this ? Here is a member who says he submitted a privilege motion some days before and he met the Speaker also in his chamber where the Speaker promised him that he will allow him to raise it here. Where is the question of decorum !

MR. DEPUTY-SPEAKER : I have requested one professor and now I am requesting another professor to cooperate.

SHRI HEM BARUA : Don't forget you are also a professor.

SHRI S. KUNDU : I want to make it clear that we have every intention of co-operating with you. But we can co-operate with you only when we, you and I, follow the procedures of the House. The point which I was trying to raise was meant to strengthen your hands and to see that we follow the procedure in the House. There is a convention in the House that after the question hour the privilege motions are taken up. But this was not done. Shri Madhu Limaye raised it. When I stood up you were about to tell me that after hearing Shri Kalita you will hear me. Sir, you should not go against the conventions. Therefore, I am reminding you what is the convention. Now, when you have already called

[Shri S. Kundu]
me, if you take refuge under the rules to bar me, that is not fair. That rule was there even earlier. Yet, a convention has been set up and more than one privilege motion has been taken up. So, it would be unfair not only to me but to many other members if you deny an opportunity. On the pretext of point of order many issues are raised in the House every day. Now you can cite rules and shut me out but you cannot shut my right. It is a very important privilege issue and today is the last day of the session. The news item says that there was a fight among the members.

MR. DEPUTY-SPEAKER : Please do not go into the merits of the question. I do not know what convention he is referring to I am concerned with the rules of the House. They are not your rules or my rules; they are the rules made by this House. Until those rules are changed, I am helpless. Kindly, co-operate with me.

SHRI RANDHIR SINGH (Rohtak) : It is not correct to say that there was exchange of blows. It will tarnish the image of the House. Why did it appear in the press !

MR. DEPUTY-SPEAKER : Kindly resume your seat and co-operate with me.

SHRI JYOTIRMOY BASU : Sir, I met the Speaker this morning in his chamber in connection with a privilege motion that I want to move against Shri Chavan. On the 22nd December I tabled a privilege motion against Shri Chavan, the Home Minister, and the supporting facts are as follows. On the 5th December in reply to Starred Question No. 432, Shri Chavan gave the information that in West Bengal there were 101 political murders. For obtaining replies, the Union Home Ministry in its wireless message dated 8-11-69 had asked the West Bengal Government to give appropriate replies.

MR. DEPUTY-SPEAKER : I would request him to resume his seat. I am not permitting this.

SHRI JYOTIRMOY BASU : In reply, the West Bengal Government in its teleprinter message dated 3rd December 1969 said the following. Allegations have been received about the murder of political workers. All cases of murders in which victims are alleged to be political workers

are at present under investigation. The motive for murder cannot be established until investigation is completed. Consequently, the number of political workers actually murdered or injured cannot be furnished now.....

MR. DEPUTY-SPEAKER : I am not allowing this. Nothing will go on record.

SHRI JYOTIRMOY BASU :***

SHRI SAMAR GUHA : Is there any procedure in the House ? Or, any member can get up and say anything he likes ! This is not a Professor speaking; this is a revolutionary speaking. Sir, what do you mean by allowing all this to be said here ! (interruptions). You do not allow me but allow others.....(interruptions).

SHRI KANWAR LAL GUPTA (Delhi Sadar) : Sir, is there any procedure here ? Under what rule was this allowed ?

MR. DEPUTY-SPEAKER : Please sit down and allow me to have my say. Otherwise, how can I reply to you ?

SHRI KANWAR LAL GUPTA : Are you following any procedure ?

MR. DEPUTY-SPEAKER : I am following the Rules of Procedure. After the privilege matter raised by Shri Madhu Limaye was disposed of, because some hon. Members wanted to be heard I went out of my way and heard Shri Guha, Shri Kundu..... (Interruption).

SHRI S. KUNDU : You did not hear me.

MR. DEPUTY-SPEAKER : I did not allow your motion but I heard you.

श्री लखनलाल कपूर (किशनगंज) :
उपाध्यक्ष महोदय को उत्तेजित नहीं होना चाहिये, मेम्बरजं उत्तेजित नहीं हो रहे हैं, आप क्यों इतना उत्तेजित हो रहे हैं, आपको कन्ट्रोल करना चाहिये।

MR. DEPUTY-SPEAKER : I also heard Shri Yadav. Although three of you raised different points, which I did not allow, I heard you. In the same way Shri Jyotirmoy Basu wanted to say something.

SHRI PILOO MODY (Godhra) : He said that he wanted to raise an issue of privilege.

***Not recorded.

M45LSS/69

MR. DEPUTY-SPEAKER : I did not know what he was going to say. It was my duty to hear him. He raised a point of privilege, he raised a point of privilege, he raised a point of privilege, all of which I disallowed. Now Shri Kalita.

SHRI DHIRESWAR KALITA : Mine is not a privilege issue.

I am speaking on item 7 of the Order Paper. A copy of the report of the expert committee, which was announced in this House last April, has been laid on the Table. Yesterday it was laid on the Table of Rajya Sabha and it has come out in the press. I have read it and I find that the expert committee has categorically rejected a second public refinery in Assam or any new refining capacity in Assam. On the 5th December the Prime Minister has made an announcement in this House that a little over one million tonne new refining capacity will be increased in Assam either through expansion or by establishing a new refinery. I want to know from Government whether there is any co-ordination between the report of the expert committee and the Prime Minister's statement.

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS (SHRI D. R. CHAVAN) : May I explain ? The hon. Member has referred to the report that has appeared in the papers concerning the recommendations contained in the expert committee's report. The recommendations contained in this report were taken into consideration by the Prime Minister and the decision has already been announced; it is known to the House. Only the report, which contains these recommendations, has been laid on the Table.

SHRI DHIRESWAR KALITA : I want to know whether the decision of Government stands or whether the expert committee's recommendations stand.

SHRI D. R. CHAVAN : The decision that was announced was the decision of Government which stands.

MR. DEPUTY-SPEAKER : Shri Thirumala Rao.

14.23 Hrs.

ESTIMATES COMMITTEE

NINETY-SIXTH AND NINETY-NINTH REPORTS

SHRI THIRUMALA RAO (Kakinada) : Sir, I beg to present the following Reports of the Estimates Committee :—

- (1) Ninety-sixth Report on action taken by Government on the recommendations contained in the First Report of the Estimates Committee on the Ministry of Information and Broadcasting—Film Institute of India, Poona.
- (2) Ninety-ninth Report on action taken by Government on the recommendations contained in the Forty-third Report of the Estimates Committee on the Ministry of Food, Agriculture, Community Development and Co-operation (Department of Agriculture)—Fisheries Development.

SHRI YOGENDRA SHARMA (Begusarai) : Mr. Deputy-Speaker, Sir, on a previous day when we raised the question of the Jamshedpur strike, you were kind enough. . . . (Interruption).

MR. DEPUTY-SPEAKER : I cannot allow this.

SHRI KANWAR LAL GUPTA : Is there any procedure in the House ? Are you following any rules ? You are giving an opportunity to every Member. What is this that is going on ?

SHRI YOGENDRA SHARMA : Sir, you were kind enough to say that the House was seized of the matter. You may kindly see the record of the proceedings. You may kindly ask the Minister concerned to inform the House as to what has been done, why the strike is continuing and what efforts have been made to end the strike.

MR. DEPUTY-SPEAKER : Just one minute. Although we had come up to item 17A, some Members felt that I was rushing too fast and they wanted to make some observations on certain papers laid by the Government. In that connection, I called Mr. Kalita and he made an observation on item No. 7. Now, Mr. Banerjee wants to make an observation on item No. 9. Shri Banerjee; kindly be brief.